

# PLANNING COMMITTEE

## AGENDA



**Wednesday 13 September, 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, V Nicholson, Oliver, 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 16 August 2023

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

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

1. H/2023/0203 Unit 5, The Saxon, Easington Road (page 1)
2. H/2022/0055 Land adjacent to White Cottage, Front Street, Hart (page 15)

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

- 5.1 Update on Current Complaints and Enforcement Actions – *Assistant Director, Neighbourhood Services*
- 5.2 Appeal at land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool - *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 11 October 2023 at 10.00 am.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

**16<sup>th</sup> August 2023**

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

**Present:**

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Andrew Martin-Wells, Melanie Morley, Karen Oliver, Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor David Nicholson was in attendance as substitute for Councillor Rob Darby

Officers: Sally Robinson, Executive Director for Children's and Joint Commissioning Services  
Jane Young, Assistant Director (Children and Families)  
Kieran Bostock, Assistant Director (Place Management)  
Sylvia Pinkney, Assistant Director (Regulatory Services)  
Daniel James, Planning (DC) Team Leader  
David Kelly, Architectural Technician  
Lee Kilcran, Planning Officer  
Jasmine Jones, Graduate Planning Assistant  
Umi Filby, Legal Advisor  
Jo Stubbs, Democratic Services Officer

### **15. Apologies for Absence**

Apologies were submitted by Councillors Rob Darby, Sue Little and Carole Thompson.

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

Councillor Mike Young declared a personal interest in item H/2023/0065 (23 Linden Grove) as he had been lobbied by the owner of the property. He retained an open mind on the application.

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

Minutes confirmed

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

<b>Number:</b>	H/2023/0065
<b>Applicant:</b>	MISS GINA HEWITSON LINDEN GROVE HARTLEPOOL
<b>Agent:</b>	ASP Service Ltd OFFICE 206 ADVANCED HOUSE WESLEY SQUARE HARTLEPOOL
<b>Date received:</b>	12/04/2023
<b>Development:</b>	Demolition of rear canopy and erection of single storey rear extension
<b>Location:</b>	23 LINDEN GROVE HARTLEPOOL

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

A member queried how far the development had been built off the boundary. The Agent, Mr Loughrey was present and addressed the Committee, he confirmed it was 263mm. He further addressed the Committee, indicating this was a resubmission of a previous application which had been withdrawn and amended as recommended by Planning Officers. However further amendments had subsequently been requested which the applicant felt were unwarranted. There had been no objections from those living nearby and it was not felt that the development would have a detrimental impact. The Planning Team Leader confirmed that changes had been requested in order to make the development acceptable to officers and that ultimately the scheme as submitted was not deemed to be acceptable.

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

For – Councillors Tom Feeney and Karen Oliver

Against – Councillors Paddy Brown, David Nicholson, Andrew Martin-Wells, Veronica Nicholson and Mike Young

Abstained – Councillor Moss Boddy

It was clarified that Members had decided to go against the officer recommendation as they felt the development would not have an unacceptable impact on the amenity of adjacent occupiers

A recorded vote to approve the application was taken

For - Councillors Paddy Brown, David Nicholson, Andrew Martin-Wells, Veronica Nicholson and Mike Young

Against – Councillors Tom Feeney and Karen Oliver

Abstained – Councillor Moss Boddy

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

The committee considered representations on this item.

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

The application was recommended for approval.

A member noted that the building had previously been used as a Children's home and queried why this change of use application was necessary. The Planning Team Leader advised that it was unclear what the last use was but officers felt it was likely to be office use and therefore a change of use was needed.

A member noted that every public objection mentioned concerns around noise but Public Protection had not objected on this basis. The Planning Team Leader indicated it was the prerogative of the public to raise these concerns but Council departments did not share them. The premises would be managed by the Council, supervised 24/7 and subject to control through police and ofsted regulations.

**Councillor Melanie Morley was present. It was confirmed that she would be unable to vote on this matter as per the Planning Code of Practice.**

A member indicated their support for this application which would allow Hartlepool children to stay in the town. They acknowledged public concerns around the impact on those living nearby but felt that provided the children were placed sensitively these concerns would be greatly mitigated. Approximately £700 thousand was spent on placing Looked After children in care outside Hartlepool and the money saved through this application could be used to benefit the town in other ways.

A member requested that officers ensure the building and its immediate environment be well maintained for the benefit of the area and its residents.

A recorded vote to approve the application was taken

For - Councillors Moss Boddy, Paddy Brown, David Nicholson, Tom Feeney, Andrew Martin-Wells, Veronica Nicholson, Karen Oliver 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 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.

## **19. Update on Current Complaints and Enforcement**

### **Actions** (*Assistant Director, Neighbourhood Services*)

Members were advised of 13 ongoing investigations and 10 which had been completed. There had been 1 enforcement notice served within the reporting period.

### **Decision**

That the report be noted

## **20. Appeal at 234 Stockton Road** (*Assistant Director, Neighbourhood Services*)

Members were advised that a planning appeal in respect of 234 Stockton Road had been allowed. A copy of the inspector's decision was appended to the report.

### **Decision**

That the outcome of this appeal be noted.

The meeting concluded at 10:40am

CHAIR

**No:** 1.  
**Number:** H/2023/0203  
**Applicant:** INGLEBY BARWICK LAND AND PROPERTY DEVELOPMENTS  
**Agent:** PRISM PLANNING LTD MR ROD HEPPLEWHITE  
MILBURN HOUSE 17 WOODLAND ROAD  
DARLINGTON DL3 7BJ  
**Date valid:** 27/06/2023  
**Development:** Change of use from residential flat (Class C3) to tanning salon (Sui Generis)  
**Location:** UNIT 5, THE SAXON EASINGTON ROAD  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The following applications are relevant to this site (the former Saxon Public House):

H/2014/0159 – Change of use of the former Saxon Public House to A1 and A5 hot food takeaway and outline application for the erection of two A1 units.  
Approved 19<sup>th</sup> June 2014.

H/2015/0063 – Reserved matters application for the erection of two A1 retail units –  
Approved 9<sup>th</sup> July 2015.

H/2015/0190 – Alterations to existing elevations, removal of front bay windows, porch extensions and garage including alterations to existing vehicle access on Easington Road and provision of bin storage and cycle stands.  
Approved 2<sup>nd</sup> September 2016.

H/2016/0322 – Amendment to planning approval H/2015/0190 to increase the size of glazing panels on front elevation of unit 2. Approved 2<sup>nd</sup> September 2016.

H/2016/0423 – Erection of a single storey extension to provide additional A1 unit and alterations to car park layout. Approved 20<sup>th</sup> December 2016.

H/2016/0546 – Advertisement consent of three illuminated signs. Approved 15<sup>th</sup> February 2017.

H/2017/0033 – Advertisement of illuminated signage and free standing post sign.  
Approved 26 May 2017.



H/2017/0281 – Change of use of live in accommodation for the former public house to hairdresser (A1). Approved 3<sup>rd</sup> July 2017.

H/2017/0325 – Change of use from A1 to A5 hot food takeaway – Refused 5<sup>th</sup> October 2017. A subsequent appeal was submitted to the Planning Inspectorate and was dismissed. The Inspector concluded that change would harm the vitality and viability of the local centre.

H/2018/0075 - Change of use of 1st floor residential accommodation to licensed restaurant (A3). Approved 20 July 2018.

An application is currently pending consideration for unit 4 The Saxon for a change of use from a Restaurant to Micro Bar with External area (H/2023/0204).

## PROPOSAL

1.3 The application seeks planning permission for a change of use from a residential flat (Class C3) to a tanning salon (*sui generis*). The first floor unit would provide 8 tanning booths, a staff room and a toilet facility. Access would be achieved through an existing internal stairwell, accessed at the front of the parade. No external alterations are proposed to the building. The proposed opening hours would be 9:00am to 8:00pm Monday to Friday and 9:00am to 6:00pm on Saturdays and Sundays.

1.4 It is noted that the applicant's agent described the proposed use within the application submission as being a 'Class E' use (Commercial, Business and Service) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Whilst the description of the proposed development has been advertised as applied, the Local Planning Authority consider a tanning salon to represent a '*Sui Generis*' use class (as has long been a commonly held view) and therefore the application has been considered on this basis.

1.5 Notwithstanding this, Officers acknowledge the outcome of an appeal decision in Ruislip in 2022 on the very subject (Appeal Ref: APP/R5510/X/22/3290784, decision dated 19/07/2022). The Inspector in deciding whether a tanning salon was a Class E or *Sui Generis* Use concluded that existing appeal decisions "*demonstrate that there is no definitive view that a tanning salon use falls within Class E or that it is a use which is sui generis. The UCO includes a list of uses to be regarded as sui generis, and the list does not include tanning salons. However, it is clear from the UCO that the list is not definitive and other uses may also be sui generis. Therefore, it does not exclude tanning salons from being regarded as a sui generis use*". The Inspector came to the view that a tanning salon, in the appeal site context, could be classed as a Class E use, particularly taking into account "the generally more flexible approach advocated by government in respect of 'town centre uses'".

1.6 The application has been referred to the planning committee due to the number of objections received as a result of the consultation exercise.

## SITE CONTEXT

1.7 The application site is the former Saxon Public House a two storey building, which was granted planning permission for the conversion of the existing public house to create a hot food takeaway and retail unit, along with the erection of a further two retail units. The units are currently occupied by a fish and chip shop, a convenience store, a dentist and a restaurant. The application site is at first floor and at the time of writing the unit was vacant. The unit previously formed the first floor residential accommodation associated with the former public house. A planning approval was granted to change the use of the 1<sup>st</sup> floor residential unit to a hairdressers (H/2017/0281 approved 3<sup>rd</sup> July 2017), although it is understood that this use was not implemented.

1.8 The local centre features a large car park, which has provision for 25 vehicles and is accessed from Easington Road (A1086) and is enclosed by a 2m high boundary fence. The surrounding area is predominately residential in nature, although on the opposite side of the highway of Easington Road (west and south west) is an expansive area of amenity open space including an equipped children's play area.

## PUBLICITY

1.9 The application has been advertised by way of 20 neighbour letters and a site notice. To date, there have been 65 letters of representation received, with 64 letters of objection and one letter of no objection.

1.10 The concerns raised through the consultation exercise are:

- There is an existing tanning salon within proximity to the application site and there is no considered need for another similar facility.
- The proposed use may impact upon the future viability of the existing tanning salon within proximity to the application site.
- There is insufficient parking available to support the proposed use.
- The proposed unit provides a residential use and its loss would impact on affordable provision of residential accommodation.
- Other uses would be better suited for the application site.

1.11 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=158393>

1.12 The period for publicity has expired.

## CONSULTATIONS

1.13 The following consultation replies have been received:

**Economic Development:** No objection from Economic Growth.

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

**Public Protection:** I have no objections subject to the following conditions:

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained in accordance with the approved details.

To restrict daily opening hours of the proposed development to those that are listed in the planning statement.

The delivery and despatch of goods to and from the site shall be limited to the hours of 8am and 6pm on Mondays to Saturday, and at no time on Sundays or Public Holidays.

No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated within the premises.

If any equipment for ventilation/extraction including air conditioning is proposed a scheme of works shall be submitted to and approved in writing by the Local Planning Authority that will include details of its position, appearance and details of measures to prevent noise emissions.

**Public Protection (Commercial Services):** No Objection. In addition to comments made by my colleague, all works carried out at the premises must comply with the provisions of the Workplace health, safety and welfare Regulations 1992 and consideration should be given to the guidance provided in the approved code of practice.

**HBC Building Control:** A Building Regulation application will be required for the change of use.

**HBC Waste Management:** No comments received.

**HBC Estates:** No comments received.

## PLANNING POLICY

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

### Local Policy

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

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

RC1: Retail and Commercial centre Hierarchy

RC16: The Local Centres

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

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

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

1.17 **Planning Policy Comments:** There are no planning policy objections to this proposal.

## **PLANNING CONSIDERATIONS**

1.18 The main planning considerations of this application are the principle of development, the impact upon the character of the area, the impact on the amenity of neighbouring occupiers and highway safety related matters. These and any other planning matters are considered below.

### **PRINCIPLE OF DEVELOPMENT**

1.19 The application site is located within the main built up area of Hartlepool, within the development limits as defined by planning policy LS1 of the Hartlepool Local Plan (2018). The application site is therefore considered to represent a sustainable location within the borough of Hartlepool. The Local Plan Policies map illustrates that the application site forms part of the designated local centre under Policy RC16 of the Hartlepool Local Plan (2018).

1.20 Local Plan Policy RC16 lists a number of uses that are considered appropriate within local centres, where the floor area should be no greater than 300m<sup>2</sup>. The application unit would provide a floor space of approximately 122m<sup>2</sup> and whilst the proposed use, being a sui generis use, would not explicitly form one of the listed uses within policy RC16 considered appropriate for a local centre location, it is considered that the nature of a tanning salon use is characteristic of a retail

function and would therefore be appropriately located within such a local centre (which is reflective of the aforementioned 'Ruislip' appeal decision).

1.21 Policy RC16 also gives due consideration to the length of time that a unit has been vacant in weighing up the benefits of bringing a unit back into use. It is understood from the applicant's agent's planning statement and having regard to the recent planning history at the site, despite the previous use that was approved at the first floor unit, the application site has not been operational since it formed the residential accommodation associated with the former public house. It is therefore considered that as a result, bringing the vacant unit into use weighs in favour of the proposed development.

1.22 A further stipulation of Local Plan Policy RC16 states that any proposed use would only be acceptable where it would not impact on the character and amenity of the surrounding area. Such matters are considered within the following sections of the report. In addition, both the Council's Planning Policy and the Council's Economic Development sections have considered the proposed change of use, having regard to the appropriate planning policy and associated impacts and neither consultee have raised any concerns or objection to the proposed change of use.

1.23 Having regard to the above considerations in respect to the proposed use considered against the appropriate planning policy and the comments of the key consultees, it is considered that subject to the following material considerations in respect to character and amenity, the proposal is considered to broadly accord with Local Plan Policy RC16 and the principle of development is considered acceptable in this instance.

#### IMPACT ON CHARACTER OF SURROUNDING AREA

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

1.25 Paragraph 130 of the NPPF (2021) stipulates that planning decisions should ensure that developments, amongst other requirements, will function well and add to the overall quality of the area, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

1.26 The application seeks a change of use where no external changes are proposed as part of the submitted planning application with no changes to the shop front are required. Any changes in signage may require a separate application for advertisement consent, which would need to be secured separate to this current planning application. It is considered that taking account that the proposals would not result in any external alterations, the proposed development is considered not to result in any impact on the physical character of the property and wider surrounding area.

1.27 It is recognised however, 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 the wider surrounding area. The application site is located within a defined local centre, where it adjoins other commercial uses set within the wider residential area. The application site and the adjoining commercial units that, as detailed within above the principle section, represent commercial units to serve the immediate local area. The local centre is made up of a fish & chip shop, a convenience store, a dental practice, a restaurant and currently at first floor, a vacant residential flat. The proposed use would introduce a tanning salon. It is considered that the proposed use would add to the varied mix of uses within the local centre and would not create an undue overconcentration of a particular use or introduce a use that would be out of keeping with activity commonly associated with such a local centre.

1.28 The commercial/non-residential uses, would by their nature experience a degree of comings and goings from those individuals utilising the services. Subject to considerations relating to the operating times/days, which is covered within the following section, it is considered the proposed tanning salon use would not generate significantly different impacts in terms of the nature of coming and goings than the existing local centre. Consequently, it is considered that the proposed development would not result in any significant detrimental impact on the character of the surrounding area and the proposed development is therefore considered acceptable in this respect.

#### IMPACT ON AMENITY OF THE AMENITY OF SURROUNDING PROPERTIES

1.29 Local Planning Policy QP4 states that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy. Paragraph 185 of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

1.30 The application site is a first floor unit, located with a designated local centre. Surrounding the local centre, the site is bounded on three sides by residential properties. Immediately to the south (side) are the residential properties located on Whin Meadows. The closest residential properties to the application site are 11-13 Whin Meadows (consecutive), which are approximately 27 metres from the application site/first floor unit. To the east (rear), are the residential properties of 13-16 Marshall Close (consecutive), which would be at a distance of approximately 38 metres away from the application site. To the north-east (rear) are and the residential properties of 31 - 35 Fulthorpe Avenue, which are at an approximate distance of 42 metres from the application site; and to the north, at an approximate separation distance of 34 metres are the residential properties of 37 to 43 Fulthorpe Avenue (odds) from the applications ite.

1.31 The proposed use would not involve any external alterations and would operate 9:00am to 8:00pm Monday to Friday and 9:00am to 6:00pm on Saturdays and on Sundays. It is noteworthy that the proposed hours would not extend beyond current operating hours within the local centre. The Council's Public Protection

section has been consulted and has raised no objections or concerns with the proposed development subject to a number of planning conditions including limiting the operating hours to those applied for by the applicant. Taking account of the distances and relationships of the application site to the surrounding neighbouring properties and having regard to the nature of the proposed use within a designated local centre, where it is not expected to generate any significant impacts, it is considered that the proposed development would not lead to any significant loss of amenity for the surrounding neighbouring residential properties in terms of overbearing, loss of outlook or noise disturbance.

1.32 In respect to considerations of impact on privacy, it is recognised that the first floor application unit features windows facing in the direction of the surrounding neighbouring properties. The closest windows would be those on the southern elevation, where two stairwell and landing windows would face towards the nearest rear elevation of the properties and rear garden areas located on Whin Meadows. Whilst acknowledging the relationship, with a separation distance between respective buildings of approximately 27 metres, where the area would serve a transient passage space, it is considered that having regard to the distance and nature of the relationship, the proposed use would not lead to any significant loss of privacy for the neighbouring properties to the south. With respect to the properties to the east and north, which are located at greater distances from the application building, having regard to the nature of the proposed use, where an existing residential use could achieve similar views indefinitely, it is considered that the proposed use would not lead to any significant loss of privacy and the proposed development is considered acceptable in this respect.

1.33 With respect to the comments of the Council's Public Protection section, as detailed above, a number of conditions are recommended in respect to controlling lighting and noise generation from any A.C/extraction equipment, which can be secured accordingly. A condition is also recommended to control the operating hours in accordance with those as requested (which are well within the accepted hours as set out under Policy RC16).

1.34 Having regard to the above considerations and subject to the recommended conditions, the proposed change of use is considered not to lead to any significant loss of privacy and amenity for the surrounding neighbouring residential properties and the proposed development is considered acceptable in this respect.

## HIGHWAY SAFETY AND PARKING RELATED MATTERS

1.35 An objection comment received through the consultation exercise has raised concerns that the existing parking provision would not be able to accommodate the impacts of comings and goings from the proposed use. The Council's Traffic and Transport section has considered the proposed development and raises no concerns or objections in this respect and the proposed development is therefore considered acceptable in terms of vehicular parking and highway safety related matters.

## RESIDUAL PLANNING MATTERS

1.36 As a result of the public consultation exercise, a comment has been received that an impact of the proposed change of use would result in the loss of the residential unit would impact upon the provision of affordable housing provision within the area. Whilst acknowledging the loss of the residential unit, the application site is located within a local centre, where such commercial uses can be expected and the loss of the single unit is considered not to lead to a significant loss of affordable residential accommodation to warrant the refusal of the planning application of such grounds.

1.37 The Council's Public Protection section have recommended a condition relating to no amplified music being played from the application site. Whilst acknowledging the request for such a condition, there is no known link between the proposed use and the propensity for amplified music and therefore it is considered that in this instance there is no need for such a condition. In any event, if such activity was to take place where amplified music was being played from the unit and nuisance was being caused, the appropriate Statutory Nuisance legislation can manage and control such occurrences. Consequently, no condition is recommended in this respect.

1.38 Whilst the proposed use has been considered as a Sui Generis use where there is no permitted change to other uses, in light of the applicant's assertion that the proposal represents a Class E use, a condition is recommended for the avoidance of doubt that restricts the proposed development to the use as applied for, where any proposed change would firstly need the written approval of the Local Planning Authority.

1.39 The proposed submission indicates that waste provision for the unit is provided within the existing waste storage facilities within the wider site. HBC Waste Management have raised no comments or objections to the proposal which is considered to be acceptable in this respect.

## OTHER MATTERS

1.40 As a result of the public consultation exercise, comments have been received questioning the need for a tanning salon, given that a similar facility exists in proximity to the application site. Comments have also suggested that the potential competition of a similar facility could harm the viability of the existing nearby unit. Whilst such comments are acknowledged, matters of need and competition are not material planning considerations that can be taken into account when assessing the merits of the planning application. Consequently, no weight is attributed to these comments.

1.41 A further comment received has suggested that other uses would be better suited for the application site. Whilst acknowledging the comments, speculative suggestions do not carry any substance in considering the application, and the Local Planning Authority must assess the planning application as submitted against the relevant local and national planning policies.

1.42 The Council's Building Regulations section have commented that the proposed change of use would require building regulations consent. An informative



is recommended accordingly to inform the applicant of their responsibilities in the event of a planning approval.

1.43 The Council's Commercial Services section of Public Protection have advised that the premises must comply with the provisions of the Workplace health, safety and welfare Regulations 1992 and consideration should be given to the guidance provided in the approved code of practice. Again, an informative is recommended accordingly to inform the applicant of their responsibilities in this respect in the event of a planning approval.

## CONCLUSION

1.44 The proposed use is considered to be appropriately located within the designated local centre, where it would not have any adverse impact on the character and amenity of the surrounding area or neighbouring land users. The proposed development is considered to be acceptable in relation to relevant material planning considerations as detailed above, officer recommendation is therefore to approve subject to the recommended conditions.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.45 There is no evidence of equality or diversity implications.

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

1.46 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE**, subject to the following planning conditions 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 permitted shall be carried out in accordance with the plans Dwg No(s); 2023/22/01 (Plans) received by the Local Planning Authority on 15.06.2023 and; 2023/22/03 (Site Location Plan) received by the Local Planning Authority on 27.06.2023.  
To define planning permission and for the avoidance of doubt.
3. The hereby approved use shall not be open for business outside the hours of 08:00 and 18:00 Monday to Sundays and at no other times.  
In the interests of the amenity of the neighbouring residential premises and in accordance with Policies QP4 and RC16 of the Hartlepool Local Plan (2018).

4. No deliveries shall take place to or dispatched from the site outside the hours of 08:00 and 18.00 Monday to Saturday and at no times on Sundays or Public Holidays.  
In the interests of the residential amenity of the surrounding neighbouring properties.
5. Notwithstanding the submitted information and prior to the first use of the unit hereby approved, details of any ventilation, filtration, fume extraction equipment, and/or air circulation units proposed to be installed within the unit as may be required, shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use or completion of the development (whichever is the sooner), the approved scheme shall be implemented, retained and used in accordance with the manufacturers' instructions at all times, whenever the use requires ventilation, filtration and fume extraction on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
6. The development hereby approved shall be used as a 'tanning salon' only and for no other purpose as defined by the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking or re-enacting that Order with or without modification without the written express consent of the Local Planning Authority.  
For the avoidance of doubt and in the interests of the character & amenity of the surrounding area.
7. Prior to the installation of any external lighting associated with development hereby approved, full details of the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved 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.  
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158393>

1.49 Copies of the applications are available on-line:

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

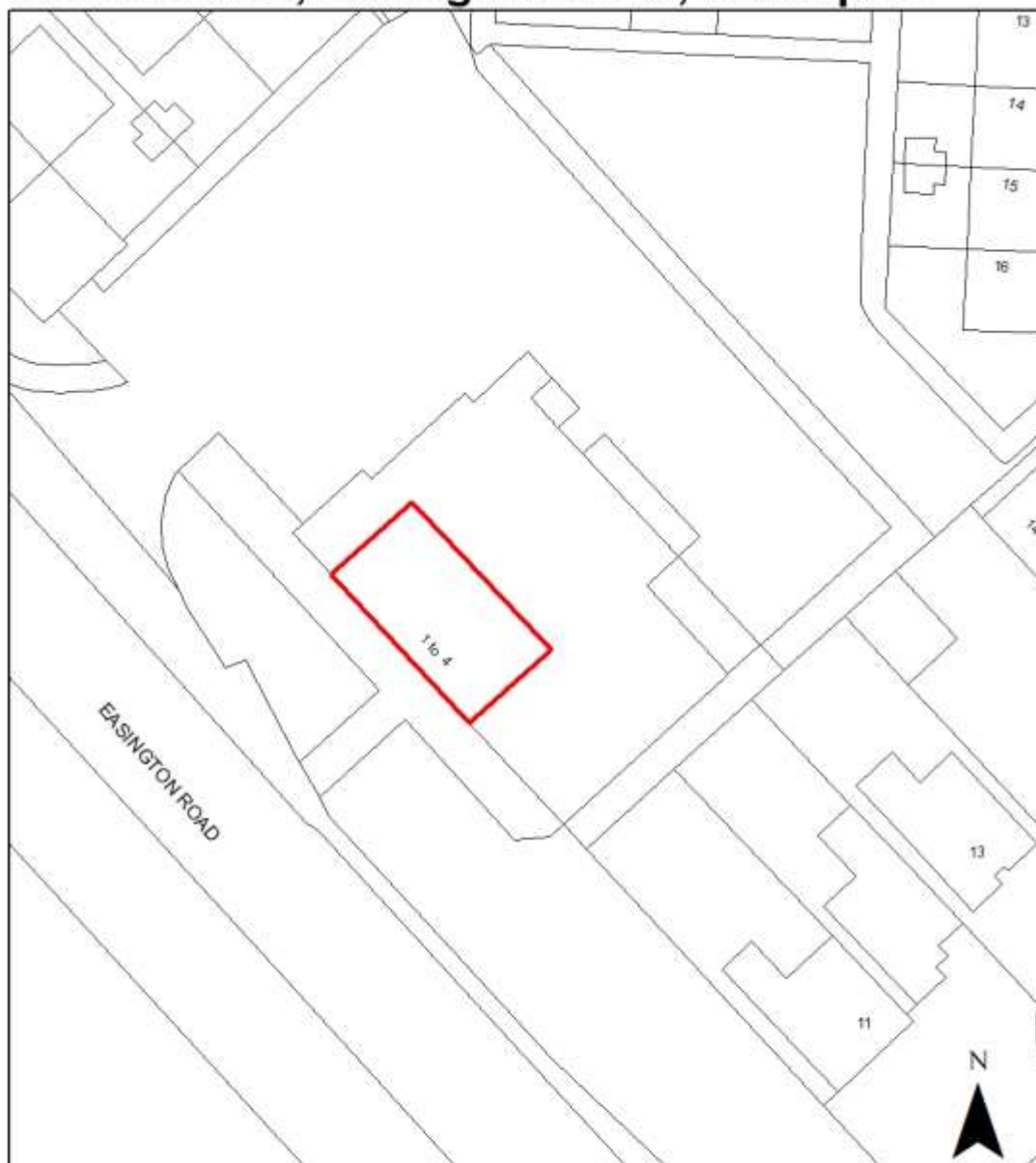
## CONTACT OFFICER

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## Unit 5 Saxon, Easington Road, Hartlepool



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b> <b>Dept of - Development, Neighbourhoods</b> <b>and Regulatory Services</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN <b>JB</b>	DATE <b>30.08.2023</b>
	SCALE <b>1:500</b>	
	DRG.NO <b>H/2023/0203</b>	REV



**No:** 2.  
**Number:** H/2022/0055  
**Applicant:** MR MICHAEL FORD LAND ADJ WHITE COTTAGE  
FRONT STREET HART VILLAGE HARTLEPOOL TS27  
3AW  
**Agent:** GAP DESIGN MR GRAEME PEARSON EDENSOR  
COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK  
ROAD HARTLEPOOL TS26 0QE  
**Date valid:** 09/02/2022  
**Development:** Erection of dormer bungalow with parking area  
**Location:** LAND ADJACENT TO WHITE COTTAGE FRONT  
STREET HART HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

H/2006/0689 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached bungalow with detached garage with storage above, withdrawn.

H/2007/0559 – Demolition of existing cottage and outbuildings and erection of a two bedroom detached dormer dwelling with integral garage (amended application), approved 04/03/2008.

H/2018/0192 - Outline planning application for the erection of 1 no. detached dwelling with all matters reserved (demolition of existing garage), approved 19/12/2018. The requisite Reserved Matters application was not submitted in time and therefore the permission lapsed.

## PROPOSAL

2.3 This application seeks planning permission for the erection of a detached dormer bungalow with associated access and a parking area. The proposals would involve the demolition of an existing detached garage.

2.4 The proposed dwelling would be a one-and-a-half storey detached dwelling measuring approximately 8.2m in width by approximately 9m in length. The proposed dwelling would feature a pitched roof design where owing to differences in the site levels, it would feature a total height of approximately 6.2m, dropping to

approximately 2.7m at eaves level in the front elevation (facing north) and a total height of approximately 6.8m dropping to approximately 2.9m at eaves height in the rear elevation (facing south). The proposed dwelling would feature solar panels on the roof of the west facing roof slope. The proposed dwelling would feature a stone frontage (on the front/north elevation) with the remaining elevations finished in render. The proposed fenestration would be anthracite grey.

2.5 The proposed dwelling would accommodate a lounge, kitchen, bathroom and hallway at ground floor and two bedrooms (one featuring an en-suite bathroom) in the first floor.

2.6 The proposals include vehicular access to the site from Hart Pastures to the rear/south, and two car parking spaces are indicated on the submitted block plan. The proposed rear boundary treatment would be a brick wall with a height of approximately 1m, topped by trellis fencing with a height of approximately 0.6m.

2.7 The application has been amended during the course of consideration of the application. Owing to concerns raised by the Council's Traffic and Transport team in respect of the parking and access provision to the property adjacent to the west of the application site (White Cottage), the applicant submitted amended plans showing a turntable situated to the front of White Cottage. At that time the application site and White Cottage to the west were in the same ownership. However, that is no longer the case and they are now understood to be in separate ownership (which has occurred since the application was made valid and updated land ownership certificates have been sought and received by the applicant's agent in addition to written confirmation that the updated land ownership position reflects the defining red line boundary of the planning application). The applicant submitted further amended plans removing the previously proposed turntable (that was to serve White Cottage) and removing the previous 'blue line' boundary around the adjacent White Cottage on the submitted location plan (the blue line is the means to indicate other land outside the "red line" application site).

2.8 The application has been referred to Planning Committee due to the number of objections received in accordance with the Council's scheme of delegation.

## **SITE CONTEXT**

2.9 The application site consists of a parcel of land to the east of an existing stone cottage with pantile roof (White Cottage) and was formerly occupied by its associated outbuildings. The existing property takes its principal aspect from Front Street, which is on an incline with levels increasing from east to west. There is also a variation in levels across the site itself with a shallower gradient rising from south to north, as reflected in the details of the property proposed, which is stepped with a lower ground floor to the rear. Existing boundary treatments include fencing and hedges with a height of approximately 1.5m to the east and west boundaries, a low level wall to the front (which is to be retained), and a hedge and brick wall (which would be partially demolished) to the rear boundary (south).

2.10 There are existing modern detached bungalows to the east of the site, on the south side of Front Street, and two-storey terraced dwellings to the north (along Mill

View). To the south of the site is a cul-de-sac of modern two storey dwellings, known as Hart Pastures.

## **PUBLICITY**

2.11 The application has been advertised by way of thirteen letters to individual neighbouring properties, site notice and a press notice. To date, three objections have been received from neighbouring land users.

2.12 The objections received can be summarised as follows:

- Safety concerns and access for emergency services;
- Traffic and car parking;
- Lack of access during construction;
- Drainage;
- A street lamp will need to be relocated;
- Lack of consultation;
- Inaccuracies in the proposal, the proposed dwelling is not a dormer bungalow;
- Material inaccuracies in the plans, particularly the existing plans which describe the existing site as comprising a detached bungalow with outbuildings;
- The proposed dwelling would dominate the existing bungalow and other properties in the street scene;
- Issues with direction of traffic from the application site;
- Concerns around the reclaimed stone of the proposed front elevation of the dwelling and the existing boundary wall to the front;
- Concerns around the materials of the proposed walls.

2.13 Following the application being amended (as set out above), a re-consultation was issued to all neighbours and technical consultees on 15/06/2023 following receipt of amended plans showing an accurate representation of White Cottage (to the west) and with the removed blue line boundary to reflect the changed ownership. Following legal advice received by the LPA, a further 21 day neighbour letter was sent to the owner/occupier of White Cottage to reflect the updated land ownership certificates which does not expire until 12/09/2023 and this is reflected in the recommendation of the report whereby any additional comments received will be duly considered and tabled before members.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151684>

2.15 The period for publicity (to White Cottage) expires 12/09/2023.

## **CONSULTATIONS**

2.16 The following consultation replies have been received:



**HBC Traffic and Transport** – There are no highway or traffic concerns with this application, the proposed access is onto a shared surface carriageway. It is normal to have driveways on both sides of such a carriageway. The proposed drive crossing will require to be installed by a NRASWA accredited contractor and in accordance with the Hartlepool Specification. The existing street light will need to be relocated at the owners expense.

Update 30/11/22 following receipt of amended plans showing proposed turntable within front garden area of White Cottage (west):

I would have no highway or traffic concerns with the amended scheme.

The proposed turntable would be an acceptable way of ensuring vehicles can exit the White Cottage in a forward gear and remove my concerns previously expressed with regards to vehicles exiting the white cottage in reverse.

Update 23/08/2023 following amended application and discussion regarding the historic access situation to White Cottage:

On its own the proposed property is acceptable in highway and traffic terms. The propose drive crossing will require to be installed by a NRASWA accredited contractor and built in accordance with the HBC specification.

The sale of the land does have a detrimental impact on the donor property, and prevents vehicles from egressing from the property in a forward gear. The driveway leading to property is narrow and also acts as a public footway, a vehicle would need to reverse approximately 25 metres to reach the public highway. This would be a particularly difficult manoeuvre and potentially dangerous for pedestrians. I understand that the land for the new property is no longer under the control of the donor property, I would therefore not be able to object to the new property on the grounds that vehicles exiting the property would have a detrimental impact on highway safety. The Highway Authority would have to look at this issue separately and consider whether preventative measures are required to stop vehicular access to this property.

**HBC Public Protection** – I have no objection to the application and would just recommend the following conditions:

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 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.

There should be adequate dust suppression facilities on site.

There should be provision of a wheel washing facility to the entrance/exit of the site.

There should be no open burning at any time on the site.

Update 22/09/22 following clarification discussions:

I am happy for just the hours restriction. Maybe something about if dust starts to become an issue during works then suppression should be used?

**HBC Countryside Access Officer** – Public Footpath No.3, Hart Parish runs along Hart Pastures and as such cannot be obstructed in any way during development, by materials, equipment, machinery and vehicles.

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

Update 21/06/2023 following re-consultation on amended plans:

In response to your consultation on the above amended application we have no further comments to make.

**HBC Head of Service for Heritage and Open Space** – The application site is not in a conservation area, nor is the building listed or locally listed. In light of this I would have no objections to the proposals.

**HBC Landscape Architect** – Full hard and soft landscape details should be provided as part of the application. A much simpler approach to the site boundary, referencing the existing local stone boundary walls, should be provided.

Update 22/09/22 following amended plans to show landscaping (summarised):

The soft landscaping is fine. A condition for hard landscaping is recommended.

**Tees Archaeology** – The stone boundary wall to the north is of interest - at the eastern end, an Iron Age beehive quern (used for milling grain) is built into the wall (HER 680). There is also another fragment within the wall which may be a cross-base (HER 1499). This wall is in keeping with the boundary walls of the neighbouring properties and adds to the character of the village. We note the intent to retain the stone boundary wall to the north and to protect from “accidental damage during development in accordance with a scheme of protection to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.” We agree with this course of action; this protection could be secured by a condition upon the development. I propose the same condition placed on application H/2018/0192: The existing stone boundary wall to the north of the site shall be retained. The wall shall be protected from accidental damage during development in accordance with a scheme of protection first submitted to and approved in writing by the Local Planning Authority. Reason: In order to ensure that the archaeological interest of this feature is retained and in the interests of the visual amenity of the area.

Update 16/06/23 following amended plans:

Our comments of March 2022 remain unchanged.

**Northumbrian Water** – In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

**Hartlepool Water** - The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/> Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

**Hart Parish Council** - This application will create a problem for vehicle access to White Cottage; currently White Cottage has a turning circle which allows vehicles to exit the site facing on-going traffic. This application, if approved, will remove the turning circle and mean that vehicles will have to reverse blind out of the drive at White Cottage over a public footpath - a real safety hazard.

If approved the parish Council would wish to see the rear wall to be made of stone to match the walls to either side of the property.

**Hartlepool Rural Plan Working Group:** No comments received.

**Northern Powergrid** – No objections raised.

**Northern Gas Networks** - No Objection to Planning Application.

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

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

**Cleveland Police** – No objections.

**HBC Ecology - Ecology**

As the work may be undertaken during the bird nesting season the bird nesting condition/ informative should be issued. The applicant has a legal duty to protect nesting birds under the W&CA 1981 (as amended). Biodiversity enhancement/ mitigation is required to ensure that there is 'no net loss' of biodiversity. A loss is likely as nesting structures which could be used by bird species such as swallow and house sparrow have been, or will be, removed. The following should be conditioned: The building should include 1 No integral bird nest brick suitable for house sparrow or starling. Bird nest bricks should be in sunlight for part of the day and preferably located on either the east or south facing sides of the building and should be as high above ground level as possible.

**HRA**

I have undertaken a Habitats Regulations Assessment (HRA) stage 1 screening for this proposal (submitted as a separate document). The applicant provided the following result of the Nutrient Neutrality nutrient budget calculator:  $(0 - 0.35 + 0.35) = 0 \times 1.2 = 0$  TN/year (TH = Total Nutrients). The HRA assesses 'likely significant effect' from nutrient pollution on European Sites and finds that there will be none. No further HRA assessment is required.

*Update 27/06/2023 following re-consultation on amended plans:*

Ecology

The Ecology recommendations in version 1A are still valid.

Habitats Regulations Assessment

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

Conclusion

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

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

**Natural England:** I can confirm that Natural England agrees with the conclusions as set out in the HRA (Stage 2). That with the mitigation secured through Hartlepool's Coastal Mitigation Scheme, there will be no adverse effect on the site integrity of the nearby Habitats Sites.

As such, we would have no further comments to make at this stage and have No Objections.

**HBC Waste Management** - Provision of Waste and Recycling Collection and Storage Facilities to new properties Developers are expected provide and ensure at the point of first occupancy that all new developments have the necessary waste bins/ receptacles to enable the occupier to comply with the waste presentation and collection requirements in operation at that time. Developers can choose to enter an undertaking to pay the Council for delivery and associated administration costs for the provision of bins/ receptacles required for each new development. These charges are a one-off cost and the bins remain the property of the Council. Alternatively, developers are required to source and provide containers which meet the specifications necessary for the required bins/ receptacles to be compatible with the Council's waste collection service and vehicle load handling equipment. Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at [www.hartlepool.gov.uk/usingyourbins](http://www.hartlepool.gov.uk/usingyourbins) for further information.

Update 21/09/2022 following queries from case officer:

The crew drive into Hart Pastures to service the houses there. As long as there are no changes made to the road layout and residents cars don't block the road it shouldn't make a difference collection wise.

The residents of the new development would need to present their bins either at the kerbside on Hart Pastures or on the corner of Hart Pastures/Front Street (opp the pub) where the neighbouring property currently presents their bins.

**HBC Arboricultural Officer:** Comments are awaited at the time of writing and any comments received will be tabled before Members at the committee meeting.

## PLANNING POLICY

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

### Hartlepool Local Plan 2018

2.18 The following policies in the Hartlepool Local Plan (2018) are relevant to the determination of this application:

CC1:	Minimising and Adapting to Climate Change
HSG1:	New Housing Provision
LS1:	The Locational Strategy
QP3:	Location, accessibility, highway safety and parking
QP4:	Layout and Design of Development
QP6:	Technical matters
QP7:	Energy Efficiency
RUR1:	Development in the Rural Area
SUS1:	Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

2.19 The following policies in the Hartlepool Rural Neighbourhood Plan (2018) are considered relevant to the determination of this application:

- GEN1: Development Limits
- GEN2: Design Principles
- H1: Housing 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:

2.21 The following paragraphs in the NPPF are of relevance to this application:

- 2 Primacy of the Development Plan
- 6 Contribution to the achievement of sustainable development
- 7 Three dimensions to sustainable development
- 9 Pursuing sustainable development
- 11 Planning law and development plan
- 12 Status of the development plan
- 13 The National Planning Policy Framework constitutes guidance
- 14 Presumption in favour of sustainable development
- 17 Role of the planning system
- 77 Rural Housing
- 111 Unacceptable impact on highway safety
- 124 Well-designed places
- 130 Refusal of poor design
- 150 Planning for climate change

2.22 **HBC Planning Policy comments:** Planning Policy has no objections to the principle of development. It is considered that the proposal is in accordance with the relevant Local Plan policies, particularly RUR1 which specifies that development in rural areas must be in keeping with other buildings nearby, located in or near to the village and enhance the quality, character and distinctiveness of the village and

immediate area. The location is considered to be sustainable and we would therefore not be against housing.

2.23 We would require the development to be as energy efficient as possible, as per policies CC1 and QP7. There are no details submitted as yet regarding how the applicant will comply with these policies, namely QP7. Consideration must be made to the Rural Neighbourhood Plan, particularly GEN1 and GEN2. GEN2 requires developments to demonstrate where the design of new development scores against the Rural Plan Working Group's Checklist, found in appendix 4 of the document. Having looked at the design of the dwelling, it doesn't appear to be in keeping with surrounding properties and we would encourage a reconsideration of the design to be more in keeping with the architectural character of the village. Comments that have been provided by Hart Parish Council give some detail on how this can be achieved.

2.24 I note that there has been a concern raised by the Rural Plan Working Group and various neighbours regarding access to the site, and we trust that the Council's Highways team will comment on the acceptability of the proposal from their perspective. Subject to their satisfaction, we would have no concerns.

Update 26/07/2022

2.25 The provision of renewable energy is welcomed.

Update 20/06/23 following receipt of amended plans:

2.26 I note that Policy have previously provided comments on this application - see attached. There are no changes in the latest plans requiring of further comments from us, therefore please refer to previous comments.

## **PLANNING CONSIDERATIONS**

2.27 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the area, the impact on the amenity of neighbouring land users, the impact on highway safety and parking, archaeology, ecology, drainage and landscaping. These, and any other planning and residual matters are considered in detail below.

### **PRINCIPLE OF DEVELOPMENT**

2.28 The application site is within the development limits to Hart Village, as identified in the Hartlepool Local Plan (2018). As such, a new dwelling in this location is acceptable in principle in terms of Policy RUR1 of the Hartlepool Local Plan (2018) and Policies GEN1 and H1 of the Hartlepool Rural Neighbourhood Plan (2018), subject to other relevant material planning considerations being found to be acceptable. In addition, it is of note that outline planning permission for the principle of a detached dwelling at the application site was approved by virtue of H/2018/0192, in December 2018. Whilst this permission has since lapsed (as the reserved matters were not submitted in time), it does remain a material consideration.

2.29 The Council's Residential Design Guide SPD (2019) emphasises the creation of sustainable communities by utilising appropriate design that ensures efficient, safe and secure buildings that complement the character and surroundings.

2.30 The Council's Residential Design SPD also seeks to ensure that residential development provides adequate amenity and privacy for occupants. It is considered that the proposed dwelling would provide an adequate amount of amenity space (including outdoor space and car parking) that would be in accordance with this SPD and relevant Policies of the Hartlepool Local Plan (2018), namely RUR1, QP4 and HSG11, and Policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018).

2.31 Policies CC1 and QP7 of the Hartlepool Local Plan (2018) seek to ensure the provision of renewables and energy efficiency measures. The application confirms a fabric first approach will be taken to minimise energy demand and meet building regulations requirements and that solar panels would be proposed to meet energy demand, however specifics are not available at this stage. However, it is of note that Building Regulations were updated on 15<sup>th</sup> June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. HBC Planning Policy have confirmed that in light of the above, a planning condition is still required to ensure the development will generate 10% of the predicted CO2 emissions from on-site renewable energy in accordance with Local Plan Policy CC1, however given that the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement and such matters will need to be addressed through the new Building Regulations requirements. The applicant has confirmed their acceptance of the renewable energy condition and the application is considered to be acceptable in this respect.

2.32 In view of the above, the Council's Planning Policy team have assessed the proposals and have confirmed the relevant policy tests have been met and the proposals are acceptable in principle, subject to consideration of other relevant planning matters.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF AREA

2.33 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) and Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance sympathetic to the host property and the character of the surrounding area.

2.34 The application site comprises the former side garden of an existing dwelling (White Cottage). The plot is relatively wide and it is noted that ancillary outbuildings were formerly located within the plot, however they have since been removed from the site. Based on the size of the site, and as considered by virtue of a previous outline permission (H/2018/0192), it is reasonable to conclude that the proposed modest dwelling which is not appreciably larger than the existing bungalow, could be accommodated within the site without appearing unduly cramped and still allowing for amenity space for the occupants of both the existing and proposed dwelling.



2.35 It is acknowledged that the proposed design is not of a traditional form, and borrows little from the vernacular architecture of the village. These concerns are echoed in the comments from HBC Planning Policy.

2.36 However, this section of Front Street features detached bungalows to the east and west, whilst beyond the main highway to the front the street is characterised by relatively modern rows of terraced dwellings. In terms of the proposed design, whilst it is of note that the orientation of the proposed dwelling would not match the orientation of the immediate adjacent neighbouring bungalows of White Cottage to the west and Southlands to the east, consideration is given to Stonegable which is sited adjacent to Southlands to the east, which features a design and orientation similar to that of the proposed property, as well as the above mentioned wider street context which includes two storey terraced dwellings along Front Street and a mix of modern dwellings to the south in Hart Pastures.

2.37 Whilst it is acknowledged that the ridge height of the proposed dwelling would be marginally higher than some of the bungalows around it and it is acknowledged that a number of neighbour concerns have been received in this respect, it is of note that the proposed design has seen a reduction in eaves height by approximately 1.2m from that approved by virtue of H/2018/0192.

2.38 In terms of finishing materials, it is noted that the application proposes a render finish to the rear and side elevations of the proposed dormer bungalow, whilst the front elevation would feature a stone finish. A condition can be appended to ensure that the overall design of the materials would be acceptable and a planning condition is necessary in respect of this.

2.39 In terms of hard and soft landscaping, the application includes the retention of the existing boundary wall to the north/front, and the retention of trees and hedges as well as the provision of additional trees and shrubbed areas. The Council's Landscape Architect has been consulted on the proposals and has confirmed no objections to the proposed landscaping, subject to the inclusion of planning conditions in respect of the retention of the existing stone boundary wall and to agree a scheme for soft landscaping throughout the site. These conditions are recommended accordingly.

2.40 It is also considered prudent to secure a planning condition to secure protection measures for existing/retained trees/hedges within and adjacent to the site. Any additional comments from the Council's Arboricultural Officer will be tabled before members although it is anticipated that the proposal is acceptable in this respect subject to the identified planning condition.

2.41 It is acknowledged that the proposed hardstanding to provide car parking for the occupants of the proposed dwelling would be sited to the rear of the application site, in place of the existing grass verge. Notwithstanding this, consideration is given to the driveways serving properties along Hart Pastures to the south, and that the proposed hardstanding would not substantially differ from existing hardstanding throughout the application site and street scenes (Front Street and Hart Pastures)

and as such it is considered that this element would not significantly impact upon the character and appearance of the surrounding area.

2.42 Overall, and on balance, it is considered that the proposed design and scale of the dwelling is acceptable in its context and would not adversely affect the character and appearance of the adjacent bungalow, street scene or the visual amenity of the wider area so significantly as to warrant a reason to refuse the application.

#### AMENITY OF NEIGHBOURING LAND USERS

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

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

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

#### Impact on White Cottage, west

2.44 A separation distance of approximately 1.3m to the boundary and approximately 2.4m to the side elevation of the (former donor) property at White Cottage to the west would remain from the proposed dwelling, at the closest point. The submitted block plans indicate that although there is some fluctuation in the site levels, the levels between the application site and White Cottage are relatively similar as observed by the case officer during the site visit. White Cottage includes a glazed door to the upper floor side elevation (served by an external staircase), fronting the proposed site. This is understood to serve a 'store'/non-habitable room, as indicated on the existing plans submitted through previous planning application at the site in 2007 (reference H/2007/0559) and which reflects the case officer's on site observations. As such, it is considered that this does not serve a habitable room.

2.45 Whilst it is acknowledged that this door would suffer from a loss of light and overbearing as a result of the proposed dwelling being erected at the application site, given the nature of the opening (serving a non-habitable room), it is considered that this impact would not be so significant to warrant a refusal of the application.

2.46 Owing to the orientation of White Cottage which splays toward the proposed dwelling, the proposed dwelling would project a modest amount (approx. 0.8m) past its frontage and approximately 1m past its rear elevation (on the eastern extent) albeit not as far as the extended rear elevation of White Cottage. Owing to the above including the remaining separation distance, it is considered that, overall, the design, siting and orientation of the proposed dwelling would not result in such a significant

impact on the amenity of this neighbour in terms of loss of outlook, overbearing impression or overshadowing as to warrant a refusal of the application.

2.47 In terms of privacy, the proposed dwelling would feature 1no. roof light in the side elevation (serving a landing/staircase). Given the low level boundary treatment and position of the glazed door in the side of this neighbour, it is considered necessary to safeguard the privacy of this neighbour by obscurely glazing non-opening windows, and a planning condition is necessary in this respect. Subject to this planning condition and in view of the above identified relationship, it is considered that there would be no direct views achievable from windows in the front and rear elevations of the proposed dwelling toward any windows in the front, rear or eastern side elevation of White Cottage. Therefore it is considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

2.48 It is acknowledged that the proposed dwelling would be served by access from the rear (south) at Hart Pastures, with a separation distance of approximately 8.6m remaining from the rear elevation of White Cottage (at the closest point). This would result in comings and goings to the rear of the former donor property. Notwithstanding this, consideration is given to the orientation and remaining separation distance between the neighbouring properties as well as the boundary treatment (hedges and landscaping), and scale of the proposals (i.e. serving 1 dwelling). The Council's Public Protection team have also been consulted on the proposal and have confirmed no objections overall, subject to conditions which are considered in further detail below. Overall, it is considered that the proposed access and car parking to the rear of the host property would not result in any adverse impacts on the amenity and privacy of this neighbour in terms of overbearing, loss of outlook, overshadowing or overlooking or noise disturbance..

#### Impact on Southlands, to the east

2.49 It is noted that there is variation in levels in the area, and the proposed dwelling would be sited higher than the neighbouring bungalow of Southlands to the east. It was noted by the case officer during the site visit that the side (west) elevation of this neighbour features an access door and window at ground floor and a window at first floor, although the case officer was unable to establish definitively what rooms these windows serve. A separation distance of approximately 2m to the boundary and approximately 6.4m to the side elevation of this neighbour would remain from the proposed dwelling. It is further noted that the orientation of the neighbour at Southlands is such that the proposed dwelling would be sited forward by approximately 5.6m than the front elevation of this neighbour, whilst the neighbouring property of Southlands projects approximately 5m to the south than the proposed dwelling. The case officer noted during the site visit that a boundary treatment comprising a hedge and fence with an approximate height of 1.5m was in situ between the application site and this neighbour.

2.50 Owing to the orientation of the neighbour at Southlands in relation to the proposed dwelling, it is considered that there would be no adverse impact on any windows in the rear elevation. It is acknowledged that the proposed dwelling would result in a degree of loss of light for this neighbour in respect of windows in the front

elevation and western side elevation given the proximity and aforementioned relationship. However, given the oblique relationship between the two properties, and taking into account that the windows in the front of this neighbour would still receive light from the north and east elevations, whilst windows in the side elevation would receive a degree of light from the south, it is considered this identified impact would not be so significant as to warrant a refusal of the application in this instance.

2.51 In view of the above, it is considered that, overall, the design, siting and orientation of the proposed dwelling would not result in such a significant impact on the amenity of this neighbour, in terms of loss of outlook, any overbearing impact or overshadowing as to warrant a refusal of the application.

2.52 In terms of privacy, it is noted that the proposed dwelling features 1 no. roof light in the eastern side. Given the low level boundary treatment and position of the first floor window in the side of this neighbour, it is considered necessary to safeguard the privacy of this neighbour with obscurely glazed non-opening windows, and a planning condition is necessary in this respect. Subject to this planning condition and in view of the identified relationship, it is considered that there would be no direct views achievable from windows proposed in the front and rear elevations of the proposed dwelling towards any windows in the front, rear or eastern side elevation of Southlands. It is therefore considered that the proposed dwelling would not result in any adverse impact on the privacy of this neighbour in terms of overlooking.

2.53 It is acknowledged that the proposed dwelling would be served by access from the rear (south) at Hart Pastures, at a separation distance of approximately 5m from the western side elevation of Southlands (at the closest point). This would result in comings and goings to the side and rear of this neighbour. Notwithstanding this, consideration is given to the orientation and remaining separation distance between the neighbouring properties as well as the boundary treatment (hedges and landscaping) and scale of the proposals (i.e. serving 1 dwelling). Furthermore, the Council's Public Protection team have been consulted on the proposal and have confirmed no objections overall, subject to conditions which are considered in further detail below. Overall, it is considered that the proposed access and car parking to the rear of the host property would not result in any adverse impacts on the amenity and privacy of this neighbour in terms of overbearing, loss of outlook, overshadowing or overlooking or noise disturbance.

#### Impact on Nos. 2-6 (inclusive) Mill View, to the north

2.54 A separation distance of approximately 18.3m (oblique) would remain between the proposed dwelling and the closest neighbours of Nos. 4 and 5 Mill View to the north, with the main highway of The Front in between. Although the above identified separation distances would fall short of those stipulated by Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), consideration is given to the oblique relationship and intervening highway, and that the proposal does not overlook private amenity areas too, as such it is considered that the proposed dwelling would not significantly negatively affect the amenity and privacy of neighbouring occupiers to the north (including Nos. 2-6 (inclusive) Mill View) in terms of loss of outlook, overbearing appearance, overshadowing or overlooking as to warrant a refusal of the application.

2.55 It is considered that the orientation between the neighbouring properties is such that the proposed access and car parking to the rear of the host property would be screened from properties to the north by the proposed dwelling itself, and would therefore not result in any adverse impacts on the amenity and privacy of these neighbours in terms of overbearing, loss of outlook, overshadowing, noise disturbance or overlooking.

#### Impact on properties to the south, including Nos. 4-7 (inclusive) Hart Pastures

2.56 The proposed dwelling would be sited approximately 39m from the front elevation of the closest neighbouring properties to the south (Nos. 5 and 6 Hart Pastures), with the proposed access and main highway of Hart Pastures between. A separation distance of approximately 23m would remain between the proposed access and these neighbours. Although it is acknowledged that the proposed access would bring new activity into the street (Hart Pastures), owing to the proposed siting of the car parking and access, that the separation distances are in excess of the minimum separation distances that would be required by Hartlepool Local Plan Policy QP4 (which primarily relates to distances between principal habitable rooms), the scale of the proposals (i.e. to serve a single dwelling) and that no objections have been received from the Council's Public Protection team in this respect, it is considered that the proposed dwelling and access would not significantly negatively affect the amenity of neighbouring occupiers to the south in terms of loss of outlook, overbearing appearance, overshadowing or noise disturbance.

2.57 In terms of privacy, in view of the above identified relationship between the proposed dwelling and the closest neighbouring properties to the south (including Nos. 4-7 (inclusive) Hart Pastures, including the separation distances which meet the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), and main highway between, it is considered that the proposed dwelling would not result in any significant adverse impact on the privacy of these neighbours in terms of overlooking.

2.58 In light of the separation distances between the neighbouring properties and the proposed access and car parking to the rear of the host property it is considered that this part of the development would not result in any adverse impacts on the amenity and privacy of the neighbours to the rear in terms of overbearing, loss of outlook, overshadowing or overlooking as to warrant a refusal of the application.

#### Other amenity considerations

2.59 In addition to the above, no objections have been received from HBC Public Protection subject to a number of conditions, including hours of construction and dust suppression, which are secured accordingly. Initially, HBC Public Protection requested conditions in respect of wheel washing and open burning, however given the scale of the proposals (i.e. creation of a single dwelling) and following further discussions, HBC Public Protection have confirmed that they are satisfied that only the conditions pertaining to hours of construction and dust suppression are required and these are recommended accordingly by way of separate planning conditions.

2.60 Overall it is anticipated that the proposed single dwelling could come forward on the site that would achieve satisfactory amenity and privacy levels for both existing and future occupiers of neighbouring properties and the proposed dwelling.

#### HIGHWAY + PEDESTRIAN SAFETY & PARKING

##### *Access and Car Parking (to serve the proposed dwelling)*

2.61 A number of objectors, including from Hart Parish Council, have raised concerns about existing parking pressures within Hart Pastures to the south of the application site and the impact the proposed new access would have in terms of preventing parking in that location as well as the potential for the new dwelling to result in additional cars being parked within the street. The submitted plans indicated there is space available to park two cars in association with the proposed dwelling. The Council's Traffic and Transport team have raised no objections to the proposals on the basis of proposed parking arrangements to serve the proposed dwelling.

2.62 HBC Traffic and Transport have also confirmed that the proposed access is considered suitable to serve the site without detriment to highway safety. It is noted that an existing light column may need to be relocated to enable the development. Permission for this will fall under another regulatory regime and given there are no objections in relation to the principle of the light column being moved this is not considered to undermine the planning merits of the proposal and would not therefore warrant refusal of the application. The Council's Traffic and Transport team have confirmed that the proposed drive crossing will require to be installed by a NRASWA accredited contractor and built in accordance with the HBC specification. This can be relayed to the applicant via an informative.

##### *Car parking and Access serving White Cottage*

2.63 Although not indicated on the submitted plans, it is understood that a historic situation at the former donor property (White Cottage) is such that the occupant accessed this property along the public footpath to the front (north) of their property (from the west), and had space to turn in the adjacent parcel of land (now the application site) and exit from the site in a forward gear.

2.64 Given the sale of the application site (as reflected by the red line boundary) to separate it from the adjacent property of White Cottage, it is acknowledged that there is now insufficient space within the curtilage of White Cottage to allow for driving into and out of the paved front garden area in a forward gear, albeit and as noted above, this is outside the red line boundary of the current application.

2.65 The Council's Traffic and Transport team have had regard to the proposals and have confirmed that the sale of the land does have a detrimental impact on the former donor property (White Cottage), and prevents vehicles from turning within the site and exiting from the site in a forward gear (and that the proposals do not secure the once proposed 'turntable' to serve White Cottage). The access leading to property is narrow and is a public footway, therefore a vehicle would need to reverse approximately 25 metres to reach the public highway. The Council's Traffic and Transport team commented that this would be a particularly difficult manoeuvre and potentially dangerous for pedestrians.

2.66 Notwithstanding the above, planning legal advice has been sought and received by officers which confirmed that the application needs to be considered as amended and that the loss of the car parking space to serve White Cottage cannot be considered in this instance given that the two sites are within separate ownership (and that White Cottage is not within the red line boundary of the current application).

2.67 In light of this legal advice, the Council's Traffic and Transport team have confirmed that it would be difficult to sustain an objection on these grounds on the basis of the sale of the land whereby the 2 plots of land (White Cottage and the application site) are 2 separate entities. HBC Traffic and Transport would need to consider separately the approach to vehicular access to the original property and the potential safety issues for users of the highway, as confirmed by planning legal advice sought by officers.

2.68 In view of the above, it is considered that access (and associated car parking) to serve the former donor property (White Cottage) is beyond the remit of the current planning application and therefore the loss of the previous car parking space/turning facility is not a material planning consideration in the determination of this application and therefore would not warrant a refusal of the application.

#### *Parking at Hart Pastures (Emergency and Refuse Vehicles, etc)*

2.69 Concerns have been raised in relation to parking within Hart Pastures causing obstruction for large vehicles, namely emergency vehicles and refuse vehicles, following problems gaining access in the past. Cleveland Fire Brigade have been consulted on the proposals and have confirmed no objections to the proposals, subject to generic advice in relation to housing development. Ultimately, this would need to be addressed through Building Regulations.

2.70 The Council's Waste Management team has confirmed that provided there would be no changes made to the road layout and residents cars do not block the road it would not result in any impact on refuse collections.

2.71 The Council's Waste Management team have further confirmed that the residents of the new development would need to present their bins either at the kerbside on Hart Pastures or on the corner of Hart Pastures/Front Street, as per the existing situation with neighbouring properties. It is noted that there may be disruption and parking pressures from large vehicles during construction, however it would be for the developers to ensure good site management and to ensure the highway is not blocked on collection day.

2.72 Any matters of indiscriminate parking (e.g. blocking access to another person's property) would need to be reported to the police should they occur, equally if there are instances where parking restrictions are not observed this should be reported to HBC Traffic and Transport for enforcement.

#### *Public Rights of Way*

2.73 There have been no objections raised by the Council's Countryside Access Officer with respect to public rights of way, as such the proposals are considered acceptable in that respect.

#### *Highway safety summary*

2.74 In view of the above considerations and the comments received from HBC Traffic and Transport, it is considered that the proposal would not result in an unacceptable impact on highway and pedestrian safety as to warrant a refusal of the application.

### ARCHAEOLOGY

2.75 Following consultation with Tees Archaeology no objections have been raised to the principle of development, however a condition has been recommended to retain the existing boundary wall to the frontage of the site due to its historic significance. Such a condition is duly recommended. The boundary wall to the south of the site is not identified to be of historic interest and therefore there is no requirement for its retention. The proposal is considered to be acceptable in respect of archaeology.

### ECOLOGY

2.76 The Council's Ecologist has confirmed that the potential for significant ecological harm is limited given the nature of the proposal, but that the development should provide an ecological enhancement in the form of a bird nest brick to be constructed integral to the dwelling. This can be secured by an appropriate planning condition. The proposal is therefore considered to be acceptable in this respect.

#### *Habitat Regulation Assessments (HRA)*

##### *a) Nitrate pollution of the Teesmouth & Cleveland Coast SPA & Ramsar site*

2.77 Natural England have recently advised that the Teesmouth & Cleveland Coast SPA & Ramsar site is now considered to be in an unfavourable condition due to nitrate enrichment and that development (including new housing) that has potential to add to this problem needs to be appropriately assessed and where necessary any required mitigation secured. Given that this application is for the proposed erection of a dwelling, the application is considered to be in scope for further assessment.

2.78 The nitrate impacts of the proposal have been considered. The Council's Ecologist has prepared a Habitats Regulations Assessment (HRA) Stage 1 screening assessment, which concludes that the proposal would not have a likely significant effect primarily as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. There is no requirement for Natural England to be consulted for this element given that this reflects the agreed approach with Natural England. Therefore, the application is considered to be acceptable in this respect.



*b) Recreational impacts on designated sites*

2.79 The Council's Ecologist has undertaken a HRA Stage 1 and Appropriate Assessment (stage 2) to take account of the potential for recreational disturbance and has concluded this would be mitigated by the Hartlepool Coastal Mitigation Scheme and there would be no Adverse Effect on the Integrity of any European Site and therefore the Council can lawfully permit the development. Natural England have been consulted on the Appropriate Assessment and have confirmed it is acceptable.

2.80 In view of the above, the application is considered acceptable in respect of Ecology.

**OTHER PLANNING MATTERS**

2.81 With reference to the objection that the Local Planning Authority (LPA) has not consulted neighbouring properties (particularly to the north of the application site at Mill View), the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters, a site notice and a press advert.

2.82 Concerns have been raised by neighbouring occupiers in relation to the existing foul drainage on the site being inadequate, however following consultation with Northumbrian Water no objections have been raised in that respect, and such matters would be addressed through the Building Regulations process. The application is considered to be acceptable in this respect.

2.83 The Council's Flood Risk Officer has confirmed no objection in respect of surface water management or contaminated land. The application is considered acceptable in these respects.

**CONCLUSION**

2.84 Overall, and on balance, it is considered that the proposed dwelling would not result in an adverse impact on the visual amenity of the site and wider street scene, impact on neighbour amenity and privacy or impact on highway and pedestrian safety (to include access and car parking). The proposal is also considered to be acceptable in respect of all other material planning considerations for the reasons detailed in the report. Subject to the identified conditions, the proposal is considered to be acceptable and is recommended for approval.

**EQUALITY AND DIVERSITY CONSIDERATIONS**

2.85 There is no evidence of equality or diversity implications.

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

2.86 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.

2.87 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE**, subject to the consideration of any additional comments received (as a result of the outstanding publicity at the time of publishing the report), and the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and details: Dwg. No. 2148:P:05 Rev A (Location Plan, scale 1:1250), Dwg. No. 2148:P:03 Rev D (Proposed Site Plan Indicating Levels and Materials), Dwg. No. 2148:P:01 Rev B (Proposed Plans, Elevations & Block Plan), and Dwg. No. 2148:P:02 Rev B (Existing Site Plan Indicating Levels Wall/Tree Protection) received by the Local Planning Authority on 12<sup>th</sup> June 2023.  
For the avoidance of doubt.
3. Notwithstanding the submitted information and prior to the commencement of development (including any demolition works), details of the existing and proposed levels (both within and outwith the site) including the finished floor levels of the dwelling to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.  
In the interest of visual amenity, the amenity of neighbouring land users and for the avoidance of doubt.
4. Notwithstanding the submitted information and prior to the commencement of development, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. The scheme shall include the retention of the existing stone wall to the front (as required by condition 4). Thereafter the development shall be carried out in accordance with the approved details prior to the occupation or completion of the development (whichever is the sooner) of the development hereby approved.  
In the interests of visual amenity and the amenity of the occupiers of the site.
5. Notwithstanding the submitted details and the requirements of condition 4, and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for protection of the existing stone boundary wall to the north of the site (as annotated on Dwg. No. 2148:P:03 Rev D (Proposed Site Plan Indicating Levels and Materials),

received by the Local Planning Authority on 12<sup>th</sup> June 2023) from accidental damage during development shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the agreed scheme for protection measures of the stone wall shall be implemented and retained at all times during the construction of the dwelling hereby approved. Thereafter and following the completion of the development, the stone wall shall be retained for the lifetime of the development.

In order to ensure that the archaeological interest of this feature is retained and in the interest of the visual amenity of the area.

6. Prior to the commencement of development, details of a scheme for dust suppression measures within the site to be implemented during construction of the development hereby approved shall be submitted and approved in writing by the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the approved measures shall be installed before development commences and shall thereafter remain operational and be available for its intended use at all times during construction. .

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

7. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, a scheme for the protection during construction works of all trees/hedges/landscaping to be retained on the site (as shown on Dwg. No. 2148:P:02 Rev B (Existing Site Plan Indicating Levels Wall/Tree Protection), received by the Local Planning Authority on 12<sup>th</sup> June 2023), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. 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 trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the existing tree and the visual amenity of the area.

8. Notwithstanding the submitted details, prior to the commencement of development, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken. Thereafter, and following written agreement with the Local Planning Authority, the scheme shall be implemented in accordance

with the approved details and programme of works. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and in the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

9. The development hereby approved shall be constructed/installed in line with the approved scheme to generate 10% of the predicted CO2 emissions from on-site renewable energy (as annotated on Drg. No. 2148:P:01 Rev B 'Proposed Plans, Elevations & Block Plan' received by the Local Planning Authority on 12/06/2023) prior to the occupation of the development. On completion of the development and prior to the occupation of the development hereby approved, a final compliance report (to demonstrate the requisite 10%) shall be submitted to and agreed in writing with the Local Planning Authority. In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.
10. Prior to the commencement of the development above ground level, details of a minimum of 1no. integral bird nest brick to be installed in the proposed dormer bungalow, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The bird nest brick shall be installed prior to the occupation or completion of the development (whichever is the sooner). The bird nest brick shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.  
To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.
11. 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 completion or occupation (whichever is the sooner) of the development.  
In the interests of visual amenity and to prevent an increase in surface water runoff.
12. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

13. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
14. The 1no. roof light in the west roof slope (facing White Cottage) and the 1no. roof light in the east roof slope (facing Southlands) as annotated on Drg. No. 2148:P:01 Rev B ('Proposed Plans, Elevations & Block Plan' received by the Local Planning Authority on 12/06/2023), shall be fixed and shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent prior to the occupation or completion (whichever is the sooner) of the development hereby approved, and shall thereafter be retained at all times while the roof light exists. The application of translucent film to the windows would not satisfy the requirements of this condition.  
In the interests of the amenities of the occupants of neighbouring properties.
15. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 and 18.00 on Mondays to Fridays and between 9.00 and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To avoid excessive noise and disturbance to the occupants of nearby properties.
16. The development hereby approved shall be used as a C3 dwellinghouse and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.  
To allow the Local Planning Authority to retain control of the development.
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 dwelling hereby approved shall not be extended or altered in any way nor shall any detached structures be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.
18. 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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road (to the front and to the rear), without the prior written consent of the Local Planning Authority with the exception of those enclosures approved as part of this permission and shown on Dwg. No. 2148:P:03 Rev D (Proposed

Site Plan Indicating Levels and Materials, received by the Local Planning Authority on 12/06/2023).

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.

## BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151684>

2.90 Copies of the applications are available on-line:

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

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## White Cottage, Front Street, Hart, Hartlepool



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<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>JB</b>	DATE <b>1. 9. 2022</b>
	SCALE <b>1:500</b>	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2022/0055</b>	REV

## **POLICY NOTE**

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

### **HARTLEPOOL LOCAL PLAN POLICIES**

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

### **HARTLEPOOL RURAL NEIGHBOURHOOD PLAN**

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp\\_2016-2031\\_-\\_made\\_version\\_-\\_december\\_2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

### **MINERALS & WASTE DPD 2011**

[https://www.hartlepool.gov.uk/info/20209/local\\_plan/317/tees\\_valley\\_minerals\\_and\\_waste\\_development\\_plan\\_documents\\_for\\_the\\_tees\\_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

### **REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)



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

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

# PLANNING COMMITTEE

13 September 2023



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

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

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## 1. PURPOSE OF REPORT

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

1. The erection of an outbuilding at the rear of a residential property in Royston Grove.
2. Non-compliance with a working hours condition at a residential development site at land at Quarry Farm.
3. The erection of an extension at the rear of a residential property in Park Road.

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

1. Non-compliance with the approved plans at a householder development at Serpentine Gardens. A retrospective planning application seeking to regularise the development has since been approved.
2. The removal of steel railings and the erection of a high timber fence at the front of a residential property in Tanfield Road. The high timber fence has since been removed and the steel railings have been reinstated.
3. The erection of a timber gazebo at the rear of a residential property in Middlewood Close. Permitted development rights apply in this case.
4. The erection of a high timber fence at the side and rear of a residential property at The Crest. A retrospective planning application seeking to regularise the development has since been approved.

5. The change of use of a residential property in Southburn Terrace to a house in multiple occupation. Permitted development rights apply in the case.
6. Non-compliance with a working hours condition at a housing development site at land west of Middle Warren. The site is now operating in accordance with the working hours condition.

1.3 No enforcement actions have been taken within this reporting period.

## **2. RECOMMENDATION**

2.1 Members note this report.

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## PLANNING COMMITTEE

13<sup>th</sup> September 2023



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

**Subject:** APPEAL AT LAND ADJACENT TO  
ROSSMERE LODGE, ROSSMERE WAY  
HARTLEPOOL, TS25 5EF  
APPEAL REF: APP/H0724/W/23/3318173  
Erection of 1no. three bedroom dwelling and  
associated works including new access from the  
highway. (H/2022/0418).

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an application for planning permission for the erection of 1no. three bedroom dwelling and associated works including new access from the highway at Rossmere Lodge, Rossmere Way, Hartlepool (H/2022/0418).
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached. (**Appendix 1**)

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

### 3. CONTACT OFFICER

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## Appendix 1



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## Appeal Decision

Site visit made on 22 May 2023

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2023**

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**Appeal Ref: APP/H0724/W/23/3318173**

**Land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool TS25 5EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Grace Watson against the decision of Hartlepool Borough Council.
  - The application Ref H/2022/0418, dated 25 November 2022, was refused by notice dated 14 February 2023.
  - The development proposed is erection of 1 No.3 Bedroom dwelling on land adjacent to Rossmere Lodge, with private garden and off street parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development upon:
  - the character and appearance of the host dwelling and the area including the setting of Rossmere Park, a non-designated heritage asset; and
  - the living conditions of the occupants of Rossmere Lodge and future occupiers with particular regard to outlook, sunlight and garden space.

### Reasons

#### *Character and appearance*

3. The appeal site comprises the large, detached dwelling of Rossmere Lodge and its garden area. It faces Rossmere Way, where the proposed development would be accessed. The appeal site also has a rear boundary with Rossmere Park (the Park) and is seen in views from within it. Although the predominantly residential area comprises a mix and density of development, the 2 other individual bungalows in the immediate vicinity of the appeal site are also larger buildings set back from the road in spacious plots behind site boundaries. The overall low density and pattern of development, against the backdrop of the Park provides an open, spacious and verdant setting which positively contributes to a sense of place and character of the area.
4. New development could be built to reflect the building line of nearby properties. Nevertheless, sited to the side of Rossmere Lodge and in such close proximity its position would not leave a significant gap. Whilst I note the position and proximity of bungalows further down Rossmere Way, these are noticeably smaller and closer together. Therefore, they do not reflect the character of the larger properties, so do not create a clear precedent to follow here in respect of spaces between dwellings. As such, the layout would fail to

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harmonise with adjacent plots. Consequently, the proposal would fail to assimilate successfully with the spatial pattern of development in this part of the street.

5. The new dwelling would be built to reflect the building line of nearby properties. Nevertheless, sited to the side of Rossmere Lodge and in such close proximity its position would not leave a significant gap. Whilst I note the position and proximity of nearby bungalows further down Rossmere Way, these are noticeably smaller and closer together. They do not reflect the more spacious character of the larger properties or area immediately around Rossmere Lodge, so do not create a clear precedent to follow here in respect of spaces between dwellings. Consequently, the proposal would fail to assimilate successfully with the spatial pattern of development in this part of the street.
6. The shape of the appeal site means that the dwelling would be sited close to the front and rear site boundaries and would fill much of the plot depth. This would create an uncomfortable visual relationship with the proposed site boundaries. Behind the indicated low-level rail fencing to the front, the dwelling would appear very prominent and imposing within the streetscene. It would also appear out of character with the properties which have a greater set back from their boundaries from the road in spacious plots. Furthermore, the off-set driveway would appear divorced from the dwelling. Overall design features and suitable materials would do little to mitigate the harm.
7. I have no reason to disagree with the appellant's assessment that the significance of Rossmere Park as a non-designated heritage asset lies primarily in its communal and recreational value. As such in physical terms the significance would be unaffected.
8. The Park is at a lower level than Rossmere way and is mostly enclosed by trees. In certain views the proposal will be read against the existing dwellings. Nevertheless, the areas of space, created by gaps between the trees and residential curtilage of Rossmere Lodge affords openness and space above the pathway in the Park and views out of it. Given the proximity of the development to Rossmere Lodge, and to the rear boundary with the Park this spaciousness would be diminished, and the overall development would appear very noticeable. The above reinforces the proposal's failure to integrate well with the existing character of development in the immediate area.
9. For these reasons, the proposal would result in harm to the character and appearance of the area. The proposed development would therefore conflict with Policy QP4 of the Hartlepool Local Plan 2018 (the Local Plan) which seeks to ensure new development reflects and enhances the distinctive features, character and history of the local area. The proposal would also not accord with paragraphs 126 and 134 of the Framework which requires development to reflect local design characteristics.

#### *Living conditions*

10. Rossmere Lodge has a side sun room and ground floor windows on the side closest to the appeal site. Although the sun room has several windows, the position and proximity of the substantial gable being of tall solid brick construction would present a solid mass of built development. It would be significantly closer than the separation distance suggested by the Council's



adopted Residential Design Guide Supplementary Planning Document 2019 (SPD).

11. The structure within close proximity to the sun room and side garden would be visible from all windows and peripheral views, and even if a fence were erected, the building would be much higher than this. It would therefore feel overbearing and harmful to the outlook of neighbouring occupiers of Rossmere Lodge. Although nearby bungalows are set close to each other, I do not know what type of room their side windows serve. Windows also face pitched roofs rather than gables and are therefore different in character. These examples, do not, therefore, demonstrate that this proposed relationship would be acceptable.
12. In conclusion on this main issue, I find the effects on the living conditions on the occupiers of Rossmere Lodge would not be acceptable. The proposal would therefore not be in compliance with Policy QP4 of the Local Plan which expects new developments to avoid negatively impacting upon the relationship with neighbouring land uses and the amenity of adjoining or nearby properties, including visual intrusion relating to poor outlook. For similar reasons, the proposal would not fulfil paragraph 130 of the Framework which seeks to achieve a high level of amenity. The proposal would also conflict with the SPD.

#### **Other Matters**

13. The Government is seeking to significantly boost the supply of housing. The proposal would deliver a new dwelling at an accessible location, which would be a benefit. The proposal for one net additional dwelling would make only a small contribution to the housing stock. This is also true for associated economic benefits. In this context, I give modest weight to these social and economic benefits.
14. Noting that there were no statutory consultee objections, the proposal would be acceptable in terms of highway safety, ecology, drainage, flood risk, contaminated land and trees. Nevertheless, the absence of harm in these regards are neutral factors in the overall planning balance.

#### **Conclusion**

15. Notwithstanding the benefits, the proposal would cause harm to the character and appearance of the area and living conditions of existing residents. This results in a conflict with the development plan when read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
16. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR