

PLANNING COMMITTEE

AGENDA



Wednesday 14 August 2024

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Feeney, Jorgeson, Little, Martin-Wells, Oliver, Scarborough, Sharp, Thompson, Young and Vacancy

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 17 July 2024

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Neighbourhood Services)*

1. H/2023/0273 Land West of North House, Brenda Road (page 1)
2. H/2022/0217 Land to rear of 47-50 The Front, Seaton Carew (page 55)
3. H/2023/0439 70-71 The Front, Seaton Carew (page 93)
4. H/2024/0137 13 Clifton Avenue (page 109)

5. **ITEMS FOR INFORMATION**

No items

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.

7. **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 11 September 2024



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17 July 2024

The meeting commenced at 5.00 pm in the Civic Centre, Hartlepool.

Present:

Councillor Moss Boddy (In the Chair)

Councillors: Michael Jorgeson, Sue Little, Karen Oliver,
Martin Scarborough, and Mike Young.

Officers: Jim Ferguson, Planning and Development Manager
Zoe Craig, Environmental Health Manager (Environmental
Protection)
Stephanie Bell, Senior Planning Officer
Peter Frost, Highways Infrastructure Manager
Helen Robertson, Legal Advisor
Angela Armstrong, Principal Democratic Services and Legal
Support Officer

12. Apologies for Absence

Apologies for absence were received from Councillors Rob Darby, Tom Feeney, Andrew Martin-Wells and Carole Thompson.

13. Declarations of interest by Members

Councillor Young declared a personal interest as he was an acquaintance of one of the applicants although he was not aware of which application he was involved with.

14. Confirmation of the minutes of the meeting held on 19 June 2024

Confirmed.

15. Planning Application – H/2023/0181 – Land to the East of Electricity Substation, Worset Lane *(Assistant Director, Neighbourhood Services)*

Number: H/2023/0181

Applicant:	FORSA ENERGY GAS HOLDING LTD, LONDON
Agent:	CLIVE FAGG PLANNING, CLIVE FAGG, 9 DAIRY LANE, HOSE
Date received:	19/07/2023
Development:	Construction and operation of a gas powered standby electricity generator and related infrastructure
Location:	LAND TO THE EAST OF ELECTRICITY SUB-STATION WORSET LANE

In response to a point of clarification raised by a Member, the Environmental Health Manager confirmed that there were no objections from an environmental health viewpoint and that any odour produced by this type of site would be minimal if that.

The agent representing the applicant was present at the meeting and addressed the Committee. It was confirmed that this development supported the new Government's requirements for the provision of renewable energy. It would support the flexible operation of the national grid at peak times as well as supporting decarbonisation. Members were informed that grid connections across the UK were rare but this site could be connected as early as 2025 and as it was adjacent disruption will be minimised. Omissions were strictly controlled in line with the requirements of the Environment Agency permit and operating hours would be limited across any one year. The agent highlighted that though it would be visible from the A179 it would be in keeping with the adjacent existing and approved energy developments. In conclusion, the agent stated that the benefits of national need to tackle climate change outweigh any minor impacts that may arise.

A Member questioned the level of engagement with the public and local Parish Council. The agent confirmed that the applicant already operated the adjacent plant and had referred to any comments that had been received on that development. The Member considered this remiss of the applicant and that consultation with the community should take place in future.

In response to questions from a Member, the agent confirmed that operating hours would be limited to a maximum of 2250 in any one year but would operate on an average of 1500 per year. In relation to the visual impact of the site, the agent confirmed that chartered landscapers had been appointed to design a scheme within the confines of the land available.

In general debate it was noted that a preliminary bat survey had been undertaken on the site and there were no bats on site.

The recommendations set out in the report were moved by Councillor Moss Boddy.

In accordance with procedure rules, a recorded vote was taken.

Those for – Councillors Moss Boddy, Michael Jorgeon, Karen Oliver and Martin Scarborough.

Those against – Councillors Sue Little and Mike Young.

Those abstaining – None.

The application was, thereby, approved.

Decision

Minded to – APPROVE subject to a Deed of Variation to the previous Deed of Variation to the section 106 legal agreement (associated with permissions H/2017/0287 & H/2020/0008) to secure an updated layout plan to reflect the current application layout and access, and subject to the following planning conditions:

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans and details:
Dwg. No. FE/017/517 (Site Location Plan, at a scale of 1:5000),
Dwg. No. FE/017/518 (Site Layout),
Dwg. No. FE/017/518 (Site Elevations),
Dwg. No. FE/017/520a (Engine Hall Elevations),
Dwg. No. FE/017/520d (Elevations Welfare Building),
Dwg. No. FE/017/520f (Elevations Security Column),
Dwg. No. FE/017/520g (Elevations Palisade Fence),
Dwg. No. D9825.001 (Landscape Mitigation Plan) received by the Local Planning Authority on 24th May 2023;

Dwg. No. FE/017/520b (Elevations – Transformer Compound),
Dwg. No. FE/017/520c (Elevations – Gas Kiosk) received by the Local Planning Authority on 16th June 2023; and

Dwg. No. AA TPP 02 (Tree Protection Plan) received by the Local Planning Authority on 13th November 2023;

For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of development, a detailed scheme for the provision, long term maintenance and management of all soft landscaping, tree, hedge and shrub planting within the site shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity to the plan Dwg. No. D9825.001 (Landscape Mitigation Plan, received by the Local Planning Authority on 24th May 2023) and shall ensure that the proposed hedge planting along the southern boundary is positioned in front/south of the proposed fencing. 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, and be implemented in accordance with the approved details and programme of works. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion or first use of the development (whichever is sooner) of the development hereby approved. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with the provisions of the NPPF.

4. Notwithstanding the submitted information and prior to the commencement of development, a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed details.

To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

5. Notwithstanding the submitted information, the development hereby approved shall not commence until a detailed scheme for the disposal of surface water from the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on the adjacent landscape in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan (2018).
7. No development shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the BNG Metric (contained within the document entitled Biodiversity Net Gain Design Stage Report prepared by TEP – Warrington, document reference 9825.004, dated September 2022, received by the Local Planning Authority on 19th July 2023). The scheme shall provide a minimum of 1.04 Habitat Units and 0.40 Hedgerow Units of habitat retention, creation and enhancement (as detailed in '5.0 BNG Metric' section of 'Biodiversity Net Gain Design Stage Report', received by the Local Planning Authority on 19/07/2023 or as otherwise updated and agreed as part of the scheme) and include for the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the biodiversity metric 3.1 (The Biodiversity Metric 3.1- Calculation Tool, received by the Local Planning Authority on 19/07/2023).
The scheme shall include:
 - details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
 - the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
 - a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer). Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.To provide biodiversity management and biodiversity net gain in accordance with paragraphs 8, 180 and 186 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).
8. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CTMP shall include:

- a) the routing of all HGVs movements associated with the construction phase;
- b) parking for use during construction;
- c) Details of measures to prevent mud from vehicles leaving the site including on site wheel-washing facilities;
- d) Measures to control the emission of dust and dirt during construction, demolition/remediation and offsite dust/odour monitoring;
- e) Details of any site construction office, compound, and ancillary facility buildings; and
- f) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CTMP during the construction phase of the development hereby approved.

In the interests of the amenities of the area and highway safety.

9. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed scheme for the protection and retention of the retained trees shown on Dwg. No. AA TPP 02 (Tree Protection Plan, received by the Local Planning Authority on 13th November 2023, and as identified in the 'Arboricultural Method Statement & Impacts Assessment' by Apical Arbiculture, dated November 2023, received by the Local Planning Authority on 13th November 2023) shall be implemented on site (and thereafter retained until the completion 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 that are found to be dead, dying, severely damaged or diseased 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 trees and the visual amenity of the area and surrounding area.
10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in;
 - Section 5.0 (Recommendations), of the Ecological Assessment by TEP - Gateshead, document reference 9825.003 dated May 2023 and received by the Local Planning Authority on 24th May 2023. The CEMP (Biodiversity) shall include the following:

- Details of a pre-construction walk-over survey. The surveys shall be undertaken in advance of the commencement of works to confirm the details within the Ecological Assessment,
- A Precautionary Works Method Statement (PWMS) shall be implemented and adhered to during the works to minimise risks to brown hare or hedgehog,

Thereafter the approved CEMP shall be adhered to and implemented throughout the construction period and strictly in accordance with the approved details.

In the interests of avoiding or mitigating ecological harm.

11. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 189 of the National Planning Policy Framework.
12. 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 and finishes. Permeable surfacing shall be employed for hardstanding areas where possible to provide infiltration and additional attenuation storage. Thereafter and following the written approval of the Local Planning Authority, the agreed scheme shall be implemented prior to the development hereby approved being brought into use. In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.
13. Notwithstanding the submitted details and prior to the installation of any boundary fences, details (including finishing colours) and final

positioning of such enclosures (with the requirement for any southern boundary fence to be set behind the proposed hedge/planting as required by condition 3) shall be submitted to and agreed in writing by the Local Planning Authority. The agreed means of enclosure shall be erected prior to the first use or completion (whichever is sooner) of the development hereby approved. No other fences or boundary enclosures shall be erected without the prior approval of the Local Planning Authority.

In the interests of visual amenity.

14. Prior to the installation of any fixed or permanent external lighting to serve the development hereby approved, full details and specification of the method of fixed or external lighting, including siting, angle of alignment, shrouding, light colour, control mechanism, and luminance of external areas of the site, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed lighting shall be implemented in accordance with the agreed scheme.
In the interests of visual amenity and to ensure a satisfactory form of development.
15. Prior to above ground construction of the development hereby approved, final details of the external materials (and finishing colours) to the buildings and structures hereby approved shall be submitted to and approved by the Local Planning Authority, colour treatments and samples (or high quality photographs) of the desired materials being provided for this purpose. The main building 'engine hall' (and associated exhausts) and where appropriate other ancillary buildings and structures hereby approved shall be finished in a dark green colour to match that of the adjacent site (as approved under permission H/2020/0008) unless an alternative similar colour is otherwise agreed in writing with the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the approved scheme shall be implemented and retained in accordance with the agreed details.
In the interests of visual amenity and to ensure a satisfactory form of development.
16. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 8.00 am 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 ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
17. When the land ceases to be used as a gas powered electricity generator or, at the end of the period of 20 years from the date of grid connection (such date to have been given to the Local Planning Authority in writing within one month of grid connection), whichever

shall first occur, the use hereby permitted shall cease and all materials, equipment, buildings, fencing, hardstanding and structures erected, laid or brought onto the land in connection with the use shall be removed and the land restored, in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority prior to the decommissioning works taking place. Such details shall include the time table for decommissioning and restoration. In order to protect the visual amenity and character of the surrounding countryside.

18. The export capacity of the development shall not exceed 49.9MW (AC).
To appropriately control the development.

16. Planning Application – H/2023/0401 – 12 Eldon Grove (Assistant Director, Neighbourhood Services)

Number: H/2023/0401

Applicant: KINGFIELD DEVELOPMENT LTD, SERPENTINE ROAD, HARTLEPOOL

Agent: KINGFIELD DEVELOPMENT LTD, MR M DICKINSON
6 SERPENTINE ROAD, HARTLEPOOL

Date received: 04/12/2023

Development: Erection of a new bungalow with swimming pool annex

Location: 12 ELDON GROVE, HARTLEPOOL

It was noted that three objections had been received and one of the objectors was present and addressed the Committee on behalf of the neighbouring properties on Park Road. The objector commented that there were no concerns around the development of the main dwelling, the concerns were around the swimming pool development due to its height and there were also solar panels to be included on the roof. There was some concern in relation to the party walls affected by the development and clarification was sought on that. A lot of the houses in that area had large gardens with unrestricted views and this development would reach the height of 15 feet. The Planning Officer confirmed that party wall issues were a private legal matter between the neighbours, however a planning condition was proposed requiring the submission and approval of boundary treatments. In general debate, it was clarified that the proposed bungalow was to be built on the footprint of the previous bungalow and was of a similar height.

The recommendations set out in the report were moved by Councillor Moss Boddy.

In accordance with procedure rules, a recorded vote was taken.

Those for – Councillors Moss Boddy, Michael Jorgeson, Sue Little, Karen Oliver and Martin Scarborough.

Those against – Councillor Mike Young.

Those abstaining – None.

The application was, thereby, approved.

Decision

APPROVE, subject to the following conditions:

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 permitted shall be carried out in accordance with the following plans and details: Dwg. No. 200-01 Rev 1 (Site Location Plan – As Existing) received by the Local Planning Authority on 17th November 2023; Dwg. No. 200-03 Rev 2 (Site Block Plan – As Proposed), Dwg. No. 210-03 Rev 2 (South and West Elevations – As Proposed), Dwg. No. 210-02 Rev 3 (North and East Elevations – As Proposed), Section A-A, Dwg. No. 110-03 Rev 2 (Roof Plan – As Proposed), Dwg. No. 110-01 Rev 2 (Ground Floor Plan – As Proposed), Dwg. No. 110-02 Rev 2 (Upper Floor Plan – As Proposed) received by the Local Planning Authority on 12th January 2024; Dwg. No. 200-05 Rev 5 (Site Plan – As Proposed), Dwg. No. 110-01 Rev 3 (Ground Floor Plan – As Proposed), Dwg. No. 210-04 Rev 4 (Street (East) Elevation – As Proposed) and Dwg. No. TLP_TCP_TPP04 (Tree Location, Constraints and Protection Plan) received by the Local Planning Authority on 9th February 2024.
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 brick wall to the front (east) (as required by condition 5). 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).

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 brick boundary wall to the east of the site (as annotated on Dwg. No. 200-05 Rev 5 (Site Plan – As Proposed, received by the Local Planning Authority on 9th February 2024) 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 brick 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 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. 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. TLP_TCP_TPP04 (Tree Location, Constraints and Protection Plan, received by the Local Planning Authority on 9th February 2024), 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.

7. 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. Therefore, 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.
8. 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 Dwg. No. 100-03 Rev 2 (Roof Plan – As Proposed, received by the Local Planning Authority on 12th January 2024) 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.
9. Prior to the commencement of the development above ground level, details of a minimum of 2no. integral universal 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 2no. universal nest bricks shall be installed prior to the occupation or completion of the development (whichever is the sooner). The 2no. universal nest bricks 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.
10. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be

implemented prior to the 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.

11. 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.
12. 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.
13. The 1no. window in the ground floor north facing elevation (serving an open plan kitchen and dining room) (facing 213 Park Road), the glazed door/window in the north facing elevation of the 'link' extension and the 1no. window in the north facing elevation of the annex (facing Nos. 215 and 217 Park Road) as annotated on Dwg. No. 210-02 Rev 3 (North and East Elevations – As Proposed, received by the Local Planning Authority on 12th January 2024), and the 3no. windows in the ground floor south facing elevation (serving a lounge and en-suite bathroom) (facing 14 Eldon Grove) as annotated on Dwg. No. 210-03 Rev 2 (South and West Elevations – As Proposed, received by the Local Planning Authority on 12th January 2024) 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 window exists. The application of translucent film to the window would not satisfy the requirements of this condition.
In the interests of the amenities of the occupants of neighbouring properties.
14. 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.

15. 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.
16. 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 externally 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.
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), 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. 200-05 Rev 5 (Site Plan – As Proposed, received by the Local Planning Authority on 9th February 2024).
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.

17. **Planning Application – H/2024/0087 – 125 Raby Road** (Assistant Director, Neighbourhood Services)

Number:	H/2024/0087
Applicant:	MR BHUPINDER SINGH, RABY ROAD, HARTLEPOOL
Agent:	ASP SERVICE LTD, MR JONATHAN LOUGHREY OFFICE, 206 BOVIS HOIUSE, 7-9 VICTORIA ROAD, HARTLEPOOL
Date received:	26/04/2024
Development:	Change of use from vacant hairdressers (Class E) to Hot Food Takeaway (Sui-Generis) and erection of a single storey rear extension to provide kitchen facilities to the

premises including the installation of an external flue

Location: 125 RABY ROAD, HARTLEPOOL

A Member sought clarification on why Highways had not raised any concerns in relation to this development. The Highways Infrastructure Manager indicated that there were no objections from a highways viewpoint as it was already a substantial shopping parade. In addition to this, the provision of double yellow lines along that stretch of Raby Road ensured parking was very well controlled in that area.

The agent for the application was present and addressed the Committee. Whilst the agent commented that two other take-away units on that stretch of shops had recently closed, the Planning and Development Manager confirmed that they could in theory re-open at any time.

A Member sought clarification on the layout of the inside of the proposed take-away as there appeared to be tables and chairs on the plan. However, the Planning Officer confirmed that the application at Committee today was for a takeaway for hot food. The agent confirmed that there was parking available at the rear of the premises and off Murray Street, however there was no provision for any on-site parking.

The recommendation contained within the report was to refuse the application.

The recommendations set out in the report were moved by Councillor Moss Boddy.

In accordance with procedure rules, a recorded vote was taken.

Those for – Councillors Moss Boddy, Michael Jorgeson, Sue Little, Karen Oliver, Martin Scarborough and Mike Young.

Those against – None.

Those abstaining – None.

The application was, thereby, refused.

Decision

REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development, by reason of the introduction of an additional hot food takeaway use, would result in an unacceptable concentration of hot food takeaway uses in a small Local Centre which would be harmful to the vitality and viability of the Local Centre contrary to Policy RC16 and Policy RC18 of the Hartlepool Local Plan (2018).
2. In the opinion of the Local Planning Authority, the proposed hot food takeaway would be detrimental to the health of residents in an area identified as suffering

higher than average rates of childhood obesity and undermine efforts to promote healthy lifestyles contrary to Policy RC18 (Hot Food Takeaway Policy) of the Hartlepool Local Plan (2018) and paragraph 96(c) of the National Planning Policy Framework (2023).

3. In the opinion of the Local Planning Authority, the proposed shopfront design would constitute an unsympathetic development, resulting in an unacceptable harm to the character and appearance of the host building and surrounding area, contrary to the requirements of Policies QP4 and RC16 of the Hartlepool Local Plan (2018) and Hartlepool Borough Council's Shop Front and Commercial Frontages Design Guide SPD (2014).

18. Update on Enforcement Actions *(Assistant Director, Neighbourhood Services)*

The Assistant Director, Neighbourhood Services provided an update for the Committee with regard to enforcement actions that had been taken by officers. A Member raised a concern in relation to the Staincliffe Hotel at Seaton and the potential for enforcement action due to possible vandalism and arson.

Decision

That the report be noted.

19. Appeal at the Old Mill Trunk Road A19 *(Assistant Director, Neighbourhood Services)* **Appeal at Land Adjacent to Car Park, Wiltshire Way/Grass Verge, Hart Lane** *(Assistant Director, Neighbourhood Services)*

The Assistant Director, Neighbourhood Services reported on the outcome of two planning appeals that had been determined in respect of an application for the erection of a first storey extension and two storey infill extension to the rear at The Old Mill, Trunk Road A19 (H/2023/0069) and an application for the installation of telecommunication equipment including a 20m monopole with 6 no antennas, 3 no remote radio units and 2 no 300mm dishes and the installation of 2 no equipment cabinets adjacent to the proposed pole (P/2023/0014). The appeals were dismissed. A copy of the Inspector's decisions were submitted with the report.

The Planning and Development concluded by informing the Committee that from 10 appeals defended, 9 had been dismissed and this was a very high rate of success for Planning Officers. Members agreed that this was a phenomenal success and passed on their hearty congratulations to the whole Team.

Decision

That the report be noted.

20. Any Other Items which the Chairman Considers are Urgent

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

Minute 21 – Members Training - Planning

21. Members Training - Planning

The Planning and Development Manager informed Members that before each Planning Committee that commenced at 10.00am, it was proposed that there would be a programme of short training sessions to commence at 9.30am. The training would cover matters such as conservation, building control, and other areas that impact on Planning Committee's decision making. Further topics were suggested by Members and included sustainability as well as the impact of the new legislation to be introduced following the King's speech.

Decision

Members supported the proposal that programme of short training sessions take place.

The meeting concluded at 6.05pm

CHAIR

No: 1.
Number: H/2023/0273
Applicant: SAYSER DEVELOPMENTS LIMITED ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Agent: LICHFIELDS ME NEIL WESTWICK THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE NE1 1RF
Date valid: 15/11/2023
Development: Outline planning application with all matters reserved except for access for the demolition of existing buildings and outline planning permission for up to 55no. residential dwellings (use class C3), associated infrastructure and landscaping
Location: LAND WEST OF NORTH HOUSE BRENDA ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 There have been no recent planning permissions on the site itself.

1.3 The most relevant and recent planning applications in the vicinity are considered to be:

1.4 To the north and west:

H/2022/0168 - Hybrid planning application for the erection of a SEN school (in outline, all matters reserved except access), and installation of access road (in detail) – Approved 24/08/2022.

H/2022/0394 - Approval of reserved matters for the erection of a new SEN school building (Class F1) and associated outdoor-sports areas and infrastructure pursuant to the outline element of H/2022/0168 – Approved 18/01/2023

H/2023/0168 - Non material amendment to planning application H/2022/0394 Approval of reserved matters for the erection of a new SEN school building (Class F1) and associated outdoor-sports areas and infrastructure pursuant to the outline element of H/2022/0168) to allow for change to pedestrian crossing – Approved 12/06/2023.

H/2024/0016 - Advertisement consent to display 3no fascia signs and 1no. freestanding sign – Approved 25/03/2024.

H/2024/0128 – Construction of a GenZero Pod to be used as a practical classroom (Use Class F1). Pending consideration.

H/2024/0145 - Section 73 application to vary condition 1 (approved plans) in respect of planning permission H/2023/0442 (in respect of planning permission H/2022/0394 (approval of reserved matters for the erection of a new SEN school building (Class F1) and associated outdoor-sports areas and infrastructure pursuant to the outline element of H/2022/0168) to amend the fencing and horticultural areas to allow for the addition of a Gen Zero Pod classroom (subject to a separate full application). Pending consideration.

1.5 Beyond the highway of Brenda Road to the east

H/2021/0498 – Demolition of all existing buildings and erection of 234no. new dwellings and associated infrastructure and landscaping. Approved 23/02/2022.

H/2023/0296 – Section 73 to vary condition 2 (approved plans), 3 (levels), 4 (SuDS), 6 (contamination), 7 (biodiversity enhancement), 9 (finishing materials), 10 (landscaping), 12 (speed restriction), 13 (segregated right turn), 15 (hard landscaping) and 18 (fences) of residential dwellings of planning application H/2021/0498 (Demolition of all existing buildings and erection of 234no. new dwellings and associated infrastructure and landscaping) for the addition of solar panels to the roofs of 112no. dwellings and the change of house type names. Approved 19/07/2024.

PROPOSAL

1.6 This application seeks outline planning application with all matters reserved (except for access) for up to 55 residential dwellings (use class C3), associated infrastructure and landscaping. The proposals also include the demolition of the existing buildings on site.

1.7 Whilst the final details of the proposal (appearance, scale, layout and landscaping) are reserved, the submitted drawing 'Outline Planning Layout' (submitted for 'illustrative purposes only' as is permitted) shows a vehicular entrance into the site to be taken from an existing junction/access point from Brenda Road. The submitted indicative layout includes a north-south layout with a linear row of east facing dwellings along the western boundary, and two cul-de-sacs on the eastern side of the application site, one north of the main entrance, and one south of the main entrance. The southern part of the indicative layout includes an area of landscaping. An existing access point into the site (towards the southern end) would be removed as part of the proposals (as requested by HBC Traffic and Transport).

1.8 The proposed layout of the development has been amended during the course of consideration. Initially the proposals included wholesale removal of clusters of trees forming the eastern boundary of the application site (adjacent to Brenda Road). Following consultation with the Council's Arboricultural Officer and

Planning Policy team, a Tree Evaluation Method for Preservation Orders (TEMPO) was undertaken and a Tree Preservation Order (TPO) was subsequently created and later confirmed. The applicant duly amended the scheme to address the loss of trees and submitted an amended layout to retain the majority of the trees along with updates to the requisite supporting technical tree information. The proposed scheme was subsequently amended during the course of the application to reduce the maximum quantum of development from 'up to' 60 dwellings to 'up to' 55 dwellings.

1.9 Amended plans were also sought to address some minor concerns raised by the case officer with the proposed (indicative) layout of some of the dwellings. The applicant duly submitted amended plans in this respect.

1.10 The proposals include vehicular access from the adopted highway to the east of the site (with associated visibility splays).

1.11 The application has been referred to be determined in the Planning Committee as it represents a 'departure' from the adopted Hartlepool Local Plan 2018 where the site is allocated for general employment land.

SITE CONTEXT

1.12 The application site comprises approximately 1.6 hectares of brownfield land comprising just over half of the land allocated as employment land under Policy EMP3e (General Employment Land) of the Hartlepool Local Plan Policies Map (2018), which is understood to be just over 3ha (approx.). The application site is located west of Brenda Road, in Hartlepool. It comprises a large linear commercial/industrial steel-portal, otherwise known as North House, which is vacant.

1.13 The application site is bounded by The Gate House, a residential property being located immediately to the southeast corner of the application site. Beyond the highway of Brenda Road to the east is a new residential estate (under construction by Keepmoat with a number of dwellings built and occupied) at a separation distance of approximately 33m to the nearest dwellings from the application site, whilst to the south east (beyond the main highway) are commercial buildings.

1.14 To the north and north west, the application site is bounded by the extant special educational needs (SEN) school development (approved by virtue of H/2023/0442 and to which the main school building is understood to have been erected at the time of writing) with an approved access from Seaton Lane (north) with Golden Flatts Primary School beyond (further to the north). Further residential development is present beyond the new school to the north west at Seaton Meadows (with access taken from Seaton Lane).

1.15 To the west/rear of the application site is bounded by an existing area of land (also within the EMP3e allocation). Beyond this (west) is a large area of natural and semi-natural open space (allocated under Policy NE2(j) of the HLP. This area is known as Golden Flatts. To the south beyond a boundary comprising trees and vegetation are commercial businesses. To the south west, beyond an expanse of landscaping and vegetation, are steelworks comprising Liberty Steel and Tata Steel.

PUBLICITY

1.16 The application has been advertised by way of site notice, press advert and notification letters to 34 individual neighbouring properties. A full 21 day re-consultation was undertaken following receipt of amended plans to retain the formally protected trees (via the Tree Preservation Order, TPO) on the eastern boundary and reduce the overall maximum number of dwellings to up to 55 dwellings (from up to 60 dwellings).

1.17 The application was again amended at the request of the case officer to revise the (indicative only) layout of the dwellings. It was not considered necessary to undertake a re-consultation in this respect given the nature of the changes.

1.18 To date, there has been one response, offering no objections to the proposals.

1.19 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158896>

1.20 The period for publicity has expired.

CONSULTATIONS

1.21 The following consultation replies have been received:

HBC Arboricultural Officer: The proposed site on Brenda Road is currently effectively screened by trees along the edge of Brenda Road. The proposed scheme has been designed without the constraint of the trees taken into account with suitable trees removed for no reason other than the desire for development. The submitted Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement from Elliot Consultancy Ltd dated September 2023 provides a good level of information but is contradictory in a highly important area of consideration. Within the report, 3.2.2, it talks about Category 'B' trees that are those of "moderate quality and value, and of a condition that they could make a substantial contribution to the site. Category B trees should be retained wherever possible and offered adequate consideration during the design phase and physical protection during the construction phase in accordance with BS 5837:2012".

Further on in the report, 4.2, it describes how 10 of the 14 proposed removals are category 'B' but are then described as low quality. This statement contradicts the description of a 'B' Category tree from within the report and BS 5837:2012. The trees provide an effective screen from Brenda road and the removal of these trees does not align with best practice, the NPPF and the Hartlepool Local Plan Policies QP6 and NE1. The scheme should be designed around the trees as an existing constraint and not just removing the trees because they do not suit the development.

A Tree Evaluation Method for Preservation Orders (TEMPO) was carried out for the various trees to check viability for a Tree Preservation Order (TPO). The trees scored 19 on the TEMPO evaluation which equates to “definitely merits TPO”.

Part 1: Amenity assessment

a) Condition and suitability for TPO Score of 3 due to the trees being ‘B’ category as supported by the submitted Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement from Elliot Consultancy Ltd dated September 2023.

b) Retention span (in years) and suitability for TPO Score of 4 due to the trees having an estimated life expectancy of 40 years + as supported by the submitted Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement from Elliot Consultancy Ltd dated September 2023.

c) Relative public visibility and suitability for TPO Score of 4 as the trees are medium in size and clearly visible to the public.

d) Other factors - Score of 3 as the trees provide common bird habitat and foraging habitat for bats as supported by the submitted Ecological Impact Assessment & Bat Survey from E3 Ecology Ltd dated July 2023.

Part 2: Expediency assessment

Score of 5 as there is an immediate threat of removal from the proposed outline planning application H/2023/0273.

Part 3: Decision guide

Trees are given a total score of 19 which means that they definitely merit a TPO.

Following consultation with the Planning Policy Team Leader and Planning Team Leader (DC) an instruction to Legal was sent to protect the ‘B’ Category trees on site. TPO 268 now protects 26 trees on Brenda Road. The scheme should be amended so that the protected trees root protection areas are kept free from development and disruption. A new suite of Arboricultural documentation would also be required to reflect any amendments.

Update 27/03/2024 following amended AIA:

Following the creation of TPO 268 which protects all moderate ‘B’ Category trees on the site from development the site has been redesigned to accommodate the TPO and retain these trees. There is still a loss of trees on the site as shown within the submitted Arboricultural Survey/ Impact Assessment by Elliott Consultancy Ltd Dated Jan 2024. 5 Trees, 2 groups and 1 part group would have to be removed to facilitate the development but all the trees are category ‘C’ or below and would be deemed acceptable and should be mitigated through replacement planting as part of any reserved matters application. Within the report it states that T15 and T16 would require pruning to provide a 2m working zone by reducing the crown of the trees by 0.5m. This would be acceptable and should be conditioned as to remove the

requirement for a separate application. Further works would necessitate a tree works application to be submitted or through an amended Arboricultural Method Statement as part of a Reserved matters application where it can be assessed and determined.

Update 14/05/2024 following discussions regarding shadowing/desire of occupants to remove the existing trees:

I wouldn't consider shadowing to be an issue with this one, the majority of the trees are on average 8 meters tall with the tallest being 10 meters. The occupants may lose a bit of sun in the mornings with the trees being to the east but this wouldn't be excessive.

HBC Economic Development: We have reviewed the application details and from an Economic Growth perspective we would not support the proposal for housing development at this location.

The proposed use does not fall within the use classes identified for the site of Eg, B2 or B8 nor is it deemed to be a use that is complementary to the dominant use of the area, and therefore the proposals would be a departure from policy EMP3 of the Local Plan. Furthermore the proposal would reduce the amount of land available for Eg, B1 and B8 uses that are generally limited to where they can locate within the Borough.

Although the site in its current format is not commercially viable and the buildings are not in a fit state for occupation consideration should be given to development for industrial units and workspace rather than housing. The stock of available industrial and business units both in Hartlepool and the wider Tees Valley is identified as being in short demand and not meeting the requirements for local businesses looking to set up, expand and relocate in the area.

Update 11/04/2024 in response to the rebuttal/comments from applicant:

Whilst the stats for employment land show the availability and take up of employment land as being a true reflection I would still propose the argument of the proposed use for industrial use as still being viable on the site given its prominent location on Brenda Road and next to the Tata pipe mill. To date, in my knowledge, there has been no consideration for developing the site for industrial use nor any evidence suggesting that this type of development would not be viable for this site.

I would therefore still stand by my original response and it will be up to the case officer to balance the loss of employment land against the wider benefits of the development in making a decision.

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

Whilst this is true; Public footpath No.5, Seaton Parish, runs close to and parallel to the southern boundary of the proposed site. I would like to see any s106 Green

Infrastructure contributions, should the application be approved, used to improve the footpath

HBC Ecology: The site is currently a warehouse or factory type building within an area of hard standing.

I have assessed the submitted Ecology documents to ensure that wildlife legislation, national planning guidance and local planning guidance is satisfied. The NPPF (December 2023) paragraph 180 d), includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain is appropriate to the scale of the development and should be conditioned.

Ecological Impact Assessment (EclA) and Bat Assessment report, prepared by E3 Ecology Ltd (dated 12/02/2024).

I support the survey findings and assessments. The Impact Assessment and Recommendations section (section E; EclA) gives details of adverse impacts on ecological features (receptors) and suggests mitigation. Some of the recommended mitigation is to be designed at reserved matters (rather than outline) stage. Habitat change is dealt with in the Biodiversity Net Gain section below.

Species are dealt with in the EclA.

Amphibians

The following should be conditioned to safeguard amphibians.

General wildlife

The following should be conditioned to safeguard wildlife.

Bats

Enough bat survey effort has been undertaken to cover the demolition of the buildings. I am satisfied that once planning approval has been granted this loss can be dealt with by the applicant's Ecological consultancy, via a European Protected Species (EPS) bat mitigation licence – known as a CL21 low impact bat licence – issued by Natural England (NE). While the licence is issued to the applicant, a qualified and registered bat Ecologist must be named on the application, who must ensure lawful delivery and reporting back to NE.

Normally the applicant's bat Ecologist will submit the application to NE. At this point the bat issue becomes a legal rather than a planning consideration. The requirement for a bat licence should be an informative on the planning approval.

The following should be conditioned to safeguard bats.

Birds

The following should be conditioned to safeguard birds.

Each of the 55 buildings should include 1 no integral 'universal' nest brick located in south or east facing walls (where possible) and at a minimum height of 3m above ground level.

This will satisfy NPPF (December 2023) paragraph 180 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This net gain is appropriate to the scale of the development and should be conditioned.

See: <https://drive.google.com/file/d/1ljcJ7rIkNMrr4lxd41XcBU3YC6IFKM6z/view>

See: https://www.swift-conservation.org/swift_bricks.htm

The following measure should be an informative on the planning approval (as it is a legal rather than a planning issue).

The EclA report states:

A breeding bird risk assessment survey of the building in June 2023 recorded approximately 10-15 nesting pairs of herring gulls on the roof, with the majority of nests considered to be on the eastern portion of section 3. Two lesser black-backed gulls were also observed flying above the building and are considered to also likely nest on the roof. Overall, the building is considered to be of up to county value for nesting herring gulls and lesser black-backed gulls.

Both herring and lesser black-backed gulls are Birds of Conservation Concern (red-listing for herring gull and amber listing for lesser black-backed gull) species. As a red-listed species, herring gull is a NERC Act section 31 Priority Species and is a material requirement within the Hartlepool planning system. This breeding population will be lost because of the proposed development. Off-site compensation will need to be secured to the 'value' of 15 pairs of gulls. It is not pragmatic to provide like-for-like compensation in this instance, particularly as the availability of flat roof nest site, gull nesting opportunities, are unlikely to be a limiting factor to gull breeding populations in Hartlepool borough (and the wider Tees Valley area) due to the large number of warehouses and similar buildings. The HBC Ecology Service would accept a financial contribution to be used on a scheme which supports Priority Habitats and/or Species within the borough or, if appropriate to UK nature conservation goals, a neighbouring borough.

An appropriate financial contribution should be secured via a section 106 agreement.

Other issues

The recommended measures for trees and regarding soft landscaping should be conditioned via the appropriate Arboricultural Impact Assessment report and Soft Landscaping plan (at outline or reserved matters stage as appropriate). The EclA report recommends:

Soft landscaping proposals to include areas of wildflower grassland, wildflower bulb planting, wetland and scrub/hedgerow/shrub mosaic planting. Landscape planting to mostly include native species.

A plan showing how the site boundary will be securely fenced to protect offsite habitats (including the watercourse) from construction should be conditioned. A method statement to address invasive cotoneaster plants should be conditioned.

Biodiversity Net Gain

This is a major application which will have an impact upon existing habitats (especially 'Species-poor semi-improved grassland') and with opportunities for delivering biodiversity enhancements. A Statutory Biodiversity Metric Excel spreadsheet has been prepared to measure biodiversity change between baseline and post-development scenarios, as measured in Habitat Units. This is supported by an explanatory Biodiversity Net Gain Assessment Report (dated 12/02/2024). I support the findings.

The baseline biodiversity is 1.69 Habitat Units (HU) and 0.28 Hedgerow Units (HgU). The post-development biodiversity is planned to be 2.01 HU and 0.79 HgU. The on-site net change is planned to be 0.32 HU and 0.52 HgU. This will be a 19.23% gain in HU and a 185.46% gain in HgU. The biodiversity gain is to be achieved by habitat creation (section C.1.2.3 in the report) and includes:

- 0.423 Ha of vegetated gardens.
- Ha of 'other neutral grassland' created.
- 0.03 Ha of 'mixed scrub' created.
- 0.0205 Ha of 'urban tree planting' (5 No trees).
- 0.08 km length of species-rich native hedgerow planted.

The biodiversity gain must be secured and there must be a condition for a Biodiversity Gain Plan.

The report recommends that this includes:

Habitats Regulations Assessment (HRA)

An HRA stage 1 (screening) and stage 2 (Appropriate Assessment) has been undertaken and is submitted separately. A financial contribution of £13,750 is required to mitigate for increased recreational disturbance. There is no Nutrient Neutrality impact as the Seaton Carew waste water treatment works is to be used. Natural England must be consulted on the HRA AA.

HRA Summary

- The project has been HRA assessed and is compliant with the legislation.
- The HRA Appropriate Assessment must be approved by Natural England.

Likely Significant Effect triggering Habitats Regulations Assessment

A Habitats Regulation Assessment (HRA) is required for the Likely Significant Effect (LSE) of Nutrient Neutrality and Increased Recreational Disturbance. The HRA is provided below.

Habitats Regulations Assessment stage 1 screening

The submitted Nutrient Neutrality Statement prepared by Lichfields is dated 15/09/2023. The Nutrient Neutrality Statement states that the Seaton Carew WwTW will be used. The Application form gives the proposed site area is 1.51 Ha and states

that the Mains sewer will be used. Lichfields has written confirmation from Northumbrian Water that foul water generated at the application site discharges via Seaton Carew Sewage Treatment Works and finally via a long-sea outfall at Seaton Carew.

A letter from Natural England (dated 06/07/2022) to HBC confirms that if Seaton Carew or Billingham WwTW are used then the project is screened out at HRA stage 1 (regardless of a positive score in the nutrient budget calculator). See: https://www.hartlepool.gov.uk/downloads/file/8193/seaton_carew_waste_water_treatment_works_letter

Recreational disturbance

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

European Sites and issues requiring Appropriate Assessment

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

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

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

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

Background

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan (adopted May 2018) identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Since the publication of the Hartlepool Local Plan, the Local Planning Authorities (LPA) in the Tees catchment commissioned a joint study which examined the relationship between population growth and the provision of new homes. The report (dated April 2023) concludes that the nationally derived occupancy figure of 2.4 people per dwelling does not reflect local conditions, mainly due to population movement wholly within the Tees catchment area. It advises that a 5-year average of dwelling delivery (based on trends in the last twenty years) provides a reasonable, local, upper estimate. The report states that this is an occupancy figure of 0.56 people per dwelling. Natural England guidance allows for robustly evidenced locally derived figures to be used.

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

All major, non-allocated housing developments, and all small-scale housing developments (nine or fewer dwellings) [windfall sites] are not covered by the Hartlepool Local Plan HRA/Hartlepool Coastal Mitigation Scheme and (due to the People Over Wind Ruling) must be Appropriately Assessed in their own right. Provision to mitigate small-scale housing developments is built into the Hartlepool Coastal Mitigation Scheme and this can be referenced in the individual HRA Appropriate Assessments for windfall sites.

The Hartlepool Coastal Mitigation Scheme was designed so that additional housing development in the form of 'windfall sites' (i.e. not assessed by the Hartlepool Local Plan) could use the same funding formula to provide a financial contribution to the Scheme to meet its HRA AA mitigation requirements. This option requires assessment to ensure that the Scheme remains robust.

Measures to avoid and mitigate Adverse Effects on Integrity
To mitigate potential adverse impacts, this project will provide a financial contribution in line with the Hartlepool Coastal Mitigation Scheme.

The proposed site is 1.9km from the T&CC SPA and Ramsar.

The financial contribution required to mitigate 55 new dwellings is:

Distance = £100/dwelling

No SANGS provision = £150/dwelling

Total = £250/dwelling

For 55 dwellings this is £13,750.

Conclusion

Increased recreational disturbance is mitigated by the financial contribution of £13,750 to be spent on the Hartlepool Coastal Mitigation Scheme, so there will be no Adverse Effect on Integrity of any European Site. This sum should be secured by the local planning authority.

Hartlepool Borough Council Local Planning Authority can lawfully permit this development.

Natural England must be consulted on the HRA Appropriate Assessment.

Natural England: I have reviewed the HRA again and can confirm my agreement with the conclusions. Natural England has no objections to this proposal, providing that all mitigation measures set out in the HRA are secured by planning condition.

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

In respect of contaminated land the preliminary geo-environmental investigation submitted with the application finds a high risk due to contamination and recommends further and intrusive investigation on the site. As such please include our standard residential contaminated land condition on any permission issued for proposals.

In respect of surface water management please include the planning condition shown below on any permission issued for proposals:

Notwithstanding the submitted information, no development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

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

HBC Heritage and Open Spaces: No comments received.

HBC Landscape Architect: While there are no landscape and visual issues with the proposed outline development, it should be ensure that the existing roadside tree planting is retained (subject to AIA and Arb. Officer comments) and integrated into any proposed layout.

Update 29/02/2024 following receipt of amended scheme and AIA:

Defer to Arb Officer with regards to the AIA.

HBC Public Protection:

1. I have no objections to the outline application.

2. Comments and background

The initial noise risk assessment report from Apex acoustics accompanying this outline application identifies the site as a Medium - High noise risk is identified for the worst affected areas of the site due to road traffic noise with significant adverse impact calculated during the daytime and night-time periods due to commercial/industrial noise at the worst affected areas of the site. The applicant should be aware that some nearby industrial premises also have the potential to operate 24 hours a day with activities that cause a significant amount of noise. Therefore, an acoustic design process is required to demonstrate how the risk of significant adverse impacts can be avoided, and adverse impacts mitigated and minimised in the finished development.

Potential measures to reduce external noise levels impacting on the building façades or on external amenity spaces would need to be incorporated into any final proposals. The specification for noise mitigation will be dependent on the final detailed site and building layouts. Therefore, further assessment will be required following Outline Approval subject to Local Planning Authority requirements.

3. Suggested Planning Conditions

- The working hours for all construction and demolition activities on this site are limited to between 08:00 and 18:00 Mondays to Fridays and 09:00 to 13:00 Saturdays and not at all on a Sunday or Public Holidays.
- Deliveries and collections at the site shall be kept between these hours as well during demolition and construction.
- Prior to any development, a detailed acoustic report shall be submitted to and approved by the Local Planning Authority. The detailed acoustic report shall be carried out by a competent person, and shall detail the existing noise climate at the development site taking into consideration noise from nearby industrial and commercial units that can operate 24 hours a day and also road traffic.

The aim of the report will be to establish what sound attenuation measures are required to protect future residents from the transferral of sound from industrial/commercial premises and from road traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded, a noise reduction/insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 55dB LAeq 16hr in outdoor living areas
 - 40dB LAeq 16hr in all rooms during the day-time (0700 - 2300)
 - 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700).
- and 45 dB LAmax in bedrooms during the night-time
(Change according to guidance / standards used)

The approved scheme shall be permanently retained whilst the permitted use continues.

4. Informative (advice to applicant re any other requirements such as licensing)

- No open burning on site at all
- There should be adequate dust suppression facilities on site.
- I would require the provision of a wheel washing facility to the entrance/exit of the site.

Update 17/04/2024 following query from case officer regarding neighbouring businesses:

Having looked over this again I have nothing further to add from my original comments and ask that they are still added. I wouldn't have thought the nearby commercial units should be impacted by this.

There is potential for Tata and Liberty steel to have concerns about this development as they have raised about the proposed residential development at Queens Meadow, although the acoustic report submitted does address noise from these businesses and the mitigation required.

Update 31/07/2024 following further discussion with case officer:

Yes the noise mitigation measures proposed are acceptable.
No comments on the Air Quality assessment all fine.

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

The proposed development traffic can be accommodated on the existing highway network.

Appropriate amendments to the existing road markings are required at the proposed access point at the developers expense.

The 30 mph speed limit should be extended past the development access to encompass the 43 metre sight line at the developers expense.

The developer should fund the installation of low floor bus kerbs at the 2 locations in the vicinity of the site.

The old access should be reinstated as footway / verge at the developers expense.

A construction management plan is required detailing how the transfer of mud onto the highway will be managed / minimised, staff parking details, HGV routes.

Update 30/07/2024 following discussions:

We would be ok if the required works [to the highway] were carried out under section 171 of the Highways Act 1980 rather than a section 278 agreement.

I can confirm that the access proposals for the application would have no implications for INF 2 and at present there are no plans to widen Brenda Road.

Tees Archaeology: The site has been previously developed, and we have no archaeological concerns for the proposed development.

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 18 tonnes. This is greater than the specified weight in AD B Vol 1 Section B5 Table 13.1. Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in *AD B Vol 1 Section B5 Table 13.1.

Recommendations

Cleveland Fire Brigade is fully committed to the installation of Automatic Fire Suppression Systems (AFSS) in all premises where their inclusion will support fire safety, we therefore recommend that as part of the submission the client consider the installation of sprinklers or a suitable alternative AFS system.

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

Cleveland Police: I would like the developer to consider the layout of the estate in order to maximise surveillance.

I can identify the properties that I have concerns about, however, I don't, in this case, have any plot numbers to work from.

The Design & Access Statement mentions Secured by Design at '06 Conclusion' with all routes overlooked with good level of natural surveillance'. I look forward to working with the applicant to achieve Secured by Design status for this development.

I have included the link to the guidance document here -

https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf

NHS North East & North Cumbria ICB: I am writing in response to the above planning application currently being evaluated by you. Please see below for the required contribution to healthcare should the scheme be approved. Local surgeries are part of ICB wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured.

Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation.

We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement.

This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved.

Item	Response
LA Planning References	H/2023/0273
GP Practices affected	Seaton Surgery
Local intelligence	This practice falls within the Hartlepool Medical Group Primary Care Network which are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients
Number of Houses proposed	55
Housing impact calculation	2.3
Patient Impact (increase)	126
Maxima Multiplier	0.07
Additional m ² required (increase in list x Maxima Multiplier)	8.855 m ²
Total Proposed Contribution £ (Additional m ² x £3kpm ² , based on NHSPS build cost)	£26,565

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 handing equipment.

Please see our 'Developer Guidance Waste and Recycling for new properties' document which can be found at www.hartlepool.gov.uk/usingyourbins for further information.

Northumbrian Water: I can confirm that we are the statutory undertaker for wastewater services in this location, not Yorkshire Water as referred to in the Flood Risk and Drainage Strategy. At this time the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How to Satisfy the Condition

The applicant should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010.

Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx>

The applicant should then submit a drainage strategy reflecting our recommendations for consideration as part of the planning application.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

For Information Only

Please note that the site lies within drainage area 11-D28. This drainage area discharges to Seaton Carew Sewerage Treatment Works, which is named on the Nutrient Neutrality Budget Calculator.

HBC Building Control: A Building Regulation application will be required for 'erection of 55 dwellings at Brenda Road'.

Environment Agency: We have reviewed the submitted information and have no objection to the application as submitted. We note that the proposed dwellings are located within Flood Zone 1 and those adjacent to Flood Zone 2 will have raised finished floor levels.

In the absence of detailed modelling, the minimum level we would require to take account of climate change with an additional freeboard is 600mm, which has been recommended in the provided Flood Risk Assessment (July 2023).

Northern Power Grid: No representation, plan attached.

Northern Gas Networks: We do not object to your planning application. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance.

HBC Parks and Countryside: No comments received.

HBC Estates: No comments received.

Civic Society: No comments received.

HBC Public Health: No comments received.

HBC Housing Management: No comments received.

HBC Education: No comments received.

Anglian Water: No comments received.

Health and Safety Executive (planning advice web app): Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

PLANNING POLICY

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

Hartlepool Local Plan

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

CC1: Minimising and adapting to climate change
 CC2: Reducing and Mitigating Flood Risk
 CC3: Renewable and Low Carbon Energy Generation
 EMP3: General Employment Land
 HSG1: New Housing Provision
 HSG1A: Ensuring a Sufficient Supply of Housing Land
 HSG2: Overall Housing Mix
 HSG9: Affordable Housing
 INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 LS1: Locational Strategy
 NE1: Natural Environment
 NE2: Green Infrastructure
 NE7: Landscaping Along Main Transport Corridors
 QP1: Planning Obligations
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

Tees Valley Minerals DPD

1.24 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments. The following policies in the TVMW are relevant to this application:

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2023)

1.25 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA047: Determining applications
 PARA055: Planning conditions and obligations
 PARA057: Planning conditions and obligations
 PARA058: Enforcement
 PARA060: Delivering a sufficient supply of homes
 PARA064: Delivering a sufficient supply of homes (affordable homes)
 PARA081: Maintaining supply and delivery
 PARA092: Ensuring the vitality of town centres
 PARA098: Promoting healthy and safe communities
 PARA104: Open space and recreation
 PARA123: Making effective use of land
 PARA124: Making effective use of land
 PARA126: Making effective use of land
 PARA130: Achieving appropriate densities. Applying paragraphs 129a and b
 PARA152: Meeting the challenge of climate change, flooding and coastal change
 PARA154: Proposals affecting the Green Belt
 PARA157: Meeting the challenge of climate change, flooding and coastal change

HBC Planning Policy comments:

Principle of development

1.26 The site subject to this application is located on allocated employment land under Local Plan Policy *EMP3e: General Employment Land*.

1.27 From an economic development perspective, although the site in its current format is not commercially viable and the buildings are not in a fit state for occupation, consideration should be given to development for employment uses. The Employment Land Review (ELR) 2014 identifies a surplus of employment land within the borough however the ELR also acknowledges the need for protecting smaller sites along the Brenda Road corridor of the Southern Business Zone for small business development opportunities.

1.28 Comments from the Economic Development Team are noted.

1.29 Para 81 of the NPPF advocates that planning proposals should create conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Para 124 of the NPPF also encourages the efficient use of land through supporting development of under-utilised land and buildings which would meet development needs.

1.30 The proposed use does not fall within any of the allocated use classes identified for the site. Therefore, this proposal would be a departure from policy *EMP3* of the Local Plan. Furthermore the proposal would reduce the amount of land available for B1 and B8 uses.

1.31 The decision maker must therefore be satisfied that the proposal would meet the requirements of sustainable development and comply with other relevant Planning Policies.

Neighbouring uses

1.32 To the south, the site is adjacent to an allocated area for Specialist Industries in the borough (Policy *EMP4d*) for the development of potentially polluting and hazardous industries /steel manufacturing. Consideration should therefore be given to the implications of the proposed residential development on any future industrial developments from the neighbouring South Works Industrial area in accordance with Policy QP4.9 which states that '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.'

1.33 Neighbouring uses to the north, west and south west of the site are safeguarded for green infrastructure (GI) and planning policy would seek to improve GI networks in the area in accordance with policy *NE2*.

Climate change / energy supply and consumption

1.34 Local Plan policy CC1 *Minimising and adapting to climate change* requires that for major developments, 10% of the energy supply should be from decentralised and renewable or low carbon sources. Where it can be demonstrated that this is not feasible, the provision of the equivalent energy saving should be made by improving the building fabric or a combination of energy provision and energy saving measures that equates to the equivalent of 10%.

Layout and design of the development

1.35 Notwithstanding the principle of development, the following comments are provided in relation to the proposal's layout and design.

1.36 Although the proposal is outline with all matters reserved except access, the layout proposed in drawing 1733-TOP rev J indicates that to deliver 60 units on site there would be an over dominance of front of plot parking on site. The Residential Design Guide and Building for a Healthy Life state the car parking should be well integrated into the street, not overly dominant or visually intrusive.

Planning Obligations

1.37 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy

QP1 Planning Obligations and the Planning Obligations SPD, the following developer contributions will be required based on the current submission.

Planning obligations list

- Affordable housing; 11 dwellings (18% onsite)
- Primary education contribution; £177,439.50
 Primary school Calculations:
 - places per 100 dwellings (0.215 places per dwelling)
 - 60 dwellings are likely to generate 12.9 primary school places (60×0.215)
 - The cost of providing a primary school place is £13,755 and thus the contribution from this development would be $12.9 \times £13,755$ which equates to £177,439.50
- Secondary education contribution £115,918.44
 Secondary school calculations
 - 13.7 secondary school pupils per 100 dwellings (0.137 places per dwelling)
 - 60 dwellings are likely to generate 8.22 secondary school places (60×0.137)
 - The cost of providing a secondary school place is £14,102 and thus the contribution from this development would be $8.22 \times £14,102.00$ which equates to £115,918.44
- Green infrastructure £15,000 at £250 per dwelling
- Playing Pitches £13,997.40 at £233.29 per dwelling
- Play £15,000 at £250/dwelling
- Built sports facilities £15,000 at £250 per dwelling
- Tennis courts £3,421.20 at £57.02 per dwelling
- Bowling greens £298.20 at £4.97 per dwelling

Highway infrastructure

1.38 The Planning Obligations SPD requires that the contributions towards highway infrastructure should be determined on a case-by-case basis. The Traffic and Transport Team are to advise on the need for any highway contributions.

Update/additional comments received 30/07/2024:

1.39 Planning Policy note that the proposal would not take up the whole of the EMP3 allocation in this location, it appears that just over half of the allocation is within the red line boundary. However it is prudent to note that given the indicative layout it is likely that if this application is approved it would be difficult to obtain access to the remainder of the EMP allocation and thus highly likely that this proposal will prevent future employment uses coming forward.

PLANNING CONSIDERATIONS

1.40 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning

balance, energy efficiency and renewable energy), design and impact on the visual amenity, trees and landscaping, highway safety and parking, residential amenity, ecology (including biodiversity compensation and mitigation measures, biodiversity enhancement, and habitat regulation assessments including recreational impact on designated sites and nutrient neutrality), flood risk and drainage, and contamination. These and any other planning matters (including archaeology, public rights of way, and crime and anti-social behaviour) and residual matters are considered in the sections below.

PRINCIPLE OF DEVELOPMENT

1.41 The application site comprises a vacant brownfield site designated under Policy EMP3e (General Employment Land) of the Hartlepool Local Plan (HLP, 2018) and illustrated on the Hartlepool Local Plan Policies Map (2018). As noted above, the application site takes up just over half of the parcel of land within this allocation, at approximately 1.6 hectares.

1.42 Policy EMP3 of the Hartlepool Local Plan identifies areas of the Borough which are committed to industrial areas for general employment uses, such as Use Class B1 (now contained within Use Class E) and Use Class B8. Other Use Classes such as Use Class B2 for general industrial development, may be considered appropriate where they will not have a detrimental effect on the amenities of occupiers of adjoining or nearby properties.

1.43 Para 81 of the NPPF advocates that planning proposals should create conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

1.44 As noted above, the application site comprises a vacant building, in its current format the site is understood to not be commercially viable and the buildings are not in a fit state for occupation. Nevertheless, the application site is considered suitable for development for employment uses. The Council's Planning Policy team have confirmed that it is prudent to note that given the indicative layout it is likely that if this application is approved it would be difficult to obtain access to the remainder of the employment allocation and therefore it is highly likely that this proposal will prevent future employment uses coming forward on the remaining area of allocation.

1.45 Notwithstanding this, the Employment Land Review (ELR) 2014 identifies a surplus of employment land within the borough, the ELR does acknowledge the need for protecting smaller sites along the Brenda Road corridor of the Southern Business Zone for small business development opportunities.

1.46 The Council's Economic Development team have been consulted on the proposals and have commented that whilst the application site is vacant and the take up for employment land is lower than the availability, industrial use would still be viable on the site and the preferred option. It has not been demonstrated that developing the site for industrial use would not be viable for this site.

1.47 The proposed use for residential development (C3 Use Class) does not fall within any of the allocated use classes identified for the site. Furthermore the proposal would reduce the amount of land available for B1 (now Use Class E) and B8 uses. Given the location of the proposal, the Council's Planning Policy team consider that the proposed residential development would be contrary to the provisions of Policy EMP3 and paragraph 81 of the NPPF (2023). Therefore, this proposal would be a departure from policy EMP3 of the HLP.

1.48 The pre-amble to Policy EMP3 in the Hartlepool Local Plan (2018) states that where there is no reasonable prospect of a site being used for the allocated employment use, it may be appropriate to consider alternative uses, with such applications being treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

1.49 Policy LS1 of the Hartlepool Local Plan (2018) supports sustainable development based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements, whilst Policy SUS1 of the Hartlepool Local Plan (2018) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

1.50 Paragraph 60 of the NPPF (2023) seeks to support the Government's objective of significantly boosting the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed.

1.51 Paragraphs 124 and 125 of the NPPF (2023) seek to promote making effective use of using suitable brownfield land or under-utilised land and buildings for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land, by taking a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable brownfield sites. Paragraph 126 of the NPPF (2023) requires planning policies and decisions to reflect changes in the demand for land, and that where it is considered that there is no reasonable prospect of an application coming forward for the allocated use, it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs, and, in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

1.52 The application is accompanied by a Demand and Viability Report, which concludes that the site has been advertised to let since 2016 with limited interest and it is evident that in its current form, the property does not meet the requirements of prospective tenants and as such would likely require comprehensive refurbishment works. In their supporting Planning Statement, the applicant indicated that "the site has been actively marketed since 2016 with no commercial lettings achieved and feedback being in relation to the poor building access and configuration, as well as the dilapidated condition of the building." The Planning Statement states that it is not economically viable to repair and refurbish the building. The Planning Statement also states that "in the context of the site's current location and condition, the marketing

and viability information as well as current employment land availability within Hartlepool it is possible to demonstrate that it is no longer appropriate to retain the site for employment use. Specifically, it can be demonstrated that the site is no longer commercially viable and that there are substantial environmental benefits of redeveloping the site, which will result in substantial enhancement of the area and benefit neighbouring uses with regards to residential amenity.”

1.53 The application site is located within vicinity of existing and recent approved residential development schemes to the north west (H/2023/0297) and north east (beyond the main highway of Brenda Road, H/2023/0296).

1.54 It is further acknowledged that the proposal is adjacent to an extant permission for a new school to the north west and north (by virtue of H/2023/0442) that is currently under construction (the main school building is understood to have been built).

1.55 The application site is considered to be within relatively close proximity to shops and services and public transport links and therefore deemed in a locational sense to be sustainable. It is therefore considered that the site is a suitable sustainable location in line with the aspirations of the NPPF (2023) as a whole.

1.56 It is acknowledged that the material benefits of the redevelopment of the existing disused site for residential development would include a boost to the housing supply, and jobs in the construction industry, which would make an important contribution to the regeneration, attractiveness and vitality of this area of the Borough.

1.57 Whilst the application is in outline form and as such full details are not provided, it is considered likely that the reserved matters could come forward to demonstrate an opportunity for a mix of dwelling types.

Viability & Planning Obligations

1.58 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies QP1 (Planning Obligations) and HSG9 (Affordable Housing) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD (2015), the Council’s Planning Policy section has confirmed that given the size of the proposed residential development, based on a maximum development of up to 55 dwellings, and in the interest of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- Affordable Housing: 18% of the total number of dwellings on site of mixed tenure to be agreed (this would equate to 11 dwellings based on 55 dwellings)
- Primary Education: Primary school places at £13,755 a place (total of £162,652.88 based upon 55 dwellings being likely to generate 11.825 places)
- Secondary Education: Secondary school places at £14,102 a place (total of £106,258.57 based upon the 55 dwellings being likely to generate 7.535 places)

- Green Infrastructure: £250 per dwelling (this would equate to £13,750 based on 55 dwellings)
- Built sports facilities: £250 per dwelling (this would equate to £13,750 based on 55 dwellings)
- Play facilities: £250 per dwelling (this would equate to £13,750 based on 55 dwellings)
- Playing pitches: £233.29 per dwelling (this would equate to 12,830.95 based on 55 dwellings)
- Tennis courts: £57.02 per dwelling (this would equate to £3,136.10 based on 55 dwellings)
- Bowling greens: £4.97 per dwelling (this would equate to £273.35 based on 55 dwellings)

1.59 The NHS ICB North East and North Cumbria have advised that a financial contribution of £483 per dwelling (which would equate to £26,565 based on 55 dwellings) is required to deliver services resulting from extra capacity at Seaton Surgery within the Primary Care Network.

1.60 The HBC Ecologist has considered the proposals through the Habitat Regulations Assessment (HRA), which is considered in further detail below, and requires a mandatory financial contribution of £13,750 towards wardening to mitigate likely recreational disturbance to the interest features (breeding and nesting birds) of the designated sites.

1.61 The HBC Ecologist has also requested a financial contribution towards a scheme to compensate for loss of on-site habitat for nesting herring gulls. The Council's Ecologist has confirmed that the financial contribution would be used on a scheme which supports Priority Habitats and/or Species within the borough or, if appropriate to UK nature conservation goals, a neighbouring borough. The Council's Ecologist has confirmed that a financial compensation figure of £75,000 would be acceptable in this instance and the applicant has agreed to this in writing. This will need to be secured through the s106 legal agreement along with any other financial contributions and obligations.

1.62 Notwithstanding the Planning Obligations detailed above, Policy QP1 (Planning obligations) of the Local Plan has a caveat that "The Borough Council will seek planning obligations where viable". The applicant has agreed to the above contributions which would need to be secured by a S106 legal agreement. Other planning obligations include the requirement for long term maintenance and management of any on-site landscaping and open space, and surface water drainage.

1.63 In view of the above, and subject to the contributions being secured to deliver the above detailed planning obligations as well as the HRA requirements, it is considered that the proposal is acceptable in this respect and in this instance.

Energy Efficiency and Renewable Energy

1.64 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to

be energy efficient. In line with this Policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods.

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

1.66 The submitted Energy Statement indicates that the proposed development would seek to improve energy efficiency by virtue of an energy efficient design, which would primarily consist of maximising the layout of plots in a north-south orientation, appropriate glazing, insulation, air tightness, promotion of sustainable travel options, external recreational space, energy efficient lamps and gas boilers, decentralised mechanical extract ventilation, EV charging points or bollards and the incorporation of photovoltaic panels where waste water heat recovery is not achievable.

1.67 Whilst it is noted from the submitted Energy Statement that the applicant intends to offer renewable technologies and electric vehicle (EV) charging points, it is considered that at least 10% of the anticipated energy must be derived from a renewable source (in this instance through PV panels) and that some EV charging points are installed. Full details of the renewable energy infrastructure (10%) as well as electric charging points to serve the proposed development can be secured by appropriate planning conditions.

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

1.69 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

Planning Balance

1.70 The NPPF (2023) applies a presumption in favour of sustainable development and states that “achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways”. In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

Benefits

- The proposed development would repurpose brownfield land, remove an untidy/disused building to the benefit of existing and future residents of the Borough (social, economic + environmental)
- The proposal would improve the visual amenity of the area with connectivity to the town centre and sustainable modes of transport (social + economic)
- The proposal would provide a contribution towards the Council's 5 year housing supply (economic + social)
- The development makes contributions towards affordable housing provision as well as all of the planning obligations including education facilities, play and built sports, tennis, playing pitches and bowling greens (social + economic + environmental)
- The submitted information indicates the proposed development is intended to support/provide renewable energy (economic + environmental)
- The proposal would achieve biodiversity net gain on site (the post-development biodiversity is planned to be 2.01 Habitat Units and 0.79 Hedgerow Units, which is an on-site net change of 0.32 HU (19.23% gain) and 0.52 HgU (185.46% gain) (environmental)

Adverse impacts

- The proposed development is situated on land allocated for employment use under EMP3e thereby removing this potential provision and potentially sterilising the remaining allocation, contrary to Local Planning Policy EMP3 (economic)
- The proposal would result in the loss of a number of trees (environmental)
- Impact on ecology/loss of breeding habitat for gulls (environmental)

1.71 In conclusion, and when weighing up the balance of the benefits of the proposed residential development against the potential adverse impacts, it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal in this instance.

Principle of Development Conclusion

1.72 In view of the above considerations including the identified land for employment uses (as allocated under Policy EMP3e of the Hartlepool Local Plan, 2018), and the justification for a departure from this policy, as well as the required planning obligations and financial contributions as well as identified planning conditions, the principle of development is, on balance, considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

VISUAL AMENITY OF SURROUNDING AREA

1.73 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.

1.74 The NPPF (2023) sets out the Government's commitment to good design. Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

1.75 The application seeks outline planning permission with all matters reserved except access and as such some of the details provided are indicative.

1.76 The application site is bounded to the south east by a residential property, to the south by a vegetative boundary with industrial buildings including Liberty Steel and Tata Steel beyond, and to the west by a vacant parcel of land within the EMP3 allocation. To the north west and extending across the north of the application site, the site is bounded by the extant school permission (approved by virtue of H/2023/0442). Beyond the main highway of Brenda Road to the east is a large residential development scheme under construction, whilst commercial buildings (including Kinnerleys and JJ Hardy) are situated to the south east. Recently approved residential development schemes are in situ beyond the non-domestic buildings to the north west.

1.77 Given that this is an outline application, consideration in terms of the design and layout to reflect the local character will be considered at the reserved matters stage. It is however considered that an appropriate scheme can be developed in principle based on the indicative layout that has been put forward (as amended) which is considered to generally be reflective the layout and density of nearby estates. No objections have been received from the Council's Planning Policy team in this respect.

1.78 The Council's Landscape Architect was consulted on the proposals and advised that there would be no landscape or visual issues with the proposed development, however existing (and now formally protected) roadside tree planting should be retained and integrated into any proposed layout. Furthermore and whilst of limited weight (noting an element of the employment allocation would remain to the rear/west of the site), beyond this is the Golden Flatts open space that would provide a positive backdrop to the application site (should the intervening area of employment land remain undeveloped).

1.79 The proposed residential development would take an existing access from Brenda Road in the eastern section of the application site. Overall and taking into account the modest width of the proposed access, and that the proposals intends to provide landscaping throughout the site in the form of hedges around the blocks and

parcels of intentional landscaping, it is considered that this would be appropriate in this instance.

1.80 It is acknowledged that the application site features a slightly lower level to the southern extent. Whilst the site levels are broadly acceptable, full details of the proposed site levels (within and outwith the site) can be secured by planning condition.

1.81 It is also considered necessary for final finishing materials, and hard and soft landscaping to be brought forward as part of the reserved matters application which can be secured by appropriate planning conditions.

1.82 Overall and in the above context, the design, scale and layout of the proposed development is generally considered to be in keeping with the density, character and appearance of the wider area and would overall positively satisfy the general requirements of Policies QP4 and QP6 of the Hartlepool Local Plan (2018) and the relevant provisions of the NPPF (2023).

IMPACT ON TREES + LANDSCAPING

1.83 The application site contains a Tree Preservation orders on trees, in the form of TPO 268 which was recently confirmed, following consultation with the Council's Arboricultural Officer and Planning Policy team and a Tree Evaluation Method for Preservation Orders (TEMPO) being undertaken.

1.84 The application has been amended during the course of consideration, following concerns expressed by the Council's Arboricultural Officer in respect of trees under the above mentioned TPOs and the removal of trees without sufficient replacement planting being considered. The amended layout resulted in the reduction of the proposed number of dwellings from up to 60 dwellings to up to 55 dwellings.

1.85 In light of the above, the application is accompanied by a revised Arboricultural Impact Assessment (AIA) and Method Statement that identify a number of trees/hedgerows that are to be retained and measures to do so. The AIA also identifies a number of trees that would need to be removed in order to facilitate the proposed development and 2no. trees that would require pruning.

1.86 The Council's Arboricultural Officer confirmed that the proposal is acceptable in respect of trees, subject the revised AIA being adhered to throughout the development, and subject to a number of planning conditions ensuring works to existing trees are carried out as agreed, protection measures are in place for the trees on the eastern boundary, the supply and implementation of a tree/landscape management plan for the newly planted trees, and any trees that are planted as part of the proposed soft landscaping plan. These are secured accordingly.

1.87 As noted above, the application is in outline albeit the indicative layout plans show an area of landscaping towards the southern extent of the overall application site. Full details of a soft landscaping scheme would be expected to accompany a reserved matters application (as 'landscaping' is a reserved matter), including

hedges and trees to be planted within the site (as detailed above), which is likely to offer biodiversity enhancement to the development proposed (this is discussed in further detail within the 'ecology' section). Final landscaping details (to incorporate ecological measures) are to be secured by a planning condition.

1.88 Any other works to the formally protected trees (TPOs) within the site that are not covered by the planning conditions or agreed details through this application would need to be subject to separate TPO works applications and an informative can be relayed to the applicant to this effect.

1.89 On balance and subject to the identified planning conditions, the application is considered to be acceptable in respect to landscaping and the impact on trees.

RESIDENTIAL AMENITY

1.90 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that the Borough Council will seek to ensure all developments are designed to a high quality and that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook. Proposals should also ensure that the provision of private amenity space is commensurate to the size of the development.

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

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

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

1.93 Paragraph 135 of the NPPF (2023) requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

1.94 As noted above, the proposed development is bound by one residential property to the south east corner of the application site, and by commercial/non-residential buildings, including Liberty and Tata Steel to the west, land within an extant permission for a school to the north, and further commercial/non-residential buildings beyond the intervening highway of Brenda Road to the east.

1.95 Given that the proposed dwellings are only in outline at this stage, full consideration of the scale, layout and appearance of the development, and its relationship (and impacts) on neighbouring properties would form part of the consideration of the reserved matters application. Notwithstanding this, in view of the

submitted proposed layout (for illustrative purposes only), it is anticipated that the development could come forward at the scale proposed that could be accommodated with acceptable impacts in respect to neighbouring amenity.

1.96 This view is supported by the indicative only submitted layout of the proposed residential development. These show the closest proposed dwellings within the proposed development being sited approximately 34m from the northern side elevation of this residential property to the south. The indicative plans indicate that a separation distance of approximately 33.5m would remain between the closest proposed dwelling and the closest dwellings within the residential estate to the east (with the intervening public highway of Brenda Road).

1.97 With respect to the relationship between the application site (proposed dwellings) and the SEN school to the north west and north (referenced in the 'background' to this report and to which the main element of the school building is understood to have been erected with ongoing works within the school site at the time of the case officer's most recent visit in late June 2024 and is subject to two pending applications to facilitate an external classroom 'pod', also referred to in this report 'background'), the school's approved curtilage primarily extends to abound the western boundary to the current application site but also extends to a narrower area of land that is adjacent to the full northern boundary to the current application site (where the school's curtilage meets the eastern boundary fronting onto Brenda Road).

1.98 The main school building is positioned west of the application site whereby a separation distance of approximately 55m would remain between the school and the nearest western boundary to the application site; the main school building would be located in excess of 60m from the closest proposed dwellings (as indicatively shown) in the north and north west corner of the application site. Beyond the north west/western boundary to the application site is an approved outdoor football pitch and multi-use games area serving the school. The area of the school's curtilage that is present beyond the northern boundary to the application site includes a number of outdoor ancillary elements to serve the SEN school (the proposed 'pod' that is currently subject to an application(s) pending consideration, is intended to be sited within this area). The approved reserved matters plans for the school indicate the provision of a 2.4m high weld mesh fence along the adjacent northern and western boundaries to the application site (as is a common feature for schools) as well as a length of an approximately 2.7m high acoustic barrier along the northern boundary to the application site. Whilst higher than a 'standard' boundary treatment, it is anticipated that such treatments (in combination with any required as part of the reserved matters for the proposed dwellings) are likely to further assist in achieving a satisfactory relationship between the two sites.

1.99 In view of the proposed layout and positioning of the dwellings (illustrative only) relative to that of the approved layout of the school (and its associated curtilage including external ancillary areas), it is anticipated that a layout could come forward as part of the required reserved matters whereby the proposed dwellings could achieve satisfactory relationships with the main school building and its associated curtilage (including playing pitches and any ancillary buildings). It is further considered that such relationships between residential dwellings backing onto a

school curtilage is not an uncommon one. As noted above, this will be subject to the further detailed consideration of the required reserved matters application (should this outline application be approved). An informative can be secured on the decision notice to highlight the need for this to be considered in further detail and for such relationships with the school buildings (and its grounds) to form part of any reserved matters submission.

1.100 A substantial separation distance of approximately 170m (minimum) would remain from the indicative proposed layout to neighbouring properties to the west and north west.

1.101 In terms of the internal relationships, although the submitted plans are indicative, it is noted that each of the proposed 55no. dwellings would be served by private amenity garden areas and would achieve satisfactory separation distances that accord with Policy QP4 of the Hartlepool Local Plan (2018) and the Residential Design Guide SPD (2019), which is considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers and such relationships would not warrant a refusal of the application. Given that the separation distances appear to meet the minimum requisite distances (only), it is anticipated that it will be appropriate to remove permitted development rights for any extensions or alterations to the dwellings (or erection of detached structures) however it is considered appropriate to consider this further as part of the assessment of the reserved matters where the layout and scale of development will be submitted in detail.

1.102 The Council's Arboricultural Officer has confirmed that whilst the future occupants of some properties may lose some sun in the mornings owing to the location of trees to the eastern boundary, there is unlikely to be an issue arising from overshadowing from the existing (and retained) trees at the site.

1.103 Overall and on balance, these relationships are considered to be acceptable and it is considered that the proposal would not result in an unacceptable impact on the amenity and privacy of existing and future occupiers of the neighbouring properties or of the proposed residential properties in terms of loss of outlook, overbearing, overshadowing and overlooking as to warrant a refusal of the application.

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

1.105 Paragraph 191a of the NPPF (2023) states that "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life".

1.106 The application has been supported by a Noise Risk Assessment, which concludes that a medium-high noise risk is identified for the worst affected areas of the site due to road traffic noise, and a significant adverse impact is identified during the daytime and night time periods due to commercial/industrial noise at some areas of the site. In view of these identified impacts, the Noise Risk Assessment concludes that subject to any necessary mitigation measures (that would be confirmed through an acoustic design process as part of a planning condition), that “the application site is considered suitable for residential development”.

1.107 The Council’s Public Protection acknowledge that some neighbouring industrial premises have the potential to operate 24 hours a day with activities that can cause a significant amount of noise. Notwithstanding this, the Council’s Public Protection team have assessed the proposals in light of the submitted details including the Noise Risk Assessment and have raised no objection to the development and therefore confirm that the proposals would be acceptable, subject to further details being secured by a planning condition; the Council’s Public Protection team considers it necessary for a detailed acoustic report (as is recommended in the submitted Noise Assessment) and details of any necessary noise mitigation measures (to reduce external noise levels impacting on the building facades and on external amenity spaces) be secured by a pre-commencement planning condition. This is duly recommended in this instance.

1.108 The application is also supported by an Air Quality Assessment which concludes that “based on the assessment results, air quality issues are not considered a constraint to planning consent for the development”. The Council’s Public Protection team have been consulted and have confirmed no objections (or requirements) in this respect.

1.109 It is acknowledged that the proposed development may have potential to impact upon the existing commercial businesses operating within the vicinity (south west, beyond a vegetative boundary) of the application site. The Council’s Public Protection team have been consulted in this respect and note that consideration is given to these commercial units in the submitted Noise Risk Assessment, and have confirmed no objections in this respect.

1.110 In order to further minimise disruption to surrounding land users and future occupiers, the Council’s Public Protection team have also requested planning conditions in respect of hours of construction and demolition activities, and dust suppression facilities and wheel washing facilities (which can be secured as part of a Construction Management Plan condition). These can be secured by separate planning conditions which are recommended accordingly.

1.111 Subject to the inclusion and consideration of the appropriate mitigation measures (as detailed in the submitted Noise Risk Assessment) and the other above identified planning conditions, it is considered that the proposed development would not prejudice the proposed residential or commercial units of the site or adversely affect the amenity of existing and future occupiers in terms of noise disturbance or dust/odours. The proposed development is therefore considered to be acceptable with regards to noise impacts subject to the identified mitigation measures that can be secured by appropriate planning conditions.

Neighbour Amenity Conclusion

1.112 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, as well as noise disturbance, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties and land users (including those within the proposed development site).

ECOLOGY MATTERS

1.113 Policy NE1 of the Hartlepool Local Plan (2018) requires that the natural environment be protected, managed and enhanced, whilst Policy NE4 states that the borough council will seek to enhance and maintain the ecological networks identified throughout the Borough.

1.114 Paragraph 180 d) of the NPPF (2023) includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.115 Paragraph 186 of the NPPF (2023) requires that planning permission be refused if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for.

1.116 The Council's Ecologist has been consulted on the application and has confirmed that the proposals will have an impact upon existing habitats (especially 'Species-poor semi-improved grassland') and has opportunities for delivering biodiversity enhancements.

Biodiversity Net Gain

1.117 The Environment Act 2021 includes Biodiversity Net Gain (BNG) which came into force on 12th February 2024, with a mandatory requirement for at least 10% BNG post-development. Although 10% BNG is not mandatory for this proposed development (as the application was made valid before mandatory BNG came into force) as a minimum, it has to achieve a requirement for 'no net loss'.

1.118 A Statutory Biodiversity Metric Excel spreadsheet has been prepared to measure biodiversity change between baseline and post-development scenarios, as measured in Habitat Units. This is supported by an explanatory Biodiversity Net Gain Assessment Report. The conclusions of the Biodiversity Metric indicate that the baseline biodiversity is 1.69 Habitat Units (HU) and 0.28 Hedgerow Units (HgU). The post-development biodiversity is planned to be 2.01 HU and 0.79 HgU, which is an on-site net change of 0.32 HU (19.23% gain) and 0.52 HgU (185.46% gain).

1.119 The biodiversity gain is proposed to be achieved by habitat creation and includes: vegetated gardens, 'other neutral grassland', 'mixed scrub', 'urban tree planting' (5No. trees), and species-rich native hedgerow planted.

1.120 The Council's Ecologist has been consulted and has confirmed that the conclusions are acceptable.

1.121 In order to secure the BNG, a Biodiversity Net Gain Plan is required to be developed and submitted to the LPA for approval prior to the commencement of works. This Biodiversity Net Gain Plan is required to detail how the landscape proposals will be implemented and how the increase in Biodiversity Units will be achieved, managed and monitoring for a minimum period of 30 years. All proposed management requirements will need to be detailed and presented in the Biodiversity Net Gain Plan. A planning condition is necessary in this respect. Subject to this, the proposal is considered to be acceptable in terms of biodiversity net gain.

Biodiversity Compensation and Mitigation Measures

Gulls

1.122 The application is accompanied by an Ecological Impact Assessment (EclA), which concludes a loss of gull nesting opportunities, with on-site compensation not being possible and therefore off-site opportunities will need to be explored in consultation with the Council's Ecologist.

1.123 The Council's Ecologist has confirmed that herring gulls is a Birds of Conservation Concern (red-listing) species. As a red-listed species, herring gull is a NERC Act section 31 Priority Species and is a material requirement within the Hartlepool planning system. Off-site compensation will need to be secured to the 'value' of 15 pairs of gulls. The Council's Ecologist has confirmed that the financial contribution would be used on a scheme which supports Priority Habitats and/or Species within the borough or, if appropriate to UK nature conservation goals, a neighbouring borough. In this instance, a financial compensation figure of £75,000 has been agreed by the Council's Ecologist and subsequently agreed with the applicant. This will need to be secured via the section 106 agreement. Subject to this compensation, the proposal is considered to be acceptable in this respect.

Amphibians

1.124 The Council's Ecologist has advised that a planning condition is required to ensure that works are undertaken to a precautionary amphibian method statement. A pre-commencement condition securing a Construction Environmental Management Plan (CEMP) is duly recommended to secure this.

General Wildlife

1.125 The Council's Ecologist has advised that the CEMP condition (detailed above) can safeguard wildlife, by ensuring that any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp.

Bats

1.126 The Council's Ecologist has confirmed that a low impact bat licence issued by Natural England is required. This is a legal consideration outside the remit of

planning control and can be relayed to the applicant via an informative. However, the Council's Ecologist has advised that the CEMP condition (detailed above) should include control of light levels and light spillage, and this is recommended accordingly.

1.127 The Council's Ecologist has recommended that landscape planting to include native plants bearing flowers, nectar and fruits attractive to invertebrates be secured. It is considered necessary that such details of landscape planting can be secured by a planning condition.

Birds

1.128 The Council's Ecologist has advised that each of the proposed dwellings should include 1no. integral universal nest brick located in the south or east facing walls (where possible). A planning condition is duly recommended to secure this.

1.129 The Council's Ecologist has advised that a pre-commencement check for nesting birds should be undertaken by a suitably experienced ornithologist. This can be relayed to the applicant via an informative.

Other recommended mitigation measures

1.130 The submitted ECiA advises that prior to the commencement of any development updated surveys may be required in respect of the loss of pyramidal orchids at the application site. It is considered necessary for such surveys to be included as part of the aforementioned CEMP planning condition.

1.131 The Council's Ecologist has confirmed that a plan showing how the site boundary will be securely fenced to protect offsite habitats (including the watercourse) from construction should be secured by planning condition. This is duly recommended as part of the aforementioned CEMP condition.

1.132 The Council's Ecologist has confirmed that a method statement to address invasive cotoneaster plants should be secured as part of the CEMP condition (detailed above).

Biodiversity Enhancement

1.133 Ecological enhancement (as per the provisions of the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.134 The ECiA recommends soft landscaping to include wildflower grassland, wildflower bulb planting, wetland and scrub/hedgerow/scrub mosaic planting. It is considered prudent that such landscaping details would be required to accompany the reserved matters application should this outline application be approved.

1.135 The application is supported by an Arboricultural Impact Assessment which indicates tree cover is most prevalent on the eastern boundary, with 5no. trees being removed, to which the Council's Arboricultural Officer has confirmed would need to be

replaced through the submission of the reserved matters application or a separate tree works application.

1.136 In view of the above and on balance, it is considered that the application is acceptable in respect of biodiversity in this instance.

Habitats Regulation Assessment

1) Recreational impacts on designated sites

1.137 As the site is a distance of approximately 1.9km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar Site, and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessments by the Council's Ecologist (as the competent authority), a financial contribution of £13,750 (£250 per dwelling) is necessary to mitigate the adverse recreational impacts on the SPA (and Ramsar Site). The applicant has confirmed agreement to this contribution.

1.138 In turn, Natural England have confirmed they have no objection to the application subject to the mitigation measures set out in the HRA are secured. This will be secured in the s106 legal agreement.

2) Nutrient Neutrality

1.139 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area and Ramsar site is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area.

1.140 Given this application would involve development comprising residential development, it is considered the proposals are 'in scope' for further assessment. The applicant submitted Nutrient Neutrality Budget Calculations accompanied by a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works, which has been confirmed by Northumbrian Water. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites.

1.141 Natural England agree with the LPA's position on Nutrient Neutrality. Therefore the scheme satisfactorily addresses Nutrient Neutrality in this respect and would not be a Likely Significant Effect on the designated sites.

1.142 The application is considered to be acceptable in respect of any Likely Significant Effects on designated sites.

HIGHWAY SAFETY & PARKING

1.143 Policy QP3 of the Hartlepool Local Plan (2018) seeks to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

1.144 Paragraph 114 of the NPPF (2023) states that it should be ensured that “safe and suitable access to the site can be achieved for all users”. Paragraph 115 goes on to state that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Local Road Network

1.145 The proposed development would take access from an existing access from Brenda Road into the application site. The outline application has been accompanied by a Transport Assessment, which concludes that the proposed development would integrate with the existing infrastructure along Brenda Road and associated roads (including Seaton Lane).

1.146 HBC Traffic and Transport have confirmed that the proposed development could be accommodated on the existing highway network, subject to appropriate amendments being made to the existing road markings and speed limits at the proposed access point and along Brenda Road, and subject to the reinstatement of the existing access from Brenda Road (all at the applicant's expense). The submitted plans indicate that the southern access from Brenda Road would be blocked up. It is considered prudent to ensure that this access is blocked up and made good and that the main (northern access) remains the only vehicular access. These can be controlled by way of suitably worded planning conditions, which are considered necessary in this instance. The mechanism for undertaking such works to the highway would also need to be undertaken through a Section 171 (separate to the planning process).

Internal Roads, Car & Cycle Parking

1.147 As noted above, the application has been amended during the course of consideration, following concerns from the case officer in respect of the layout of plots throughout the indicative proposed scheme. Although the final layout would be submitted for consideration through the reserved matters application, the applicant amended the layout to address these concerns. HBC Traffic and Transport have raised no objections to this element of the scheme and it is therefore anticipated that the Reserved Matters application could come forward to demonstrate that proposed internal car park layout would meet the requirements of the HBC Residential Design Guide SPD (2019).

Construction

1.148 The Council's Traffic and Transport team have confirmed that a Construction Management Plan be submitted detailing how the transfer of mud onto the highway would be managed/minimised, staff parking details and HGV routes. A planning condition is necessary to secure this.

Aspirations for Road Widening

1.149 It is also noted that Policy INF2 of the Hartlepool Local Plan safeguards land alongside Brenda Road for the potential future duelling of the road. It is noted that the proposals works would primarily enhance/improve an existing access (with another to be blocked up). It is understood from HBC Traffic and Transport that there are no proposals at the time of writing to widen Brenda Road in the short or medium term, and they raise no objections to the proposals on this basis.

Highway Impacts Conclusion

1.150 Overall and for the reasons identified above, including that the Council's Traffic and Transport section do not object to the application, the application is considered to be acceptable in respect of highway safety, access and car and cycle parking.

FLOOD RISK & DRAINAGE

1.151 Local Plan Policy CC1(3) sets out that development should incorporate appropriate measures to minimise flood risk such as SuDS (Sustainable Drainage Systems) and/or the use of porous materials and water retention and recycling. Policy CC2 requires all proposals to demonstrate how they will minimise flood risk. Policy QP7(3) sets out that all development will be required to incorporate sustainable construction and drainage methods.

1.152 The application site is brownfield land predominately located within Flood Zone 1 although the southern part of the site is within Flood Zones 2 and 3. The indicative layout plan shows the proposed dwellings to be within Flood Zone 1, albeit those on the most southern section of the site are adjacent to Flood Zone 2 and parts of the indicated access road to the southern side is sited within Flood Zone 2.

1.153 A Flood Risk Assessment has been submitted in support of the application which details measures to be taken (i.e. proposed dwellings would be within Flood Zone 1 and those adjacent to Flood Zone 2 and in the south of the site will have raised finished floor levels).

1.154 The Council's Flood Risk Officer has confirmed that the proposal is acceptable subject to the inclusion of a pre-commencement planning condition (as well as a Planning Obligation within the s106 legal agreement) to ensure that a detailed surface water drainage scheme (and details of SuDS) is submitted to and approved by the Local Planning Authority to include full details of surface water management and maintenance. It is also expected that details of any above ground SuDS (for example a SuDS basin) would be included as part of the reserved matters application (i.e. the 'layout').

1.155 Northumbrian Water has advised both foul that surface flows should discharge to the existing combined sewer and has requested a planning condition to secure details of foul and surface water drainage. Planning conditions are recommended in this respect. In addition, an informative can relay the advice from

Northumbrian Water regarding the expected discharge of foul and surface water to the applicant.

1.156 The Environment Agency have confirmed that the measures detailed in the submitted Flood Risk Assessment are acceptable, including that proposed dwellings adjacent to Flood Zone 2 would have raised floor levels, and these can be secured by planning condition, which is duly recommended.

1.157 Subject to the inclusion of these planning conditions and the necessary planning obligation in the s106 legal agreement, the development is considered to be acceptable with regards to flood risk and drainage.

CONTAMINATED LAND

1.158 The application is supported by a Preliminary Geoenvironmental Investigation report. The Council's Engineering Consultancy have confirmed no objection in respect of contaminated land, subject to a planning condition to ensure further and intrusive investigation on the site is undertaken in accordance with the submitted report. Accordingly, such a condition is duly recommended and the development is considered to be acceptable in this respect as a result.

OTHER PLANNING MATTERS

Public Rights of Way

1.159 The Council's Countryside Access has confirmed that the proposals would not affect any nearby public rights of way and/or permissive paths within the vicinity, and therefore the application is considered acceptable in this respect.

Archaeology

1.160 Tees Archaeology have been consulted on the application and have raised no objections. The proposal is considered to be acceptable in this respect.

Crime, Fear of Crime and Anti-Social Behaviour

1.161 A consultation response from Cleveland Police has been received which advises how the applicant could achieve Secured By Design standards. This advice can be relayed to the applicant via an informative and it is anticipated that this would be considered in further detail at the reserved matters stage should the outline application be approved. The Police's advice can be relayed to the applicant by way of an informative.

Waste

1.162 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. A pre-commencement planning condition can secure this.

1.163 A consultation response has been received from HBC Waste Management confirming no objections to the proposal, and providing advice regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. This can be relayed to the applicant via an informative.

1.164 No objections have been received from either HBC Public Protection or HBC Traffic and Transport in respect of servicing and access to refuse storage. It is expected that the reserved matters application would provide details of waste storage provision. The proposal is therefore considered to be acceptable in this respect.

Fire Safety and Access

1.165 Cleveland Fire Brigade has provided advice for the applicant with respect to fire safety and access. These matters, including the provision of a sprinkler system, are principally a consideration for the building regulations process, which the Council's Building Control section has confirmed the application is subject to. Notwithstanding this, an informative to make the applicant aware of this advice is recommended accordingly.

Northern PowerGrid and Northern Gas Networks

1.166 Both Northern PowerGrid and Northern Gas Networks have been consulted on the application and no objections or concerns have been received.

1.167 The Health and Safety Executive has been consulted via its web advice app in the usual way, the advice received is that the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore they do not need to be consulted further.

OTHER MATTERS

1.168 As noted above, the application includes the demolition of an existing vacant building. The Council's Engineering Consultancy has confirmed that in accordance with section 80 of The Building Act 1984, the applicant is required to give notice to and receive permission from Hartlepool Borough Council for the intended demolition. This requirement is separate and in addition to the planning application and an informative can relay this requirement to the applicant.

1.169 The Council's Public Protection section have advised that there should be no open burning. It is of note that this is covered under separate legislation, however an informative can relay this to the applicant.

PLANNING BALANCE AND OVERALL CONCLUSION

1.170 It is acknowledged that the application site is allocated for employment use under Policy EMP3e of the Hartlepool Local Plan Policies Map (2023), and as such concerns have been received from the Council's Economic Regeneration team and Planning Policy section. Notwithstanding these concerns, in view of the identified economic, environmental and social benefits of the scheme, it is, on balance,

considered that the benefits of the scheme would demonstrably outweigh the loss of the land for future employment uses, particularly when such concerns are considered in the overall planning balance for the development and that that the proposal would constitute a sustainable form of development when considered against the development plan (HLP) and the NPPF as a whole.

1.171 It is further anticipated that a scale of development could come forward (as proposed) that would achieve a satisfactory form that would not adversely impact upon the character and appearance of the surrounding area subject to the consideration of the scale, layout, appearance and landscaping as part of the reserved matters. It is further considered that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or future occupiers of the proposed dwellings. The proposal is considered to be acceptable in respect of all other material considerations including highway safety and car parking, ecology, trees, and surface water drainage and contaminated land.

1.172 Subject to the identified conditions and the completion of a section 106 legal agreement to secure the financial contributions (as detailed above), as well long term maintenance and management of landscaping and open space, and surface water drainage at the application site, the proposal is, on balance, considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.173 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.175 There are no Section 17 implications.

REASON FOR DECISION

1.176 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 completion of a S106 legal agreement to secure 18% on site affordable housing provision; financial contributions toward HRA mitigation (£13,750) for indirect adverse impacts on SPA (and Ramsar Site) feature birds through recreational disturbance, compensation for the loss of onsite nesting gull habitat (£75,000), Primary Education (£2,957.33 per dwelling), Secondary Education (£1,931.97 per dwelling), Green Infrastructure (£250 per dwelling), Built sports facilities (£250 per dwelling), Play facilities (£250 per dwelling), Playing pitches (£239.29 per dwelling), Tennis courts (£57.02 per dwelling), Bowling greens (£4.97 per dwelling), Primary Care Network (£483 per dwelling), the provision, maintenance and long term management of on-site

landscaping and open space; and maintenance and long term management of surface water drainage; subject to the following planning conditions below;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - (a) the expiration of five years from the date of this permission; or
 - (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
In order to ensure these details are satisfactory.
3. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
Dwg. No. 1733-TOP 001 Rev B (Location Plan) received by the Local Planning Authority on 31st January 2024.
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 55no. dwellinghouses (C3 use class).
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The access (and associated visibility splays and footway connections) to the development hereby approved shall be completed in accordance with Dwg. No. JN2650-DWG-0001 (Proposed Site Access Arrangement, included as Appendix B in the Transport Assessment by SAJ Transport Consultants, reference JN2650-Rep-0002.5 Transport Assessment, dated January 2024, received by the Local Planning Authority on 31st January 2024) prior to the first occupation of the dwellinghouses hereby approved unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.
To ensure a satisfactory form of development and in the interests of highway safety.
6. Notwithstanding the submitted details and prior to the commencement of development (including demolition), details of the existing and proposed site levels of the application site (including any proposed mounding and or associated earth retention measures) and finished floor levels of the hereby permitted development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.
To ensure that the development safeguards the visual amenity of the area and the living conditions of the neighbouring residents.
7. Notwithstanding the submitted information, no development (including

demolition) shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

8. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. Prior to the commencement of development, a scheme to identify any dwellings requiring flood mitigation measures (to include the raising of finished floor levels), shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be in accordance with the mitigation measures recommended within section 8.0 of the submitted Flood Risk Assessment and Drainage Strategy (Reference RWO/FRADS/22163 Version 1" by RWO Group, dated January 2024, date received by the Local Planning Authority 31st January 2024). The agreed mitigation measures shall thereafter be fully implemented prior to occupation or completion (whichever is sooner) of the identified dwellings hereby approved. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
10. Prior to the commencement of the development hereby approved, a scheme shall be first submitted and approved in writing by the Local Planning Authority to detail how the existing southern site access point (onto Brenda Road) shall be blocked up and made good including the provision/reinstatement of a footway and verge to link into the existing footway on the western side of Brenda Road. Thereafter the works to the existing access (to be blocked off) shall be completed prior to the first occupation or completion (whichever is sooner) of any of the dwellinghouses unless an alternative timescale is otherwise agreed in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details and in the interests of highway safety.

10. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management procedures.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management procedures.

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. No development (including demolition) shall commence unless and until a Biodiversity Net Gain Plan scheme ("the scheme") to ensure that the approved development provides the delivery of the Biodiversity Net Gain (BNG) as stated in the Statutory Biodiversity Metric (contained within the document entitled Biodiversity Net Gain Assessment prepared by E3 Ecology, document reference Project Number 7294, dated 12.02.24, received by the Local Planning Authority on 26th February 2024). The scheme shall provide a minimum of 0.32 Habitat Units and 0.52 Hedgerow Units of habitat creation and enhancement and include for the subsequent management of habitats in the condition stated in the BNG Metric has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the compensation, shall be measured in accordance with the Statutory Biodiversity Metric (received by the Local Planning Authority on 26/02/2024).

The scheme shall include:

- details of habitat retention, creation and enhancement sufficient to provide the delivery of the net gain proposed in the metric;
- the provision of arrangements to secure the delivery of the net gain proposed in the metric (including a timetable for their delivery);
- a management and monitoring plan (to include for the provision and maintenance of the net gain proposed in the metric for a period of at least 30 years or the lifetime of the development (whichever is the longer). Thereafter, the scheme shall be implemented in full accordance with the requirements of the agreed scheme and timetable for delivery.

To provide biodiversity management and biodiversity net gain in accordance with paragraphs 8, 180 and 186 of the NPPF (2023) and Policy NE1 of the Hartlepool Local Plan (2018).

12. Prior to the commencement of the development hereby approved, a detailed Acoustic Report (to be submitted accordance with the Noise Risk Assessment 10610.2 Revision B dated 31st July 2023, date received by the Local Planning Authority 09/08/2023), shall be first submitted to and approved in writing from the Local Planning Authority. The detailed Acoustic Report shall be carried out by a competent person, and shall detail the existing noise climate at the development site taking into consideration noise from nearby industrial and commercial units that can operate 24 hours a day and also road traffic. The Acoustic Report shall also establish any necessary sound attenuation measures required to reduce external noise levels on the building façades or to external amenity spaces to protect future residents from the transferal of sound from industrial/commercial premises and from road traffic noise.
Where such mitigation measures are identified as being required, these shall be implemented prior to the occupation or completion of the identified dwellings (whichever is sooner) and a verification report to confirm that the requisite measures have been implemented shall be submitted to and agreed in writing with the Local Planning Authority prior to the occupation or completion (whichever is sooner) of the identified dwellings. Thereafter, the measures shall be retained for the lifetime of the development hereby approved.
For the avoidance of doubt and in the interests of the amenity of future occupiers.
13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include method statements for the avoidance, mitigation and compensation measures as detailed in;
 - Section 5.0 (Recommendations), of the Ecological Assessment by TEP - Gateshead, document reference 9825.003 dated May 2023 and received by the Local Planning Authority on 24th May 2023. The CEMP (Biodiversity) shall include the following:
 - i.) the area containing pyramidal orchids shall be retained and protected during the construction period or translocated to a designated receptor area, in accordance with an updated survey;

- ii) a buffer zone shall be included to protect the watercourse and shall be demarcated with heras style fencing, to comply with the Environment Agency's best practice guidance;
 - iii) works shall be undertaken to a precautionary invasive species (cotoneaster) method statement;
 - iv) Light levels around newly installed roost locations and retained or created foraging/commuting areas shall be low level, below 2m in height, and low lux (below 1 lux 5m from the light source). Where security lights are required, these shall be of minimum practicable brightness, be set on a short timer and shall be motion sensitive only to larger objects;
 - v) Works shall be undertaken to a precautionary amphibian method statement;
 - vi) A pre-commencement check for nesting birds shall be undertaken by a suitably experienced ornithologist if vegetation clearance or building demolition is undertaken between March and August inclusive;
 - vii) Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Thereafter the approved CEMP shall be adhered to and implemented throughout the construction period and strictly in accordance with the approved details.
- In the interests of avoiding or mitigating ecological harm.

14. Notwithstanding the submitted information and prior to the commencement of development (including demolition), a site specific Waste Audit which shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use, shall be submitted to and agreed in writing with the Local Planning Authority. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy, and shall include a timetable for implementation. Thereafter, the development shall be carried out in accordance with the agreed details.
To ensure a satisfactory form of development, in the interests of visual amenity and the amenities of neighbouring occupiers, and to ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
15. Notwithstanding the submitted information and prior to any equipment, machinery or materials being brought onto the site for the purposes of the development hereby approved, the agreed scheme for the protection and retention of the retained trees (as identified in the Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement (Reference ARB/AE/3089, document dated January 2024), date received 01/02/2024 by the Local Planning Authority) shall be implemented on site (and thereafter retained until the completion 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

that are found to be dead, dying, severely damaged or diseased 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 trees and the visual amenity of the area and surrounding area.

17. Prior to the commencement of the development hereby approved, a report shall be first submitted to and approved in writing by the Local Planning Authority that demonstrates how the use of onsite renewable energy infrastructure will provide 10% of the developments predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme prior to the residential occupation of the identified dwellings hereby approved. In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy QP7 and CC1.

18. No development (including demolition) shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CMP shall include:
 - a) the routing of all HGVs movements associated with the construction phase;
 - b) parking for use during construction;
 - c) Details of measures to prevent mud from vehicles leaving the site including on site wheel-washing facilities;
 - d) Measures to control the emission of dust and dirt during construction, demolition/remediation and offsite dust/odour monitoring;
 - e) Details of any site construction office, compound, and ancillary facility buildings; and
 - f) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.

Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out solely in accordance with the approved CMP during the construction phase of the development hereby approved. In the interests of the amenities of the area and highway safety.

19. The Reserved Matters application (referred to in conditions 2 and 3) shall be accompanied by a scheme for the provision, long term maintenance and management of all landscaping within the site. The landscaping scheme shall, where achievable, include the mitigation measures detailed in section E.1 'Potential Impacts, Mitigation, Compensation and Further Survey' of 'Ecological Impact Assessment & Bat Survey' by E3 Ecology (Project Number 7294, dated 12/02/24) received by the Local Planning Authority 19th February 2024 including the requirements for;
 - i) wildflower grasslands and wildflower bulb planting;
 - ii) retention of as much higher value habitat as possible.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, and be implemented in accordance with the approved details and programme of works. Thereafter the agreed scheme (as

part of the Reserved Matters) shall be provided in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping within the curtilage of individual residential dwellings shall be carried out in the first planting season following the occupation or completion of each individual dwelling (whichever is sooner). All planting, seeding or turfing comprised in the approved details of landscaping for all other areas (out with the residential curtilages) including open space within the site shall be carried out in the first planting season following the occupation of the dwellings or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development hereby approved, 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 the amenities of future occupiers.

20. The Reserved Matters application (referred to in conditions 2 and 3) shall be accompanied by details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created). This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed in accordance with the agreed details prior to the occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.
To enable the Local Planning Authority to control details of the proposed development, in the interests of the visual amenity of the area and highway safety.
21. The Reserved Matters application (referred to in conditions 2 and 3) shall be accompanied by details of all walls, fences and other means of boundary enclosure. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the first occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.
In the interests of visual amenity and the amenity of the occupiers of the site.
22. The Reserved Matters application (referred to in conditions 2 and 3) shall be accompanied by details of storage of refuse. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the first occupation of the dwellings or completion of the development hereby approved, whichever is the sooner.
To ensure a satisfactory form of development.
23. Prior to the commencement of development above ground level, details of integral universal nesting bricks to be installed integral to each of the dwellings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the universal nesting bricks shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the

dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 180 of the NPPF.

25. No dwellinghouse hereby approved shall be occupied until the existing 30mph speed limit on Brenda Road has been extended along Brenda Road to cover the extent of the site access hereby approved including the 43m sight lines (as required by condition 5 of this decision notice).
To enable the Local Planning Authority to control details and in the interests of highway safety.
26. No dwellinghouse hereby approved shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been completed including appropriate amendments to the existing road markings at the proposed access (as detailed within condition 5) that shall be first submitted to and be agreed in writing with the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
27. No dwellinghouse hereby approved shall be occupied until low floor bus kerbs at the northbound and southbound bus stops as detailed in Figure 7 of the Transport Assessment (by SAJ, dated January 2024, date received by the Local Planning Authority on 31/01/2024), has been completed in accordance with a scheme to be first submitted to and agreed in writing with the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
28. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site.
In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
29. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1.00 pm on Saturdays. There shall be no deliveries or construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
30. All tree works as detailed in the 'Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement' (Reference ARB/AE/3089, document dated January 2024), date received 01/02/2024 by the Local Planning Authority) shall comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.

In the interests of the health and appearance of the existing mature site trees.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=158896>

1.178 Copies of the applications are available on-line:

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

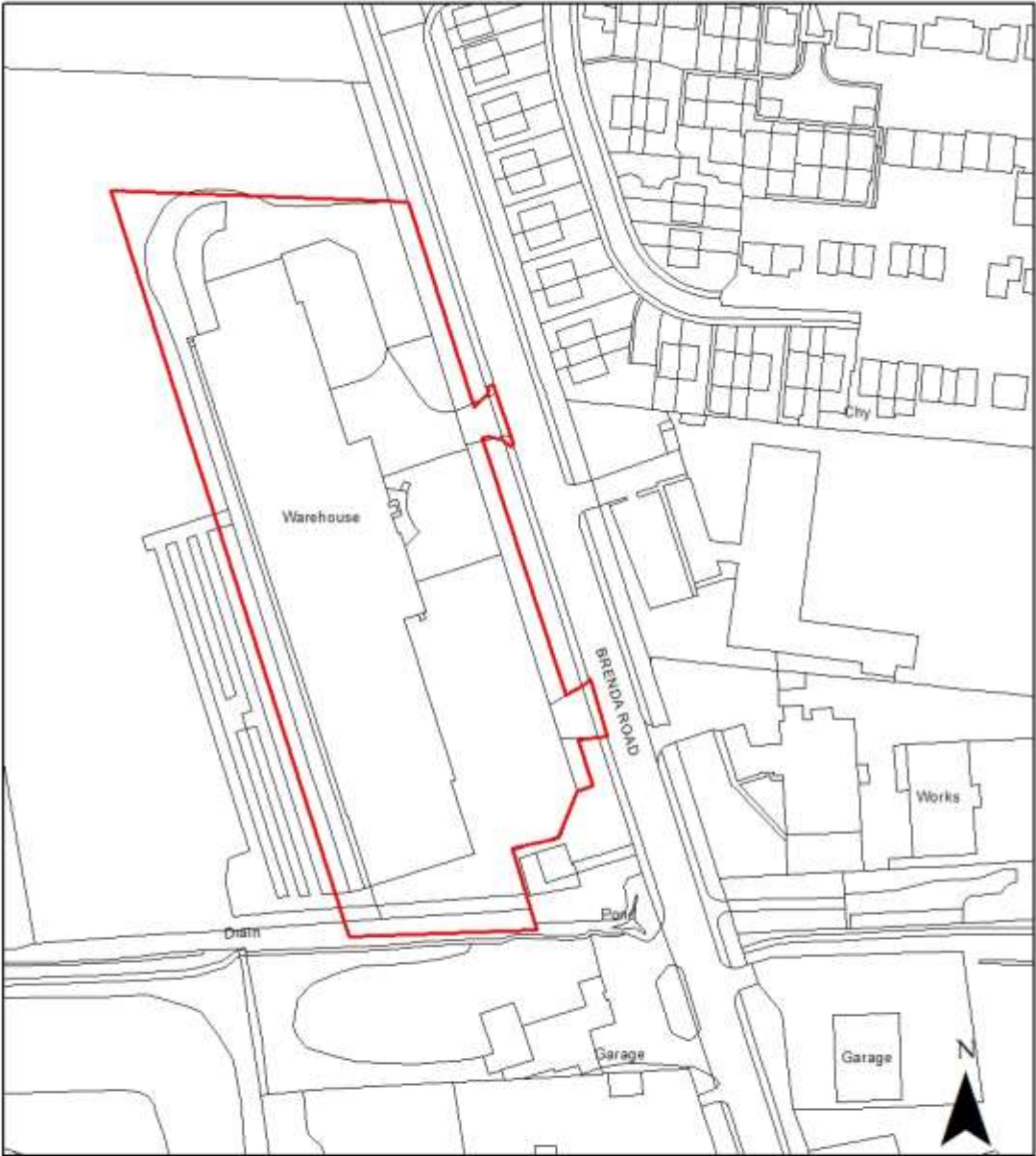
CONTACT OFFICER

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

AUTHOR

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

Land off Brenda Road , Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 29.07.2024
	SCALE 1:1,500	
	DRG.NO H/2023/0273	REV

No: 2.
Number: H/2022/0217
Applicant: MRS SUSAN SCOTT THE FRONT HARTLEPOOL TS25 1DA
Agent: ASP SERVICES LTD MR JONATHAN LOUGHREY 8 GRANGE ROAD HARTLEPOOL TS26 8JA
Date valid: 19/05/2023
Development: Application for the erection of a habitable chalet for permanent use within existing showman's yard to include alterations to the fence to the side.
Location: LAND TO THE REAR OF 47 - 50 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 It is understood that the application site has historically been used as a Showman's Yard for the storage of associated structures and equipment. Whilst there is no known associated planning permission relating to the historic use, there is reference within a number of planning files that acknowledges the use of the land for this purpose.

2.3 Planning applications relating to the application site are as follows:

On 28 January 1975, Planning permission was refused to utilise the site for a winter lorry parking (H/1975/0481).

On 23 December 2014, Outline planning permission was approved for the erection of a detached two and a half storey block of five flats (H/2014/0331). The application has since expired.

PROPOSAL

2.4 The application seeks part retrospective planning permission for the erection of a habitable chalet within the existing yard area to include alterations to the fence to the side. The proposed chalet measures approximately 13.8 metres in width by 7.5 metres in depth, which would be erected based upon a suspended floor at a height of approximately 0.5 metres above the ground level. The building features an asymmetrical dual pitched roof with a maximum height peaking at approximately 3.5 metres above ground level. An open porch would feature to the front of the building with surrounding open balustrade either side of the entrance steps. The open porch would project approximately 1.7 metres to the front of the building, which would span

the full width of the front elevation. An entrance door would feature to the front centre of the building with a set of patio doors and two further windows also featuring to the front. At the rear, three obscure glazed windows are proposed and no windows would feature within either side elevation. The proposed building is detailed to be finished in Shiplap 'timber effect' UPVC cladding. The proposed elevations also illustrate a cowl protruding above the roof line of the building, where a stove would provide heat to the building. The proposed dwelling would provide two bedrooms and a large open plan kitchen dining area and bathroom.

2.5 It is noted that the part retrospective nature of the proposal means that some work has already been carried out, although some elements of this would be altered or removed. Most notably, a bay window erected within the side elevation (west) would be removed and the windows installed within the rear elevation are currently non-obscurely glazed. For the avoidance of doubt, the assessment of this application is based upon the submitted drawings and not the works as have been carried out.

2.6 The application has been referred to the Planning Committee as a result of the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.7 The application site relates to the enclosed area of hardstanding to the rear of 47 to 50 The Front (consecutive) in Seaton Carew. The aforementioned townhouse terrace of properties are to the east of the application site, and the rear of those respective properties face towards the application site. To the south of the application site is the terrace of residential properties of 5-9 South End (consecutive) of which 5-8 (consecutive) are Grade II Listed buildings.

2.8 Access to the application site from 'The Front' is via the vehicular highway of South End (consisting of adopted highway and un-adopted highway). To the rear (north) are the modern two-storey residential properties of 1 to 5 (consecutive) Crawford Street and to the rear/side (north-east) is the residential care home of Seymour House. At the opposite side of the application site (west), is the modern residential cul-de-sac of Deacon Gardens. 1, 2 and 3 Deacon Gardens bound the application site to the north and west.

PUBLICITY

2.9 The application has been advertised by way of neighbour letters (28) a site notice and a press advert. To date, there have been 6 letters of response consisting of one letter of support (raising no objections to the proposals) and 5 objections (including 2 separate responses from the same address).

2.10 The objections and concerns received can be summarised as follows:

- The retrospective nature of the application and not following due process;
- The potential for fire at the application site and the risk for it to spread to neighbouring sites;
- The close proximity of the erected building to the neighbouring boundaries;

- The building results in a loss of sunlight/daylight;
- The building results in a loss of privacy;
- The building is overbearing;
- The building is 'an eyesore' and is not in keeping with the area;
- The condition of the site and removal of vegetation prior to works being carried out;
- The unauthorised storage of buildings and structures at the site;
- Encroachment onto neighbouring property;
- The erected building impacting on house sale of neighbouring property;
- Noise from loud music and barking dogs;
- Unauthorised disposal of drainage and concerns regarding general concerns regarding the effect of drainage/flooding to adjacent properties and their gardens;
- The site is the scene of a previous assault.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153726>

2.12 The period for publicity has expired.

CONSULTATIONS

2.13 The following consultation replies have been received:

HBC Traffic & Transport Section: - The proposed dwelling should have sufficient car parking space for 2 vehicles.

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

HBC Head of Heritage & Open Space: - The application site is located adjacent to the boundary of Seaton Carew Conservation Area. In addition in close proximity is South End, a small terrace of grade II listed buildings. Both the conservation area and the listed building are recognised as designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

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

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

Policy HE3 of the Local Plan has regard for the setting of conservation areas.

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

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

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

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

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

The proposal is the erection of a habitable chalet for permanent use within an existing showman's yard and alterations to the boundary fence of the site.

It is considered that the scale and location of the proposal is such that this will not impact on the significance of the setting of the conservation area, nor the adjacent listed buildings.

HBC Flood Risk & Drainage Officer: - In response to your consultation on the above application we have no objection to proposals in respect of contaminated land or surface water management, on the basis of both foul and surface water being drained to combined sewer as opposed to surface water draining to the surface of the yard. Arrangements for surface water drainage as shown on the Drainage Strategy drawing will not be suitable as this may lead to flooding off site.

Further comments received 26/06/2024

Further to the updated drawing and having regard to the correspondence with Northumbrian Water, the proposed connection to the existing sewer would be acceptable and more appropriate than the previously detailed infiltration method.

Northumbrian Water: - This sewer is not indicated on our current sewerage records. As you can see for the extract below, there are a number of public sewers in the access way along with a pumping station which sits next to the arcade, but nothing in the location of the proposal. It's likely that this sewer (manhole located on the development site) is serving a few of the properties on the front, it may also have served some of the houses which were demolished to build the newer houses that surround this site. Although the newer houses drain in the opposite direction. I would imagine that this is taking both foul and surface water and is linked to the combined system (manhole 5407). This combined sewer is served by Seaton Carew STW so unlikely that NN applies.

Further comments received 07/02/2024

Thank you for consulting Northumbrian Water on the above proposed development. In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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. It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/> I can confirm that we would have no comments to make on this application. Outside of the planning process the applicant should contact Northumbrian Water to complete an S106 sewer connection application. Details of this can be found at <https://www.nwl.co.uk/services/developers/developer-sewerage-services/>. I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

Anglian Water: - Thank you for your email for the application listed above - this is not relevant to Anglian Water and we have no comment to make. If you have any further queries please contact the Pre-Development team on the number below.

HBC Ecology: - The proposal is for an additional single property therefore recreational disturbance is not required under the HRA requirements. The site has existing below ground foul sewage which connects into the main sewer before discharging into Seaton Carew Treatment. Following discussions with Natural England (https://www.hartlepool.gov.uk/homepage/102/nitrates_and_the_teesmouth_and_cleveland_coast_special_protection_area_ramsar), developments that discharge to either Seaton Carew, or Billingham Waste Water Treatment Works are not considered to be relevant as part of the Nutrient Neutrality requirements. No further actions.

The proposal is within the built up area. No ecological impacts are predicted.

Further comments received 25/06/2024

The issue of Nutrient Neutrality is dismissed prior to screening stage. Based on the comments provided on the Applicant Form and the correspondence from Northumbrian Water, foul sewage and surface water are proposed to connect into the main sewer before discharging into Seaton Carew WWTW.

Following discussions with Natural England (<https://www.hartlepool.gov.uk/homepage/102/nitrates-and-the-teemouth-and-cleveland-coast-special-protection-area-ramsar>), developments that discharge to either Seaton Carew, or Billingham Waste Water Treatment Works are not considered to be relevant as part of the Nutrient Neutrality requirements.

No further action is required

Likely Significant Effect triggering Habitats Regulations Assessment

This Change of Use (CoU) application requires a Habitats Regulation Assessment (HRA) for the Likely Significant Effect (LSE) of Increased Recreational Disturbance.

The application will result in the increase of a single new dwelling.

The HRA is provided below.

Habitats Regulations Assessment Stage 1 screening

Revision history

Version	Date	Revision	Prepared by
1	25/06/2024	A	Dorian Latham

Stage 1 findings

Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment required (see below).
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Habitats Regulations Assessment Stage 2 Appropriate Assessment

Revision history

Version	Date	Revision	Prepared by
1	25/06/2024	A	Dorian Latham

Introduction

Following a Habitats Regulations Assessment (HRA) stage 1 screening, the requirement for a HRA stage 2 Appropriate Assessment (AA) has been triggered. As the competent authority, Hartlepool Borough Council has a legal duty to safeguard European Sites.

HRA Stage 2 - Appropriate Assessment

European Sites and issues requiring Appropriate Assessment

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

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

That HRA stage 1 screening screened in the following LSE:

- Increased recreational disturbance.

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

Background

Recreational disturbance is identified as an LSE, potentially harming populations of SPA/ Ramsar birds and SAC vegetation communities. Increased recreational disturbance (including dog walking) is linked to an increase in new residents which is a consequence of housebuilding. The Hartlepool Local Plan (adopted May 2018) identified an average increase of 2.3 people per new dwelling and 24% of new households owning one or more dogs.

Since the publication of the Hartlepool Local Plan, the Local Planning Authorities (LPA) in the Tees catchment commissioned a joint study which examined the relationship between population growth and the provision of new homes. The report (dated April 2023) concludes that the nationally derived occupancy figure of 2.4 people per dwelling does not reflect local conditions, mainly due to population movement wholly within the Tees Valley area. It advises that a 5-year average of dwelling delivery (based on trends in the last twenty years) provides a reasonable, local, upper estimate. The report states that this is an occupancy figure of 0.56 people per dwelling. Natural England guidance allows for robustly evidenced locally derived figures to be used.

Mitigation

The Hartlepool Local Plan policy 'HSG1 New Housing Provision', provides allocated sites for major residential development (ten or more dwellings). These were collectively HRA assessed as part of the Hartlepool Local Plan HRA, and their mitigation is dealt with by the Hartlepool Coastal Mitigation Scheme (the 'Scheme'). Additional recreational visits to the coast are mitigated by funding and SANGS elements – the funding being based on a per-house financial allocation. The Hartlepool Local Plan aspiration is for 6,150 new houses and the value of the Hartlepool Coastal Mitigation Scheme is calculated as £424,000. The Scheme is periodically reviewed to ensure it remains robust.

All major, non-allocated housing developments, all small-scale housing developments (nine or fewer dwellings) and all Change of Use (CoU) applications which increase the number of dwellings [collectively referred to as windfall sites] are not directly covered

by the Hartlepool Local Plan HRA/ Hartlepool Coastal Mitigation Scheme and (due to the *People Over Wind Ruling*) must be Appropriately Assessed in their own right.

However, provision to mitigate windfall housing developments is indirectly built into the Hartlepool Coastal Mitigation Scheme.

The Hartlepool Coastal Mitigation Scheme was designed so that:

- A windfall housing development greater than nine dwellings can use the same funding formula (to provide a financial contribution to the Scheme) to meet its HRA AA mitigation requirements.
- Developments of nine or fewer dwellings (including CoU), are mitigated by the financial contributions made by allocated housing development projects, whose contributions include a built-in contingency measure to cover the housing applications for nine or fewer dwellings.

Conclusion

This CoU application for the increase of one dwelling is a windfall project which is mitigated by the built-in contingency measure of allocated housing projects contributing additional funds to cover small-scale projects, through the Hartlepool Coastal Mitigation Scheme, meaning that increased recreational disturbance will not cause an Adverse Effect on Integrity of any European Site.

Natural England: - Thank you for contacting Natural England regarding the above-mentioned development. Water quality/nutrient neutrality advice. This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities.

When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our Discretionary advice service. All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

Natural England has not assessed this application for impacts on protected species.

Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

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

Tees Archaeology: - Thank you for the consultation on this application. We have no comment to make on this application.

HBC Housing Standards: - We have no objections from a Housing Standards perspective. Many thanks.

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 for further information.

There needs to be sufficient storage per property for the secure storage of up to 2 x 240ltr wheeled bins and a receptacle of no more than 30 litres for food waste. Bins will be required to be presented at the kerbside on South End for collection on the scheduled collection day.

Cleveland Police: - With regard to the above application. The police preferred standard for windows and doors is PAS24, however, static caravan windows and doors are usually built-in at the unit manufacturing stage. I recommend that the building be fitted with an intruder alarm with mains/battery powered tamper resistant, internal and external sounders and remotely monitored.

Northern Powergrid: - Thank you for your safe-dig enquiry with Northern Powergrid. We are pleased to confirm that your plan is attached. If you are a returning customer, you will notice the enhancements to the format of the safe-dig plan. This has now been rolled out to Northern Powergrid employees, this has allowed a new Safedig2 web page to be developed and launched Please see information below. As a user of our back office facility we would like to make you aware of the selfserv service which can provide you a PDF plan within a very short period of time. To gain access to the new service please follow the link below to register and access the service.

<https://myservices.northernpowergrid.com/selfserveaccount/login.cfm>

National Grid: - Regarding planning application H/2022/0217, there are no National Grid Electricity Transmission assets affected in this area. If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Northern Gas Networks: - Northern Gas Networks acknowledges receipt of the planning application and proposals at the above location. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable. We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of precautions for your guidance. This plan shows only those mains owned by Northern Gas Networks in its role as a Licensed Gas Transporter (GT). Privately owned networks and gas mains owned by other GT's may also be present in this area. Where Northern Gas Networks knows these they will be represented on the plans as a shaded area and/or a series of x's. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Northern Gas Networks, its agents or servants for any error or omission. The information included on the enclosed plan should not be referred to beyond a period of 28 days from the date of issue. If you have any further enquires please contact the number below.

HBC Building Regulations: - A Building Regulation application will be required for 'Habitable Chalet'.

Further comments received 26/06/2024

I can confirm that if the work remains or is built off a chassis with an axle then the work will not require building regulation permission and hence will not need a building regulation application.

It will however be covered under the [Mobile Homes Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk) and should therefore meet any requirements of that Act. With regard to this Act I am not sure what this entails as it is not something we ever deal with in building control. The following documents may assist:

The Governments perspective in relation to mobile homes and the building regulations was explained here:

https://assets.publishing.service.gov.uk/media/5a7ccc3640f0b6629523bdf8/930113-Dcl_about_The_Building_Regulations_1991_-_Caravans_and_Mobile_Homes.pdf
and
<https://www.legislation.gov.uk/ukpga/2013/14/notes>

I hope this clarifies matters.

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 received 25/07/2024

In regard to fire safety input re this premises, as it is not required to go through a building control consultation, we will not be making comment as part of that process, and the fire engineering department do not audit single private dwellings under the Regulatory Reform (Fire Safety) Order 2005.

I note however that you have already asked for sprinklers to be installed under your own powers. As far as access requirements are concerned, although we are not being formally consulted, we would advise as follows re access width for our appliances;

- It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 18 tonnes. This is greater than the specified weight in AD B Vol 2 Section B5 Table 15.2.
- Cleveland Fire Brigade also utilise Emergency Fire Appliances measuring 3.5m from wing mirror to wing mirror. This is greater than the minimum width of gateways specified in ADB Vol 2 Section B5 Table 15.2.

HBC Countryside Access Officer: - No comments received.

HBC Estates: - No comments received.

HBC Community Safety & Engagement: - No comments received.

HBC Housing: - No comments received.

HBC Housing Management: - No comments received.

HBC Economic Development: - No comments received.

Civic Society: - No comments received.

Environment Agency: - No comments received.

PLANNING POLICY

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

Local Policy

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

Hartlepool Local Plan 2018

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

National Planning Policy Framework (NPPF) (2023)

2.16 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 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:

PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA047: Determining applications
 PARA056: Planning conditions and obligations
 PARA057: Planning conditions and obligations
 PARA060: Delivering a sufficient supply of homes
 PARA114: Considering development proposals
 PARA115: Considering development proposals
 PARA123: Making effective use of land
 PARA124: Give substantial weight to the value of using suitable brownfield land.
 PARA128: Achieving appropriate densities
 PARA131: Achieving well-designed and beautiful places
 PARA135: High standard of amenity for existing and future users
 PARA157: Meeting the challenge of climate change, flooding and coastal change
 PARA159: Planning for climate change
 PARA165: Planning and flood risk
 PARA180: Conserving and enhancing the natural environment
 PARA185: Habitats and biodiversity
 PARA196: Desirability of development to make positive contribution to local character and distinctiveness.
 PARA205: Conservation of Heritage Asset
 PARA208: Less than Substantial Harm and Public Benefits
 PARA212: Enhancement, Better Reveal and Preserve Heritage Assets
 PARA224: Implementation
 PARA225: Implementation
 PARA226: Implementation

2.17 HBC Planning Policy Comments: The site is within the Development Limits (Local Plan policy LS1) and otherwise has no designations on the Local Plan Policies Map. It is adjacent to the boundary of both Seaton Carew Conservation Area (LP policies HE1 and HE3) and an area identified as suitable in principle for leisure and tourism development (LP policies LT1 and LT3).

2.18 The principle of residential development on this site is in accordance LP policies LS1 and HSG1 (windfall housing within the existing urban area). It is presumed that the resulting use of the land would be a mixed use of residential together with the Showman's storage yard.

2.19 Provided that the Council's Heritage and Countryside Manager is satisfied that the proposal would not cause harm to any designated heritage assets, Planning Policy will not raise an objection on historic environment grounds.

2.20 LP policy QP4 seeks to ensure that the layout and design of all development is of a high quality and positively enhances its location and setting. QP4 additionally contains requirements in respect of the protection of neighbouring amenity. Whilst we have not visited the site to view the chalet and its surrounds, based on the submitted drawings we do have concerns over whether the siting, scale and appearance of this structure, together with its impacts on its surrounds, is compliant with this policy. We trust however that you are best placed to make this assessment.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

2.22 The application site is located within the Development Limits, as defined by Policy LS1 of the Hartlepool Local Plan and would be located within the residential/commercial area of Seaton Carew, which is considered to be a sustainable location. The proposed scheme would provide a residential use at the site in the form of a chalet building. As set out within the background section, the site is understood to have historically formed a storage yard for the Showman's equipment, although no formal planning approval is known to exist for the historic use. Previous planning history at the site includes an outline planning permission, which was granted for a three storey, five flatted residential development, approved in 2014 (H/2014/0331). Although the aforementioned planning approval has since expired, the decision at the site forms a material planning consideration when considering the current proposed development.

2.23 With respect to the current proposals, the Council's Planning Policy section have been consulted and consider the principle of the residential use on this parcel of land to be acceptable, in accordance Local Plan policies LS1 and HSG1 (windfall housing within the existing urban area). The Council's Planning Policy section note however, that the site is adjacent to the boundary of Seaton Carew Conservation Area. In addition, the site is also within relative proximity to the grade II listed cottages located on South End, and therefore the principle of development is acceptable subject to satisfying Local Plan policies HE1, HE3 and HE4, which are considered within the following section of this report. Furthermore, the Council's Planning Policy section also highlight the importance of Local Plan Policy QP4 when considering layout, design and impact on amenity in assessing the merits of the proposed scheme, and these matters are also considered within the following sections of the report.

2.24 Within their comments, the Council's Planning Policy section raise a query in relation to the historic storage use at the site and questions whether the proposal would represent a mixed use. The applicant's agent has since confirmed that the application, as submitted, is for a residential use and that any storage would be not different to any residential arrangement, ancillary to the main use of the property. For the avoidance of doubt, a planning condition is recommended accordingly to define the residential curtilage and to ensure that any storage remains ancillary to the main use as a dwellinghouse (C3 Use).

2.25 Taking account of the nature of the proposed use within a sustainable location, subject to further consideration concerning the associated works proposed as detailed below, the principle of the proposed use is considered to be acceptable.

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

2.26 The application site is an enclosed yard area, located to the rear of 47 to 50 The Front (consecutive). The site is accessed from 'The Front' by the vehicular highway of South End. The application site is located outside, but immediately adjacent to Seaton Carew Conservation Area. In addition, adjacent to the application site to the south, are the grade II listed modest residential cottages of 5-8 South End (consecutive). Both the adjacent Conservation Area and Listed buildings are recognised as a designated heritage assets. The site is also bounded by a modern residential cul-de-sac development of Deacon Gardens to the west/south-west and by residential properties of a similar style of Crawford Street to the North. To the east are the historic terrace of town house style properties of 47 to 50 the Front.

2.27 The application site is a parcel of land between these surrounding buildings. The proposed development would provide a single storey residential chalet building within a parcel of enclosed hardstanding.

2.28 With respect to consideration of impact on the nearby heritage assets, when considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.29 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Policy HE3 of the Local Plan has regard for the setting of conservation areas and Policy HE4 of the local plan seeks, *'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'*. In addition, at a national level, paragraphs 196 of the NPPF require Local Planning Authorities to take account of the desirability of new development in making a positive contribution to local character and distinctiveness.

2.30 Having regard to these considerations, the Council's Head of Service for Heritage & Open Spaces considers that given the single storey scale of the proposed building, together with the location of the proposal at the rear of the main frontage of the Seaton Carew Conservation Area, the proposal is considered not to impact on the significance of the setting of the Conservation Area. In addition, it is notable that the proposed chalet building is located at the furthest distance within the site away from the Grade II listed cottages. Given the single storey scale and relationship with the nearby listed buildings, the Council's Head of Service for Heritage & Open Spaces raises no objections in respect to any impact from the proposed development on the setting of the adjacent listed buildings. Having regard to the above comments and considerations, the proposed development is

considered acceptable in respect to the impact on nearby and surrounding designated heritage assets.

2.31 With respect to consideration of impact on the character more generally, it is recognised that the area surrounding the application site is made up largely of two and three storey brick and render finished residential properties. The application site would be a single storey building, featuring a raised external front porch area. The submitted application form also details that the proposed building would be constructed of shiplap cladding, which would have the appearance of a timber-‘effect’ finish. In addition, a fence bounding the side of the application site (west) would be raised in height to further enclose the site.

2.32 Whilst it is acknowledged that the scale and form of the proposed building would differ to those surrounding the site, it is considered that the area benefits from a varied mix of buildings, from sizable three storey town houses along The Front (east), to the characterful two and three storey cottages at South End (south), and the modern two storey residential properties to the north, west and south-west. The introduction of a single storey chalet into the area is considered to not be out of keeping with the general area, where no single, prevalent form and character if building is dominant.

2.33 Furthermore, it is recognised that the location of the chalet would be towards the rear of the properties along The Front and to the rear of the cul-de-sac of Deacon Gardens, where the site is relatively inconspicuous from the respective street scenes. This is further aided by the single storey scale of the proposed development. The Council’s Landscape Architect has confirmed that he has no landscape or visual concerns.

2.34 Conditions are recommended in relation to external finishing materials, hard and soft landscape materials and the removal of permitted development rights.

2.35 Through the course of the public consultation exercise, a comment claimed that the site is used for the storage of unauthorised buildings and structures. As detailed within the principle section, the proposed use would be a residential one and a condition is recommended defining the land use of the curtilage of the application site. This is considered to provide certainty with respect to the proposed use and character of the site as a residential unit. Such conditions are recommended accordingly. Subject to the recommendation of the planning conditions, it is considered that the proposals respect the proportions of the application site and would not adversely affect the visual amenity of the area and wider surroundings as to warrant a refusal of the application.

Proposed Fence Enclosure

2.36 An approximately 2.4 metre high fence is proposed to be installed adjacent to the existing boundary enclosure separating the application site from Deacon Gardens (West). The proposed boundary fence is designed to enclose the site and to assist in mitigating any potential for overlooking/significant loss of privacy from the proposed development. It was noted at the time of the case officer’s site visit, parts of the application site were marginally at a different level to the adjacent

land at Deacon Gardens. At a height of approximately 2.4 metres, the proposed fence would be a sizable addition to the existing fence in this location of approximately 1.5 metres that separates the application site from Deacon Gardens. Whilst the matter is considered in full within the following Amenity section, and forms part of the basis for a proposed form of mitigation, it is considered that a fence at a maximum height of approximately 2.2 metres would be more appropriate.

2.37 Given the location of the proposed fence enclosure, at the end of a private drive at the end of a cul-de-sac, it is considered that a raised fence at a height of 2.2 metres would not appear unduly incongruous or overly dominant in this location, where similar scale enclosures could be expected. The applicant has been advised on this position with respect to the acceptable height of the fence and has agreed to the position. A planning condition controlling the height, maintenance and staining of the boundary enclosure is recommended to ensure the function and long term appearance is satisfactory in perpetuity.

Landscaping

2.38 There are no trees or landscaping present at the application site and it is understood that the site was cleared of vegetation prior to the retrospective works being started and the application being submitted. The application site is laid with hardstanding and surrounded by a close boarded fence enclosure and the space in front of the erected building would serve the parking area and also the associated garden space for the residential property. As detailed above, a condition requiring details of both hard and soft landscaping is recommended to provide a balance within and to the site.

2.39 A comment received through the public consultation exercise noted that the vegetation was removed from the site, prior to works being carried out. Whilst the comments are noted, there were no trees protected by way of Tree Preservation Order (TPO) at the application site and any works would not have required planning permission. No objections have been received from the Council's Ecologist in this respect. With respect to landscape considerations, subject to the recommended planning condition, the proposed development is considered acceptable in this respect.

Character Conclusion

2.40 Overall, the proposed development would repurpose the parcel of land by providing a bespoke residential development that would not lead to any unacceptable impacts on the character of the surroundings, subject to recommended conditions in relation to external finishing materials, hard and soft landscaping, boundary treatments and the removal of permitted development rights. Such conditions are recommended accordingly and the proposal is therefore considered to satisfy the general provisions of Policy QP4, HE1, HE3 AND HE4 and those of the NPPF (2023).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.41 Paragraph 135 of the NPPF requires that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

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

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

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

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

2.45 The application site is a parcel of land situated between different residential (and commercial) buildings that have been constructed at different stages throughout the history of this area of Seaton Carew. As a result, by its very nature this remaining parcel of land is somewhat constrained and any resultant development proposal would be of a tighter 'grain' than what may be expected, when compared to a site where such constraints were not present. Consideration is therefore given to the nature of the application site in this context, accepting that the resultant development is relatively unique in this respect, where the benefits of the development of the site are balanced against any considered harm.

2.46 The proposed development would provide a single storey chalet building at the application site. Through the course of the public consultation exercise a number of objections were received concerning the impact on privacy and amenity. Concerns were raised that the erected building is too close to the neighbouring boundaries; that the erected building results in a loss of sunlight/daylight; that the erected building results in a loss of privacy; and that the erected building is overbearing. These and any other matters are considered as follows.

1-5 Crawford Street (North/North-west)

2.47 To the north and north-west of the application site (rear) are the residential properties of 1 to 5 Crawford Street, where the rear of these properties and their respective rear garden areas would have views towards the rear aspect of the proposed development. It is acknowledged that the erected building is a notable

change for part of the outlook for the properties in this area, with views onto the rear of the single storey building.

2.48 No. 1 Crawford Street is the nearest and most direct relationship of the properties located on Crawford Street to the application site, where there would be an approximate 12.5 metres separation distance between the retrospectively erected building and the neighbouring property's single storey rear extension, with other properties within Crawford Street at increased distances moving west. Whilst the proposed relationship would not meet with separation distances set out within Policy QP4 and the aforementioned Residential Design Guide SPD, owing to the single storey scale of the application building, with the presence of the existing boundary fence enclosure, whilst acknowledging the change in outlook between the neighbouring properties and the application site, it is considered that the proposed relationship would not lead to any significant undue overbearing, significant loss of outlook or significant loss of light/overshadowing on these properties to warrant the refusal of the planning application on these grounds.

2.49 With regard to considerations in respect to privacy related matters, the rear of the building contains three rear facing windows, which face towards the identified properties along Crawford Street. The submitted scheme illustrates that these windows would be changed to obscurely glazed windows to prevent any overlooking. A planning condition is recommended to secure the opacity level of glazing within these windows and also prevent any opening of the windows. A window is also present on the side elevation (west), although this window is proposed to be removed, which can also be controlled by a further planning condition. Subject to the recommended planning conditions in respect to the treatment of and removal of windows within the existing erected building, the proposed development is considered not to lead to any significant loss of privacy/overlooking issues for the adjacent neighbouring properties (or future occupiers of the application site) and the proposed development is considered to be acceptable in this respect.

Seymour House Care Home

2.50 To the north-east of the application site is the residential care facility of Seymour House. The application building is situated approximately 21 metres away from the rear elevation of the neighbouring building. Whilst views towards the application site and the rear aspect of the erected building are achievable from the neighbouring facility, the relationship is oblique and taking account of the distance and relationship, the proposed development is considered not to lead to any significant loss of privacy and amenity for the neighbouring property (or future occupiers of the application site) in terms of overbearing, overshadowing, significant loss of outlook and overlooking and the proposed development is considered to be acceptable in this respect.

1 & 2 Deacon Gardens (West)

2.51 To the west of the application site are the semi-detached properties of 1 and 2 Deacon Gardens. The rear garden areas of the respective residential properties bound the application site to the east and north. It is acknowledged that the erected building is a notable change for part of the outlook for these properties, views onto

the side and rear of the single storey building from the properties and rear garden areas. There would be an approximate 12.5 metres separation distance between the retrospectively erected building and the rear of the neighbouring properties. The proposed relationship would be a rear to side relationship and would therefore meet with separation distances as set out within Policy QP4 and the aforementioned Residential Design Guide SPD. In addition, owing to the single storey scale of the application building, with the presence of the boundary fence enclosure, it is considered that whilst acknowledging the change in outlook between the neighbouring properties and the application site, the proposed relationship would not lead to any significant loss of amenity in terms of any undue overbearing, significant loss of outlook or significant loss of light/overshadowing to warrant the refusal of the planning application on these grounds.

2.52 With respect to the abovementioned proposed boundary fence, the applicant proposes to raise the height to an agreed height of approximately 2.2 metres above ground level, which would be controlled by planning condition. Given the height would be marginally above the permitted height for such boundary enclosures of 0.2 metres, it is considered that given the distance and relationship, the increase would not lead to any significant loss of amenity in terms of overbearing and overshadowing related matters.

2.53 With regard to considerations in respect to privacy related matters, the side (west) elevation of the erected building contains a large bay window that is proposed to be removed as part of the application submission. In addition, as detailed above, the windows in the rear of the building, which partly bounds the garden of 1 Deacon Gardens, are proposed to be obscurely glazed (and fixed) and can be conditioned accordingly. The proposed raised external porch area would include the balcony screen to the side (controlled by planning condition) and its location would be adjacent to the blank wall of the neighbouring garage, where significant views would be restricted towards the respective neighbouring properties. Planning conditions are recommended to control these respective details accordingly to protect the privacy of the neighbouring residential occupiers. Subject to the recommended planning conditions in respect to a balcony screen, boundary treatment and the treatment of and removal of windows within the existing unauthorised erected building, the proposed development is considered not to lead to any significant loss of privacy/overlooking issues as to warrant a refusal of the application.

47 & 48 The Front (East)

2.54 To the east of the erected building are the town house properties of 47 and 48 The Front. The rear yard areas of the respective properties bound the application site. The side elevation of the erected building faces towards the rear yard area of the respective properties. There is an approximate 20 metre distance (oblique) between the nearest rear offshoots at both 47 and 48 The Front and the erected building, which would meet with the rear to side separation distances as set out within Policy QP4 and the aforementioned Residential Design Guide SPD. In addition, owing to the single storey scale of the application building, with the presence of the boundary fence enclosure, it is considered that whilst acknowledging the change in outlook between the neighbouring properties and the application site, the proposed relationship does not lead to any significant undue overbearing,

significant loss of outlook or significant loss of light/overshadowing to warrant the refusal of the planning application on these grounds.

2.55 With consideration to the impact on privacy, no windows or doors are or would be present within the side elevation. The proposal does however include the provision of a raised external porch area to the front. In the interests of the protection of privacy for the respective residents to the side, it is considered necessary for the porch to include a screen along the eastern side of the raised porch area. A condition is recommended accordingly. Subject to the recommended planning condition, the proposed development is considered not to lead to any significant loss of privacy for the respective residential occupiers to the east (or future occupiers of the application site) in terms of overlooking.

49 & 50 The Front

2.56 The neighbouring properties to the east of the application site are subject to a planning application (H/2022/0032) that was 'minded to be approved' at the Planning Committee of 19th July 2023, subject to the signing of a section 106 legal agreement (which has yet to be completed at the time of writing). Nonetheless, this does represent a material consideration in the assessment of this application. The 'minded to approve' planning application would provide a 14 flat, residential care facility that would involve a three storey rear extension spanning both properties, and would also include the installation of dormer windows within the rear facing roof slope.

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

2.58 In the instance that the proposed development at 49 and 50 The Front was not realised, both 49 and 50 The Front feature existing two storey offshoots. The existing two storey rear offshoot at 49 projects at approximately the same distance as the abovementioned 'minded to approve' extension works, albeit not for the full width of the property or properties. Both properties last known uses are also forms of residential use. Having regard to both circumstances, taking account of the single storey scale of the proposed chalet building, with the separation distances involved (which technically meet the requirements of HLP Policy QP4 and the aforementioned SPD) and that it is surrounded by the boundary fence enclosure, it is considered that the proposed development would not lead to any significant undue overbearing, significant loss of outlook or significant loss of light/overshadowing towards the respective properties to the east (both existing and the 'minded to approve' development H/2023/0032) or future occupiers of the chalet as to warrant the refusal of the planning application on these grounds.

2.59 With respect to consideration of the impact on privacy, access doors and windows would feature within the front elevation of the chalet structure and there would be a raised open porch area at the front of the building. Whilst such features would exist, owing to the distances and oblique relationship between the front of the

application site and the neighbouring site to the east, which would technically meet Policy QP4 and SPD distances, taking account of the single storey scale and the orientation between the application site and the properties of 49 and 50 The Front, and the proposed screen to be placed on the eastern elevation of the raised porch area, it is considered that whilst some views between the application site and the neighbouring properties may be possible, the proposed development would not lead to any significant loss of privacy for the respective neighbouring residents to the east (both existing and the 'minded to approve' development H/2023/0032) or future occupiers of the chalet.

Impact on Future Occupiers

2.60 As detailed within the above section, the properties to the east of 49 and 50 The Front feature two storey offshoots, which are the closer elements to the application site from the east than their respective main rear elevations. The nearest two storey offshoot (at 49 The Front) is approximately 15 metre separation distance from the erected chalet building. The relationship is one where such two storey offshoots would benefit from views towards the application property and curtilage. By virtue of the unique nature of the proposal, any amenity space would be contained to the front of the property, where it is considered to be less private.

2.61 Whilst the surrounding approximately 1.8 metre close boarded fence would provide a degree of relief from views from the surrounding residential properties, the nature of the site means that any proposed residential use in this area would experience a degree of being overlooked within the private amenity area. As set out within the background section, a set of residential flats were previously approved on the site, where the relationship with the surrounding properties (and their offshoots) was previously accepted (albeit this permission has since lapsed). The recent 'minded to approve' planning application (H/2023/0032) at 49 & 50 The Front would erect a three storey extension that would project across both properties and face towards the application site. Whilst some concern was raised during the consideration of that application with respect to the impact on the current application site, it is notable that the proposed extension would be of a similar projection to the existing rear offshoot at the neighbouring site.

2.62 Whilst the expanse of the proposed extension would be greater, with an increased height, the distances between the respective properties and application site are similar and is considered to be an accepted characteristic of the application site. Furthermore, the applicant has proposed a scheme aware of such existing relationships and was consulted as part of the neighbouring scheme, where no objections were raised. Having regard to the unique nature of the site, taking account of the relationship with the properties of 49 and 50 The Front, it is considered that in this instance the existing and 'minded to approve' relationship is considered acceptable in this instance.

2.63 With respect to the impact on the future occupiers from other surrounding residential properties, whilst the nature of the site is acknowledged, given the aforementioned relationships and distances, it is considered that the proposed development would lead to a relationship that would not result in a significant loss of privacy and amenity for the future occupiers that would warrant the refusal of the

planning application in this instance and the proposed development is therefore considered acceptable in this respect.

2.64 With respect to the living conditions of the proposed unit, the proposed chalet would provide two sizable bedrooms and a spacious living area. Externally, amenity space would be provided on the external porch area and within an area of garden to be established. The Council's Housing Standards section have considered the application and have raised no concerns or objections in this respect. The Council's Public Protection officer also raises no concerns or objections.

2.65 Having regard to the provision of the proposed chalet building and the relationship it would have with the surrounding neighbouring properties, taking account of the site specific characteristics, it is considered that future occupiers would benefit from sufficient levels of amenity and privacy that on balance are considered acceptable in this instance.

Properties to the South-West

2.66 To the south-west of the application site is the row of consecutive properties 3 to 10 Deacon Gardens. The nearest residential property to the application site is the semi-detached dwelling of 3 Deacon Gardens. The application site is situated at an indirect angle to the neighbouring property, with an oblique front to front relationship of approximately 12.5 metre separation distance from the neighbouring property to the application building and approximately 11.5 metres from the neighbouring property to the proposed external porch area to the front of the proposed chalet. There is an approximately 1.5 metre high boundary fence that separates the application site from the neighbouring properties front garden and parking area.

2.67 It is acknowledged that the erected building is a notable change for part of the outlook, in particular for this neighbouring property of 3 Deacon Gardens to the south-west. With respect to considerations of overbearing and overshadowing/loss of light impact, given the single storey scale and the oblique relationship and remaining distances between the respective buildings, the proposed development is considered not to lead to any significant loss of amenity in this respect in terms of any undue overbearing, significant loss of outlook or significant loss of light/overshadowing.

2.68 With respect to privacy related matters, the nature of the proposed relationship would allow for some mutual views between the front of the application site and the front of the neighbouring properties. As detailed within the above character section, the applicant's submission seeks to aid in preventing any significant occurrences of mutual overlooking by proposing an approximately 2.4 metre high close boarded fence. Whilst the intention of the applicant is acknowledged, a boundary fence of approximately 2.2 metres high is considered to be more appropriate in managing the neighbouring relationship.

2.69 Furthermore, it is considered necessary to provide screening for the northern and part of the north-western aspect of the raised external front porch to prevent any significant occurrences of overlooking/ loss of privacy from taking place. The applicant's agent has agreed to the requirement for a planning condition for a

scheme to be provided and implemented in accordance with an agreed scheme thereafter for the lifetime of the development. The combination of the requirement for the increased fence height (at a height of approximately 2.2 metres from ground level) and the provision of a partial screen for part of the raised external porch area is considered to mitigate any significant loss of privacy from overlooking for the neighbouring residential occupiers at 3 Deacon Gardens and those properties at a greater distance to the south-west.

2.70 Having regard to the site circumstances, including the distances and relationships taking account of the mitigating circumstances controlled by the recommended planning conditions, the proposed development is considered to be acceptable in this respect.

5 to 9 South End (South)

2.71 To the south of the application site is the terraced row of two and three storey cottage properties of 5 to 9 South End (consecutive). The nearest property to the application site would be the side gable wall of 5 South End, which is adjacent to the application site access. A small obscurely glazed window is apparent within the upper side elevation of the respective property, believed to serve a non-habitable room. The application building is positioned at the furthest point from the neighbouring properties to the south at the most northern aspect of the site. There is an approximate 30 metre distance between the application building and the blank wall of the nearest neighbouring property of 5 South End, with the other residential properties at a greater distance and screened from the application site by the end property. The relationship would meet with the front to side separation distances as set out within Policy QP4 and the aforementioned Residential Design Guide SPD. In addition, owing to the single storey scale of the application building, with the presence of the boundary fence enclosure, it is considered that the proposed relationship would not lead to any significant undue overbearing, significant loss of outlook or significant loss of light/overshadowing to warrant the refusal of the planning application on these grounds.

2.72 With consideration to the impact on privacy, access doors and windows would feature within the front elevation and there would be a raised open porch area at the front of the building. Whilst such features would exist, owing to the distances and relationship between the application site and the neighbouring dwellings, taking account of the single storey scale of the application building and the orientation between the application site and the side gable relationship with the properties on South End, it is considered that the proposed development would not lead to any significant loss of privacy for the respective neighbouring residents to the south.

Arcade building

2.73 To the south-east of the application site is the single storey flat roof arcade building, which at the time of writing is understood to be redundant. Given the commercial nature of the attached building to the south-east and having regard to the scale and nature of the proposed works, the relationship between the application site and the neighbouring building is considered not to lead to any significant loss of

privacy and amenity in terms of overbearing, significant loss of outlook, loss of light/overshadowing or loss of privacy impact for the neighbouring commercial unit.

Use of Site Access

2.74 Consideration is also given to the use of the site access for residential use of the site, which would pass the properties located on South End and the rear of those located on The Front, to access into and from the site. Whilst acknowledging the potential for associated vehicular and pedestrian movements, the scale and nature of the site for residential purposes, for a single unit, is considered to be limited, where the site benefits from historic use of the access for storage purposes, where it is not envisaged that the proposed use would significantly intensify the use of the site access. It is therefore considered that any associated impacts on the residential occupiers in this area from comings and goings is deemed acceptable in this instance.

Other amenity considerations

2.75 A condition is also recommended to remove permitted development rights for any external alterations or extensions, or potential buildings within the external amenity area, without first obtaining planning permission, in order to exercise necessary controls in the interest of the amenity of the nearby surrounding residential properties. A condition is also recommended to control any use of external lighting, which as a result would be require any details to be first submitted and approved by the Local Planning Authority.

2.76 From the case officer's site visit, the application site appeared relatively level. Notwithstanding this, a condition is recommended to secure the levels details and a condition is recommended to secure these details accordingly.

Residential Amenity Conclusion

2.77 Taking account of the proposal for a residential chalet at the application site, having regard to the relationships with the surrounding neighbouring properties and having taken account of the comments received during the public consultation exercise, it is considered that the proposals would not lead to any significant loss of privacy and amenity for the surrounding or future occupiers of the building to warrant the refusal of the planning application on such grounds and the proposed development is therefore considered to be acceptable in this respect.

HIGHWAY SAFETY RELATED MATTERS

2.78 The application site is an existing enclosed yard area with access achieved from the vehicular highway of South End, to the rear of Seaton Carew Sea Front. The proposed chalet would provide a two bedroomed residential dwelling within the sizable enclosed yard area, which is capable of providing the requisite two vehicular parking spaces to serve the proposed residential property. The Council's Traffic & Transport section have raised no concerns or objections to the proposed development subject to the scheme providing 2 in curtilage car parking spaces. A planning condition is recommended to secure details of the parking spaces within the

site. Having regard to the above comments and considerations, the proposed development raises no significant concerns with respect to vehicular parking and highway safety related matters.

FLOOD RISK & DRAINAGE MATTERS

2.79 The application site is located within Flood Zone 1, (low risk of flooding from rivers or the sea). The applicant originally identified a sustainable drainage infiltration solution to deal with surface water drainage from the site, although the initial comments received from the Council's Flood Risk Officer raised concerns in respect to this option and comments received through the public consultation exercise expressed concern that this solution would lead to flooding of neighbouring land, given the level changes between the application site and the surrounding area.

2.80 As a result, and in light of the HBC Flood Risk Officer's initial consultation response, the applicant has revised the surface water and foul drainage solution to provide a connection to a manhole that exists within the grounds of the application site. Northumbrian Water have considered the revised drainage solution and have stated that the manhole at the application site is 'likely' to connect into the main combined sewer in the area. Whilst the 'likely' position is appreciated, it is a critical requirement that any drainage from the site would discharge to the Seaton Carew Waste Water Treatment Works, in order to satisfy the separate nutrient neutrality ecological consideration/matter (discussed further under the 'ecology' section below). It is also considered appropriate that the drainage outfall is fully understood for a suitable drainage solution to be established. The comments of Northumbrian Water note the close proximity of the mains sewer to the application site and it is anticipated that a suitable scheme can be achieved that can connect from the application site into the drainage network. The applicant's submitted revised drainage scheme may be the eventual approved detailed drainage solution, although a condition is recommended for a drainage scheme that provides certainty in respect to the outfall of the submitted revised scheme (to ensure that it connects to the nearby combined public sewer).

2.81 Additional updated comments were received by the Council's Flood Risk Officer, where subject to the connection being established to the combined sewer, the Council's Flood Risk Officer is satisfied by the revised drainage solution.

2.82 Having regard to the drainage position at the application site, a condition is recommended for a drainage scheme to be submitted to address the matter. Additionally, an informative is also recommended to advise the applicant with respect to the requirement to enter into a legal agreement with the utility operator to connect into the wider sewer network.

2.83 It is noted that through the course of the public consultation exercise, a comment was received that unauthorised disposal of drainage had taken place at the site. Whilst noting the comments received, no further detail was provided to explain or substantiate the claims. Any such complaints should be directed to the relevant Public Protection Section, utilities operator and/or the Environment Agency and the matter is not material to the determination of this planning application.

2.84 Subject to the above comments and considerations and the recommendation of a condition for a proposed drainage scheme and the appropriate informative, the proposed development raises no concerns in respect to flood risk and drainage related matters.

ECOLOGY & NATURE CONSERVATION

2.85 The Council's Ecologist has provided response to the planning application having regard a number of potential impacts ('Likely Significant Effects') on the designated sites from the proposed development to include the potential for increased nitrate pollution, as a result of increased overnight accommodation being provided; the assessment of recreational disturbance, as a result of increased populations utilising public amenity areas, where protected birds and vegetation communities co-habit these spaces and consideration of the application site. These matters are duly considered below.

1) *Nitrate Pollution*

2.86 On 16 March 2022 Hartlepool Borough Council, along with our neighbouring authorities within the catchment of the river Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given the application would involve residential development, it is considered the proposals are 'in scope' for further assessment.

2.87 A Nutrient Budget Calculator (NNBC) has been undertaken, which concludes that the application would not result in a net increase in nitrates as a result of the intention to provide a connection to the nearest public combined sewer and therefore discharge foul and surface water to the Seaton Carew Waste Water Treatment Works. The intended discharge location (the nearest combined public sewer) has also been confirmed by the utility operator, Northumbrian Water. The Council's Ecologist has confirmed that on the basis of the foul and surface water proposing to connect into the main sewer before discharging into Seaton Carew WWTW, issues in relation to nutrient neutrality can be satisfactorily addressed and there would be No Likely Significant Effects on the designated sites in terms of nitrate pollution. As noted within the 'drainage' section above, final details of the surface water and foul drainage will be secured by a planning condition. Consequently, the proposed development therefore raises no concerns in respect to nutrient neutrality considerations.

2) *Recreational impacts on designated sites*

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

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

2.90 The Council's Ecologist has appropriately assessed the application and considers that in this instance, the increased recreational disturbance is mitigated by the Hartlepool Coastal Mitigation Scheme and there will be No Adverse Effect on the Integrity of any European Site or other designated site.

2.91 The HRA Stage 2 (AA) has been agreed/confirmed by Natural England as is formally required.

3) Other Ecological Considerations

2.92 The application site is an enclosed gravelled hardstanding yard area, where the proposed chalet building has been partly constructed. The Council's Ecologist has raised no concerns or objections to the proposed development in respect to ecology related matters and no conditions are recommended in this respect.

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

OTHER PLANNING MATTERS

Land Contamination

2.94 The HBC Flood Risk Officer has been consulted and have advised that they have no objection to proposals in respect to considerations regarding potential contaminated land. The application therefore raises no concerns in respect to contamination related matters and is considered acceptable in this respect.

Archaeology

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

Waste Management

2.96 The proposed layout plan illustrates that there would be adequate available space for the storage of bins within enclosed yard area of the application site. The site area is considered to be sizable and collection of refuse waste can be suitably achieved. The Council's Waste Management section were consulted, and have provided advice on waste storage requirements and specifications, which can be relayed to the applicant by way of an informative. A planning condition can also be recommended to secure final waste storage details. Having regard to the above

considerations, the proposed development raises no significant issues with respect to waste management related matters.

Crime and Safety

2.97 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Comments have been received from Cleveland Police who have advised that the applicant should consider integrating secure by design principles into the proposed. Such information can be relayed to the applicant in the event of a planning approval. In addition, the Council's Community Safety & Engagement team were also consulted, although no comments have been received.

2.98 It is noted that during the public consultation exercise, comments received detail that the site is the location of a previous assault. Whilst noting the comments, the matter does not bare any material relevance to the proposed development. Furthermore, a dwelling in this location would likely increase natural surveillance of the rear area, which offers some benefits in terms of deterring crime and anti-social behaviour.

2.99 Having regard to these considerations, including the comments and considerations of Cleveland Police, the proposed development is considered to be acceptable in respect to crime and safety related matters.

Building Regulations

2.100 Following greater understanding of the nature of the proposed chalet building, the Council's Building Control section have since confirmed that a Building Regulation application would not be required for the proposed works, as described and as partly carried out. In the event of a planning approval, an informative note would be provided on the decision notice to make the applicant aware of this consideration accordingly.

Fire Safety and Access

2.101 Comments received during the public consultation exercise have raised concerns in respect to fire safety and given the proximity of the erected building to the shared boundary, concerns are raised with respect to the potential for fire to spread to neighbouring residential properties. As detailed within the above section, the nature of the building is exempt from the Building Regulations process, where such matters concerning fire safety would normally be addressed. Notwithstanding this matter, the applicant has agreed to the use of a sprinkler system to be used within the property to address the consideration of fire safety, which can be controlled through the use of a planning condition.

2.102 In addition, should a fire event occur, it is also of note that the application site appears to be readily accessible for emergency vehicles from Deacon Gardens. Cleveland Fire Brigade have been consulted and have raised no objections to the proposed development and have provided advice in respect of the access for emergency vehicles and water supplies, which can be relayed to the applicant by

way of an informative. Having regard to the above considerations, taking account of the comments and considerations, including those of Cleveland Fire Brigade, the proposed development is considered to be acceptable in respect to fire safety related matters, subject to the recommended planning condition.

Utilities

2.103 Northern Powergrid were consulted and have not raised any concerns or objections in respect of the proposals, however have provided a Mains Record for the applicant's information and have provided advice in respect of any works in proximity to Northern Powergrid apparatus. In the event of a planning approval an informative note could be recommended accordingly.

2.104 Northern Gas Networks have been consulted and whilst they offer no objections to the proposals, they have advised that there may be apparatus in the area that may be at risk during construction works and therefore they require the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail. In the event of a planning approval an informative note could be recommended accordingly.

2.105 National Grid have also confirmed that they have no assets or any infrastructure within the location of the application site and there are no objections to the proposed development.

2.106 Having regard to the consultation responses in relation to the abovementioned utilities, no associated infrastructure has been identified that would be affected that would impact on the proposed development. In the event of a planning approval, the respective informatives would be passed on to the applicant accordingly.

OTHER MATTERS

2.107 Comments have been received during the course of the public consultation exercise, raising concerns with respect to the part retrospective nature of the planning application. A further comment has drawn comparison to how the retrospective nature has meant that that no inspections of the proposed works have taken place, unlike the respective residents' extension, which was subject to the necessary due process. Whilst the Local Planning Authority does not condone such retrospective applications, following the enforcement investigation the applicant since ceased construction activity. The submitted application would both regularise and amend the proposed scheme and therefore as a result, the retrospective nature has not yielded any undue advantage. With respect to any comparison with a neighbouring extension works, each planning application is assessed on its own merits and where applicable, is assessed through the relevant planning policy and appropriate legislation.

2.108 Comments received during the public consultation exercise have noted noise emanating from the site from loud music and from barking dogs. Whilst noting the comments, such occurrences do not relate to the proposed development under consideration. Should the application be approved and should any such neighbourly

matters occur, the Council's Public Protection team can investigate and take action where necessary.

2.109 A comment was received that the proposed development would impact on the sale of a neighbouring property. Whilst the comments are noted, the matter is a private interest and is not a material consideration to the determination of the planning application.

2.110 A comment received through the consultation exercise has claimed that the applicant's proposals to erect a boundary treatment would encroach onto the neighbouring property. The applicant has confirmed that the proposed fence would be installed within the applicants' boundary, adjacent to the neighbouring fence and the appropriate certificates have been signed on the planning application form. Any issue beyond this are considered to represent a civil matter, not to be considered material to the determination of this planning application.

CONCLUSION

2.111 The application is, on balance, considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in general accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and provisions of the NPPF. The application is recommended for approval subject to the planning conditions, as set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.112 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.113 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.

2.114 There are no Section 17 implications.

REASON FOR DECISION

2.115 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 recommended planning conditions:

1. The development hereby approved (thereafter referred to as the 'residential chalet building' for the purposes of the planning conditions of this permission) shall be used as a C3 dwelling house 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.

2. The development hereby approved shall be carried out in accordance with the following plans: Site Location Plan (Scale 1:1250), 1055/P/9 (Proposed Curtilage Plan), 1055/P/3 (Proposed Plans), 1055/P/4 Rev A (Proposed Elevations) all received 24.04.2023 by the Local Planning Authority and 1055/P/8 Rev A (Proposed Site Plan – Drainage Strategy) received 12.01.2024 by the Local Planning Authority.

To define planning permission and for the avoidance of doubt.

3. Prior to the commencement of any further works at the site, details of the existing and proposed levels of the site including the finished floor levels of the proposed building to be completed 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 unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the proposed building and land within the curtilage and its impact on adjacent properties and their associated gardens in accordance with saved Policy QP4 and LS1 of the Hartlepool Local Plan.

4. Prior to the commencement of any further works at the site and notwithstanding the submitted information, a detailed scheme for surface water and foul drainage to serve the development hereby approved shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall be in general conformity with plan 1055/P/8 Rev A (Proposed Site Plan – Drainage Strategy, received 12.01.2024 by the Local Planning Authority) and demonstrate drainage connectivity of the site to the nearest combined public sewer, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. Thereafter and prior to the occupation or completion (whichever is sooner) of the proposed residential chalet building hereby approved, the drainage scheme shall be implemented in full and thereafter retained and maintained in accordance with the approved details for the lifetime of the development.

To prevent the increased risk of flooding from any sources in accordance with the NPPF and to manage environmental impacts of the development.

5. Prior to the commencement of any further works at the site, details of proposed hard landscaping and surface finishes (including the requisite 2no. in curtilage car parking areas, footpaths access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority and shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter and following the written agreement of the Local Planning Authority, the scheme shall be completed in accordance with the agreed details prior to the occupation or completion (whichever is the sooner) of the residential chalet building hereby approved.

In the interests of visual amenity of the surrounding area and highway safety.

6. Prior to the commencement of any further works at the site, a detailed scheme for the provision, long term maintenance and management of all soft landscaping including any tree and hedge planting within the site, and a timetable for implementation shall be first submitted to and be agreed in writing with the Local Planning Authority. Thereafter all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the agreed details and timetable for implementation and shall be maintained in accordance with the agreed scheme. 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 the visual amenity.

7. Prior to the occupation or completion (whichever is sooner) of the residential chalet building hereby approved, details of a scheme for the installation of a sprinkler system within the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any, equipment or structures required for the operation of the sprinkler system. Thereafter the development shall be carried out in accordance with the approved details before the occupation of the building hereby approved and shall be retained for the lifetime of the development.

In the interests of fire safety and to accord with the provisions of Local Plan Policy QP5 which states that all new developments should adhere with national safety standards as set out by central government.

8. Notwithstanding the development hereby approved and prior to the occupation or completion (whichever is sooner) of the residential chalet building, a scheme to enclose the sides (east and west) of the raised external porch area and a partial screening/return of the front elevation (south-west) of the external porch area through the provision of 1.8m high (from the given level of the raised porch area) screens/returns shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed scheme shall be implemented in accordance with the approved details, prior to occupation or completion of the dwelling hereby approved (whichever is sooner) and shall be retained and maintained for the lifetime of the development.

In the interest of the privacy and amenity of neighbouring residential occupiers.

9. Notwithstanding the submitted details, prior to the occupation or completion (whichever is sooner) of the residential chalet building hereby approved, a scheme for the erection of a boundary enclosure along the western boundary of the application site for a height 2.2 metres above the respective ground level, shall be submitted and approved by the Local Planning Authority. The scheme shall include an appropriate stain colour to the fence. Thereafter, the proposed scheme shall be implemented in accordance with the approved details, prior to occupation or completion of the residential chalet building

hereby approved (whichever is sooner) and shall be retained and maintained for the lifetime of the development.

In the interest of the privacy and amenity of neighbouring residential occupiers.

10. Notwithstanding the submitted information, prior to the occupation or completion (whichever is sooner) of the proposed residential chalet building hereby approved, the 3no. windows installed within the rear (north) elevation of the chalet building (serving a kitchen, bedroom and bathroom), as detailed on Dwg. No. 1055/P/4 Rev A (Proposed Elevations) and Dwg. 1055/P/3 (Proposed Plans) (both date received 24.04.2023 by the Local Planning Authority), shall be replaced with fixed and obscure glazing using a minimum of type 4 opaque glass of the Pilkington scale or equivalent at the time of installation and shall remain as such for lifetime of the development. The application of translucent film to the window would not satisfy the requirements of this planning condition.
In the interests of the privacy of neighbouring residential occupiers.
11. Prior to the commencement of any further works at the site, precise details of the materials to be used in the construction of the external walls, windows and roof of the building and raised porch area, and details of any means of enclosure (other than those required by other conditions within this permission) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the details and means of enclosure shall be implemented prior to occupation or completion (whichever is sooner) of the building hereby approved.
To ensure a satisfactory form of development, in the interest of visual amenity and the character and appearance of the surrounding area.
12. Prior to the occupation or completion (whichever is sooner) of the proposed residential chalet building hereby approved, the bay window installed within the side (west) elevation of the erected chalet building shall be removed and the elevation 'made good' with the external cladding finish to match that of the main chalet building (details to be first agreed as part of condition 11 (materials)), and in accordance with submitted Dwg. No. 1055/P/4 Rev A (Proposed Elevations) and Dwg No. 1055/P/3 (Proposed Plans), both received 24.04.2023 by the Local Planning Authority.
In the interests of the privacy of neighbouring residential occupiers.
13. Prior to occupation or completion (whichever is sooner) of the residential chalet building hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be carried out in accordance with the approved details prior to occupation or completion of the dwelling hereby approved (whichever is sooner).
To ensure a satisfactory form of development.
14. Prior to the installation of any external lighting associated with development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site,

including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining land users.

15. The curtilage associated with the dwellinghouse (residential chalet building) hereby approved shall be in accordance with red line plan Dwg No. 1055/P/9 'Proposed Curtilage Plan' (Scale 1:1250, received by the Local Planning Authority on 24.04.2023). The approved curtilage shall be retained and not be extended at any time, for the lifetime of the development hereby approved. Any external storage areas shall remain ancillary to the main use of the site as a dwellinghouse (C3 Use) and for no other purposes.
For the avoidance of doubt and to define planning permission.

16. Notwithstanding the provisions of Classes A to F of Part 1 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 dwellinghouse (residential chalet building) hereby approved shall not be extended or altered in any manner (including the installation of any additional windows or re-configuration of approved windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage of the dwelling (residential chalet building) as shown on plan 1055/P/9 (Proposed Curtilage Plan, received 24.04.2023 by the Local Planning Authority) without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=153726>

2.117 Copies of the applications are available on-line:

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

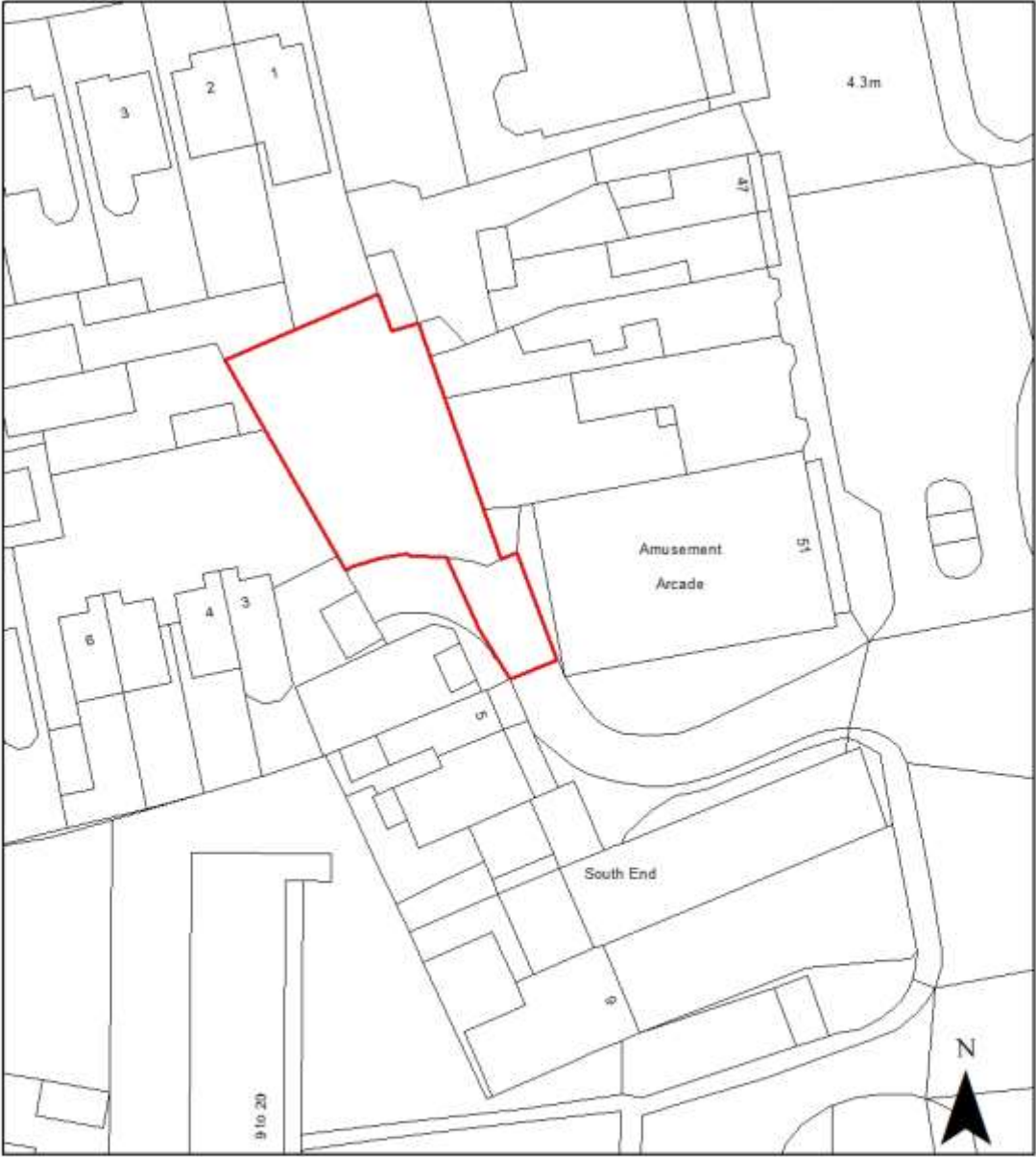
CONTACT OFFICER

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

AUTHOR

2.119 Kieran Campbell
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 242908
E-mail: kieran.campbell@hartlepool.gov.uk

Land to the rear of 47-50 The Front Seaton Carew ,Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 24.06.2024
	SCALE 1:500	
	DRG.NO H/2022/0217	REV

No: 3.
Number: H/2023/0439
Applicant: UNWIN GROUP THE FRONT HARTLEPOOL TS25 1BU
Agent: COLLABORATIVE DESIGN LTD MR CHRIS SUTTON
 65 ELMWOOD PARK COURT NEWCASTLE UPON
 TYNE NE13 9BP
Date valid: 21/02/2024
Development: Proposed replacement of the existing concrete roof tiles with clay roof tiles to main roof, proposed replacement of bay window to front with new 4-pane bay window (with opening mechanism to central pane windows), installation of 2no. awnings to front elevation, repair of existing windows and refurbishments to existing cast iron columns and beams to front.
Location: 70 71 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2012/0435 - Internal and external alterations including demolition of rear offshoot and new boundary wall to provide hot and cold food takeaway and sit in cafe (no.71). Approved on 25/09/2002.

H/2013/0023 - Alterations to shop to display painted mural. Approved on 08/03/2013.

H/2017/0521 - Provision of roof over rear yard to create a room. Approved on 15/02/2018.

H/2018/0397 - Resubmission of planning application (H/2017/0522) for the removal of an existing projecting bay window and the installation of a new shop front (including the installation of new awnings) to the front elevation. Refused on 07/01/2019. The LPA's decision was upheld at appeal (ref: APP/H0724/W/19/3231726), decision date 18.10.2019.

H/2020/0121 - Replacement of bay window to front, installation of new awning over front elevation (retention of existing awning), repairing existing windows and refurbishments to existing cast iron columns and beams (resubmitted application).

Approved on 08.10.2020 at planning committee (contrary to the officer recommendation).

PROPOSAL

3.3 Planning permission is sought through this application for the replacement of the existing concrete roof tiles with clay tiles to main roof, proposed replacement of bay window to front with new 4-pane bay window (with opening mechanism to central pane windows), installation of 2no.awnings to front elevation, repair of existing windows and refurbishments to existing cast iron columns and beams to the front.

3.4 The proposal includes the proposed replacement of the existing concrete roof tiles. The proposal was originally proposing artificial slate, however following concerns raised by the Head of Services for Heritage and Open Spaces and the case officer, the proposal was amended during the course of the application to clay pantiles.

3.5 Following the receipt of amended plans, which included the amendments to the materials of the roof and various clarifications to the proposed works, a 21 day re-consultation period to neighbours and consultees was undertaken.

3.6 The proposal includes the repair of the existing windows and beams and seeks to reinstate the covered walkway to the front of No. 70 by installing a new canopy from the frontage extending to the existing beams, installing steel beams to facilitate this. As such the awning would measure approximately 5.3m in width and approximately 2.7m in projection. Following concerns raised by the Head of Service for Heritage and Open Spaces and the case officer, the agent confirmed that the proposed awning on no.70 would be integrated into the fascia of the shopfront.

3.7 The proposal includes the replacement of the existing bay window at No. 71 to be larger in scale than the existing, measuring approximately 3.75m in width (approximately 1.2m wider than the existing) and comprising 4 panes rather than 3; and this would incorporate fully openable double panes, allowing the central panes to open and return over the corner splays of the bay window. It is understood that this would provide a servery.

3.8 The proposal includes an awning on the frontage of No. 71 (above the proposed bay window), which would measure approximately 4.5m in width and approximately 1.4m in projection from the main frontage.

3.9 The proposal is understood to be an amended resubmission of a previous scheme (H/2020/0121 decision date 08.10.2020) which was approved at planning committee contrary to officer recommendation. This permission was deemed to have lapsed by the LPA. Whilst the current application provides further information in relation to large scale details of the bay window and specification of the proposed awnings, the main differences between this planning application and the previous one is primarily the addition of the replacement roof to the proposals.

3.10 The application has been called in to be determined in the Planning Committee at the request of a local ward councillor in line with the Council's Scheme of Delegation.

SITE CONTEXT

3.11 The application site relates to 70 - 71 The Front which comprises of two adjoining two-storey terraced properties located within the commercial area of the Seaton Carew Conservation Area.

3.12 The application site is currently used as a sweet shop and ice cream parlour. No's 70-71 is an end terrace property with the rear access road entrance to the north and it adjoins similar commercial properties to the south with further commercial properties (with flats above) on the opposite side of The Front. A public car park is sited to the rear (east), accessed via a side road on the northern side of the application site. Further to the north is the site of the former Longscar building. Beyond the main highway of The Front are other commercial buildings to the west. No 70 and no 71 have a pink rendered finish.

3.13 No. 70 includes an original cast iron walkway to the western side (front). No. 71 features a single glazed bay window.

PUBLICITY

3.14 The application has been advertised by way of six neighbour notification letters, the displaying of a site notice and the publication of a press advert. As noted above, a further 21 day re-consultation was undertaken on receipt of amended details. To date, there have been no responses.

3.15 Background papers can be viewed by the 'attachments' on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160410>

3.16 The period for publicity has expired.

CONSULTATIONS

3.17 The following consultation replies have been received:

HBC Heritage and Open Spaces (Conservation): The application site is a commercial premises located in Seaton Carew Conservation Area, which is recognised as a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF). Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar site a substantial vacant space on the boundary of the conservation area. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is to re-roof the property, the proposed replacement of bay window to the front elevation with a new 4-pane bay window (with opening mechanism to central pane windows), installation of 2no. awnings to the front elevation, repair of existing windows and refurbishments of the existing cast iron columns and beams to the front.

The property currently has a concrete tiled roof which the applicant wishes to replace with a modern concrete tile that has the appearance of slate. Such tiles differ significantly to a natural slate. Whilst it is acknowledged that other properties have used replacement roofing tiles, these are evidence that the appearance of a natural slate tile and a concrete one, are significantly different. In particular, a concrete tile will have a much smoother surface finish than a slate one. It is therefore considered that this element of the application would cause less than substantial harm to the significance of the conservation area where the roofing materials are predominantly natural slate and clay pantiles.

In principle there would be no objection to the installation of an awning to No 70. Further details are required including, if the fascia will be increased in depth in order to accommodate the awning, and how the awning would be fixed to the framework. It would be preferable to see such an awning as an integral part of the fascia. It is noted that a structure exists at the moment including two columns and horizontal cross bars from these to the shop front. Where possible these should be utilised in order to retain traditional detailing on the premises.

With regard to the works at 71, an application for the removal of a bay window has previously been considered and taken to appeal (APP/H0724/W/19/3231726). At that time the inspector noted that, 'The appeal property contributes to the character (and significance) of the CA [(conservation area)] by virtue of its historical shopfront which includes the bay window on the frontage to no. 71 which displays characteristics that are reflective of the CA (such as its overall traditional design and style) even though it has ... had minor alterations made to it in the past.' The Inspector went on to note that, 'the CA's 'at risk' status in combination with; previous unsympathetic alterations to shop fronts; the increasing use of modern materials; and the fact that the existing bay window is the only traditional feature remaining on the appeal property, means that its removal would cause harm to the character of the building. Consequently, I consider that the appeal scheme would have a negative effect on the CA's significance resulting in less than substantial harm to the character of the building and the CA as a whole.' A subsequent application was submitted and this current iteration is of a similar nature. It is noted that efforts have been made in order to find a solution which will reflect the characteristics of the existing bay window however the proposed window is somewhat larger than the existing and therefore appears somewhat out of scale on the property.

Further to this the proposal of a canopy over the bay appears somewhat incongruous, in particular it is noted that a down pipe appears cut short by the insertion across it, without any solution for diverting it. It is considered that these works will cause less than substantial harm to the significance of the designated heritage asset.

With regard to the benefits of this proposal, it is worth noting the inspector's comments on this matter, as outlined in the appeal referenced above, as they remain relevant. They state that, 'I acknowledge that the proposed development would likely provide some economic investment to the area, this would be limited given the size of the business. I recognise that the removal of the bay window would make it easier to sell ice-cream to customers without having to remove the central panel or tie back the flanking panels, and that the current state of slight disrepair of the building would be improved. However, these limited benefits would not outweigh the harm to the CA, to which I attach great weight'

Whilst it is welcomed that works are proposed to these properties, it is considered that the proposal, namely the replacement roof to both buildings, and the bay window and canopy to No. 71 will cause less than substantial harm to the designated heritage asset (NPPF, 208) that is Seaton Carew Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Further comments received on 24/07/2024 following receipt of amended plans:

These comments should be read in conjunction with those dated 9/4/24.

The amended plans propose replacing the concrete tiled roof with a clay pantiled roof. Historical photographs do show the pantiles were used on properties elsewhere on this block, but no evidence is offered to demonstrate that these were fitted to this building. Given the current roofing cover, it is considered that on balance, such a proposal would be acceptable.

It is welcomed that the proposed awning to No. 70 will be integral to the fascia, and therefore in principle this is considered to be acceptable. Large scale details are required to fully understand how this will be fitted within the fascia and fixed when opened.

HBC Economic Development: No objections from Economic Growth.

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

Further comments received 04/07/2024 following amended plans:

There are no concerns with the amended plans.

HBC Public Protection: No comments received.

HBC Engineering Consultancy: No comments received.

HBC Estates: No comments received.

Civic Society: No comments received.

HBC Building Control: A Building Regulation application will be required for ' Proposed replacement of the existing concrete roof tiles with clay roof tiles to main roof, proposed replacement of bay window to front with new 4-pane bay window (with opening mechanism to central pane windows), installation of 2no. awnings to front elevation, repair of existing windows and refurbishments to existing cast iron columns and beams to front - 70 71 THE FRONT'

PLANNING POLICY

3.18 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)

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

HE1: Heritage Assets

HE3: Conservation Areas
 HE6: Historic Shopping Parades
 HE7: Heritage at Risk
 LS1: Locational Strategy
 LT3: Development of Seaton Carew
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 SUS1: The Presumption in Favour of Sustainable Development

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2023)

3.20 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF
 PARA002: Determination of applications in accordance with development plan
 PARA003: Utilisation of NPPF
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA047: Determining applications
 PARA055: Planning conditions and obligations
 PARA056: Planning conditions and obligations
 PARA128: Achieving appropriate densities
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA139: Achieving well-designed places
 PARA164: Energy Efficiency
 PARA195: Conserving and enhancing the historic environment
 PARA196: Conserving and enhancing the historic environment

PARA200: Proposals affecting heritage assets
 PARA203: Proposals affecting heritage assets
 PARA205: Proposals affecting heritage assets
 PARA208: Proposals affecting heritage assets PARA212: Enhance or reveal significance of heritage assets
 PARA224: Implementation

3.21 HBC Planning Policy Comments: Planning policy have no objection to this proposal provided the Heritage and Open Space manager is satisfied that the proposal accords with the relevant policies.

PLANNING CONSIDERATIONS

3.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies held within the Hartlepool Local Plan (2018) and in particular the impact on the character and appearance of the existing building and surrounding conservation area, the impact on the amenity of neighbouring land users, and the impact on highway and pedestrian safety. These and any other planning and non-planning matters are considered in full below.

IMPACT ON THE CHARACTER OF THE EXISTING BUILDING AND SEATON CAREW CONSERVATION AREA

3.23 The application site is situated within the southern commercial centre area of the Seaton Carew Conservation Area, being on the eastern side of the main highway running north to south through Seaton.

3.24 When considering any application for planning permission that affects a conservation area, section 72 of the Listed Buildings and Conservation Area Act (1990) requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.25 Policy HE3 of the Hartlepool Local Plan (2018) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

3.26 Policy HE6 of the Hartlepool Local Plan (2018) seeks to retain historic shop fronts. Replacement shop fronts should, 'respond to the context reinforcing or improving the wider appearance of the shopping parade within the street. Proposals should also be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

3.27 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs Policy HE7 of the Hartlepool Local Plan (2018) sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

3.28 The NPPF (2023) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203).

3.29 The Council's Shop Fronts and Commercial Design Guide Supplementary Planning Document (SPD, 2014) should also be accorded with. In particular, the SPD seeks to encourage good design within the retail areas of Hartlepool. The SPD acknowledges that in some instances it will be desirable to maintain the original design of a shop front or re-instate traditional features when lost, and this approach would be sought in conservation areas to ensure the character is maintained.

3.30 As identified in the comments received from the Council's Head of Service for Heritage and Open Space above, the special character of Seaton Carew Conservation Area can be separated into distinct areas. It is considered that this character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this erosion of character include the loss of original shop fronts and the installation of inappropriate signage.

Proposed works to no.71 (including the proposed replacement of bay window to front with new 4-pane bay window and the installation of an awning above)

3.31 The existing bay window appears to have been modified in the past, however the style and design are considered to be reflective of the character of the conservation area and in particular of this property. The proposed bay window replacement would be larger in scale than the existing, measuring approximately 3.75m in width (approximately 1.2m wider than the existing) and comprising 4 panes rather than 3; and would incorporate fully openable double panes, allowing the central panes to open and return over the corner splays of the bay window.

3.32 The comments from the Council's Head of Service for Heritage and Open Space highlights a previously dismissed appeal decision at the current application site. Planning application H/2018/0397 sought a similar replacement to the frontage of 70-71 The Front (including the replacement of the bay window at No. 71) which was refused by the LPA, and upheld at appeal (ref: APP/H0724/W/19/3231726 decision date 18.10.2019), with the Inspector concluding that "The appeal property contributes to the character (and significance) of the CA [(conservation area)] by virtue of its historical shopfront which includes the bay window on the frontage to no. 71 which displays characteristics that are reflective of the CA (such as its overall traditional design and style) even though it has been had minor alterations made to it in the past."

3.33 The Inspector went on to note that, "the CA's 'at risk' status in combination with; previous unsympathetic alterations to shop fronts; the increasing use of modern materials; and the fact that the existing bay window is the only traditional feature

remaining on the appeal property, means that its removal would cause harm to the character of the building. Consequently, I consider that the appeal scheme would have a negative effect on the CA's significance resulting in less than substantial harm to the character of the building and the CA as a whole."

3.34 The above quotes from the previous appeal and the comments from the Council's Head of Service for Heritage and Open Spaces, emphasise the significance of the existing bay window as a traditional feature which contributes to the character of the Conservation Area and the Shopfront.

3.35 It is considered that the replacement of the bay window with a larger, fully openable bay window (and canopy above) would be more modern in its design and character than the existing bay window. It is further considered that the proposed awning/canopy above would introduce an incongruous feature to the front elevation of no.71 which would not respect the historic context of the host property and Seaton Carew Conservation Area, due the modern box housing and location (above the bay window). As result, the Council's Head of Service for Heritage and Open Space concludes the proposals to no.71 would cause less than substantial harm to the significance of the designated heritage asset of the Seaton Carew Conservation Area).

3.36 In addition, the Hartlepool Local Plan (2018) Policy QP4 advises that development should be of a scale and character which is in keeping with its surroundings and the Council's Shop Front and Commercial Frontages Design Guide SPD requires that replacement shop fronts should respond to the context of the character of the street scene, and historic shop fronts should be refurbished to maintain the detailing which contributes to the character of the area.

3.37 As outlined, above the larger bay window (fully openable) and awning to the application property (No. 71) are considered incongruous and would fail to positively contribute or enhance the character and historic significance of the area, contrary to Paragraph 139 of the National Planning Policy Framework 2023 (NPPF), Policy QP4 of the Hartlepool Local Plan (2018) and the above mentioned SPD.

3.38 The applicant has been advised of the LPA's concerns and requested that the applicant reduce the scale of the proposed bay window and provide amendments to address these concerns. However no changes were made to the proposed bay window design during the application.

3.39 The NPPF (2023) requires works that would result in less than substantial harm to be supported by justification in terms of the public benefit that would outweigh that harm. As detailed above in the comments from the Council's Head of Service for Heritage and Open Space, it has been identified that these works would result in less than substantial harm to the conservation area. The supporting documentation provided as part of the fails to indicate any substantial public benefit to the scheme to outweigh this harm and the applicant has not submitted any additional information through the process of considering the application.

3.40 With regard to the benefits of this proposal, the submitted information indicates the works to the bay window are required for the health and safety of staff due to the laborious removal to the windows during the day. Whilst officers

sympathise with safety concerns the existing windows pose, it is considered these concerns could be resolved through a more sympathetic replacement such as appropriate and safe window openings which would not involve the enlargement of the bay or the fully opening windows.

3.41 Additionally, any economic or viability benefits would be limited given that the business is an existing small business. It is worth noting the Inspector's comments on this matter within the above cited appeal decision where the Inspector notes, 'I acknowledge that the proposed development would likely provide some economic investment to the area, this would be limited given the size of the business. However, these limited benefits would not outweigh the harm to the CA, to which I attach great weight'.

3.42 Additionally, as outlined above this is a partial resubmission of H/2020/0121 (with the additional element of the replacement roof) which was approved by planning committee, contrary to the officer recommendation. This permission lapsed on the 09.10.2023 as the LPA considered that it had not been lawfully implemented. Whilst it is acknowledged that previous planning permissions can be a material planning consideration, given the lapsed nature of the previous permission, the weighing given to this is limited, particularly given the identified impacts of the current application which does include some amendments to the previous application.

3.43 Additionally, since the previous planning approval was issued, there have been changes to the National Planning Policy Framework (NPPF). Whilst it is acknowledged, none of the changes to the NPPF were made to the policy text within Chapter 16: Historic Environment of the NPPF (albeit that the paragraph numbers have changed as a result of additions elsewhere), consideration is given to the changes elsewhere within the NPPF 2023 relating to the historic environment. The new NPPF puts an emphasis on beauty and developments making positive contributions to the area particularly in area of historic or natural beauty.

3.44 In view of the above, it is considered that the proposed works at no.71 The Front particularly the larger, fully openable bay window and canopy/retractable awning above, would cause less than substantial harm to the significance of Seaton Carew Conservation Area. In addition, it is considered that the applicant has failed to identify clear public benefits in order that it would outweigh the identified harm caused, as required by the NPPF and Local Plan Policy HE3. Despite the previous lapsed permission, officers remain of the view the identified 'harm' would be unacceptable and would therefore warrant a refusal of the application.

Replacement Roof

3.45 The property currently has a concrete tiled roof which is proposed to be replaced. Following concerns raised with the previously proposed material, the amended scheme now proposes the replacement of the concrete tiled roof with a clay pantiled roof. Whilst it acknowledged that no evidence has been provided to demonstrate that pantiles were fitted to this building, the Council's Head of Service for Heritage and Open Space notes that historical photographs do show the pantiles

were used on properties elsewhere on this parade of buildings. Additional consideration is given to the current unsympathetic roofing cover.

3.46 It is therefore considered that on balance, the replacement clay pantile roof would be acceptable, this view is supported by the comments provided by HBC Head of Service for Heritage and Open Space. Had the proposal been deemed acceptable in all other respects, the submission of final details of such clay pantiles would have been subject to an appropriate planning condition.

Proposed works to No 70 (including the installation of the awning)

3.47 No.70 features an existing structure to the front which consists of two columns and horizontal cross bars from these to the shop front and it is understood that these would have historically accommodated an awning/canopy. Based on the submitted information, the columns would be retained and refurbished with additional horizontal support beams proposed to be added.

3.48 Following concerns raised by HBC Head of Service for Heritage and Open Space regarding how the awning would be fixed to no.70, clarification was provided by the applicant's agent whereby the proposed awning would be integral to the shop front fascia. It is therefore considered that given the existing structures and the proposed positioning of the awning, the proposed awning to the front of no.70 would be acceptable in principle, subject to further large scale details being agreed by the Local Planning Authority, this view is supported by the comments provided by HBC Head of Service for Heritage and Open Space. Therefore the works to no.70 are considered not to result in any adverse harm on the designated heritage asset. Had the proposal been deemed acceptable in all other respects, the submission of large scale details indicating how this will be fitted within the fascia and fixed when opened would have been subject to an appropriate planning condition.

Summary of proposed works and identified harm

3.49 It is considered that the introduction of a modern larger bay window (fully openable) with awning/canopy above to the application property (No. 71) fails to positively contribute or enhance the character and appearance of the host buildings or the area, and would cause less than substantial harm to the Seaton Carew Conservation Area. Whilst the previous lapsed permission and the limited (mainly private) benefits are acknowledged, in view of the above and taking into account Policies QP4, HE3, HE6 and HE7 (of the Hartlepool Local Plan 2018) and the above mentioned SPD as well as the relevant provisions of the NPPF, it is considered, on balance, the application is deemed unacceptable in relation to its level of harm to the Conservation Area and that this would warrant the refusal of the application.

IMPACT ON AMENITY OF NEIGHBOURING OCCUPIERS

3.50 As noted above, the application site is situated at the end of a terrace of commercial properties. It is acknowledged that residential flats are situated above the some of the commercial properties.

3.51 Given that the proposed refurbishments to the shop front of Nos. 70 and 71 The Front would not seek to significantly extend the premises, change the position of windows/doors (aside from the enlargement of the bay window at No. 71), significantly reduce existing separation distances to adjacent properties or those on the opposite side of the road, or otherwise alter the nature of the use of the established commercial properties, it is considered that the proposed works would not have any significant adverse impact on the amenity or privacy (including loss of outlook, overbearing impression, overshadowing or overlooking) for neighbouring occupiers when compared to the existing shop front.

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

FLOOD RISK

3.53 Based on the Environment Agency Flood Risk mapping (2024) the application site is situated within flood risk zone one, an area with a low probability of flooding. The Council's Engineering Consultancy have provided no comments or no objections. As such the application is considered acceptable in this respect.

HIGHWAY + PEDESTRIAN SAFETY

3.54 No objections have been received from either HBC Traffic & Transport to the proposals (which include the retractable awnings over the public highway). As such, the proposals are considered to be acceptable in respect of highway and pedestrian safety.

CONCLUSION

3.55 It is considered that the proposed works (replacement bay window with awning above) would cause less than substantial harm to the significance of the conservation area by virtue of its design, and loss of traditional features. Furthermore, insufficient information has been provided to demonstrate that this harm would be outweighed by any clear public benefits. It is therefore considered the development would detract from the character and appearance of the Seaton Carew Conservation Area, contrary to policies HE1, HE3, HE6, HE7 and QP4 of the Hartlepool Local Plan (2018), the Council's Shop Front and Commercial Frontages Design Guide Supplementary Planning Document and paragraphs 135, 139, 196, 203, 205, 208 and 212 of the National Planning Policy Framework 2023.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.56 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.58 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement of the existing projecting bay window with a larger bay window and proposed awning above to the front elevation of No. 71 The Front would cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design and loss of traditional features. It is considered that the proposals would detract from the character and appearance of the existing building and the designated heritage asset. It is further considered that there is insufficient information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1, HE3, HE6, HE7 and QP4 of the Hartlepool Local Plan (2018), the Council's Shop Front and Commercial Frontages Design Guide SPD and paragraphs 135, 139, 196, 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160410>

3.61 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information.

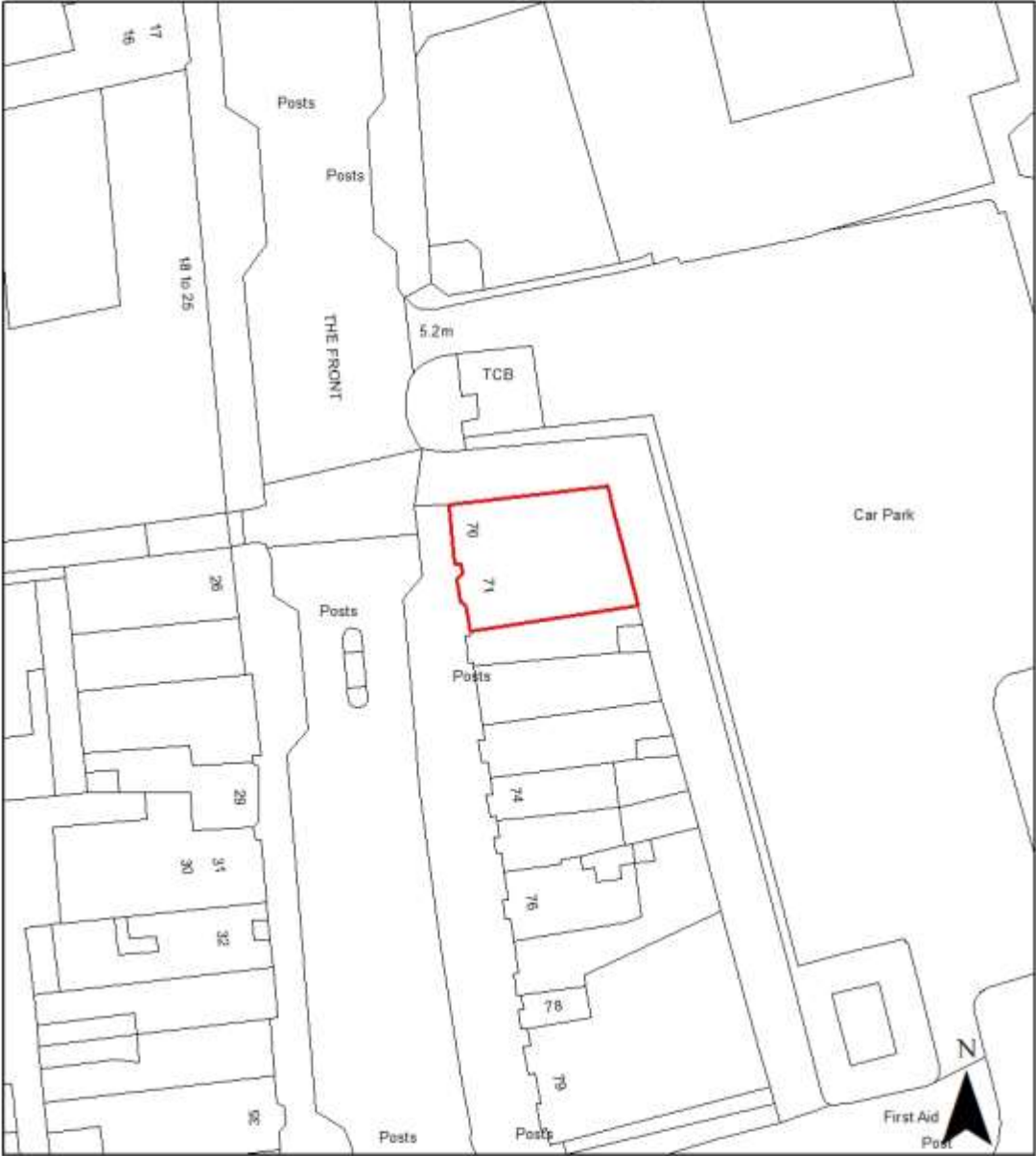
CONTACT OFFICER

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

AUTHOR

3.63 Jasmine Jones
Graduate Planning Assistant
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: (01429) 523304
Email: Jasmine.Jones@hartlepool.gov.uk

70 -71 The Front, Seaton Carew, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 29.07.2024
	SCALE 1:500	
	DRG.NO H/2023/0439	REV

No: 4.
Number: H/2024/0137
Applicant: MS SILVIA MARINA CARRILLO PEREZ, CLIFTON AVENUE, HARTLEPOOL, TS26 9QN
Agent: GAP DESIGN, MR GRAEME PEARSON, EDENSOR COTTAGE, 1 BLAISE GARDEN VILLAGE, ELWICK ROAD, HARTLEPOOL, TS26 0QE
Date valid: 30/05/2024
Development: Proposed change of use from part of existing residential dwelling to childminding business including erection of single storey lean to structure to rear of existing garage (to be converted to play area associated with proposed use).
Location: 13 CLIFTON AVENUE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 There is no relevant planning application history however the applicant is currently operating a child minding business from the property (which does not benefit from planning permission) and this is detailed further within the 'Proposal' section.

PROPOSAL

4.3 The application proposes a change of use from part of an existing residential dwelling (C3 Use) to a childminding business (E(f) Use). The proposal includes the erection of a single storey, lean-to structure adjoining the rear of an existing attached garage. The extended garage would be used as a covered play area in association with the proposed use.

4.4 It is understood that the applicant has been operating a child minding business, known as 'Marina's Amigos' from 13 Clifton Avenue since August 2022. Information submitted in support of the application indicates that Marina's Amigos currently has capacity for up to twelve children at any one time, with care being provided by up to four members of staff (including the applicant). As part of a pre-application submission by the applicant (in respect to the current proposals), the Local Planning Authority has advised the applicant in writing that it considers the existing childminding business to be of a scale which constitutes a (part) change of use for the residential building and one that would require planning permission.

4.5 This application would be premised on an expanded business operation, with a capacity for up to twenty children who would be cared for by up to eight members of staff (including the applicant).

4.6 The business would continue to operate from Tuesday to Friday between the hours of 08:00 and 17:00. The applicant advises that pick-up and drop-off times for children are staggered, being managed via a phone app called Baby Days.

4.7 The proposal includes alterations to an existing garage which adjoins the eastern side wall of the dwelling. The altered garage would be used as a covered play area by the proposed childminding business. It became apparent during a site visit that this aspect of the proposal is now retrospective.

4.8 The proposed extension projects southwards from the existing garage by approximately 1.4 metres. It has an eaves height of approximately 2.25 metres and a maximum height of approximately 2.45 metres where it adjoins the eastern side elevation of the host dwelling. The application proposes that the rear elevation of the extension would be finished in timber and would feature a single, timber door.

4.9 It was also noted during a site visit that the garage door to the front/north elevation (which previously comprised counterweight door, painted black) has been replaced by a set of double timber doors. No details of this have been provided as part of this application and this replacement door does not form part of the consideration of the current proposal.

4.10 The application has been called in to be determined in the Planning Committee at the request of a local ward councillor and more than 3 objections have been received, in line with the Council's Scheme of Delegation.

SITE CONTEXT

4.11 13 Clifton Avenue is a north-facing, two-storey, semi-detached dwelling within the Grange Conservation Area. It features a two-storey rear extension and its eastern side wall is adjoined by a single-storey garage. It benefits from private amenity space to the rear and a garden / driveway to the front.

4.12 The host dwelling is adjoined to the west by 15 Clifton Road, whilst 11 Clifton Road is adjacent to the east. Its rear garden shares a common boundary with the rear garden of 14 Stanhope Avenue to the south. The public highway of Clifton Avenue is adjacent to the north.

4.13 The host dwelling is in many ways typical of the Grange Conservation Area, which is a predominantly residential area characterised by large Victorian properties that benefit from generously sized gardens, lending the area a spacious feel. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel.

4.14 The massing of the original dwelling is simple. In keeping with other dwellings in the immediate street scene, architectural interest is provided to the main

front (north) elevation by a ground floor bay window and a porch above the front door which is supported by masonry columns. Its historical character is relatively well preserved, notably through the retention of single-glazed, timber framed, sliding sash windows and a timber front door. Decorative window surrounds are also noted.

4.15 The adjoining garage is a later addition. Its front (north) elevation is set back relative to that of the host dwelling by approximately 1.2 metres and comprises two red brick pillars either side of a set of timber doors. Timber weather boards sit above these. A shallow, lean-to roof sits behind the front elevation, constructed from timber and finished with clear plastic sheets. The garage has an eaves height of approximately 2.25 metres and a maximum height of approximately 2.45 metres where it adjoins the eastern side elevation of the host dwelling. Prior to the proposed alterations being implemented, the garage projected along the common boundary with 11 Clifton Avenue for approximately 7.8 metres.

4.16 Other notable modern alterations include the construction of extensive hardstanding within the front garden and the construction of a replacement boundary wall to the front of the dwelling. It is not known when these changes took place and they do not form part of the current proposal.

PUBLICITY

4.17 The application was advertised by way of eleven neighbour notification letters, a site notice, and an advertisement in the local press. Fourteen responses were received (including where more than 1 objection was received from the same address) from members of the public, though it is noted that three of these were anonymous.

4.18 Of the responses received, five were objections (including two anonymous submissions). Concerns raised by objectors can be summarised as follows:

- That operating a business from a residential property could alter the character of the local area;
- Impacts on highway safety and car parking as a result of increased traffic;
- That the business has been operating out with the Council's control and that business rates may be due.

4.19 It is noted that two objectors stated that they had gathered a petition against the proposal. No evidence of this has subsequently been provided.

4.20 Seven respondents were supportive of the proposal (including one anonymous submission), whilst two expressed 'no objection'. The letters of support can be summarised as follows:

- A need for good quality childcare within Hartlepool;
- A need for additional capacity at this childcare provider;
- Efficient pick-up and drop-off arrangements for parents and children.

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161820>

4.22 The period for publicity has expired.

CONSULTATIONS

4.23 The following consultation replies have been received:

HBC Traffic & Transport: I would have concerns that these proposals will have a detrimental impact on parking and road safety in Clifton Avenue. The road is residential and parking is currently controlled by a resident parking zone, this proposal may lead to multiple parents turning up at similar times contravening the permit parking. In addition there may be 8 full time member of staff with limited off street parking facilities.

Further comments/clarification received 24/07/2024

I can confirm that this is an objection. The proposed scheme will have a detrimental impact on road safety due to an increase in parked cars on a residential street.

Further comments/clarification received 01/08/2024

For a proposal of this scale and nature, we would normally expect:

1 space per 2 members of staff (total 4 spaces); plus
1 space per 5 children (4 spaces); plus
3 spaces required for a 7 bed residential property.

The total number of off-street parking spaces required therefore equals 11.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF).

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

demonstrate that they will conserve or positively enhance the character of the conservation areas.'

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

The proposal is change of use of part of an existing residential dwelling to childminding business including erection of single storey lean to structure to the rear of the existing garage (to be converted to play area associated with proposed use).

The Grange Appraisal states that, 'The dominance of residential use defines the character of the conservation area, and there is a commercial focus on Victoria Road. Nearly all of the residential use takes the form of single family dwellings. The majority comprises substantial semi-detached houses with a few converted to care homes or flats. Conversions of single family dwellings to flats could begin to harm character and appearance if this results in incremental changes to elevations, leaves gardens un-green and communal areas unmanaged, if greater parking demands have knock-on effects such as increased hard-standing or removal of boundary walls, or if there were a decline in residential amenity.'

It is worth noting that the character of the area for the main is considered to be residential. Further to this the comments regarding change of use to flats could equally apply to a change of use to commercial premises. This is emphasised further on in the document when the commercial area in Victoria Road is considered, it is noted that, 'The impact of changes of use here has been profound over the years with the loss of front gardens and boundary walls to parking, loss of trees and isolation of remaining ones, radical change to ground floor frontages, and the introduction of commercial signage.'

It is noted that a business appears to have been run from this property for a number of years without the requirement for signage to signal that the site is not wholly in residential use. Further to this other alterations which signal a business premises and indicate the loss of residential already appear to have occurred, namely extensive hard standing to the front of the property. It is therefore considered that with regard to the change of use of a single room within the dwelling and the garage this will not impact on the significance of the conservation area.

With regard to the proposed external works namely, the small extension to the rear of the garage, it is considered that this will not impact on the significance of the conservation area.

To conclude there are no objections to the proposal.

HBC Public Protection: No objection.

HBC Economic Development: No objection from Economic Growth.

HBC Children's & Joint Commissioning Services: Children's & Joint Commissioning Services have no objections.

HBC Engineering Consultancy (Contaminated Land): It is recommended that, other than the unexpected contamination condition, due to the limited nature of the development, no further Contaminated Land conditions are attached to this application.

HBC Engineering Consultancy (Flood Risk & Drainage): This application is for a proposed change of use from residential property to childminding with erection of a lean to. Given that the application does not meet criteria for the LLFA to comment, we have no comments to make on this application.

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

Cleveland Police: I note that this type of business has been running for a number of years at this location, and the proposal is to expand the existing provision for childcare.

I note that there are CCTV cameras external to the property. The applicant should also consider good levels of 'white' lighting around the building, and using PAS024 or equivalent doors and windows in the proposed single storey lean to structure.

HBC Building Control: A Building Regulation application will be required for 'Proposed change of use from part of existing residential dwelling to childminding business including erection of single storey lean to structure to rear of existing garage (to be converted to play area associated with proposed use) - 13 CLIFTON AVENUE'

PLANNING POLICY

4.24 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

Hartlepool Local Plan

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters
 HE1: Heritage Assets
 HE3: Conservation Areas
 RC20: Business Uses in the Home
 RC21: Commercial Uses in Residential Areas

National Planning Policy Framework (NPPF)(2023)

4.26 In December 2023 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and September 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 001: Govt's planning policies for England
 PARA 002: Status of NPPF
 PARA 007: Meaning of sustainable development
 PARA 008: Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
 PARA 009: Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
 PARA 010: Achieving sustainable development (presumption in favour of sustainable development)
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making
 PARA 038: Positive and creative decision approach to decision making
 PARA 047: Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise
 PARA 055: Use of conditions or planning obligations
 PARA 057: Planning obligations tests
 PARA 085: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt
 PARA 115: Refusing applications on the grounds of highway safety
 PARA 135: Policies and decisions ensuring good design
 PARA 203: Determining applications and heritage assets
 PARA 205: Impact of a proposed development on the significance of a designated heritage asset

HBC Planning Policy Comments:Principle of development

4.27 The information submitted establishes that an existing childcare facility has been operating at the property for a number of years for up to 12 children with 4 members of staff including the applicant. The proposal is for the change of use of two rooms within the property to operate as a childminding facility for up to 20 children with 8 staff. Works are proposed to erect a single storey lean to structure to the rear of the existing garage to facilitate a play area. The property is located within the Grange Conservation Area and as such is subject to policy HE3 of the Local Plan which sets out that proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. Comments from the Heritage team should be sought to establish the appropriateness of the proposal on the Conservation Area.

4.28 Planning Policy are supportive of additional childcare facilities being provided within the borough and Policy RC20 seeks to ensure many flexible options for employment are delivered across the borough and support residents who wish to run business from providing that they meet the following criteria:

- 1. The residential appearance of the property is not significantly altered.*
- 2. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.*
- 3. There is no significant detrimental impact upon highway and car parking provision.*
- 4. There is no significant detrimental effect on the character of the property or surrounding area.*

Businesses will not be permitted to operate between the hours of 6pm and 8am.

4.29 There are no significant alterations to the property and criterion one is satisfied.

4.30 The working hours are proposed from 7.30am to 5pm the start time of the operating hours is outside of those permitted by policy RC20 and could have implications on the amenity of nearby properties. It is advised that the operating hours are amended in-line with the policy to accord with criterion 2.

4.31 In regards to highway and parking, concerns are raised over the level of parking available at the property and the number of staff proposed. There are two spaces available at the property and there will be eight members of staff one of which is the resident/applicant. It is acknowledged that within the supporting heritage, design and access statement that the applicant has stated that not all staff will require parking however this may not be the case in perpetuity. Concerns are therefore raised over where staff will park throughout the working day and implications this will have on the availability of parking for nearby residents in a

controlled parking area. Comments from HBC traffic and transport also note concerns over increased parking within the location.

4.32 The cumulative impact of the proposal on the character and amenity of the surrounding area needs to be considered when determining the application in accordance with Policy RC20. The overall increase in the number of customers will result in up to 20 additional visitors to the area at drop off and pick up times along with their associated general noise and disturbance. When this is considered in combination with an increase in staff, parking and traffic generation there is likely to be an alteration to the character of the area from that of a residential street where people benefit from a good levels of daytime peace and quiet to one of an intensification of coming and goings and associated noise. Planning Policy therefore considered that the proposal would not meet the requirements of criterion 4.

4.33 The decision maker must also be satisfied that the scheme can be delivered as stated in the application i.e. limiting the number of customers and staff members to that proposed.

Planning Obligations

4.34 In the interests of achieving sustainable development and ensuring that the proposal is acceptable in planning terms, and in accordance with Local Plan policy QP1 Planning Obligations and the Planning Obligations SPD, due to the scale of the proposal no developer contributions will be required based on the current submission.

PLANNING CONSIDERATIONS

4.35 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development; the impact on the host dwelling and the Grange Conservation Area; the impact on the amenity and privacy of neighbouring dwellings; the impact on highway safety and car parking and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

4.36 In principle, the Council is supportive of additional childcare provision being created within Hartlepool and within the right locations. Nonetheless, this support is contingent on any such proposal being compliant with relevant Hartlepool Local Plan policies.

4.37 Local Plan Policy RC1 (Retail and Commercial Centre Hierarchy) seeks to direct retail and commercial uses to the Town Centre, followed by Edge of Town Centre Areas and Retail and Leisure Parks, and then Local Centres. The application site, being a residential property within an established residential area, does not accord with this hierarchy. Furthermore, the application site would continue to function as a residential dwelling in the event that planning permission is granted. As such, Local Plan Policy RC20 (Business Uses in the Home) therefore applies.

4.38 Policy RC20 states that the Local Planning Authority will support residents who wish to run businesses from home provided that:

1. The residential appearance of the property is not significantly altered.
2. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties.
3. There is no significant detrimental impact upon highway and car parking provision.
4. There is no significant detrimental effect on the on the character of the property or surrounding area.'

4.39 Policy RC20 also states that working hours should not fall outside of 08:00 to 18:00.

4.40 Regarding the character of the property and surrounding area, the application site is a residential property within an established residential area. The predominance of residential uses is also a key characteristic of the Grange Conservation Area and this part of the Conservation Area, being dislocated from major thoroughfares and commercial area, benefits from a secluded residential character.

4.41 It is considered that a childminding business of the scale proposed (up to 20 children cared for by up to 8 members of staff) would generate a significant amount of disturbance, and whilst it is noted that the applicant has procedures in place to try and minimise disturbance at pick-up and drop off times, it is nonetheless considered that the level of disturbance associated with a business operation of the size proposed (which is an intensification of the existing, unauthorised business) would have the potential to have a significant detrimental impact on the secluded, residential character of the locality.

4.42 It is further noted that the proposed working hours are 07:30 to 17:00, which falls slightly outside of those permitted by policy RC20 and could have implications for the amenity of nearby properties.

4.43 As outlined in the following sections of the report, it is considered that the proposal would have a significant detrimental impact on highway safety and car parking provision sufficient to warrant a refusal of the application (as confirmed by an objection from HBC Traffic & Transport). In particular, it is considered that a business of the scale proposed (up to 20 children cared for by up to 8 staff) would generate a significant volume of traffic and a demand for car parking significantly in excess of the number of available in-curtilage car parking spaces the property appears to benefit from 2 spaces (in terms of design guide standards) in the form the existing garage (that is to be used as covered play area) and a driveway space in front of that (though the case officer observed two vehicles parked on the drive). As such, the proposal would be contrary to criterion 3 of the Policy RC20.

4.44 On this basis, the proposed change of use is considered contrary to criterion 2, 3 and 4 of Local Plan Policy RC20.

4.45 Local Plan Policy RC21 (Commercial Uses in Residential Areas) is also considered relevant to the proposal. Policy RC21 states that Proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless:

1. There is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, and
2. The design, scale and impact is compatible with the character and amenity of the site and the surrounding area, and
3. Appropriate servicing and parking provision can be made.

4.46 Policy RC21 also requires that operating hours should fall between 08:00 and 18:00.

4.47 On the basis of the similar considerations of the proposal against Policy RC20 (set out above), the proposed change of use is also considered contrary Local Plan Policy RC20 (criteria 1, 2 and 3).

4.48 Overall, the proposed change of use is considered to be contrary to Local Plan Policies RC1 (Retail and Commercial Centre Hierarchy), RC20 (Business Uses in the Home), and RC21 (Commercial Uses in Residential Areas). The principle of development is not therefore considered acceptable.

IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING AND THE GRANGE CONSERVATION AREA

4.49 The application site is located within the Grange Conservation Area, a designated heritage asset. When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

4.50 Local Plan Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

4.51 The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 212, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 196 & 203, NPPF).

4.52 Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with / sympathetic to the host property and the character of the surrounding area. NPPF Paragraph 139 states that development which is not well designed should be refused.

4.53 The application primarily relates to a part change of use from a residential dwelling to a dual use residential and a child minding business, with the only proposed external alteration being a rear extension to an existing lean-to garage which adjoins the eastern side wall of the host dwelling. It was noted during a site visit that this aspect of the proposal has been completed and is now considered retrospective.

4.54 The erected extension is modest in scale and its design is considered to be in keeping with the character of the existing garage (including the proposed materials palette of timber with the roof being finished in plastic sheets). It was further noted during a site visit that the erected extension is largely or entirely screened in views from the wider street scene by the existing garage, the host dwelling, and adjacent buildings / boundary treatments. Furthermore, no objections have been received from the Council's Head of Service for Heritage and Open Spaces in respect to such external works. In this context, the proposal is considered to satisfy the requirements of criterion 1 of Local Plan Policy RC20.

4.55 The Council's Head of Service for Heritage and Open Spaces acknowledges that a business appears to have been run from this property for a number of years and for the reasons detailed in their comments, concludes that the change of use of a single room within the dwelling and the garage would not impact on the significance of the conservation area and therefore raises no objections to the proposals in this respect.

4.56 Whilst the Council's Head of Heritage and Open Spaces does not object to the proposal (including the proposed use) on the character and appearance of the conservation area, it is nonetheless noted that the predominance of residential uses is a key aspect of the character of this area. This part of the Conservation Area, being dislocated from major thoroughfares and commercial areas, is considered to benefit from a notably secluded residential character.

4.57 As detailed within the 'principle of development' section of this report, it is considered that a childminding business of the scale proposed (up to 20 children cared for by up to 8 members of staff) would generate a significant amount of disturbance, and whilst it is noted that the applicant has procedures in place to try and minimise disturbance at pick-up and drop off times, it is nonetheless considered that the level of disturbance associated with a business operation of the size proposed (which is an intensification of the existing, unauthorised business) would have the potential to result in a significant detrimental impact on the secluded, residential character of the local area, contrary to the requirements of Policies RC20(4) and RC21(2) of the Local Plan.

IMPACT ON HIGHWAY SAFETY & CAR PARKING

4.58 On-street parking in the vicinity of the application site is understood to be residents only, requiring a residential parking permit.

4.59 The existing driveway is only large enough to provide one parking space to design guide standard (it was observed by the case officer that a second car was parked on the hardstanding to the front albeit this would not meet the relevant parking standard). As part of the proposal, the adjoining garage would function as a covered play area in association with the childminding business. One in-curtilage parking space would therefore remain. The Council's Traffic and Transport section have advised that for a proposal of this scale and nature, it would require 11 off street car parking spaces.

4.60 The proposed change of use application seeks permission for a child-minding business with a capacity for up to 20 children who would be cared for by up to 8 members of staff. The building would also continue to function as a residential dwelling. It is therefore considered that the proposed change of use would generate a demand for car parking spaces which far exceeds the available number of in-curtilage spaces.

4.61 It is acknowledged that the applicant has attempted to address this issue in their submission, offering mitigating factors including:

- That pick-up and drop off times for customers are staggered, with the process being managed via an app.
- That the business is willing to purchase car parking permits for staff members.
- That some customers and staff make use of sustainable modes of transport as opposed to relying on private cars.
- That customers are encouraged to park away from the permitted area when collecting their children.
- That staff will be encouraged to park in nearby public car parks, with two vehicles being permitted to park on the driveway and one vehicle making use of the residential permit which served the existing dwelling.

4.62 The Local Planning Authority is unable to exercise any control over the other mitigating circumstances offered by the applicant in planning terms, and it is considered that they would not in any case mitigate the impact on car parking to the degree that the proposal would become acceptable, particularly in view of the objection from HBC Traffic and Transport (set out below).

4.63 HBC Traffic & Transport was consulted on the proposal, and have raised concerns that these proposals will have a detrimental impact on parking and road safety in Clifton Avenue. They have advised that the road is residential and parking is currently controlled by a resident parking zone, this proposal may lead to multiple parents turning up at similar times contravening the permit parking. In addition there may be 8 full time member of staff with limited off street parking facilities. As a result, HBC Traffic and Transport object to the application and conclude that the proposal would have a detrimental impact on road safety due to an increase in parked cars on a residential street.

4.64 On this basis, it is considered that the proposal would have an unacceptable impact on highway safety and car parking to a degree that is considered sufficient to warrant a refusal of the application, contrary to the requirements of Local Plan Policies QP3, RC20(3) and RC21(1 and 3) and NPPF Paragraph 115 which states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety...”.

IMPACT ON THE AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

4.65 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.

4.66 The above requirements are reiterated in the Council’s adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

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

Impact on 11 Clifton Avenue (adjacent to the east) and 9 Clifton Avenue beyond

4.67 11 Clifton Avenue is adjacent to the east of the host dwelling. 9 Clifton Avenue adjoins 11 Clifton Avenue to the east. The eastern side elevation of the adjoining garage which serves the host dwelling is immediately adjacent to the common boundary with No. 11, projecting along it for approximately 7.8 metres with an eaves height of approximately 2.25 metres. The intervening boundary treatment is a brick wall measuring approximately 1.6 metres in height.

4.68 The application primarily relates to a change of use, with the only external works proposed being a rear extension to the adjoining garage (to be used as a covered play area). This aspect of the proposal is now retrospective, with the extension increasing the projection of the existing garage along the common boundary with No.11 by approximately 1.4 metres to a total of approximately 9.2 metres.

4.69 It is considered that the rear garage extension is entirely screened in views from No. 9 by the presence of No. 11. It would be visible in some views from west-facing windows at No. 11, and oblique views may be achievable from south-facing windows at No. 11.

4.70 Having consideration to the modest scale of the extension, the presence of an intervening solid boundary treatment (measuring approximately 1.6 metres in height), and the offset distances involved (approximately 6 metres from the nearest south-facing rear window and approximately 8.4 metres from the nearest west-facing

side window within No 11), it is considered that the proposed extension (and use of the garage as a covered play area) would not have an unacceptable impact on the amenity and privacy of 11 Clifton Avenue (nor 9 Clifton Avenue) through overbearing, overshadowing, or loss of outlook.

4.71 No new windows are proposed as part of the application. As such, it is considered that there would be no unacceptable impact on the amenity and privacy of 11 Clifton Avenue (nor 9 Clifton Avenue) through overlooking or a perception of overlooking.

Impact on 15 Clifton Avenue (adjoining to the west) and 17 Clifton Avenue beyond

4.72 Nos. 15 and 17 Clifton Avenue are north-facing, two-storey, semi-detached dwellings. No. 15 adjoins the host dwelling to the west, with No. 17 being located to the west of this.

4.73 The proposed garage extension (and use of the garage as a covered play area) would be predominantly screened in views from Nos. 15 and 17 Clifton Avenue by the host dwelling (and its projecting offshoots along the boundary to No 15). No other external alterations are proposed. It is therefore considered that the proposed external works (and use of the garage as a covered play area) would not have an unacceptable impact on the amenity and privacy of Nos. 15 and 17 Clifton Avenue through overbearing, overshadowing, loss of outlook, overlooking, or a perception of overlooking.

Impact on Nos. 14, 16, 18, and 20 Clifton Avenue (to the north and north-east/front)

4.74 Nos. 14, 16, 18, and 20 Clifton Avenue are south-facing dwellings to the north and north-east of the host dwelling, on the opposite side of the public highway. No. 16 is a dormer bungalow, with the other dwellings being two-storeys in height. The nearest of these dwellings are No. 18 and 20, which are set off from the host dwelling by approximately 23.4 metres.

4.75 The proposed garage extension is considered to be largely or entirely screened in views from Nos. 14, 16, 18, and 20 Clifton Avenue by the existing garage, adjacent buildings, and boundary treatments. The offset distances are significant, and no other external alterations are proposed. It is therefore considered that the proposed external works (and use of the garage as a covered play area) would not have an unacceptable impact on the amenity and privacy of Nos. 15 and 17 Clifton Avenue through overbearing, overshadowing, loss of outlook, overlooking, or a perception of overlooking.

Impact on Nos. 12, 14, and 16 Stanhope Avenue (to the south/rear)

4.76 Nos. 12, 14, and 16 Stanhope Avenue are south-facing two-storey dwellings to the south of the application site. The nearest of these, No. 12, is set off from the host dwelling by approximately 25 metres. The rear garden serving No. 12 shares a common boundary with that of the host dwelling. No other external alterations are proposed.

4.77 The proposed garage extension is considered to be modest in scale and would be set off from Nos. 14, 16, 18, and 20 Stanhope Avenue by distances in excess of 36 metres. Screening exists at ground floor level in the form of intervening vegetation and boundary treatments.

4.78 It is therefore considered that the proposed external works (and use of the garage as a covered play area) would not have an unacceptable impact on the amenity and privacy of Nos. 12, 14, and 16 Stanhope Avenue through overbearing, overshadowing, loss of outlook, overlooking, or a perception of overlooking.

Impact on the amenity of residential area (as a whole) and neighbouring properties including noise disturbance

4.79 HBC Public Protection was consulted on the proposal and did not raise any objection or any requirements including in respect to the proposed external alterations (and use of the garage as a covered play area). It is therefore considered that such works would not result in an adverse loss of amenity for neighbouring properties in terms of noise and disturbance.

4.80 Nonetheless, it is considered that a childminding business of the scale proposed (up to 20 children cared for by up to 8 members of staff) would have the potential to generate a significant amount of disturbance, primarily as a result of increased traffic. Whilst it is noted that the applicant has procedures in place to try and minimise disturbance at pick-up and drop off times, it is nonetheless considered that the anticipated level of disturbance associated with a business operation of the size proposed (which is an intensification of the existing, unauthorised business) would have a significant detrimental impact on the secluded, residential character of the local area and on the amenity of neighbouring dwellings, contrary to the provisions of both Local Plan Policies RC20 and RC21.

4.81 It is further noted that the proposed operating hours (07:30 to 17:00) fall slightly outside of the range allowed by Local Plan Policies RC20 and RC21 (being half an hour earlier than the 'permitted' 8am-6pm) set out within both policies. Notwithstanding the comments from the Council's Public Protection team, this aspect of the policies is designed to protect amenity within established residential areas across the anticipated times of the day when residents can be reasonably expected to enjoy the peace and quiet of their properties, and it is therefore considered that the proposed operating hours would have a degree of detrimental impact on the amenity of neighbouring properties.

4.82 Therefore, and whilst it is considered that the proposal would not result in any significant adverse impacts on the amenity or privacy of neighbouring property in terms of overbearing, overshadowing, loss of outlook, overlooking, or the perception of overlooking, it is nonetheless considered that there would potentially be an unacceptable negative impact on the amenity of surrounding properties in terms of noise and disturbance when taken as a whole.

4.83 The proposal is therefore considered to be contrary to the requirements of Policies RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2023).

OTHER PLANNING MATTERS

Trees & Hedges

4.84 The HBC Arboricultural Officer was consulted on the proposal, commenting that there would be no impact on trees and hedges. The proposal is therefore considered acceptable in this regard.

Flood Risk, Surface Water Drainage and Contaminated Land

4.85 HBC Engineering Consultancy has commented on the proposal, raising no objections in relation to flood risk, surface water drainage and contaminated land, subject to a recommended condition in respect to any unexpected contamination. Given the retrospective nature of the proposals, including the garage extension, it would not have been feasible to secure this planning condition, had the application been deemed acceptable in all respects. Nonetheless, the proposal is considered acceptable in these respects.

Crime and the Fear of Crime

4.86 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give consideration to implications for crime and anti-social behaviour. Cleveland Police was consulted on the proposal, raising no objection. Some recommendations were made regarding the installation of lighting, windows, and doors. Had the application been considered acceptable in all other regards, an informative would have been recommended to advise the applicant that any such works are likely to require planning permission. The proposal is therefore considered acceptable in this regard.

Other Matters

4.87 It is acknowledged that one objector raised concerns regarding the payment of business rates. This is not a material planning matter and cannot therefore be considered as part of this assessment.

CONCLUSION

4.88 On balance, having regard to the above planning considerations including the requirements set out in policies QP3, RC20 and RC21 of the Hartlepool Local Plan (2018) and paragraphs the relevant paragraphs of the NPPF (2023), it is considered that the principle of development is not acceptable in this instance, and that the proposed use would have the potential to result in an adverse impact on and the character of the area and neighbour amenity and result in an adverse impact on highway safety and car parking. It is therefore recommended that the application is refused for the two reasons set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.89 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.91 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons;

1. In the opinion of the Local Planning Authority, the application site is not considered to be an appropriate or compatible location for the proposed use (as a child minding business) as the proposal would have the potential to result in a significant detrimental impact on both the character of the surrounding area and neighbour amenity as a result of the increase in activity and associated noise disturbance, in conflict with Policies Policy RC20 (criteria 2, 3 and 4) and Policy RC21 (criteria 1, 2 and 3) of the Hartlepool Local Plan (2018) and paragraph 135(f) of the NPPF (2023) which states that new developments should achieve a high standard of amenity for existing and future users.
2. In the opinion of the Local Planning Authority, the proposed development would constitute an unacceptable form of development by virtue of the lack of in curtilage car parking to serve the use(s), that would have the potential to exacerbate traffic and parking in the area to the detriment of highway and pedestrian safety, contrary to Policies QP3, RC20 and RC21 of the Hartlepool Local Plan 2018 and paragraph 115 of the NPPF (2023).

BACKGROUND PAPERS

4.93 Background papers can be viewed by the 'attachments' on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161820>

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

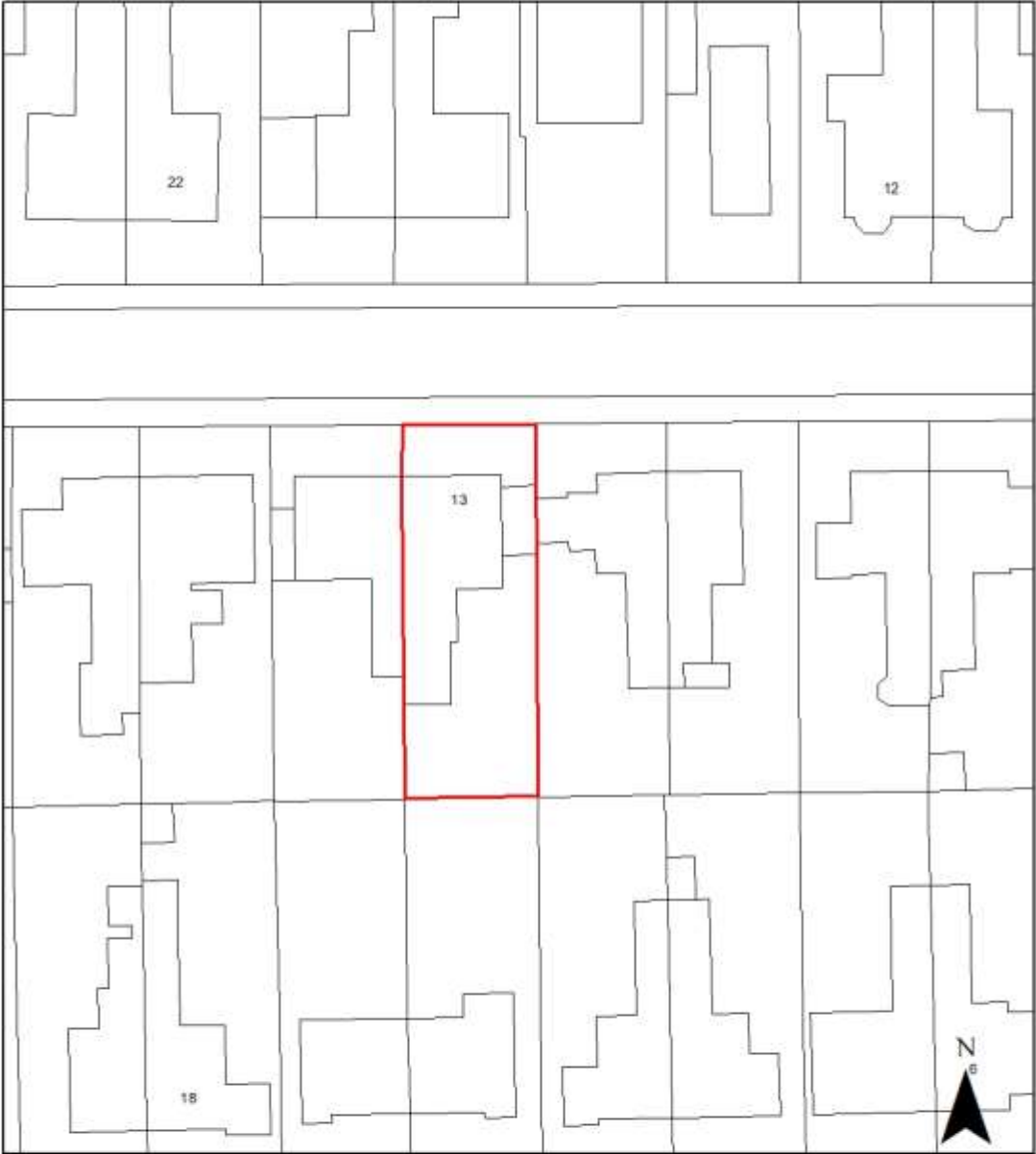
CONTACT OFFICER

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

AUTHOR

4.96 Lee Kilcran
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel: 01429 525247
E-mail: Lee.Kilcran@hartlepool.gov.uk

13 Clifton Avenue, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRAWN JB	DATE 29.07.2024
	SCALE 1:500	
	DRG.NO H/2024/0137	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) 2023

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NP
PF_December_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

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

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