

PLANNING COMMITTEE

AGENDA



11 September 2024

at 10.00 am

**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**

None.

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*
 1. H/2022/0217 – Land to the rear of 47-50 The Front (*page 1*)
 2. H/2023/0439 – 70-71 The Front (*page 39*)
 3. H/2024/0063 – 14 Albion Terrace (*page 55*)
 4. H/2024/0064 – 14 Albion Terrace (*page 73*)
 5. H/2024/0125 – Fens Hotel, Catcote Road (*page 89*)
 6. H/2024/0196 – Storage Land, Tones Workshops, Oxford Road (*page 105*)
 7. H/2022/0045 – Land north of A179 and west of Tremain Close (*page 115*)
 8. TPO 272 – 3, 5 and 7 Egerton Road (*page 153*)

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

5. ITEMS FOR INFORMATION

None.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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.

FOR INFORMATION

Date of next meeting – 9 October at 5.00 pm in the Civic Centre, Hartlepool.



No: 1.
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

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

BACKGROUND

1.2 The current application was deferred for a committee site visit at the request of Members at committee meeting of 14th August 2024.

1.3 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.

1.4 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

1.5 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.

1.6 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.

1.7 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

1.8 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.

1.9 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

1.10 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).

1.11 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.

1.12 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>

1.13 The period for publicity has expired.

CONSULTATIONS

1.14 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 a 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 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 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 (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 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 \(legislation.gov.uk\)](http://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 Government's 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

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

Local Policy

1.16 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)

1.17 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

1.18 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).

1.19 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.

1.20 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.

1.21 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

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

1.23 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.

1.24 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.

1.25 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).

1.26 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

1.27 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.

1.28 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.

1.29 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.

1.30 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.

1.31 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.

1.32 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.

1.33 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.

1.34 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.

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

1.36 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

1.37 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.

1.38 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

1.39 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.

1.40 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

1.41 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 Policies QP4, HE1, HE3 AND HE4 and those of the NPPF (2023).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

1.42 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.

1.43 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.

1.44 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).

1.45 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.

1.46 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.

1.47 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)

1.48 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.

1.49 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.

1.50 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

1.51 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)

1.52 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.

1.53 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.

1.54 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)

1.55 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.

1.56 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 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

1.57 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.

1.58 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.

1.59 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.

1.60 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

1.61 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.

1.62 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.

1.63 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.

1.64 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.

1.65 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.

1.66 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

1.67 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.

1.68 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.

1.69 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.

1.70 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.

1.71 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)

1.72 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.

1.73 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

1.74 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

1.75 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

1.76 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.

1.77 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

1.78 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 to 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

1.79 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

1.80 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.

1.81 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).

1.82 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.

1.83 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.

1.84 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.

1.85 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

1.86 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*

1.87 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.

1.88 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*

1.89 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.

1.90 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.

1.91 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.

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

3) Other Ecological Considerations

1.93 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.

1.94 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

1.95 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

1.96 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

1.97 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

1.98 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.

1.99 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.

1.100 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

1.101 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

1.102 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.

1.103 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

1.104 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.

1.105 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.

1.106 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.

1.107 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

1.108 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.

1.109 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.

1.110 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.

1.111 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

1.112 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

1.113 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.114 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.

1.115 There are no Section 17 implications.

REASON FOR DECISION

1.116 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

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

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

1.118 Copies of the applications are available on-line:

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

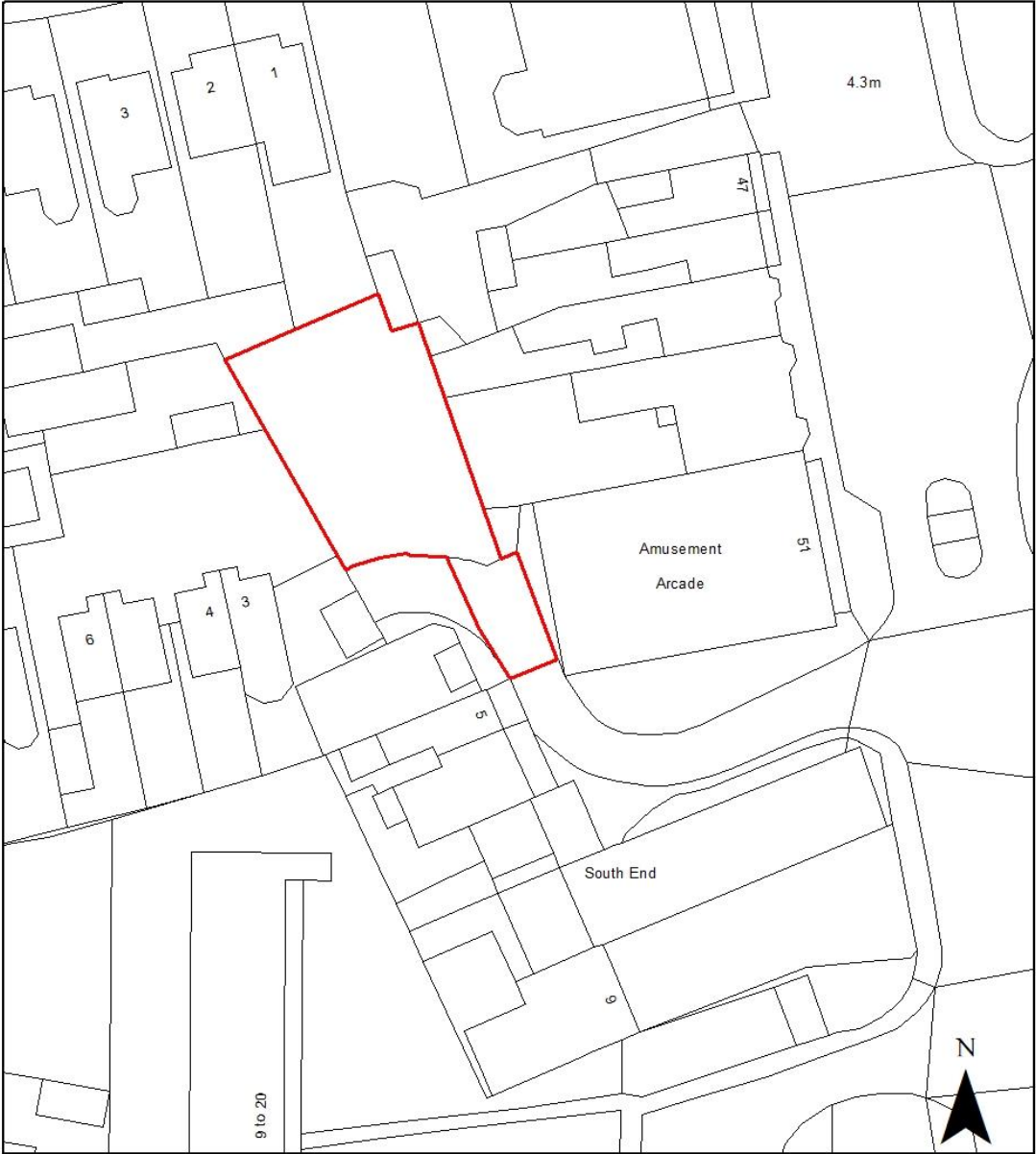
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Land to the rear of 47-50 The Front Seaton Carew ,Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2.
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

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

BACKGROUND

2.2 The current application was deferred for a committee site visit at the request of Members at committee meeting of 14th August 2024.

2.3 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

2.4 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.

2.5 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.

2.6 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.

2.7 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.

2.8 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.

2.9 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.

2.10 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.

2.11 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

2.12 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.

2.13 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.

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

PUBLICITY

2.15 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.

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

2.17 The period for publicity has expired.

CONSULTATIONS

2.18 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

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

Hartlepool Local Plan (2018)

2.20 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)

2.21 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

2.22 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

2.23 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

2.24 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.

2.25 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.

2.26 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.

2.27 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.

2.28 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.

2.29 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).

2.30 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.

2.31 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)

2.32 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.

2.33 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.”

2.34 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.”

2.35 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.

2.36 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).

2.37 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.

2.38 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.

2.39 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.

2.40 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.

2.41 With regard to the benefits of this proposal, the submitted supporting statement indicates that the works to the bay window are required for the business “to fully open this up to the public and function more efficiently in order to maintain its current business function”. As part of the consideration of the previous application, it is understood that the applicant also indicated that the scheme was 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. As noted above, similar ‘benefits’ were put forward by the applicant on the previously approved application (H/2020/0121) back in October 2020 however the works were not undertaken within the 3 year commencement period and the permission lapsed.

2.42 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’.

2.43 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.

2.44 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.

2.45 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

2.46 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.

2.47 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)

2.48 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.

2.49 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

2.50 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

2.51 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.

2.52 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.

2.53 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

2.54 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

2.55 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

2.56 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

2.57 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.58 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.

2.59 There are no Section 17 implications.

REASON FOR DECISION

2.60 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

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

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

2.62 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.

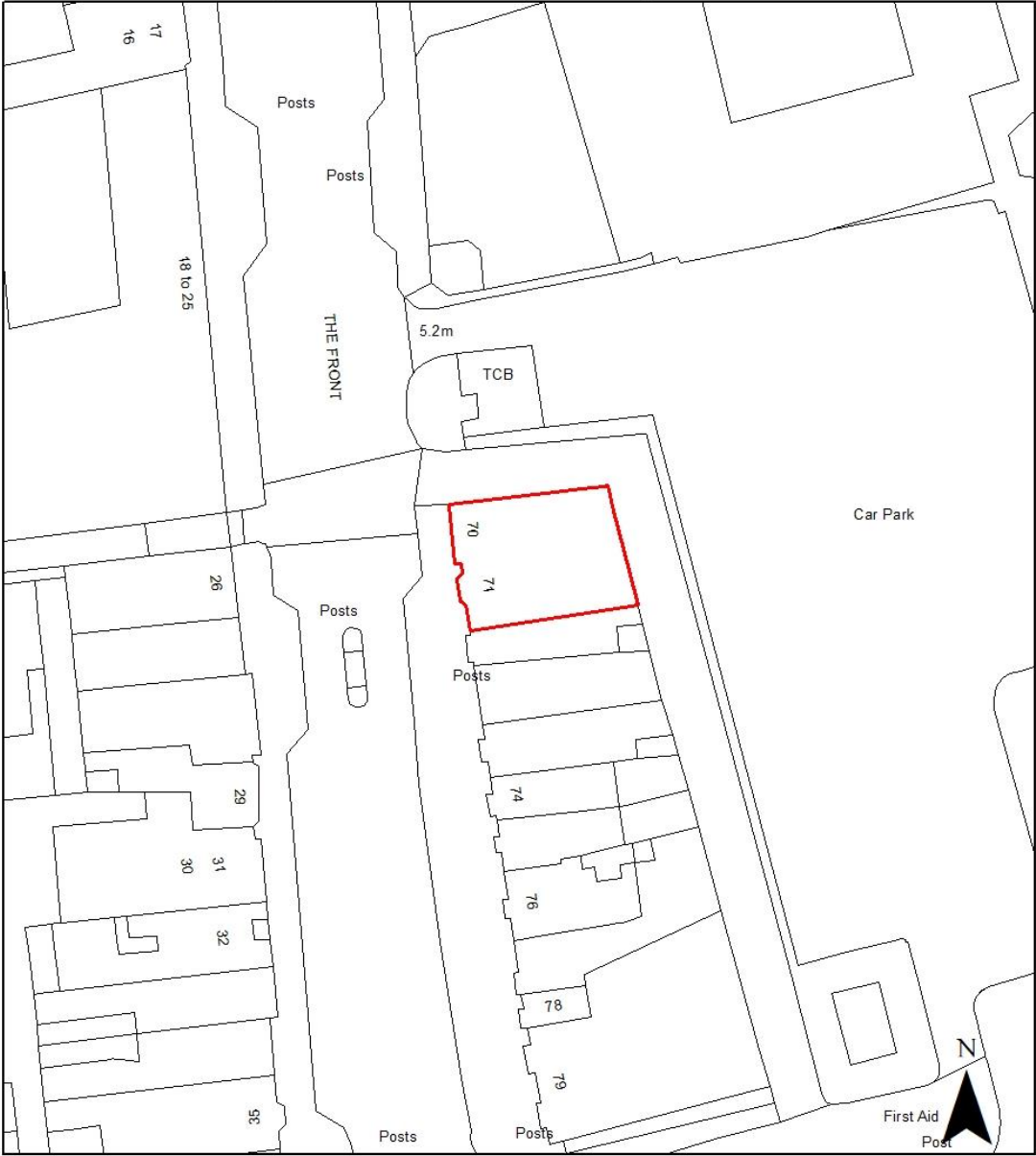
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70 -71 The Front, Seaton Carew, Hartlepool



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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: 3.
Number: H/2024/0063
Applicant: MR SCOTT BOLTON ALBION TERRACE
 HARTLEPOOL TS24 0QL
Agent: ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to 9
 VICTORIA ROAD HARTLEPOOL TS24 7SE
Date valid: 24/05/2024
Development: Retrospective replacement of 4no. windows to front
 (including 2no. bay window) with timber framed double
 glazed sliding sash windows. Proposed replacement of
 1no. bay window to front with timber framed double
 glazed sliding sash windows. Retrospective replacement
 of 5no. windows to the rear with white uPVC framed
 double glazed sliding sash windows. Retrospective
 application of render to rear elevation, retrospective
 removal of render from front elevation and proposed
 restoration of original brick external finish.
Location: 14 ALBION TERRACE 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;

HLBC/2002/0377 – Listed building consent to render front upper 2 storeys –
 Approved 07/10/2002

HLBC/2004/0462 – listed building consent for garage extension to the front –
 Approved – 25/08/2004

HLBC/2004/0885 – listed building consent for alterations to the bay windows –
 approved 15/04/2005

H/2017/0039 - Listed building consent for the installation of replacement windows (retrospective application) – Approved 08/06/2017.

3.3 It is understood that the works related to two windows on the second floor front elevation that were replaced, and two windows on the rear elevation (one at first and one at second floor). The replacement windows were uPVC and of a modern design consisting of casement windows with side openings and a narrow fixed window over. These windows including other windows in the rear elevation

have since been replaced and such replacement windows form part of the current planning application (H/2024/0063).

H/2024/0064 – Listed Building Consent for the retrospective replacement of 4no. windows to front (including 2no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 1no. bay window to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

3.4 The above Listed Building Consent application is currently pending consideration and forms part of this same committee agenda.

PROPOSAL

3.5 Planning permission is sought for the retrospective replacement of 4 windows to the front (including 2 bay windows, one at ground floor with one above at first floor) with timber framed double glazed sliding sash windows, and the proposed replacement of 1 bay window to the front (the basement window) with timber framed double glazed sliding sash windows (to match the installed ground and first floor bay windows).

3.6 Following the case officer's most recent site visit (29/08/2024), it was noted that the basement window to the front elevation appears to have now been replaced and therefore this element is to be considered retrospective (along with the other installed windows to the front elevation).

3.7 This application also seek retrospective permisison relating to the replacement of 5 windows to the rear elevation with white uPVC framed, double glazed sliding sash windows.

3.8 The retrospective works also include the application of render to the rear elevation and the removal of render from the front elevation. In turn, the application also includes the proposed restoration of the original brick external finish to the front elevation.

3.9 During the course of the application, it was noted that an additional window to the front had already been replaced and therefore the description was amended, following which a 21-day period of re-consultation for neighbours and consultees was carried out.

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 is an end terraced Grade II Listed Building located within the Headland Conservation Area, both of which are designated heritage assets. The

application site is a residential property located on a prominent corner plot which is visible from both Albion Terrace (to the front/south) and Baptist Street (to the side/east). The front garden area is enclosed by wrought iron railings with paving to the front and a garage and driveway to the side.

3.12 The property is a Grade II Listed Building that dates from the early 18th century. All elevations of the property including the rear are listed, the later 2-storey extension and mid C20 flat-roofed garage form part of the listing but are not considered of interest within the official list entry. The surrounding area is predominantly residential with a mix of traditional Victorian terraced properties which front onto the sea with more modern properties behind.

PUBLICITY

3.13 The application has been advertised by way of seven 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 following a change in description. To date, there have been no responses.

3.14 Background papers can be viewed by the 'attachments' on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161060>

3.15 The period for publicity has expired.

CONSULTATIONS

3.16 The following consultation replies have been received:

HBC Heritage and Open Space – Conservation: The application site is a grade II listed building located in the Headland Conservation Area, both of which are 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.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 205 and 206, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to "conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration."

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

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

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

The proposal is the retrospective replacement of 3no. windows to the front (including 1no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 2no. bay windows to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

With regard to the removal of the render to the front of the property and the rendering to the rear of the property, there are no objection to these works.

To the front of the property the windows were a mix of UPVC to the second floor, which did not replicate traditional windows in any way, and timber replacement windows to the ground and first floor which had a heavy frame and did not display the finer details shown on the adjacent houses.

The replacement windows are double glazed timber sliding sashes. Whilst they do echo some of the detailing on the adjacent property windows, there are subtle

differences on the replacement windows. The horns have a slightly different shape, the beading rather than putty fixing of the glazing add a slight weight to the frame, but the main difference is the flatter appearance of the glazing. It is however considered that in this instance these small differences are acceptable, this is because the windows are replacing ones which were themselves of a difference design to the original and therefore the new windows will restore some of the traditional detailing to the building.

With regard to the windows to the rear of the property, the proposal is UPVc sliding sash windows. It should be noted that all elevations of the property are listed and it is also acknowledged that within the street few houses have timber windows to the rear. However each case is judged on its own merits and the use of UPVc elsewhere is no justification for such as practice in this instance.

The windows that have been installed differ from traditional timber sliding sash windows. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. Therefore a UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. The design of the windows themselves is different from a timber sliding sash window in that the detailing such as the horns are different, the glazing bars are placed on the window, rather than an integral part, and the window has vents at the head. In particular a comparison between the traditional timber single glazed sliding sash windows to the side of the building and the UPVC to the rear shows striking differences.

It is considered that the installation of UPVC windows to the rear of this property causes less than substantial harm to the listed building, in that it contributes to a loss of traditional detailing on the property. This in turn causes less than substantial harm to the conservation area, as the property, particularly on this prominent corner, contributes to the significance of the area.

Further comments provided in respect of the replacement windows to the rear

Thank you for the clarification on the (planning application) history of this site, I do believe the decision made was against officer recommendation. Taking each case on its own merits, it would still be the view that in this instance it would be more appropriate to see timber windows installed, notwithstanding two of the windows have planning permission, these do still appear to be contrary to policy and guidance and therefore, in this instance it would still be the view that consideration should be given to installing timber windows on this elevation.

Further comments provide in respect of the significance of the Listed Building

A significant proportion of the Headland's plan form was laid out in the 19th century when densely packed terraces were built. Initially, development spread eastwards with the creation of fashionable terraces like Regent Street and Albion Terrace. Population pressures during the Victorian period led to the laying out of new streets

northwards along Northgate and Durham Street, and eastwards encroaching upon the common of Town Moor, with the creation of Moor Parade and Marine Crescent.

Regular rows of terraced housing were laid out including Gladstone, Beaconsfield and Montague Streets. These patterns of scale can still be identified – for example, the elegant 19th century terraces with sea views along Albion Terrace and South Crescent tend to be at least three storeys, whilst those in the streets behind tend to be of a smaller scale.

The application site at Albion Terrace is part of a row of buildings all of which contribute to the significance of the site and the wider conservation area. They are largely three and three-and-a-half-storey houses of both brick and painted render, with slate roofs, double-height bay windows and well-tended front gardens, separated from the pavement by railings. These are set within the backdrop of good quality townscape features, including natural stone pavements, granite setts, traditional-style lamp columns, benches, railings and bollards. The significance of the properties lies in the architectural interest of the building and the wider terrace as a whole, in particular the repeated architectural features, seen along the street. This in turn contributes to the significance of the conservation area, as a complete terrace which provides evidence of the development in the area, and the hierarchy of building that was constructed, and some of which are now lost.

Headland Parish Council: I have had no objections from members of Headland Parish Council.

Tees Archaeology: Thank you for the consultation on this application. I have checked the HER and there are no archaeological concerns regarding the proposed development.

Historic England: Thank you for your letter of 29 May 2024 regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed. If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Civic Society: No comments received.

Victorian Society: No comments received.

HBC Estates: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings
 HE7: Conservation Areas At Risk
 HSG11: Extensions and alterations to existing dwellings
 QP4: Layout and Design of Development
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

3.19 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: The presumption in favour of 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
 PARA131: Achieving well-designed places
 PARA135: 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

PLANNING CONSIDERATIONS

3.20 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 of the area including the significance and setting of the Grade II Listed Building and the Headland Conservation Area and the impact on the amenity and privacy of neighbouring properties. These and any other planning matters are considered as follows.

IMPACT ON CHARACTER, APPEARANCE AND SETTING OF LISTED BUILDING AND SURROUNDING CONSERVATION AREA

Legislation and Policy Context relating to Heritage Assets

3.21 The application site is a Grade II Listed Building located in the Headland Conservation Area, both of which are designated heritage assets.

3.22 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) section 66 of the Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.23 Policy HE1 of the Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF, 2023) 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 205 and 206, NPPF).

3.24 Policy HE4 of the Hartlepool Local Plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

3.25 When considering any application for planning permission that affects a conservation area, section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

3.26 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 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).

3.27 Development decisions should accord with the requirements of Paragraph 205 of the National Planning Policy Framework (2023) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation and in determining applications irrespective of whether any potential harm amounts to total loss, substantial or less than substantial harm to its significance.

3.28 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it will only be permitted where the harm is outweighed by the public benefits of the proposal this is echoed within paragraph 208 of the NPPF (2023). This is considered in further detail below.

3.29 In response to the risk facing the Headland 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.

'Significance' of Heritage Assets

3.30 The host property forms part of a group listing first listed on 19 June 1979 which includes 8-12, Albion Terrace, 23, Regent Street and 14 Albion Terrace (the application site). These are buildings of special interest (in a national context) which warrant every effort being made to preserve them. All elevations of the property are listed including the rear elevation. This property and row of listed terraces exemplifies the elegant 19th century terraces with sea views along Albion Terrace. These properties including the host property tend to be at least three storeys, whilst those in the streets behind tend to be of a smaller scale.

3.31 The comments received from Council's Head of Service for Heritage and Open Spaces (set out under the Consultations section) provide further detail regarding significance and special interest of the Grade II listed building which is derived by its age, form and layout within the wider terrace, the historic fabric and its architectural features. Whilst the host property has been extended and altered over time, it still retains and historical features.

3.32 The host property is also situated within the Headland Conservation area which derives its unique character from its peninsula location and from the Victorian architecture, as detailed within the comments from the Council's Head of Service for Heritage and Open Spaces.

3.33 With reference to the window detail within the Headland, both the standard and level of detail are considered to contribute to the Headland's unique character. The Council's Head of Service for Heritage and Open Spaces comments provide detail and context to the type of windows that are expected to be found within the Headland conservation area. It is understood that a few of the properties within the

terraced row (which form part of the same listing) retain the timber sliding sash windows. These qualities positively contribute to the buildings evidential and aesthetic value.

3.34 The Council's Head of Heritage and Open Spaces also acknowledges that within the street few houses have timber windows to the rear. However it should also be noted that all elevations of the property are listed and each case should be judged on its own merits and that the use of UPVc elsewhere is no justification in this instance.

3.35 Furthermore, the Headland Conservation Area Appraisal sets out the area is at risk due to the loss of traditional detailing across the area, mainly through the loss of traditional windows; there is a presumption in favour of supporting development where there will be an enhancement and positively conserves the area.

Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows.

3.36 With regards to the newly replaced windows installed at the rear of the property, it is noted the previous windows were a mixture of timber and uPVC windows. Two of the aforementioned windows were uPVC casement windows (that were granted retrospective Listed Building Consent (H/2017/0039) by the planning committee (at that time) in 2017 (a decision contrary to officer recommendation). It is understood that the other three windows were timber and differed between mock sliding sash and casement style (there is no known planning history for these windows).

3.37 As noted above, that the listing for the building includes the rear elevation of the property and that due to the positioning of the property as an end terrace with a small alleyway behind, the rear elevation is visible from the street scene of Baptist Street.

3.38 The detailed comments received from the Council's Head of Services for Heritage and Open Spaces (as set out above), indicate the timber windows contribute to the character of the listed building and traditional Victorian timber windows would have been prevalent within this listed row of terraced properties (notably no.10 Albion Terrace still has the traditional timber windows in the rear).

3.39 The Council's Head of Services for Heritage and Open Spaces has commented that by comparison to traditional windows (and materials), the modern replacement windows including those forming part of the current application, are considered to detract from the character and significance of the listed building and its setting. UPVc is considered to differ in appearance from that of timber, due to the much smoother, more regular finish and it does not age over time in the same way as timber. Additionally, the Council's Head of Services for Heritage and Open Spaces notes that the design and detailing of the installed windows themselves is different from a timber sliding sash window in that the detailing such as the horns are different, the glazing bars are placed on the window, rather than an integral part, and the window has vents at the head.

3.40 It appears from the applicant's submission that the retrospective replacement windows to the rear aim to reflect the traditional sliding sash style which are highly likely to have been the original design of windows within the listed building, due their prevalence within the front and rear elevations of the listed row of terraces along Albion Terrace.

3.41 However and crucially, it is considered the use of non-traditional materials (uPVC) with its associated design and (lack of) detailing, would be inappropriate and unsympathetic to the host property and its setting, failing to preserve and enhance the appearance of the heritage asset as a Grade II Listed Building. As a result, the Council's Head of Services for Heritage and Open Spaces considers the proposed windows would cause less than substantial harm to the listed building (and in turn, the Headland Conservation Area, as discussed further below).

3.42 As such, the proposal would not conserve the listed building in a manner appropriate to its significance.

3.43 The positioning of the host property as an end terrace makes the host dwelling the first impression of the group listing seen from Baptist Street whereby the rear elevation of the host property is considered to be readily visible from this view point within the Headland Conservation Area. When viewed from Baptist Street, the traditional timber single glazed sliding sash windows in the existing side/east extension and the retrospective replacement uPVC to the rear can be visible within the same view. Therefore, it is considered the stark difference between the timber sliding sash and uPVC sliding sash would be even more prevalent at 14 Albion Terrace and the unauthorised uPVC windows are considered to jar with those existing timber framed windows. This view is echoed within the comments received from the Council's Head of Heritage and Open Spaces who notes that a comparison between the traditional timber single glazed sliding sash windows to the side of the building and the uPVC to the rear shows striking differences.

3.44 As outlined in the sections above, the repeated features and similarities between the host property and its neighbouring listed buildings contribute to its significance and the significance of the Headland Conservation Area. Therefore, it is considered the introduction of uPVC would result in harm to the listed building and Headland Conservation Area as a result of the design, detailing and use of inappropriate materials.

3.45 The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in the conservation area be classed as 'at risk' (as set out in Policy HE7) and more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor-quality developments elsewhere and within the application site is not considered sufficient reason to warrant causing further harm to the character and appearance of the Grade II Listed Building and Headland Conservation Area. The unauthorised windows are considered to result in harm to the fabric of the building and by their material and (lack of) detailing do not positively enhance the asset or its setting.

3.46 In accordance with the aforementioned NPPF paragraphs and Local Plan Policies, the identified harm must be weighed against any clear public benefits. It should be noted that the National Planning Practice Guidance defines public benefits as ‘anything that delivers economic, social or environmental objectives as described in the NPPF’, and which are ‘of a nature or scale to benefit the public at large and not just be a private benefit’.

3.47 There has been no information provided by the applicant to identify any clear public benefits that would outweigh or justify the identified harm.

3.48 Whilst consideration is given to the most recent update to the NPPF (in December 2023) where at paragraph 164 it requires Local Planning Authorities to give significant weight to improvements to existing buildings to support energy efficiency, which would potentially include replacement windows, it also cautions that where the proposals would affect heritage assets, the other relevant policies within the Framework still apply. In addition, Sections 66 and 72 of the 1990 Act set out that special consideration shall be given to the consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to the desirability of preserving or enhancing the character or appearance of that area. Therefore, limited weight can be given to paragraph 164 of the NPPF (2023).

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

3.50 In view of the above, in line with the relevant NPPF paragraphs and identified Hartlepool Local Plan policies, great weight is given the preservation and enhancement of the heritage assets, whilst there are no clear public benefits that are considered to outweigh the inappropriate and unsympathetic materials. Based on the above and the comments from the Council’s Head of Service for Heritage and Open Spaces, the unauthorised uPVC windows to the rear are considered to result in less than substantial harm to the Grade II listed building and the Headland Conservation Area by virtue of design, detailing and use of inappropriate materials and this harm has not been demonstrably outweighed by any clear public benefits.

3.51 Therefore, on balance, the unauthorised windows in the rear are considered unacceptable and would warrant a reason for the refusal of the application.

3.52 During the consideration of the application, the applicant was given the opportunity to amend the proposal to replace the unauthorised uPVC windows with timber sliding sash windows. The applicant does not wish to change the windows and as such the proposal as submitted with white uPVC framed double glazed

sliding sash windows has been considered accordingly and for the above reasons, is deemed to be unacceptable.

Retrospective replacement of 5no. windows to front (including 3no. bay windows) with timber framed double glazed sliding sash windows.

3.53 The existing windows to the property were comprised of two casement uPVC windows to the second floor, granted Listed Building Consent in 2017 (H/2017/0039) and three timber replacement bay windows to the basement, ground and first floor which had a heavy frame and did not display the finer details shown on the adjacent houses.

3.54 The replacement windows are double glazed timber sliding sashes. Based on the submitted information, the windows aim to replicate many of the traditional details such as the material (timber), style (glazing bar detailing) and opening mechanism (sliding sash). The Council's Head of Services for Heritage and Open Spaces has noted that there are some differences between the replacement windows and traditional timber sliding sash windows, namely the horns have a slightly different shape, the beading rather than putty fixing of the glazing add a slight weight to the frame and the flatter appearance of the glazing.

3.55 Notwithstanding the above differences, the Council's Head of Services for Heritage and Open Spaces has, on balance, deemed the differences acceptable due to the unsympathetic windows they replaced and therefore raises no objections to this element. As a result it is considered the windows would restore some of the traditional detailing to the building. It is therefore considered that in this instance and on balance, the small differences above would not lead unacceptable impact on the Grade II listed building and Headland Conservation Area.

Retrospective application of render to rear elevation

3.56 The proposal includes the retrospective replacement of the render to the rear elevations, including the rear of the two existing extensions. Consideration is given to the use of lime render which is understood to be the traditional render material for properties of this area and age. Further to this, the Council's Head of Services for Heritage and Open Spaces has no objections to the render applied to the rear of the property. The unauthorised render applied is considered not to impact on the significance of the listed building or Headland Conservation Area and therefore the application is considered to be acceptable in this respect.

Retrospective removal of render from front elevation and proposed restoration of original brick external finish.

3.57 The proposal includes retrospective removal of the render to the front elevation and the proposed restoration the original brickwork back to its original design. Based on the submitted information the works include the cleaning of the brickwork to the front elevation and full repointing of the mortar joints with a harmonising lime based mortar to best match the original construction material.

3.58 Based on historical imagery and the external appearance of the adjoining terrace, it is understood that the previous render to the front of the property was not an original historic feature and majority of the properties within this row of terraced properties (some of which form part of the listing) have brick frontages. The restoration of a brick frontage is considered to have a relatively positive contribution to the significance of the listed building in addition to the setting of the adjacent listed buildings. The Council's Head of Service for Heritage and Open Spaces raise no objections to the removal of the render and restoration of a brick frontage. Overall, it is considered that this element of the proposal would not adversely impact on the significance of the listed building or Headland Conservation Area and the application is considered to be acceptable in this respect.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

3.59 In addition to the requirements of Policy HSG11, Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

3.60 Whilst the replacement windows to the rear are unlikely to achieve the above distances to the windows within the side elevation of the nearest property that is beyond the alleyway directly to the rear ('Clyde', located along Baptist Street), it is considered that the works carried out would not have a significant negative impact on or worsen the existing, established relationships in respect to the privacy of neighbouring occupiers as no new window openings are proposed nor are any of the existing separation distances and relationships. As the proposals would not alter the footprint of the property, it is considered there would not be any adverse impact in terms of loss of light or overbearing appearance on neighbouring occupiers.

3.61 Overall, it is considered that the proposals, including the render works, would not result in an unacceptable loss of amenity and privacy for neighbouring properties as to warrant a refusal of the application.

OTHER PLANNING MATTERS

3.62 No objections have been received from Tees Archaeology. The proposal is therefore acceptable in this respect.

CONCLUSION

3.63 It is acknowledged that the applicant has sought to replicate a traditional method of opening for the windows to both the front and rear elevations, as well as seeking to improve the fabric of the building (through the removal of the front render

and application of render to the rear elevation, to which there are no objections to such elements) and it is a further positive that the applicant has sought to use appropriate materials (timber) within the front elevation. However and for the reasons detailed in the main body of the report, it is still considered the proposed uPVC windows to the rear would cause harm to the significance of the Grade II Listed Building due to the design, detailing and use of non-traditional materials, and the application is therefore unacceptable in this respect.

3.64 Taking into account the building's importance as a Grade II Listed Building and relative prominence within the Headland Conservation Area, along with the sensitivity of the area to inappropriate alterations, it follows that the identified negative effects to the listed building would also harm the positive qualities of the Headland Conservation Area as a whole. In these regards the proposed development would materially and incrementally diminish the character and appearance of the Headland Conservation Area and thus its significance as a designated heritage asset, negatively reinforcing the Headland Conservation Area's 'at risk' status.

3.65 Drawing the above together, the proposed development would not sustain or enhance, but rather cause less than substantial harm to, the special interest and significance of these designated heritage assets.

3.66 Furthermore, no information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development contrary to policies HE1, HE3, HE4 and HE7 of Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the National Planning Policy Framework 2023.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.67 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.68 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.

3.69 There are no Section 17 implications.

REASON FOR DECISION

3.70 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:

01. In the opinion of the Local Planning Authority, it is considered that the installation of uPVC windows to the rear elevation causes less than substantial

harm to the designated heritage assets (Grade II Listed Building and Headland Conservation Area) by virtue of the design, detailing and use of inappropriate materials. It is considered that the works do not sustain or enhance, but rather cause harm to the special interest and significance of the designated heritage assets and their setting. 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, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

BACKGROUND PAPERS

3.71 Background papers can be viewed by the 'attachments' on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161060>

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

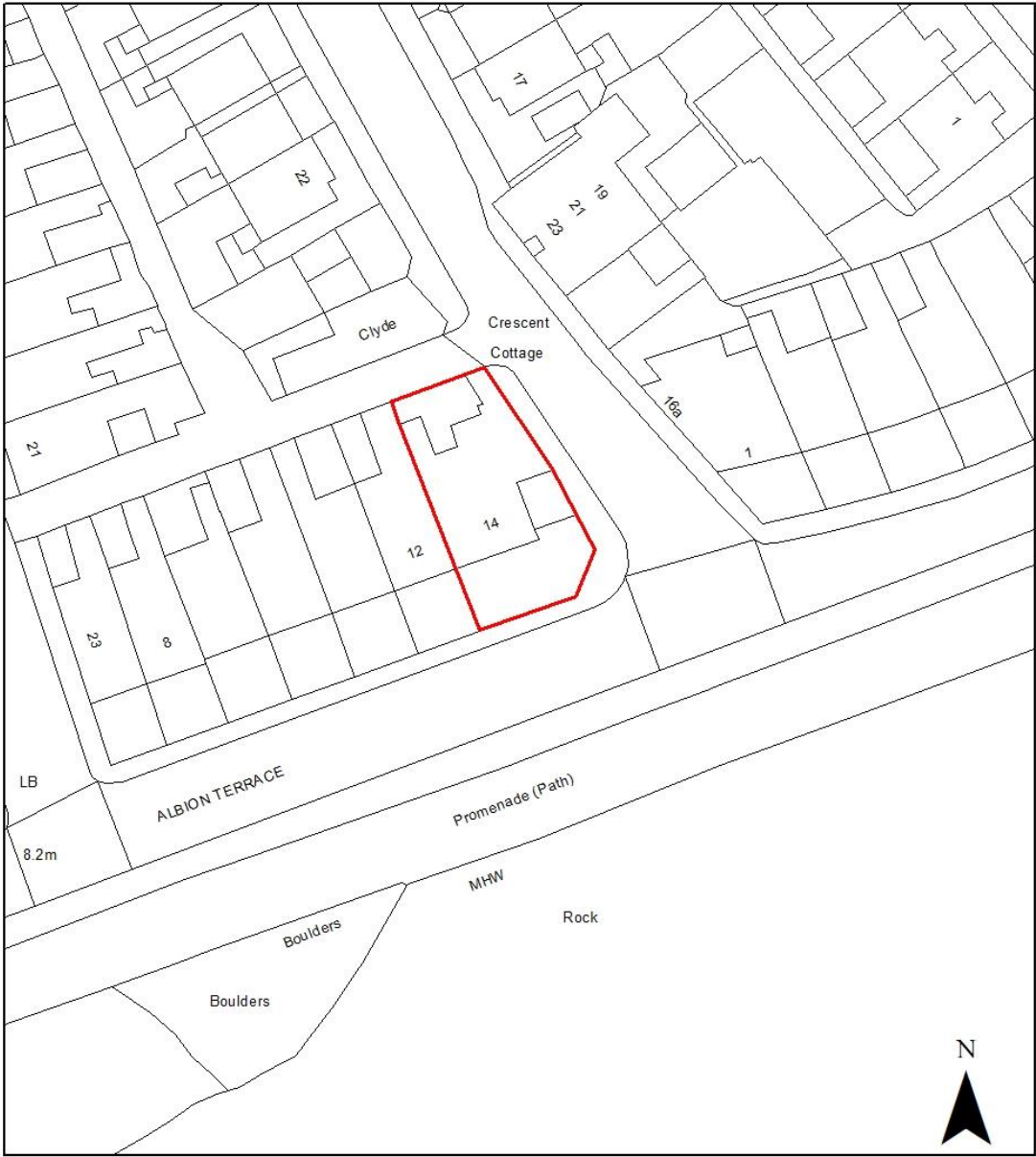
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14 Albion Terrace, Hartlepool



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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 27.08.2024
	SCALE 1:500	
	DRG.NO H/2024/0063 H/2024/0064	REV

No: 4.
Number: H/2024/0064
Applicant: MR SCOTT BOLTON ALBION TERRACE
 HARTLEPOOL TS24 0QL
Agent: ASP Service Ltd OFFICE 206 BOVIS HOUSE 7 to 9
 VICTORIA ROAD HARTLEPOOL TS24 7SE
Date valid: 24/05/2024
Development: Listed Building Consent for the retrospective replacement of 4no. windows to front (including 2no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 1no. bay window to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.
Location: 14 ALBION TERRACE 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 The following applications are considered to be relevant to the current application site;

HLBC/2002/0377 – Listed building consent to render front upper 2 storeys – Approved 07/10/2002

HLBC/2004/0462 – listed building consent for garage extension to the front – Approved – 25/08/2004

HLBC/2004/0885 – listed building consent for alterations to the bay windows – approved 15/04/2005

H/2017/0039 - Listed building consent for the installation of replacement windows (retrospective application) – Approved 08/06/2017.

4.3 It is understood that the works related to two windows on the second floor front elevation that were replaced, and two windows on the rear elevation (one at first and one at second floor). The replacement windows were UPVC and of a

modern design consisting of casement windows with side openings and a narrow fixed window over. These windows including other windows in the rear elevation have since been replaced and such replacement windows form part of the current listed building consent application (H/2024/0064).

H/2024/0063 - Retrospective replacement of 4no. windows to front (including 2no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 1no. bay window to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

4.4 The above application for planning permission is currently pending consideration and forms part of this same committee agenda.

PROPOSAL

4.5 Listed Building Consent (LBC) is sought for the retrospective replacement of 4 windows to the front (including 2 bay windows, one at ground floor with one above at first floor) with timber framed double glazed sliding sash windows, and the proposed replacement of 1 bay window to the front (the basement window) with timber framed double glazed sliding sash windows (to match the installed ground and first floor bay windows).

4.6 Following the case officer's most recent site visit (29/08/2024), it was noted that the basement window appears to have now been replaced and therefore this element is to be considered retrospective (along with the other installed windows to the front elevation).

4.7 This application also seeks retrospective LBC relating to the replacement of 5 windows to the rear elevation with white uPVC framed, double glazed sliding sash windows.

4.8 The retrospective works also include the application of render to the rear elevation and the removal of render from the front elevation. In turn, the application also includes the proposed restoration of the original brick external finish to the front elevation.

4.9 During the course of the application, it was noted that an additional window to the front had already been replaced and therefore the description was amended, following which a 21-day period of re-consultation for neighbours and consultees was carried out.

4.10 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

4.11 The application site is an end terraced Grade II Listed Building within the Headland Conservation Area, both of which are designated heritage assets. The application site is a residential property located on a prominent corner plot which is visible from both Albion Terrace (to the front/south) and Baptist Street (to the side/east). The front garden area is enclosed by wrought iron railings with paving to the front and a garage and driveway to the side.

4.12 The property is a Grade II Listed Building that dates from the early 18th century. All elevations of the property including the rear are listed, the later 2-storey pent extension and mid C20 flat-roofed garage adjoining right return form part of the listing but are not considered of interest within the official list entry. The surrounding area is predominantly residential with a mix of traditional Victorian terraced properties which front onto the sea with more modern properties behind.

PUBLICITY

4.13 The application has been advertised by way of seven 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 following a change in description. To date, there have been no responses.

4.14 Background papers can be viewed by the ‘attachments’ on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161061>

4.15 The period for publicity has expired.

CONSULTATIONS

4.16 The following consultation replies have been received:

HBC Heritage and Open Space – Conservation: The application site is a grade II listed building located in the Headland Conservation Area, both of which are 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.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 205 and 206, NPPF).

Policy HE4 of the local plan states the Borough Council will seek to ‘conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.’

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

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

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

The proposal is the retrospective replacement of 3no. windows to the front (including 1no. bay window) with timber framed double glazed sliding sash windows. Proposed replacement of 2no. bay windows to front with timber framed double glazed sliding sash windows. Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows. Retrospective application of render to rear elevation, retrospective removal of render from front elevation and proposed restoration of original brick external finish.

With regard to the removal of the render to the front of the property and the rendering to the rear of the property, there are no objection to these works.

To the front of the property the windows were a mix of UPVC to the second floor, which did not replicate traditional windows in any way, and timber replacement

windows to the ground and first floor which had a heavy frame and did not display the finer details shown on the adjacent houses.

The replacement windows are double glazed timber sliding sashes. Whilst they do echo some of the detailing on the adjacent property windows, there are subtle differences on the replacement windows. The horns have a slightly different shape, the beading rather than putty fixing of the glazing add a slight weight to the frame, but the main difference is the flatter appearance of the glazing. It is however considered that in this instance these small differences are acceptable, this is because the windows are replacing ones which were themselves of a difference design to the original and therefore the new windows will restore some of the traditional detailing to the building.

With regard to the windows to the rear of the property, the proposal is UPVc sliding sash windows. It should be noted that all elevations of the property are listed and it is also acknowledged that within the street few houses have timber windows to the rear. However each case is judged on its own merits and the use of UPVc elsewhere is no justification for such as practice in this instance.

The windows that have been installed differ from traditional timber sliding sash windows. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. Therefore, a UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. The design of the windows themselves is different from a timber sliding sash window in that the detailing such as the horns are different, the glazing bars are placed on the window, rather than an integral part, and the window has vents at the head. In particular a comparison between the traditional timber single glazed sliding sash windows to the side of the building and the UPVC to the rear shows striking differences.

It is considered that the installation of UPVC windows to the rear of this property causes less than substantial harm to the listed building, in that it contributes to a loss of traditional detailing on the property. This in turn causes less than substantial harm to the conservation area, as the property, particularly on this prominent corner, contributes to the significance of the area.

Further comments provided in respect of the replacement windows to the rear provided via email

Thank you for the clarification on the history of this site, I do believe the decision made was against officer recommendation. Taking each case on its own merits, it would still be the view that in this instance it would be more appropriate to see timber windows installed, notwithstanding two of the windows have planning permission, these do still appear to be contrary to policy and guidance and therefore, in this instance it would still be the view that consideration should be given to installing timber windows on this elevation.

Further comments provide in respect of the significance of the Listed Building provided via email

A significant proportion of the Headland's plan form was laid out in the 19th century when densely packed terraces were built. Initially, development spread eastwards with the creation of fashionable terraces like Regent Street and Albion Terrace. Population pressures during the Victorian period led to the laying out of new streets northwards along Northgate and Durham Street, and eastwards encroaching upon the common of Town Moor, with the creation of Moor Parade and Marine Crescent.

Regular rows of terraced housing were laid out including Gladstone, Beaconsfield and Montague Streets. These patterns of scale can still be identified – for example, the elegant 19th century terraces with sea views along Albion Terrace and South Crescent tend to be at least three storeys, whilst those in the streets behind tend to be of a smaller scale.

The application site at Albion Terrace is part of a row of buildings all of which contribute to the significance of the site and the wider conservation area. They are largely three and three-and-a-half-storey houses of both brick and painted render, with slate roofs, double-height bay windows and well-tended front gardens, separated from the pavement by railings. These are set within the backdrop of good quality townscape features, including natural stone pavements, granite setts, traditional-style lamp columns, benches, railings and bollards. The significance of the properties lies in the architectural interest of the building and the wider terrace as a whole, in particular the repeated architectural features, seen along the street. This in turn contributes to the significance of the conservation area, as a complete terrace which provides evidence of the development in the area, and the hierarchy of building that was constructed, and some of which are now lost.

Headland Parish Council: I have had no objections from members of Headland Parish Council.

Tees Archaeology: Thank you for the consultation on this application. I have checked the HER and there are no archaeological concerns regarding the proposed development.

Historic England: Thank you for your letter of 29 May 2024 regarding the above application. On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions, details of which are enclosed. If you consider that this application does fall within one of the relevant categories, or you have other reasons for seeking our advice, please contact us to discuss your request.

Civic Society: No comments received.

Victorian Society: No comments received.

HBC Estates: No comments received.

PLANNING POLICY

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

Hartlepool Local Plan (2018)

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

HE1: Heritage Assets

HE3: Conservation Areas

HE4: Listed Buildings

HE7: Conservation Areas At Risk

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2023)

4.19 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: The presumption in favour of 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

PARA131: Achieving well-designed places

PARA135: 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

PLANNING CONSIDERATIONS

4.20 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 special interest and significance of the Grade II listed building and its setting.

IMPACT UPON THE SIGNIFICANCE AND SETTING OF THE LISTED BUILDING

Legislation and Policy Context relating to Heritage Assets

4.21 In considering applications for listed buildings the Planning (Listed Buildings and Conservation Areas) section 66 of the Act 1990 Act 1990 requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.22 Policy HE1 of the Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. The National Planning Policy Framework (NPPF, 2023) 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 205 and 206, NPPF).

4.23 Policy HE4 of the Hartlepool Local Plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

4.24 Development decisions should accord with the requirements of Paragraph 205 of the National Planning Policy Framework (2023) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation and in determining applications irrespective of whether any potential harm amounts to total loss, substantial or less than substantial harm to its significance.

4.25 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it will only be permitted where the harm is outweighed by the public benefits of the proposal this is echoed within paragraph 208 of the NPPF (2023). This is considered in further detail below.

‘Significance’ and ‘Setting’ of the Grade II Listed Building

4.26 Significance is defined in the Glossary to the NPPF as ‘the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

4.27 The property forms part of a group listing first listed on 19 June 1979 (listing entry Number: 1263430) which includes 8-12, Albion Terrace, 23, Regent Street And 14, Albion Terrace (the application site). These are buildings of special interest (in a national context) which warrant every effort being made to preserve them. All elevations of the property are listed including the rear elevation. However, the listing entry notes that the later 2-storey extension and mid C20 flat-roofed garage adjoining the right return of No. 14 (the host property) ‘are not of interest’.

4.28 This property and row of listed terraces exemplifies the elegant 19th century terraces with sea views along Albion Terrace. These properties including the host property tend to be at least three storeys, whilst those in the streets behind tend to be of a smaller scale.

4.29 The comments received from Council’s Head of Service for Heritage and Open Spaces (set out under the Consultations section) provide further detail regarding significance and special interest of the Grade II listed building which is derived by its age, form and layout within the wider terrace, the historic fabric and its architectural features. Whilst the host property has been extended and altered over time, it still retains and historical features.

4.30 The NPPF describes the setting of a heritage asset as “*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*” In this context ‘experienced’ has a broad meaning. It is not purely visual and could include economic, social and historical relationships, and considerations of noise and smell. However each assessment would be made on individual merit.

4.31 As outlined above the Grade II Listed Building is within a row of terraced properties (most of which also form part of the listing) which repeat the features present within the host property. It is understood that a few of the properties within the terraced row (which form part of the same listing) retain the timber sliding sash windows. These qualities positively contribute to the buildings evidential and aesthetic value. The significance of the wider setting of the Listed Building is enhanced by the backdrop of good quality townscape features.

4.32 The host property is sited within the wider setting of the Headland Conservation area, which derives its unique character from its peninsula location and from the Victorian architecture. The Conservation Area Appraisal sets out the area is at risk due to the loss of traditional detailing across; there is a presumption in favour of supporting development where there will be an enhancement and positively conserves the area.

Retrospective replacement of 5no. windows to the rear with white uPVC framed double glazed sliding sash windows.

4.33 With regards to the newly replaced windows installed at the rear of the property, it is noted the previous windows were a mixture of timber and uPVC windows. Two of the aforementioned windows were uPVC casement windows (that were granted retrospective Listed Building Consent (H/2017/0039) by planning committee (at that time) in 2017 (a decision contrary to officer recommendation). It is understood that the other three windows were timber and differed between mock sliding sash and casement style (there is no known planning history for these windows).

4.34 As noted above, that the listing for the building includes the rear elevation of the property and that due to the positioning of the property as an end terrace with a small alleyway behind, the rear elevation is visible from the street scene of Baptist Street.

4.35 The detailed comments received from the Council's Head of Services for Heritage and Open Spaces (as set out above), indicate the timber windows contribute to the character of the listed building and traditional Victorian timber windows would have been prevalent within this listed row of terraced properties (notably no.10 Albion Terrace still has the traditional timber windows in the rear).

4.36 The Council's Head of Services for Heritage and Open Spaces has commented that by comparison to traditional windows (and materials), the modern replacement windows including those forming part of the current application, are considered to detract from the character and significance of the listed building and its setting. uPVC is considered to differ in appearance from that of timber, due to the much smoother, more regular finish and it does not age over time in the same way as timber. Additionally, the Council's Head of Services for Heritage and Open Spaces notes that the design and detailing of the installed windows themselves is different from a timber sliding sash window in that the detailing such as the horns are different, the glazing bars are placed on the window, rather than an integral part, and the window has vents at the head.

4.37 It appears from the applicant's submission that the retrospective replacement windows to the rear aim to reflect the traditional sliding sash style which are highly likely to have been the original design of windows within the listed building, due their prevalence within the front and rear elevations of the listed row of terraces along Albion Terrace.

4.38 However and crucially, it is considered the use of non-traditional materials (uPVC) with its associated design and (lack of) detailing, would be inappropriate and unsympathetic to the host property and its setting, failing to preserve and enhance the appearance of the heritage asset as a Grade II Listed Building. As a result, the Council's Head of Services for Heritage and Open Spaces considers the proposed windows would cause less than substantial harm to the listed building (and in turn, the Headland Conservation Area).

4.39 As such, the proposal would not conserve the listed building in a manner appropriate to its significance.

4.40 In relation to the impact on the significance of the setting of the listed building, the positioning of the host property as an end terrace makes the host dwelling the first impression of the group listing seen from Baptist Street whereby the rear elevation of the host property is considered to be readily visible from this view point. When viewed from Baptist Street, the traditional timber single glazed sliding sash windows in the existing side/east extension and the retrospective replacement UPVc to the rear can be visible within the same view. Therefore, it is considered the stark difference between the timber sliding sash and uPVC sliding sash would be even more prevalent at 14 Albion Terrace and the unauthorised uPVC windows are considered to jar with those existing timber framed windows. This view is echoed within the comments received from the Council's Head of Service for Heritage and Open Spaces who notes that a comparison between the traditional timber single glazed sliding sash windows to the side of the building and the UPVC to the rear shows striking differences.

4.41 As outlined in the sections above, the repeated features and similarities between the host property and its neighbouring listed buildings contribute to its significance and the significance its setting including that of the Headland Conservation Area. Therefore, the unauthorised windows are considered to result in harm to the fabric of the Grade II listed building and its setting (within the Headland Conservation Area) by the use of inappropriate material and (lack of) detailing do not positively enhance the asset or its setting.

4.42 In accordance with the aforementioned NPPF paragraphs and Local Plan Policies, the identified harm must be weighed against clear public benefits. It should be noted that the National Planning Practice Guidance defines public benefits as 'anything that delivers economic, social or environmental objectives as described in the NPPF', and which are 'of a nature or scale to benefit the public at large and not just be a private benefit'.

4.43 There has been no information provided by the applicant to identify any clear public benefits that would outweigh the identified harm.

4.44 Whilst consideration is given to the most recent update to the NPPF (in December 2023) where at paragraph 164 it requires Local Planning Authorities to give significant weight to improvements to existing buildings to support energy efficiency, which would potentially include replacement windows, it also cautions that where the proposals would affect heritage assets, the other relevant policies within the Framework still apply. In addition, Sections 66 and 72 of the 1990 Act set out that special consideration shall be given to the consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and to the desirability of preserving or enhancing the character or appearance of that area. Therefore, limited weight can be given to paragraph 164 of the NPPF (2023).

4.45 Whilst there may be some environmental benefits gained through an enhancement of a property's thermal efficiency and upkeep to its fabric, this would

be of solely private benefit to the applicant and therefore does not weigh in favour of the proposals. Furthermore, it is considered that any benefits should they exist (none have not been readily identified by the applicant), they would not outweigh or justify the harm caused by the proposed development. Finally, Officers are not persuaded that any (public) benefits could not be achieved by a proposal which would be less harmful to the significance of the designated heritage asset i.e. through the use of appropriate materials and detailing.

4.46 In view of the above, in line with the relevant NPPF paragraphs and identified Hartlepool Local Plan policies, great weight is given the preservation and enhancement of the heritage assets, whilst there are no clear public benefits that are considered to outweigh the inappropriate and unsympathetic materials. Based on the above and the comments from the Council's Head of Service for Heritage and Open Spaces, the unauthorised uPVC windows to the rear are considered to result in less than substantial harm to the Grade II Listed Building (and in turn, the Headland Conservation Area) by virtue of design, detailing and use of inappropriate materials and this harm has not been demonstrably outweighed by any clear public benefits.

4.47 Therefore, on balance, the unauthorised windows in the rear are considered unacceptable and would warrant a reason for the refusal of the application.

4.48 During the consideration of the application, the applicant was given the opportunity to amend the proposal to replace the unauthorised uPVC windows with timber sliding sash windows. The applicant does not wish to change the windows and as such the proposal as submitted with white uPVC framed double glazed sliding sash windows has been considered accordingly and for the above reasons, is deemed to be unacceptable.

Retrospective replacement of 5no. windows to front (including 3no. bay windows) with timber framed double glazed sliding sash windows.

4.49 The existing windows to the property were comprised of two casement uPVC windows to the second floor, granted Listed Building Consent in 2017 (H/2017/0039) and three timber replacement bay windows to the basement, ground and first floor which had a heavy frame and did not display the finer details shown on the adjacent houses.

4.50 The replacement windows are double glazed timber sliding sashes. Based on the submitted information, the windows aim to replicate many of the traditional details such as the material (timber), style (glazing bar detailing) and opening mechanism (sliding sash). The Council's Head of Services for Heritage and Open Spaces has noted that there are some differences between the replacement windows and traditional timber sliding sash windows, namely the horns have a slightly different shape, the beading rather than putty fixing of the glazing add a slight weight to the frame and the flatter appearance of the glazing.

4.51 Notwithstanding the above minor differences, the Council's Head of Services for Heritage and Open Spaces has, on balance, deemed the differences acceptable due to the unsympathetic windows they replaced and therefore raises no objections to this element, as a result it is considered the windows would restore some of the

traditional detailing to the building. It is therefore considered that in this instance and on balance, the small differences above would not lead unacceptable impact on the significance of the Grade II listed building and its setting (including the Headland Conservation Area).

Retrospective application of render to rear elevation

4.52 The proposal includes the retrospective replacement of the render to the rear elevations, including the rear of the two existing extensions. Consideration is given to the use of lime render which is understood to be the traditional render material for properties of this area and age. Further to this, the Council's Head of Services for Heritage and Open Spaces has no objections to the render applied to the rear of the property. The unauthorised render applied is considered not to impact on the significance of the Grade II listed building or its setting (including the Headland Conservation Area) and therefore the application is considered to be acceptable in this respect.

Retrospective removal of render from front elevation and proposed restoration of original brick external finish.

4.53 The proposal includes retrospective removal of the render to the front elevation and the proposed restoration the original brickwork back to its original design. Based on the submitted information the works include the cleaning of the brickwork to the front elevation and full repointing of the mortar joints with a harmonising lime based mortar to best match the original construction material.

4.54 Based on historical imagery and the external appearance of the adjoining terrace, it is understood that the previous render to the front of the property was not an original historic feature and majority of the properties within this row of terraced properties (some of which form part of the listing) have brick frontages. The restoration of a brick frontage is considered to have a relatively positive contribution to the significance of the listed building in addition to the setting of the adjacent listed buildings. The Council's Head of Service for Heritage and Open Spaces raise no objections to the removal of the render and restoration of a brick frontage. Overall, it is considered that this element of the proposal would not adversely impact on the significance of the listed building or its setting (including the Headland Conservation Area) and the application is considered to be acceptable in this respect.

CONCLUSION

4.55 It is acknowledged that the applicant has sought to replicate a traditional method of opening for the windows to both the front and rear elevations, as well as seeking to improve the fabric of the building (through the removal of the front render and application of render to the rear elevation, to which there are no objections to such elements) and it is a further positive that the applicant has sought to use appropriate materials (timber) within the front elevation. However and for the reasons detailed in the main body of the report, it is still considered the proposed uPVC windows to the rear would cause harm to the significance of the Grade II Listed Building due to the design, detailing and use of non-traditional materials, and the application is therefore unacceptable in this respect.

4.56 Taking into account the building's importance as a Grade II Listed Building and relative prominence within the Headland Conservation Area, along with the sensitivity of the area to inappropriate alterations, it follows that the identified negative effects to the listed building would also harm the positive qualities of the Headland Conservation Area as a whole. In these regards the proposed development would materially and incrementally diminish the character and appearance of the Headland Conservation Area and thus its significance as a designated heritage asset, negatively reinforcing the Headland Conservation Area's 'at risk' status.

4.57 Drawing the above together, the proposed development would not sustain or enhance, but rather cause less than substantial harm to, the special interest and significance of these designated heritage assets.

4.58 Furthermore, no information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development contrary to policies HE1, HE3, HE4 and HE7 of Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the National Planning Policy Framework 2023.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.59 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.61 There are no Section 17 implications.

REASON FOR DECISION

4.62 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 installation of uPVC windows to rear elevation cause less than substantial harm to the designated heritage asset of the Grade II Listed Building (and the Headland Conservation Area) by virtue of the design, detailing and use of inappropriate materials. It is considered that the works do not sustain or enhance, but rather cause harm to the special interest and significance of the designated heritage asset and its setting. Insufficient information has been provided and there are no other material considerations that would this harm that would be outweighed by any public benefits of the development. The

proposal is therefore contrary to policies HE1, HE3, HE4 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 203, 205, 208 and 212 of the National Planning Policy Framework (2023).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161061>

4.64 Copies of the applications are available on-line:

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

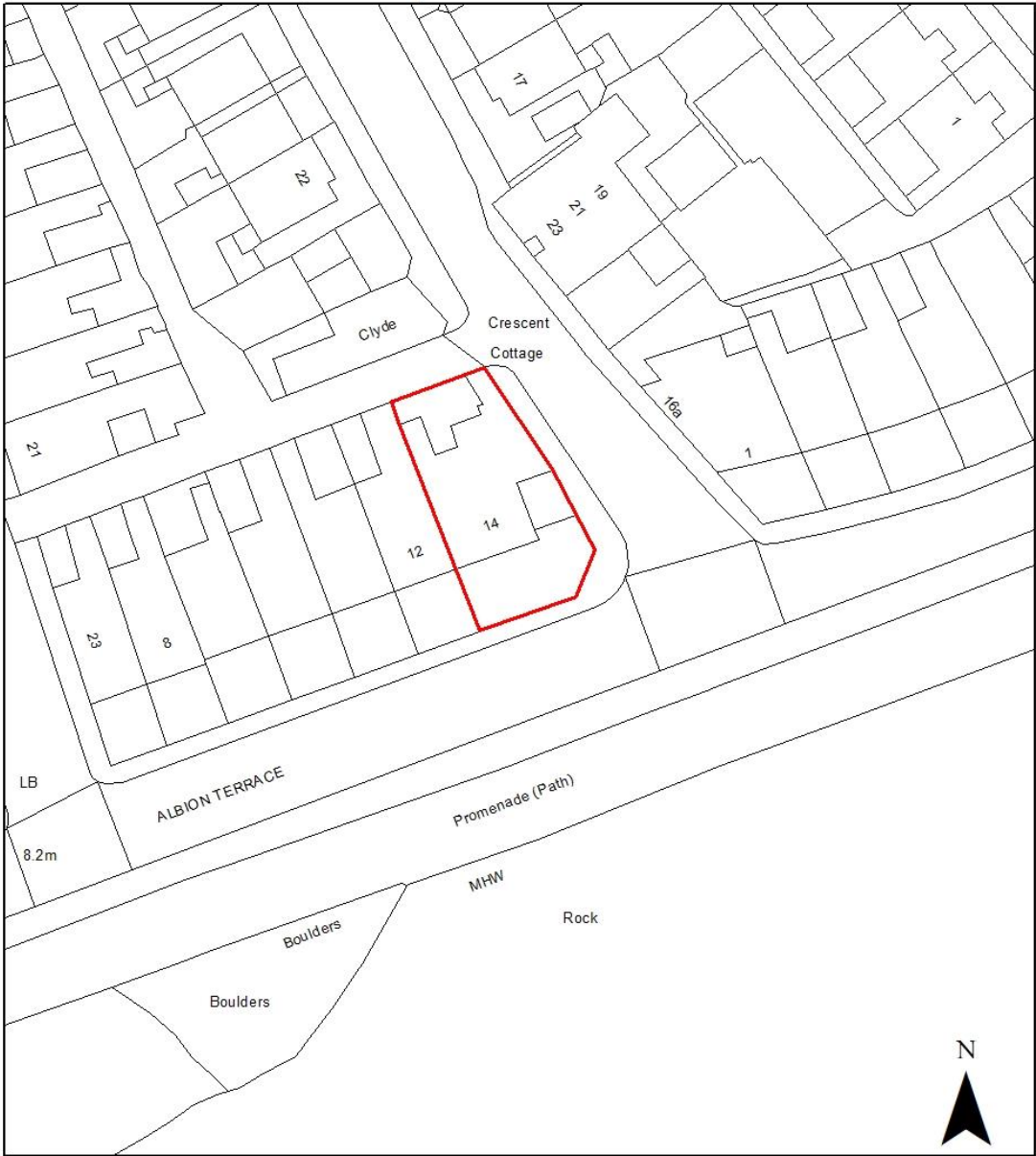
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.08.2024
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2024/0063 H/2024/0064	REV

No: 5.
Number: H/2024/0125
Applicant: STONEGATE GROUP MONKSPATH HALL ROAD
 SOLIHULL B90 4SJ
Agent: CONCORDBGW MISS GINTARE LAGUNAVICIUTE
 PALMER STREET DONCASTER DN4 5DD
Date valid: 26/06/2024
Development: Proposed introduction of 2no. enclosed external garden areas to front of building facilitated by 1.1m high picket fence boundary on the front (east) external elevation, installation of new paving slabs to the left side and installation of new festoon lights supported from new 2.8m high timber posts. Proposed formation of new fire escape access door within the existing side (south) elevation.
Location: FENS HOTEL CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

HFUL/1995/0139 - Erection of a kitchen extension – Approved 27/04/1995.

H/2011/0280 - Alterations to replace existing curtain walling with masonry, alterations to windows, erection of two entrance canopies – Approved 14/09/2011.

H/2017/0074 - Erection of a single storey kitchen extension and erection of fence/gates to form enclosed yard – Approved 24/03/2017.

PROPOSAL

5.3 This proposal seeks planning permission for the erection of an approximately 1.1m high picket fence boundary to the front (east) of the main building, the installation of paving slabs to one of the two parcels of the existing grassed area to the front (that are to be enclosed), and the installation of new festoon lights within such areas. The proposals would facilitate an external seating area to the front of the premises. The proposals also include the formation of new fire escape access door within the existing side (south) elevation.

5.4 Based on the site history including previous planning permissions, the parcel of land to the front of the premises (east) is understood to form part of the established curtilage and planning unit of the Fens Hotel public house, and as such, the provision of a beer garden or external seating area in this area would not require planning permission as this would be considered to not constitute a material change of use (a view that is well established within planning case law). It is the proposed external structures/alterations, including the proposed festoon lighting with timber posts, picket fence and the laying of hard standing which are classed as 'operational development' (i.e. the physical structures/works) and therefore require planning permission.

5.5 The proposed picket fence would be extend along the front/eastern boundary adjacent to the public footpath (along Catcote Road) and would measure a total length of approximately 28 metres along this elevation, which includes a gap of approximately 2.4 metre to provide/retain an existing walkway to the entrance of the public house (and which separates the two parcels of land to the front of the main premises). The proposed picket fence would extend around the perimeter of both parcels of land, tying into the existing boundary treatments along the southern and south eastern corner of the application site. A small opening would be provided within the proposed picket fence to allow for pedestrian access into the enclosed external areas.

5.6 The proposed festoon lighting would be made up of a number of supporting timber posts that would be present within both parcels of enclosed land, tying into the front of the main public house at two different points. The festoon lighting support posts would measure approximately 2.8 metres in height and would be fixed in place with concrete footings.

5.7 The proposed scheme includes the installation of hardstanding to the existing grassed area that would be limited to the southern parcel of land (of the two parcels of land that are to be enclosed) and would be consist of new sandstone paving stone slabs.

5.8 The submitted plans indicate that a number of 'robust' timber loose furniture structures would be accommodated within the external areas. Such structures are unlikely to constitute 'development' and therefore would not require planning permission (as above, the provision of a beer garden/seating area would not constitute a change of use or require planning permission in this instance).

5.9 With respect to the proposed formation of a new fire escape access door within the existing side (south) elevation, this would be facilitated by the removal of an existing window frame and panel and the installation of a door and frame to be of a similar appearance to the existing adjacent fenestration.

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

SITE CONTEXT

5.11 The application site relates to the existing public house of the Fens Hotel on Catcote Road, in Hartlepool. The public house is situated on the western side of the street scene of Catcote Road, and features an area of grassed space within the curtilage of the site to the forecourt (east), and to the side (south).

5.12 Beyond the boundary to the south, is an inverted 'L' shape two storey block of flats, known as Fens Court, which is served by an access from Catcote Road (east) and an associated car parking area to the rear. Beyond the area of open space to the rear/west of the site are residential properties along Stamford Walk (the closest being No's 18 and 20). Beyond the highway of Catcote Road to the front (east) of the site, are the residential properties along Catcote Road (specifically nos. 375-387 (odds)). To the north is a retail parade (Fens local centre) with its associated car park and access from Catcote Road.

PUBLICITY

5.13 The application has been advertised by way of neighbour letters (40) and a site notice.

5.14 To date, there have been 10 responses received, 8 in the form of objections, and 2 in the form of support.

5.15 The objections/concerns raised can be summarised as follows:

- There is already increased noise from the pub with live music, adding a beer garden will further increase this.
- It will lead to increased litter in the area.
- Increased noise particularly during late hours may hinder residents' ability to enjoy home environment.
- The local parking situation is already insufficient, any increased demand for parking due to the beer garden will lead to further illegal and unsafe parking practices.
- Unsafe parking poses a hazard to cyclists and pedestrians.
- The addition of a beer garden could lead to anti-social behaviour in a residential area.
- The proposal is not in keeping with the residential estate.
- The seating area would attract people to use the space to drink their own drinks and smoking.
- The area would end up being vandalised.
- Loss of privacy.
- Pub already introduced outdoor eating.
- The capacity of the outdoor seating area is too big.
- Devaluation of local properties.

5.16 The responses in the form of support can be summarised as follows:

- Owners are striving to build a “local” establishment and serving the needs of the local residents.
- If managed appropriately will offer a welcome outdoor experience.
- Fully support the plans.
- Pub is ran professionally and would be controlled.

5.17 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=161731>

5.18 The period for publicity has expired.

CONSULTATIONS

5.19 The following consultation replies have been received:

HBC Public Protection:

(updated comments received 28/08/2024 following further advice from HBC Licensing)

Object/Support/Neither

No Objections subject to the conditions below.

Comments and background to any licensing position

The applicant has advised that on receiving planning permission they will be submitting a licence variation. This variation will look to include the following conditions:

- No sound-amplifying equipment, loudspeakers, public address system or similar shall be installed/operated, or music played within any of the outdoor area.
- The outside seating area hereby approved shall only be open for use by the public for drinking from 9am until 9pm or sunset whichever is the sooner each day. The seating area shall not be used beyond these times.
- The proposed new door shown on the plans as a fire door must only be used as an emergency exit/fire door and not as a general means of access/egress to the outdoor area. If it is to be used as a means of general access and egress an internal lobby would need to be fitted.

Suggested Planning Conditions

- Other than the proposed festoon lighting, no other external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and maintained in accordance with the approved details.
- The working hours for all construction 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. Any deliveries and collections for the construction works shall be limited between these hours as well.

Informative (advice to applicant re any other requirements such as licensing)
No open burning at all on site.

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

HBC Landscape Architect: There are no landscape and visual issues with the proposed development, subject to the usual landscape detail conditions.

HBC Estates: No comments from Estates.

HBC Engineering Consultancy: There are no concerns, subject to the standard hardstanding condition.

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

Tees Archaeology Section: Thank you for the consultation on this application. I have checked the HER and there are no archaeological concerns for this proposal.

Cleveland Police: I note the objections from local residents with regard to the proposed development.

Considerations for the operator:

- The Fens Hotel should be mindful of the residents that they have living nearby.
- Times of operation of outdoor space to avoid causing nuisance.
- Staff should receive adequate training and procedures to deal with noise issues.
- Consider timings of deliveries.
- Ensure CCTV records in colour in all lighting conditions.
- Restrict the timing for dealing with refuse, e.g. when bottles emptied, and timings of collections.
- Supervise and manage customers, to prevent excessive noise, including when they are leaving the property.
- Use of appropriate signage in the outdoor spaces e.g. 'show consideration to neighbouring properties.'
- Regular communication with local residents e.g. a leaflet drop that provides emergency contact details should an issue arise.
- Restrictions on outdoor entertainment such as music.
- Ensuring that proposed lighting scheme does not cause glare issues to local residents.
- Cooling/heating plant and equipment, location and noise levels.

HBC Community Safety and Engagement: Community Safety has no objections to this application.

HBC Economic Development: No objections from Economic Growth.

HBC Building Control: No comments received.

PLANNING POLICY

5.20 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

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

CC1: Minimising and adapting to climate change
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RC1: Retail and Commercial Centre Hierarchy
 RC16: Local Centre
 NE2(i): Amenity Open Space
 SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (2023)

5.22 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

PARA047: Determining applications
 PARA096: Promoting healthy and safe communities
 PARA128: Achieving appropriate densities
 PARA131: Achieving well-designed places
 PARA135: Achieving well-designed places
 PARA139: Achieving well-designed places
 PARA224: Implementation

5.23 HBC Planning Policy comments: There are no Planning Policy concerns in principle, providing the decision maker is satisfied the requirements of policy QP4 have been met.

PLANNING CONSIDERATIONS

5.24 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 neighbouring residential amenity, the impact on the visual amenity, highway safety considerations, and the impact on crime and anti-social behaviour. These and all other planning and non-planning matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

5.25 The application site is situated within the Fens local centre, as defined within the adopted policies map and through Hartlepool Local Plan (HLP) Policy RC16 (Local Centres). HLP Policy RC16 identifies suitable locations to diversify, support and protect local communities. The policy works in accordance with HLP Policy RC1 which recognises local centres as preferable locations for a number of uses including drinking establishment uses (Sui Generis Use Class, formerly A4 Use Class).

5.26 It is also noted from the Policies Map that accompanies the Hartlepool Local Plan (2018), identifies the southern parcel of land (that is to be enclosed as part of this application) to be part of a wider area of 'amenity open space' as covered by Policy NE2(i) of the HLP. Policy NE2 seeks to resist the loss of such open space areas unless a scheme meets one of five 'exceptional circumstances' set out in the Policy body. When viewed against these, the proposal is unlikely to satisfy any of the tests.

5.27 The land in question is also overlapped on the Policies Map with Policy RC16, which is considered to be the prevailing policy covering the application site. It is acknowledged that the land is currently 'open', provides visual amenity to the wider estate and ties into the wider area of amenity open space that extends to the rear of the public house building. The land in question is within an area in which the local centre policy (RC16) was drawn to allow for potential expansion/alteration to the public house. The proposal effects a small proportion of the amenity open space and retains a level of permeability, therefore, HBC Planning Policy consider that in this instance it would not be appropriate to consider the proposal against the requirements of Policy NE2 and therefore raise no objections in this respect. Furthermore, it is understood that the land in question is within private ownership (as opposed to public open space) and it is also of note that a beer garden or outdoor

seating area could be created within this area without requiring planning permission (it is only the proposed physical works (i.e. the operational development) that requires planning permission in this instance).

5.28 Whilst the proposals would result in the enclosure of two existing parcels of open grassed space to the forecourt of the public house, it is understood that such areas (east) form part of the established curtilage of the public house (based on planning history of the site). In the context of Policy RC16, the proposals would facilitate the expansion of the existing business, and would not be classed as a change of use of the land (as noted above, the creating of an outdoor seating area/beer garden does not require planning permission).

5.29 The Council's Planning Policy section has considered the information contained within the application and have no objections with regards to the appropriateness of the proposals in this location (subject to the proposal satisfying the provisions of HLP Policy QP4). Furthermore, no objections have been received from HBC Economic Growth.

5.30 Subject to the application satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable in this instance.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

5.31 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.

5.32 Objections and concerns have been received in relation to the application and the impact of the proposed enclosed seating area to the front of the public house on the general amenity and privacy of neighbouring properties.

5.33 It is understood that the nearest residential properties to the application site are the two storey block of flats within Fens Court (south). Within this, the nearest flats are understood (based on the submitted Location Plan) to be Flat 1 and Flat 10 Fens Court which are situated to the south of the application site (and the most northerly of the block of flats). The nearest flats are separated from the application site the existing boundary treatment and the access road that leads into a rear car park serving Fens Court. It was observed that the nearest element of the flats (understood to be 1 and 10 Fens Court) present a blank gable (north) facing directly onto the application site with a number of windows in the ground and first floor front elevation (including a first floor Juliet balcony, facing east).

5.34 The proposed enclosed area to the southern part of the site (including the associated picket fence and festoon lighting) would extend approximately 6 metres in length beyond the existing frontage of the nearest flats within Fens Court (this

element of the proposals do not project beyond the rear elevations of the nearest properties to the south), and would have a remaining, oblique separation distance of approximately 7.5 metres to the nearest front/east elevation(s) of the adjacent flats.

5.35 As noted above, there is an existing brick wall with pillars (with open railings above) to the front and side corner (southeast) of the application site, which frames the site entrance into Fens Court (with similar wall and pillars on the opposite side of the access). The remaining southern boundary is made up of approximately 1.8m high open railings. It is considered that any views to/from the proposed structures (and hardstanding area) and the front/east facing windows of the nearest flats (understood to be No's 1 and 10 within Fens Court) would be at an oblique angle, and some views would be partially screened by the aforementioned existing boundary treatment. It is further considered that the proposed structures (and other associated works) are of a modest scale. As noted throughout this report, it is of consideration (and a 'fall back' position) whereby a seating area/beer garden (in the form of tables and chairs) could be created in this area without the need for planning permission with any similar associated impacts (given the understanding that this land relates to established curtilage of the public house).

5.36 To the front of the application site are two-storey, semi-detached residential dwellings located along Catcote Road (including no's 377 - 383, odds). Consideration is given to the remaining separation distance of approximately 23 metres from the nearest elements of the proposed works (picket fencing and festoon lighting) and the front elevation of the nearest residential dwellings (east) along Catcote Road with the presence of a busy highway in between.

5.37 To the rear (west) of the application site are residential properties along Stamford Walk with the presence of a parcel of open space in between (which includes mature trees). The proposals would achieve a separation distance of approximately 62 metres to the nearest of these properties (16 and 18) and the proposals would be partially screened from these properties by the presence of the main public house building itself.

5.38 Given the above separation distances, and the modest scale and height of the proposed structures, it is considered that the proposed development (including hard standing area) would not result in any significant impacts on the amenity or privacy of the neighbouring properties, in terms of loss of light, loss of outlook, overbearing or overlooking as to warrant a refusal of the application.

5.39 It is acknowledged that objections have been received in relation to the application and the impact of development in regards to increased noise disturbance from the use of the proposed enclosed seating area. In this respect, it is acknowledged that the nature and layout of the development has the potential to facilitate an intensification of activity to the area of the application site immediately outside the front entrance/exit door. It is however acknowledged that based on site history and planning permission, the expansion of the business onto the forecourt to the east of the site would not be classed as change of use, and therefore would not require planning permission.

5.40 HBC Public Protection section have raised no objections to the proposals including the scheme for the festoon lighting subject to no further lighting being installed without first being agreed in writing with the Local Planning Authority. Given that any such additional lighting (of a similar scale to that is proposed) is likely to require planning permission (if it amounted to 'development') then it is considered appropriate to restrict such lighting to that of the festoon lighting only (as applied for) and this condition is recommended accordingly. HBC Public Protection have raised no concerns regarding glare or any other requirements/controls regarding the proposed lighting. Were such issues to arise, it would need to be considered through the relevant environmental legislation.

5.41 HBC Public Protection have also requested a planning condition to limit hours of construction and deliveries which can also be secured by a planning condition.

5.42 With respect to noise and disturbance, as indicated throughout this report, the provision of a seating area/beer garden in the proposed location does not constitute a change of use or require planning permission on the basis that the land is understood to be part of the public house's established curtilage. Therefore it is considered that it would be both unreasonable and unenforceable in planning terms to control hours of operation/use of the beer garden seating area or to prevent music from being played to the external areas.

5.43 HBC Public Protection advised that HBC Licensing have spoken to the applicant and have advised that the applicant will need to apply to vary the existing premises license. In turn, HBC Licensing advise that appropriate conditions would need to be applied as part of that process including licensing conditions to control the hours of use, and to prevent no amplified music from being played to the external seating areas. An informative is recommended to be applied to the decision notice to make the applicant aware of the need to seek a variation to the license for the premises.

5.44 In view of the above and taking into account the nature of the current application which relates to operational development, it is considered that the proposals would not result in an unacceptable loss of amenity and privacy for neighbouring land users including noise and disturbance that would justify the refusal of the application. Ultimately, such matters would need to be considered and potentially controlled through the separate licensing regime. Should any future issues arise regarding noise and disturbance, this would need to be considered through the appropriate environmental legislation.

5.45 Lastly, the proposed plans show a proposed new door to the side (south) elevation of the public house. Given that such works do not alter the building footprint of the building or adversely reduce existing separation distances to neighbouring properties (including the nearest properties located within Fens Court to the south), it is considered that such works would not result in an adverse loss of amenity and privacy for neighbouring land users in terms of loss of outlook, overbearing, overshadowing or overlooking. Following consultation with the HBC Public Protection section, they have advised that a condition to prevent the proposed door from being used for general access/egress other than in cases of emergency

can be considered and controlled through the required variation to the license for the premises, which is a separate matter to planning.

5.46 Subject to the above recommended planning conditions and taking into account the established siting of the public house (and associated curtilage) and remaining separation distances to surrounding properties, on balance, it is considered that the development would not result in a significant adverse loss of amenity or privacy when considered against the provisions of Policies QP4 and RC16 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2023).

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SURROUNDING AREA

5.47 A number of objections have been received through the public consultation process raising concerns regarding the introduction of the proposed structures and that they would be out of keeping with the area.

5.48 The proposed fencing, hardstanding and festoon lighting would be sited to the front (east) of the public house with the picket fencing extending up to the adjacent public footpath along Catcote Road. The proposed festoon lighting would 'zig-zag' across the two enclosed areas including up to the adjacent footpath. In this context, it is acknowledged that the proposed structures would be readily visible within the street scene of Catcote Road and are likely to result in an appreciable change when compared to the current 'open' nature of the parcels of land to the front of the public house (even though they are understood to form part of the established curtilage of the public house).

5.49 Notwithstanding this, the proposed festoon lighting, picket fencing and area of hardstanding are considered to be of a modest scale and overall height that are appropriate to the setting of an established public house. The proposed structures would in part be read against the backdrop of, and in the context of the established public house. Furthermore, no objections have been received from the Council's Landscape Architect. The proposed hard standing area would be limited to one of the two enclosed areas and the proposed materials are considered to be acceptable. Subject to a planning condition to confirm the intended stain colour to both the picket fence and support posts for festoon lighting, overall, it is considered that the proposals would not adversely affect the character and appearance of the existing public house or that of the surrounding area as to warrant a refusal of the application in this instance.

5.50 It is further considered appropriate to secure an informative on the decision notice to make the applicant aware that the application of banners, adverts etc on the proposed structures, which have the potential to affect visual amenity and introduce visual 'clutter', is likely to require Advertisement Consent where such matters are governed by separate planning legislation (Town and Country Planning (Control of Advertisements) (England) Regulations 2007).

5.51 The proposal also includes a section of the existing window and frame to be removed to install a door and frame to the side (south) elevation. Given the location of the door to the southern elevation whereby limited views would be achievable

from wider areas, and that the proposed materials of the door would generally match that of the existing, adjacent fenestration on site, it is considered that there would not be any significant impact onto the character and appearance of the existing property and the surrounding area.

5.52 In view of the above, it is considered that the development is in accordance with the requirements of Policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2023) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

HIGHWAY & PEDESTRIAN SAFETY

5.53 A number of objections have been received through the public consultation process indicating that the proposals will exacerbate existing car parking problems in the area.

5.54 The Council's Traffic and Transport section have been consulted in respect of the proposals and have raised no concerns. Therefore it is considered that the proposal would not result in any significant adverse highway or pedestrian safety impacts including matters of car parking. The proposal is therefore considered to be acceptable in this respect.

CRIME AND ANTI-SOCIAL BEHAVIOUR

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

5.56 Cleveland Police have confirmed that they have no objections to the proposal but have provided a number of recommendations in relation to good management of the premises, noting the objections that have been received from residents. A number of the Police's recommendations would need to be considered through the required variation to the premises license. Their advice can also be relayed to the applicant by way of an informative on the decision notice.

5.57 Furthermore, HBC Community Safety have not offered any objections or comments in respect of the proposal.

5.58 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.

OTHER PLANNING MATTERS

5.59 The Council's Engineers have raised no objections in respect of drainage or contamination but have recommended a condition in respect to the proposed hardstanding. A planning condition is recommended to secure the implementation of the hardstanding in line with the submitted details but to ensure that run off is

directed within the curtilage of the application site. Subject to this, the development is considered to be acceptable in respect of these matters.

5.60 No objections or requirements have been received from technical consultees in respect of matters of archaeology and trees.

5.61 In respect to an objector's concern regarding the proposals resulting in an increase in litter in the area, there is no evidence or indication to suggest that the proposals (fencing, lighting and hard standing) would result in an increase in litter and therefore it is considered that it would be unreasonable to require any additional waste provision. In the event that such an issue was to occur, it would need to be considered through the relevant environmental legislation.

NON PLANNING MATTERS

5.62 Matters of property devaluation are not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.63 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.65 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE, subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details drawing number 5204-100-04 (Proposed External Elevations) received by the Local Planning Authority on 22nd April 2024; drawing number 5204-100-02 Rev A (Proposed Site Plan) received by the Local Planning Authority on 30th May 2024; drawing number 5204-100-05 (Site Location Plan) received by the Local Planning Authority on 21st June 2024; and drawing number 5204-100-03 Rev A (Proposed Block Plan) received by the Local Planning Authority on 26th June 2024.
For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to above ground construction of the development hereby approved, details of the stain colour to the picket fencing and festoon lighting posts, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
In the interest of visual amenity and the amenities of occupants of neighbouring windows.
4. The hardstanding and surfacing for the development hereby approved shall be constructed in accordance with the materials stipulated on drawing number 5204-100-03 Rev A (Proposed Block Plan, received by the Local Planning Authority on 26th June 2024). The scheme shall ensure that provision be made to direct run-off water from the hard surface hereby approved to a permeable or porous area or surface within the curtilage of the application site prior to the completion or first use (whichever is sooner) of the hardstanding area. Thereafter, the agreed scheme shall maintained in accordance with the agreed details.
In the interests of visual amenity and to prevent an increase in surface water runoff.
5. The working hours for all construction 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. Any deliveries and collections for the construction works shall be limited between these hours as well.
In the interests of the amenities of the occupants of neighbouring properties.
6. Other than the proposed festoon lighting hereby approved, no other external lighting shall be installed on site (in connection with the development hereby approved) without the prior written consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the amenity of neighbouring land users.

BACKGROUND PAPERS

5.67 Background papers can be viewed by the 'attachments' on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=161731>

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

CONTACT OFFICER

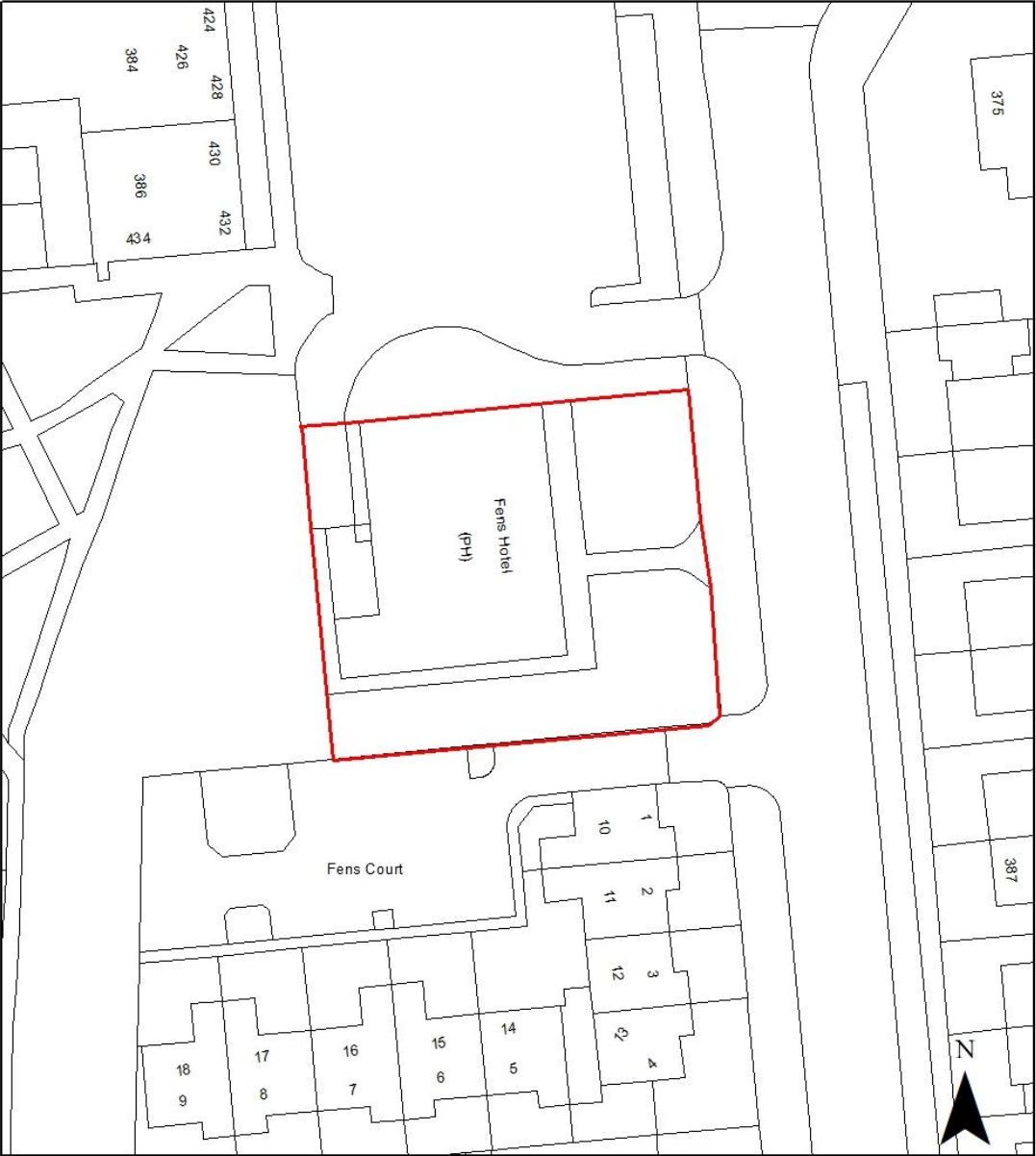
5.69 Kieran Bostock
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.08.2024
	SCALE 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2024/0125	REV

No: 6.
Number: H/2024/0196
Applicant: MR HENRY TONES OXFORD ROAD HARTLEPOOL
TS25 5SS
Agent: ELDER LESTER ARCHITECTS REEDS MILL ATLAS
WYND YARM TS15 9AD
Date valid: 27/06/2024
Development: Installation of roller shutter door (retrospective) and
creation of access and dropped kerb on to Spring Garden
Road
Location: STORAGE LAND TONES WORKSHOPS OXFORD
ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 There is no recent planning history relating to the current application site.

PROPOSAL

6.3 This application seeks retrospective planning permission for the installation of a roller shutter door within the southern boundary of the application site, adjacent to Spring Garden Road.

6.4 The application site is a storage yard which is understood to operate in connection with H. Tones Oxford Garage (car dealership). The roller shutter door is intended to provide vehicular access off Spring Garden Road.

6.5 The application seeks retrospective permission for the roller shutter door (to be used as a vehicular access), and also proposes that a dropped-kerb and pavement crossing would be installed, albeit such works are outside of the red line boundary and are within the adopted highway. It is understood that such works would therefore need to be considered through the relevant highways legislation / licenses.

6.6 Amended plans were received on 08/08/2024, indicating that the proposed access would operate as part of a one-way system. Under this system, vehicles would enter the storage yard off Oxford Road to the north, and exit via Spring Garden Road to the south. The agent also suggested that the hours of use could be restricted to mitigate car parking impacts. This is discussed in further detail below.

6.7 The application has been reported to planning committee owing to the number of objections received (more than 3) in line with the Council's Scheme of Delegation.

SITE CONTEXT

6.8 The application site is a storage yard which is understood to operate in connection with H. Tones Oxford Garage (car dealership).

6.9 H. Tones Oxford Garage is located adjacent to the junctions of Stockton Road with Oxford Road, and Stockton Road with Spring Garden Road. The application site is located approximately 14 metres west of the main business site, with Oxford Road adjacent to the north and Spring Garden Road adjacent to the south.

6.10 The application site is bounded to the east by a coach operator and to the west by commercial units including a service & MOT centre and an accident repair workshop.

6.11 No. 2A Spring Garden Road forms part of the southern boundary of the application site. Aside from this, both the northern and southern site boundaries are defined by brick walls with anti-climbing equipment fixed to the top. The southern boundary wall (on the boundary with Spring Garden Road) is constructed from red bricks and measures approximately 2.3 metres in height.

6.12 The established vehicular access to the application site is off Oxford Road to the north. The adjacent coach operator has an existing access off Spring Garden Road, as does National Tyres and Autocare adjacent to the east of this.

6.13 Despite the adjacent commercial uses, the application site is located in a predominantly residential area, with residential dwellings in close proximity to the application site on both Oxford Road and Spring Garden Road (including the adjacent dwelling 2A Spring Garden Road).

PUBLICITY

6.14 The application has been advertised by way of fifteen neighbour notification letters and a site notice. To date, four objections have been received from members of the public. A further response was received from National Tyres and Autocare, expressing neither support nor objection.

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

- The creation of a new vehicular access point would exacerbate existing traffic levels, congestion, and highway safety issues on Spring Garden Road;
- The creation of a new vehicular access point would exacerbate existing parking problems on Spring Garden Road.

6.16 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=162255>

6.17 The period for publicity has expired (although comments are awaited from HBC Engineering Consultancy as reflected in the report and officer recommendation below).

CONSULTATIONS

6.18 The following consultation replies have been received:

HBC Traffic & Transport: There have been many complaints regarding parking on Spring Garden Road in the vicinity of the proposed access. The complaints have been centred around the businesses in the area which has resulted in parking restrictions being implemented. This has impacted the amount of space residents have to park. In order to minimise the impact on residential parking the restrictions only apply between 8am – 6pm. The proposed access would result in the loss of parking in this vicinity of approximately 1 space.

The access would also result in an increased traffic flow on Spring Garden Road due to incoming delivery of new vehicles and outgoing of old stock.

I would consider that the proposed new access on Spring Garden Road would be detrimental to road safety due to increased traffic flow and would have a negative impact on residential parking. The Highways Section would therefore like to object to this application.

Additional HBC Traffic & Transport comments received 21/08/2024 following the receipt of amended plans and comments from the agent:

The one way system wouldn't really help with the increased traffic flows.

The idea for allowing parking across the access is not really practical, residents or visitors may still be reluctant to park across an access regardless of a condition.

Therefore we would still maintain our objection to this scheme.

HBC Public Protection: Environmental Protection have no comments to make regarding this application.

HBC Commercial Services: Commercial Services would not have any comments.

HBC Building Control: As the works are external works and don't involve a building this wouldn't require a Building Regulations application.

HBC Engineering Consultancy: *Comments are awaited at the time of writing. Should any comments be received, Members will be updated at the committee meeting and this is reflected in the officer Recommendation below.*

PLANNING POLICY

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

Hartlepool Local Plan

6.20 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

RC21: Commercial Uses in Residential Areas

National Planning Policy Framework (NPPF)(2023)

6.21 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

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making

PARA 038: Positive and creative 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 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

PLANNING CONSIDERATIONS

6.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on highway safety and car parking, the impact on residential amenity and privacy, the impact on the character and appearance of the local area, and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

6.23 The application site is not allocated for a specific use in the Hartlepool Local Plan (it is classed as ‘white land’), and is set within a predominantly residential area. The proposal therefore relates to a commercial use within a residential area, and Local Plan Policy RC21 is considered relevant. Local Plan Policy RC21 (Commercial Uses in Residential Areas) seeks to protect the vitality and viability of the designated retail and commercial centres within the Borough and the amenity of residents.

6.24 Policy RC21 therefore 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 they satisfy a number of criteria including:

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.*

6.25 Given the established presence of the main use on site (which is located within a sustainable location) and the nature of the current proposals (which relates to operational development and provision of an access), and subject to the above criteria being satisfied (as considered in the following sections), the principle of development is considered to be acceptable in this instance.

HIGHWAY SAFETY AND CAR PARKING

6.26 The application seeks to establish a new, commercial, vehicular access off Spring Garden Road. Whilst there are existing, commercial, vehicular accesses on Spring Garden Road (serving a coach operator and National Tyres and Autocare), it is nonetheless considered to be a predominantly residential street.

6.27 As stated previously, four objections were received from members of the public primarily in respect to highway safety, access and car parking matters.

6.28 It is understood that HBC Traffic & Transport has received past complaints regarding highway safety and car parking on Spring Garden Road, primarily arising from the presence of commercial business at the northern end of Spring Garden Road. HBC Traffic & Transport has therefore considered it necessary to implement parking restrictions in an attempt to mitigate some of these impacts.

6.29 HBC Traffic & Transport was consulted on the current application and have raised an objection on the basis that the proposed new access on Spring Garden Road would be detrimental to road safety due to increased traffic flow and that it would have a negative impact on residential parking.

6.30 Whilst it is acknowledged that the applicant attempted to address these concerns through the implementation of a one way system and by proposing restricted operating hours, HBC Traffic & Transport further confirmed that this approach would not be sufficient to mitigate the anticipated impacts on highway safety and car parking. It is further considered that a planning condition to restrict the access onto Spring Garden Road as an egress only (as part of a one way system, as proposed by the applicant's agent) would raise concerns over the enforceability of such a planning condition. In any event, it would not address the above concerns.

6.31 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 and RC21(1) 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

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

6.33 Whilst the proposal would introduce a large feature into the street scene that is considered more appropriate to an industrial or commercial setting, the installed roller shutter (and box housing) is of a height which is approximately equivalent to the existing boundary treatment (when factoring in anti-climbing equipment affixed to the top of the wall). It is therefore considered that the installed roller shutter would not materially increase the scale and massing of the existing boundary treatment or adversely affect or reduce separation distances to adjacent neighbouring properties, and that there would therefore be no significant impact on neighbour dwellings through overbearing, overshadowing, or loss of outlook.

6.34 Due to the nature of the proposal, it is further considered that there would be no significant impact on neighbouring dwellings through overlooking or the perception of overlooking.

6.35 It is, however acknowledged that the proposed development would have the potential to generate an increase in the amount of activity and associated disturbance, primarily as a result of increased commercial traffic into this area. Notwithstanding this, consideration is given to the established presence of the existing business at the application site (albeit with no access onto Spring Garden Road), as well as the presence of an adjacent vehicular access (serving another business). Furthermore, it is noted that no objections or suggested conditions have been put forward by HBC Public Protection.

6.36 Policy RC21 states that businesses will not be permitted to operate between the hours of 6pm and 8am. Given that the application proposes operational development in relation to an existing established commercial use (as opposed to a new use), it is considered that it would be both unreasonable and unenforceable in this instance to limit the hours of operation (of the roller shutter and access).

6.37 Therefore and on balance, it is considered that the development would not result in an unacceptable negative impact on the amenity of surrounding properties in terms of noise and disturbance as to warrant a refusal of the application in this instance.

IMPACT ON CHARACTER AND APPEARANCE

6.38 Local Plan Policy QP4 (Layout and Design of Development) requires, 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 (2023) Paragraph 139 states that development which is not well designed should be refused.

6.39 The proposal would introduce a large feature (that is more common within an industrial or primarily commercial area) into the street scene whereby its impact is exacerbated by its stainless steel and galvanised finish which somewhat jars with the adjacent brown/dark red brick boundary wall, in part owing to its relative 'newness'. Nonetheless, and whilst acknowledging that Spring Garden Road is a predominantly residential street, it is considered that the southern boundary of the application site (which is defined by a brown/dark red brick wall measuring approximately 2.3 metres in height with anti-climbing equipment affixed to the top) already has a relatively imposing, commercial/light industrial appearance, as do the adjacent business premises to the east which also feature access points and other associated paraphernalia in this boundary wall.

6.40 Whilst the painting/treatment of the roller shutter (and box housing) to a colour that more closely matches that of the adjacent brick wall may further soften its appearance, in view of the above, it is considered that the proposals would not adversely affect the character and appearance of the application site or the surrounding area as to warrant a further reason for the refusal of the application in this instance.

6.41 It is recognised however, that character is not something that is purely physical and the nature of how a use operates can impact on the character of a site and the wider surrounding area. Given the immediate proximity of other commercial uses with access points onto Spring Garden Road, the introduction of a roller shutter (with associated access) into the boundary wall is considered not to adversely affect the character and appearance of the application site (including the boundary wall) or of the area.

6.42 In this context, it is considered that the installed roller shutter door (and associated access) would not enhance the character and appearance of the local area, but that the degree of impact would be insufficient to warrant a further reason for refusal of the planning application in this instance.

OTHER PLANNING MATTERS

Flood Risk and Surface Water Drainage

6.43 Environment Agency flood risk mapping indicates that the application site may be at risk of surface water flooding. In such cases, the NPPF advises that a site-specific flood risk assessment would be required in the event that the proposed development would introduce a land use which is more vulnerable to flooding.

6.44 The proposed development seeks to establish a new vehicular access for an existing use. On this basis, a site-specific flood risk assessment was considered not to be necessary in this instance, in line with the advice set out in the NPPF. As set out within the 'Consultations' section above, HBC Engineers were recently consulted and any comments received will be considered and tabled before Members at the committee meeting.

6.45 Subject to the consideration of any comments received from HBC Engineering, the proposal is likely to be considered acceptable in this respect.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.48 There are no Section 17 implications.

REASON FOR DECISION

6.49 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 - Subject to the consideration of any comments received from HBC Engineering Consultancy in respect of consultation outstanding at the time of writing, **REFUSE** for the following reason;

1. In the opinion of the Local Planning Authority, the proposed development would constitute an unacceptable form of development that would have the potential to exacerbate traffic flow and parking issues in the area to the detriment of road safety, contrary to Policies QP3 and RC21(1) of the Hartlepool Local Plan 2018 and paragraph 115 of the NPPF (2023).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=162255>

6.51 Copies of the applications are available on-line:

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

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Storage Land Tones Workshops Oxford Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.08.2024
	SCALE 1:800	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2024/0196	REV

No: 7.
Number: H/2022/0045
Applicant: MR TONY OLIVER 1 BLAISE GARDEN VILLAGE
HARTLEPOOL TS26 0QE
Agent: LICHFIELDS TOM HUTCHINSON THE ST NICHOLAS
BUILDING ST NICHOLAS STREET NEWCASTLE
UPON TYNE NE1 1RF
Date valid: 22/02/2022
Development: Application for the erection of 1 No. single storey
residential dwelling (C3 Use), associated engineering
works, site access and proposed landscaping (Demolition
of existing stables building).
Location: LAND NORTH OF A179 AND WEST OF TREMAINE
CLOSE HARTLEPOOL

PURPOSE OF REPORT

7.1 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

7.2 There is no known planning history associated with the application site, although the site features a historic and dilapidated shell of a building, which is understood to have formed part of a stable block for a private equestrian use.

PROPOSAL

7.3 The application seeks planning permission for the erection of a residential dwelling (C3 Use) with associated access, engineering works and landscaping. An existing dilapidated stable block building would be demolished as a consequence of the proposed development.

7.4 Since the initial application submission, the red line boundary, the location of the proposed dwelling and its design have all been revised. The current proposal under consideration would be located at the eastern aspect of the application site and would be of a broad perpendicular T-shape with one aspect designed with a dual pitched roof and the other aspect being constructed of a flat roof design.

7.5 The dual pitched aspect would span a length of approximately 22.5 metres by a depth of approximately 7.3 metres and would peak at a dual pitched height of approximately 7.5 metres. The dual pitched roof would also feature a chimney structure protruding at an overall height of approximately 9.9 metres, with a width of approximately 2.4 metres.

7.6 The flat roof aspect would span a length of approximately 26 metres by a depth of approximately 7.5 metres by a flat roof height of approximately 3.5 metres. The proposed dwelling would provide three sizable bedrooms with a large kitchen and dining room area. The property would benefit from extensive grounds and proposes a surrounding 1.8 metre mitigating acoustic fencing. Two sets of facing access steps would also be proposed to be engineered into the raised ground at the most western aspect of the proposed dwelling. The proposed plans illustrate that the existing access into the application site from the adopted highway would be closed off and planted up with vegetation and a new access would be formed further to the east of the site onto the adopted road, which would involve the removal of an area of hedgerow.

7.7 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

7.8 The application site comprises an undulating grassed parcel of land to the north of the A179, immediately outside of the Development Limits of Hartlepool as defined by Policy LS1 of the Hartlepool Local Plan (HLP, 2018) and Policy GEN1 of the Hartlepool Rural Neighbourhood Plan (HRNP, 2018). The site also falls within the Strategic Gap as identified by HLP Policy LS1 and within the Green Gaps as identified by Policy GEN1 of the HRNP. The site is partly located upon a hill, with the higher levels at the western aspect of the site, which slopes down to a lower level towards the east. Vegetation in the form of trees and hedgerows surround the periphery of the application site. The application site is surrounded to the north-west, north and north-east by a gated road with barrier access that partly wraps around the site, where two access points meet the A179 either side of the site (east and west). The restricted access road is understood to largely function as a pedestrian access route, linking the area to the residential conurbation to the north. An area of landscaping exists between the application site and the neighbouring residential area to the north. Tremaine Close is the most immediate residential street to the north of the application site, where the estate is a relatively modern development of Clavering. To the south, beyond the A179 and the landscape strip, is another modern residential area of Hartwell Park, with Rotary Way and Aspen Gardens being the most immediate streets within proximity of the application site.

PUBLICITY

7.9 The application was originally advertised by way of neighbour letters (10) and a site notice. Following receipt of updated proposals to alter the design and location of the proposed dwelling, an additional 6 new neighbours were added and a revised consultation was issued consisting of neighbour letters (16), a further site notice and by way of a press advert. To date, there have been letters of representation received from six residential properties consisting of 5 representations of objection and one representation of support. A number of representations have been received from the same property.

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

- Concern that opening up the lane would lead to/increase anti-social behaviour/crime.
- Concern that opening up the lane would create conflict between pedestrian and vehicular traffic.
- The proposed development would lead to an overbearing and loss of privacy impact on existing residents.
- The proposed development would lead have a negative impact on the environment.
- The proposed development would exacerbate existing flooding problems.
- The proposed development would lead to noise pollution.

7.11 The representation comment of support suggested that development of the site would provide natural surveillance to the site and would improve the current unkempt state of the site.

7.12 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=151572>

7.13 The period for publicity has expired (although responses are awaited from both Natural England and Northumbrian Water, as reflected in the report and officer recommendation below).

CONSULTATIONS

7.14 The following consultation replies have been received:

Hartlepool Rural Plan Working Group:

(updated comments received 28/05/2024)

Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The revised proposal does not address the reasons for the Rural Neighbourhood Plan Group's objection which is the location outside of development limits and being within the green gap/strategic gap intended to preserve the distinct identity of Hart village. We therefore repeat our previous submission. The Group strongly object to this application as it is both outside developments limits and also within the green gaps identified by the Rural Neighbourhood Plan and the strategic gap identified by Hartlepool Local Plan.

POLICY GEN1 - DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham.

This application is outside the development limits and within the green gap identified by Hartlepool Rural Neighbourhood Plan. There are no exceptional circumstances which would justify departure from planning policy. The application site is also located in the strategic gap identified by Local Plan Policy LS1 to maintain the separate character of Hart village from Hartlepool.

POLICY H4 - HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. Where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or
2. Where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or
3. For the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or
4. For new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area.

The property proposed in this application is outside the village envelope. The proposal does not meet the exceptional circumstances that might permit an outcome other than to warrant the refusal of planning permission.

POLICY GEN 2 - DESIGN PRINCIPLES

The design of new development should demonstrate, where appropriate:

3. how the design helps to create a sense of place and reinforces the character of the village or rural area by being individual, respecting the local vernacular building character, safeguarding and enhancing the heritage assets of the area, landscape and biodiversity features;

The proposed property does not suggestion any reflection of local character or distinctiveness. It is a standard form and style which might be found anywhere.

POLICY H4 - HOUSING IN THE COUNTRYSIDE

Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or

2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or
3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or
4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area. New housing is required to be sensitive to the heritage assets of the area. Building conversions are required to avoid extensive alteration, rebuilding or extension.

The application does not meet any of the exceptional circumstances. The design is not one of exceptional or innovative design, does not enhance the setting or shows signs of sensitivity to landscape or heritage of the area.

POLICY H5 - HOUSING DEVELOPMENT ON THE EDGE OF HARTLEPOOL

New housing development on the edge of Hartlepool, where appropriate, should be designed to:

8. Not compromise the Green Gaps between the urban area and villages;

Hartlepool Local Plan states “the western extension of housing development beyond the existing limits can be developed in a sustainable form, however it is imperative to maintain the strategic gaps between the town and the surrounding villages, particularly in the vicinity of Hart and Greatham villages where the urban edge is in close proximity to the villages – further built development within these gaps could, over time, lead to the villages joining with the urban area and losing their identities. The strategic gap has been included to ensure the villages maintain their identities.” This is enshrined in Local Plan Policy LS1.

This is another application which, if allowed, will further erode the rural character of the area around Hartlepool which is under great pressure due to the expanding town. Planning policies are in place within the Rural Neighbourhood Plan and Hartlepool Local Plan aimed at protecting the rural area from developments. Both Planning Documents underwent extensive consultation and the Policies these documents contain must be given real weight and upheld. The application is not only clearly contrary to Rural Neighbourhood Plan policies and also those of the Local Plan but offers no indication of having taken any of the recommendations or guidance contained within the planning documents on board.

The Rural Neighbourhood Plan Group therefore strongly object to this application.

HBC Traffic & Transport: - There are several concerns from a highway point of view however due to the small scale of the development and the use of an existing access point and the existing rights of access for the landowner it may be difficult to sustain an objection on highway grounds.

The proposed building will be accessed from an existing gated access onto the A179, this is not an ideal as traffic volumes and speed can be high, the access is located at the boundary of the National speed limit and new 40mph limit just west of the new roundabout installed for the Upper Warren development. There may be conflicts with traffic turning in and out of the junction particular problems may arise when vehicles are waiting to turn right with rear end shunts.

There would be concerns that if the gate to this access was left open / removed that the access road could be used for fly tipping and other social behaviour.

The old road leading to the property is adopted highway and is now used as a pedestrian / cycle route, I believe the land owner as existing vehicular access rights. Increased vehicle use on the pathway should be discouraged to avoid conflict with pedestrians and cyclists.

Further comments received 23/05/2024

There are several concerns from a highway point of view, however due to the small scale of the development and the use of an existing access point and the existing rights of access for the landowner it may be difficult to sustain an objection on highway grounds.

The proposed building will now be accessed from the existing eastern gated access onto the A179, although better than the previous proposal there are still concerns as this stretch of road is subject to a 40mph speed limit and can see high traffic flows. There may be conflicts with traffic turning in and out of the junction particular problems may arise when vehicles are waiting to turn right with rear end shunts.

There would be concerns that if the gate to this access was left open / removed that the access road could be used for fly tipping and other social behaviour. The old road leading to the property is adopted highway and is now used as a pedestrian / cycle route, I believe the land owner as existing vehicular access rights. Increased vehicle use on the pathway should be discouraged to avoid conflict with pedestrians and cyclists.

Further comments received 22/08/2024

Further to the chance to comment on this planning application, the previous Traffic & Transport comments stated that there would be some concerns if the barrier at the site was to be removed and it is noted that this has also been reflected within some of the other consultee comments received. Whilst Traffic & Transport's previous comments stand in respect to these concerns, it is worthy of consideration that the highway along the site access is adopted and the gated barrier is an asset of, and is within the control of Hartlepool Borough Council's (HBC) Highway Section. It is noted that as part of the applicant's submission, information of an option to change the access gate has been provided, although this would not be acceptable as this is a HBC Highways asset under the necessary Local Authority control. Subject to the gate being retained in its current form, where the applicant would maintain a right of access into and from the site, the proposed development raises no highway safety related concerns in this respect.

With respect to other highway safety considerations, it is noted that the site access/egress provides sufficient space for vehicles to safely access and egress to and from the application site. Whilst the highway is a 40 mph road, given the small scale nature of the proposed development for a single dwelling, it is considered that given the limited movements associated with the proposed development, in this instance the proposed development raises no significant highway safety concerns. Should the application be approved, an informative is recommended to advise the applicant that the existing barrier should not be altered in any way as a HBC asset.

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 being affected by the proposed development of this site.

There are a number of public and permissive paths nearby. Public Footpath No.16 exits from the close by Springwell House Community Woodland, north of the proposed development site. Also on the north side of the site runs cycle and pedestrian access, using the layby/former old road surface.

These access routes need to be kept clear at all times and so if this application were to be successful then at no time could materials, equipment, machinery or vehicles be allowed to be stored (temporarily or otherwise) or obstruct these routes at any time. At all times the rights and safety of pedestrians and cyclists must come first/be paramount.

Further comments received 14/05/2024

My comments as of 07/03/2022 still stand. A major concern that I do not think has been raised is the permanent future site security of the layby as a whole. If this development is approved and completed then the eastern access gate will be open for the new resident to access their own property. This will leave the whole of the enclosed layby open to potential fly tipping on a large scale.

This layby, as stated in my comments of 07/03/2022, is used as a safe and traffic free cycle route between north Hartlepool and Hart Village. It is also used by the public to access to and from the Springwell Community Woodland and so a lot of vulnerable pedestrian and cycling traffic uses this safely at all times.

Even if the existing barrier was relocated to the north of the proposed new entrance to the residence; a large section of the layby, from the site entrance to the A179, would still be open to potential fly tipping. The developer must explain and show how they will address this potential problem. I would like to discuss this with them at their earliest convenience.

HBC Landscape Architect: - There will be some visibility from the A179, with the proposed development appearing as an isolated dwelling not relating to the existing settlement edge. The introduction of a dwelling garages along with associated domestic infrastructure has the potential to cause some harm to the local landscape character.

Further comments received 22/08/2024

As stated previously, the proposed development will appear as an isolated dwelling, not well related to the existing settlement edge.

The provision of acoustic fencing will generate some visual impact, as will the chimney design. Impacts will be greater in winter months when any screening by vegetation will be lessened.

The current character of the site contributes to the spatial sequencing along the A179 road corridor. The character of the site will be altered by development, and this will consequently locally impact this key approach to the Town.

HBC Arboricultural Officer: - The submitted Tree Location, Constraints & Protection Plan is trying to represent too many documents and is actually only Tree Protection Plan as it is on the proposed layout of the site. A Tree Constraints Plan is indicative of the existing site and not of the proposed site as it would show the constraints of the site in its current layout. There are some red squares to represent old buildings but they get lost in the plan.

The Tree Protection Plan (TPP) does not align with the proposed site plan as the protective fencing goes straight across the new driveway opening. The TPP is also too cluttered which makes it confusing to read. There are multiple green canopy circles present showing canopy spread according to the key however this isn't reflective of the site. Appreciate this may be proposed planting however this should be shown separately as part of a proposed planting plan and conducive of what it would actually look like immediately post development not in 20+ years time. The TPP should be amended to take into account the driveway area and removing any unnecessary information so it can be followed. A hard to follow plan is less likely to be implemented properly.

The rest of the documentation is fine and would need to be conditioned for its compliance following the amended TPP submission. The loss of a small section of hedge to facilitate the driveway is minimal in its impact and will be offset by the indicated planting. The indicated planting should be proposed through a submitted planting scheme for the site and should include details of the proposed trees, planting pits and ongoing maintenance 5 years post development. This could be conditioned prior to the occupation.

Further comments received 23/08/2024

Subject to the revised Tree/hedge protection measures, there are no outstanding issues from me in terms of arboriculture.

HBC Ecology: - I have assessed the submitted Ecology documents. The first one is an Ecological Impact Assessment dated 06/09/2021 (Naturally Wild) and the second is an Ecological Appraisal dated Feb 2024 (OS Ecology). The second was presumably commissioned as the first one is now more than three years old.

The planning application predates statutory Biodiversity Net Gain (BNG). The LPA

validation requirements at the time would have been for 'no net loss' of biodiversity and some biodiversity gain through the NPPF (now paragraph 180 d) in NPPF December 2023). I am satisfied that this is recommended in the Ecological Appraisal.

No further survey effort is required. The planning mitigation measures in the OS Ecology Ecological Appraisal report (section 6) should be conditioned (snip below).

6. Mitigation and Compensation Measures

Avoidance Measures

6.1 The following measures should be incorporated into the design of the scheme to avoid impacts on wildlife:

- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting.
- Works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained hedgerows will be protected from damage in line with the recommendations in BS5837:2012.

The 'Compensation Scheme' measures in the OS Ecology Ecological Appraisal report (section 6) should be conditioned (snip below), the first through a Soft landscaping plan and the second as worded below.

Compensation Scheme

6.3 The following is recommended:

- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Integrated swift boxes will be provided the residential property¹¹.

For the swift boxes, the following should be conditioned:

The building should include 2no 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.

See: <https://drive.google.com/file/d/1ljCJ7rlkNMrr4lxd41XcBU3YC6lFKM6z/view>

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

A Nutrient Neutrality statement has been provided which states that sewage will go to the Seaton Carew WwTW. As this is embedded mitigation no further action is required.

Habitats Regulations Assessment (HRA)

An HRA is required for the likely significant effect of Increased recreational disturbance, and this is provided below.

Revision history

Version	Date	Revision	Prepared by
1	17/05/2024	A	Graham Megson (MSc Ecology)

Habitats Regulations Assessment stage 1 screening and stage 2 Appropriate Assessment

Stage 1 findings

Recreational disturbance

Is Recreational disturbance accounted for by the Hartlepool Local Plan Coastal Mitigation Scheme?	No	HRA Appropriate Assessment required. Provided below.
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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 cause an Adverse Effect on Integrity of the Site (AEIOI) and if so if this can be removed through mitigation.

Increased recreational disturbance 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.

Increased recreational disturbance conclusion.

The second bullet point (above) applies to this application. This application for the increase of one dwelling is a windfall project which is mitigated by adhering to the

Hartlepool Coastal Mitigation Scheme, which ensures no Adverse Effect on Integrity of any European Site.

Overall conclusion.

The project is compliant with the Habitats Regulations. Natural England must be consulted on the HRA AA.

End.

HBC Engineering Consultancy: - In response to your consultation on the above application we have no objection to proposals in respect of contaminated land or surface water management. Please can you include our standard unexpected contamination condition and standard basic surface water condition on any permission issued for proposals.

The applicant is advised that the use of grey water storage and re-use is welcomed, however it appears that the overflow from the grey water storage is connected to sewer. The applicant is advised that when exploring detailed design for the discharge of surface water condition that it will be expected that surface water overflow disposal to soakaway is considered first. Whilst the low permeability of soils in Hartlepool often means this option is impractical, there appears to be significant area on site that could make this method practical.

Further comments received 22/08/2024

Further to the chance to comment on the above planning application, the updated application form indicates that surface water would be dealt with through the mains sewer and through the use of a soakaway. An updated Drainage Plan also accompanies the updated submission, which illustrates the provision of a soakaway, although it is noted that the connection to the main sewer is not shown. The standard basic surface water condition is recommended for a scheme to be submitted and the applicant will need to obtain the agreement of Northumbrian Water to connect to their infrastructure, which can be relayed to the applicant as an informative. Subject to the recommended condition and informative, the proposed development raises no significant concerns in respect to surface water management.

With respect to contamination, there are no objection to proposals in respect of contaminated land. Please include the standard unexpected contamination condition in the event of a planning approval.

HBC Public Protection: - No objections subject to the conditions below.

1. Comments and background to any licensing position

None

2. Suggested Planning Conditions

- An Acoustic Barrier of 1.8 m height is required to reduce noise levels in the Sunken Courtyard garden area to be below the guideline upper limit of 55 dB

LAeq, 16 hr. The location of the required barrier is shown in Figure 1 of the accompanying acoustic report in this application.

- The working hours for all construction 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. All deliveries and collections during construction shall be limited to these hours as well.
3. Informative (advice to applicant re any other requirements such as licensing)
- No open burning at all on site.
 - Wheel wash facility available at site.
 - Dust suppression available on site to use if required during any works.

Cleveland Police: - Although I have no objections in respect of the actual premises, I do have some concern regarding the opening of the section of the old A179 I understand this is gated and this would have been done for a reason if the proposals are to remove the gated access this could increase the risk misuse of the location in relation to potential incidents of ASB and fly tipping.

Further comments received 23/05/2024

No further comments from us in relation to this proposed development.

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. Access from the A179 would be required to service the refuse and recycling bins from the property. Bins to be presented at the kerbside.

Tees Archaeology: - The land south of the proposed development site has previously been subject to geophysical survey and archaeological trial trenching which did not reveal any features of archaeological importance. A 500m radial search on the HER indicates that the proposed development should not have a significant impact on any known heritage assets; it is considered unlikely that the Anglo-Saxon remains at Hart (c.650m west) extend as far as the proposed development site. Please let me know if you have any questions.

HBC Building Control: - A Building Regulation application will be required for '1 No. single storey residential dwelling (Demolition of existing stables building).

Cleveland Fire Brigade:

Further comments received 10/05/2024

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.

Northern Powergrid: - (summarised with advice appended as informative) Thank you for your enquiry dated 07/03/2022 concerning the above. The enclosed mains records only give the approximate location of known Northern Powergrid apparatus within the area. Great care is therefore needed and all cables and overhead powerlines must be assumed to be live.

Further comments received 13/05/2024

Thank you for your recent enquiry regarding the above location. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed, and all cables and overhead lines must be assumed to be live.

New Roads and Street Works Act 1991

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

Please note that while all efforts are made to ensure the accuracy of the data provided, no guarantee can be given. We would refer you to the Health Safety Executive's publication HS(G) 47 "Avoiding Danger From Underground Services" which emphasises that:

The position of any services in or near the proposed work area should be pinpointed as accurately as possible using a detecting device in conjunction with up-to-date

service plans and other information which provides a guide to the possible location of services and help interpret the signal.

Excavation work should follow safe digging practices. Once a detecting device has been used to determine position and route, excavation may proceed, with trial holes dug as necessary, to confirm the position of any detected services. A cable is positively located only when it has been safely exposed.

Cable depths are not generally indicated on our records and can vary considerably even when shown. Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

The Health Safety Executive publication GS6 “Avoidance of Danger from Overhead Electric Lines” must be consulted if your work is near overhead power lines. Both of these documents provide comprehensive guidance for observance of statutory duties under the Electricity at Work Regulations 1989 and the Health Safety at Work Act 1974. Our provision of these records is based upon the assumption that people using them will have sufficient competence to interpret the information provided. Any damage or injury caused will be the responsibility of the organisation or individual concerned who will be charged for any repairs.

Please note ground cover must not be altered either above or below our cables or below overhead lines. In addition, no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern Powergrid’s apparatus be necessary to allow your work to be carried out, budget costs can be provided.

All future works that we may have will be included on the quarterly NRSWA coordination return for discussion at the quarterly meeting of authorities / utilities in order to minimise disruption to the public.

Northern Gas Networks: -

Further comments received 13/05/2024

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 questions, our Before You Dig Team will be able to help on (option 3).

Hart Parish Council: - Objection: Hart Parish Council strongly objects to this application. The site lies within the strategic gap identified within both the Rural Plan and Local Plan; no development should be permitted here.

Natural England: - *Comments have been sought from Natural England and should any be received, Members will be updated at the committee meeting. This is reflected in the officer Recommendation in the report.*

Northumbrian Water: - *Comments have been sought from Northumbrian Water and should any be received, Members will be updated at the committee meeting. This is reflected in the officer Recommendation in the report.*

PLANNING POLICY

7.15 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 (ADOPTED MAY 2018)

7.16 The following policies are relevant to this application:

Policy	Subject
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
RUR1	Development in the Rural Area
RUR2	New Dwellings Outside of Development Limits
NE7	Landscaping Along Main Transport Corridors

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN (ADOPTED DECEMBER 2018)

7.17 The following policies are relevant to this application:

Policy	Subject
GEN1	Development Limits
GEN2	Design Principles
H4	Housing in the Countryside

NATIONAL PLANNING POLICY FRAMEWORK

7.18 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the NPPF 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 NPPF 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 NPPF provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

7.19 The following paragraphs in the NPPF are relevant to this application:

Para	Subject
001	Govt's planning policies for England
002	Status of NPPF
007	Meaning of sustainable development
008	Achieving sustainable development (three overarching objectives – Economic, Social and Environmental)
009	Achieving sustainable development (not criteria against which every decision can or should be judged – take into account local circumstances)
010	Achieving sustainable development (presumption in favour of sustainable development)
011	The presumption in favour of sustainable development
012	The presumption in favour of sustainable development does not change statutory status of the development plan as the starting point for decision making
038	Positive and creative decision approach to decision making
047	Applications to be determined in accordance with the development plan, unless material considerations indicate otherwise
55	Use of conditions or planning obligations
57	Planning obligations tests
83	Rural housing
123	Making efficient use of land
131	Achieving well designed and beautiful places
135	New developments and well designed and beautiful places
180	Conserving and enhancing the natural environment
189	Ground conditions and pollution

7.20 HBC Supplementary Planning Documents (SPDs)

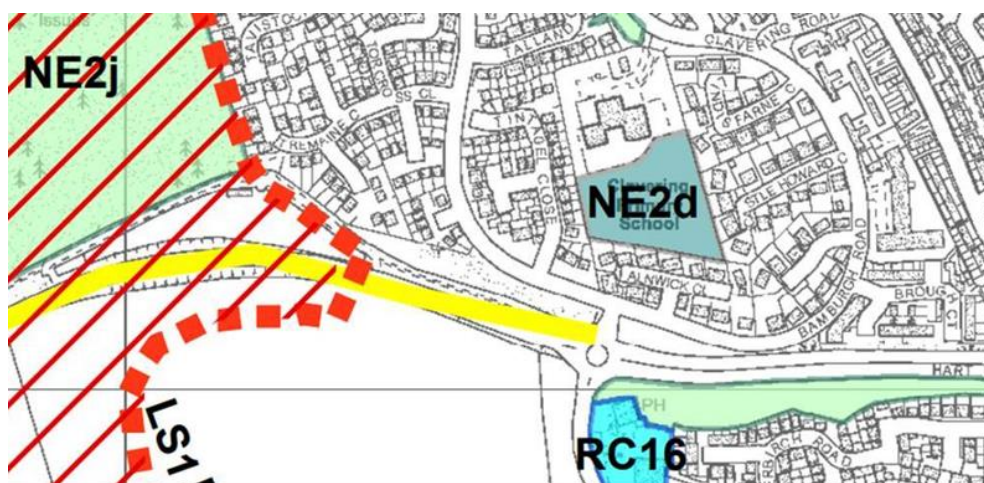
- Transport Assessments / Statements and Travel Plans SPD 2010

- Residential Design Guide SPD 2019
- Trees and Development Guidelines SPD 2013
- New Dwellings Outside Development Limits SPD 2015
- Green infrastructure SPD and Action Plan 2020
- Planning Obligations SPD 2015

HBC Planning Policy comments; CONSIDERATION OF PROPOSAL

Development limits

7.21 The site is located beyond Hartlepool Boroughs defined development limit and within a Strategic Gap / Green Gap as defined by the Hartlepool Local Plan under policy LS1 and Hartlepool Rural Neighbourhood Plan under policy GEN1. Policy LS1 states that the strategic gap between Hartlepool and Hart will be expressly protected to avoid the coalescence between the urban area and the villages.



Extract of Local Policies Map

7.22 With specific reference to Local Plan Policy LS1's tests for development in the Strategic Gap, development will only be permitted where:

- It would not diminish the physical and/or visual separation; and
- It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development; and
- The landscape setting of the settlements would not be harmed.

7.23 Planning Policy consider that by virtue of the site's location, the proposal would serve to reduce the physical separation of Hart village and Hartlepool's extent of development north of the A179, and therefore would fail the first test. It is not accepted that the extent of the Hartwell Park development (south of the A179, beyond a wide buffer) south of this site provides any support or rationale for the proposal; the extent of this strategic scale development was known at the time of the adoption of the HLP and HRNP, as reflected by their Policies Maps which excluded this allocation from the Strategic Gap.

7.24 It is necessary to consider the impact of the proposal upon the character and appearance of the site and surrounding area in order to reach an overall view on whether the site would be a suitable location for the proposed development. Such a two-fold approach to assessment was taken by the Inspector in the below referenced recent appeal and therefore it would be prudent to adopt the same approach when determining this application.

7.25 Attention should be given to a dismissed appeal (December 2022) for a similar proposal at a nearby site with the same policy context (land at Fens Lane, Hart (APP/H0724/W/22/3300990, HBC ref: H/2021/0354). As is the case with this proposal, the appeal site lay outside of, but in close proximity to, the development limit as defined by the HLP and HRNP. Additionally, both sites are located within a Strategic / Green Gap as defined by the HLP and HRNP.

7.26 The current proposal for the site has evolved over time and the application has now sought to lessen any visual impact through building into the landscape and proposing a partial subterranean building with additional tree planting in the existing gap on the A179. The roofline of the building will be visible from the north and west. When approaching the site from the east the property will be visible from the A179, it is acknowledged that tree planting is proposed in this location however consideration needs to be given to when the trees will be thin during winter months and the lighting from within the property. Furthermore, the recommended incorporation of a 1.8m acoustic barrier along the eastern, southern and western edge of the site compounds Planning Policies concerns in relation to the proposed development's visual prominence on the Strategic Gap. The boundary treatment would be unattractive and uncharacteristic feature at this location which serves as a transition between urban and rural.

7.27 At para 44, the Inspector acknowledges that the appeal proposal *'would not be isolated' in relation to other development as well as services and facilities*. Planning Policy accept that this proposal would also not be 'isolated'; however the absence of isolation does not *'vindicate clear policy conflict'*, in the words of the Inspector (para 15).

7.28 It is accepted that this site is not of open countryside in its character, given the woodland to the north, housing to the east and A179 to the south. This absence of openness was however also true for the above dismissed appeal, and so doesn't in itself provide a justification for the scheme.

7.29 The site is irregular in shape and raised significantly above its surroundings, it serves as a prominent multifunctional buffer between the highly trafficked A179 (with new major Rotary Way roundabout) and Tremaine Close to the north. The site also acts as a transitional function between the rural area to the west and Hartlepool urban area to the east. The proposal has been modified to create a property which sits more within the contours of the land than that initially submitted. The majority of the built form will sit within the land when viewed from the west. Consideration needs to be given to the overall proposal particularly the noise mitigation required due to the proximity to the A167. In order to maintain appropriate noise levels within the outdoor amenity areas a 1.8m acoustic fence is proposed along the southern edge of the site, as set out within the submitted Noise Assessment.

7.30 It is the view of Planning Policy, any form/scale of residential development on the site or the wider parcel would be harmful as it would compromise this buffer. It is notable that a substantial buffer (with mounds) was designed into the Hartwell Park development and that buffers are also characteristic further to the east between the Merlin Way and A1086/1049 roundabouts.

7.31 The proposal does not meet the criteria as set out in Policy LS1 for development in the Strategic Gap and would therefore be considered contrary to the Local Plan.

New dwellings outside of development limits

7.32 The council seeks to protect the countryside from unnecessary development, in general, only permitting development that is to serve the rural area i.e. by providing for agriculture and rural tourism. The 2018 Local Plan allocates sufficient land within the urban limits for housing growth over the next 15 years, policy LS1 (Locational Strategy) sets out appropriate locations for housing. Given the allocations within the Local Plan, the council considers that there will be limited need to add additional dwellings to the countryside. The council seeks to provide the majority of new homes within or adjacent to the urban limits of the borough, this is because such areas are deemed to be the most sustainable, offering options to walk or cycle and use public transport alongside easier access to convenience facilities such as shops.

7.33 For new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with Policy RUR2.

7.34 Policy RUR2 sets out that the council will only permit new dwellings outside development limits if there is clear justification demonstrated by six key criteria:

7.35 There is a clearly established functional need and it is considered essential for a full time rural worker(s) to live permanently at or near to their place of agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council;

- The agricultural, forestry or other rural based enterprise considered acceptable by the Borough Council has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- The need could not be met by another existing dwelling nearby;
- The dwelling(s) proposed is of a size commensurate with the size/value of the business it is supporting;
- Proposals are in accordance with policies CC1, QP1, QP3, QP4, QP5, QP7 and NE1 along with any other policies on a case by case basis; and
- Where relevant, the development would represent the best viable use or secure the future of a heritage asset.

7.36 The policy criteria is not optional, the policy clearly states “only permitting....if there is clear justification and it can be demonstrated that.” No information has been

submitted with regards to the need for the dwelling and how the proposal complies with the criteria in Policy RUR2.

7.37 Local Plan Policy RUR2 sets out further criteria in which exceptional circumstances, new dwellings outside of development limits may be permitted where the design:

- Is truly outstanding, groundbreaking and innovative, for example in its use of materials, methods of construction or its contribution to protecting and enhancing the environment;
- Reflects the highest standards in architecture;
- Significantly enhances the immediate setting; and
- Is sensitive to the defining characteristics of the local area.

7.38 At this point in time the proposal is considered to be of a high quality design however Planning Policy are of the view that the architectural merit of the proposed dwelling is high and are satisfied that criterion 8 of policy RUR2 has been achieved however the design of the proposal is not considered to be outstanding, ground-breaking or innovative. No information has been supplied on the energy sources proposed or the fabric of the building to address criterion 7.

7.39 Planning Policy are of the view that the proposal is not sensitive to the defining characteristics of the local area. It is noted that the dwelling and landscaping has been designed to sit more within the topography of the site however the property will still be visible within the landscape and the required acoustic fencing surrounding the property will ultimately impact on the current rural edge character creating one which is more urban in nature.

7.40 The Council has an SPD which relates to a new dwelling outside the development limits. The SPD sets out further guidance on how to comply with policy RUR2. The SPD also sets out when a justification test will be required and details what information the applicant will be required to submit as part of the justification test. In its current form, Planning Policy do not consider the proposal to be compliant with policy RUR2 as there is no information within the application to provide an explanation for the need for the dwelling.

Climate change / energy supply and consumption

7.41 Local Plan policy CC1 *Minimising and adapting to climate change* requires that for major developments, or other development on a case by case basis, 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%. This proposal is beyond the limits to development, with of on - site parking available (garage and none garage parking) and Planning Policy are of the view that the occupants and visitors are likely to use the car to access a significant amount of services and facilities and thus have a negative carbon impact. To mitigate this clean energy should be provided and complying with policy CC1 is one method of achieving this.

7.42 In conclusion Planning Policy consider the proposal to be contrary to Hartlepool Local Plan policies LS1, RUR1 and RUR2 and Hartlepool Rural Neighbourhood Plan policies GEN1 and H4 on the grounds of conflict with the adopted development / spatial strategy

7.43 Planning Policy object in principle to the piecemeal erosion of the rural area (i.e. land beyond development limits) and for unjustified housing development, irrespective of the degree of visual impact arising from such schemes.

PLANNING CONSIDERATIONS

7.44 The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety, drainage, contamination and ecology. These and any other planning matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

7.45 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which, development is strictly controlled. Development limits tend to be tightly drawn around the borough's conurbation and villages. The current application site sits immediately outside of the development limits, adjacent to Hartlepool's conurbation to the north of the A179, as defined by Local Plan Policy LS1 (development limits). The application site is designated within the Hartlepool Local Plan Policy Map as a 'Strategic Gap' (Policy LS1) and is also located within the allocated 'Green Gaps' as shown on the Hartlepool Rural Neighbourhood Plan Proposals Map (as designated by Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan).

7.46 Policy LS1 of the HLP states that the strategic gap between Hartlepool and Hart will be expressly protected to avoid the coalescence between the urban area and the villages. The Council's Planning Policy section have commented that the proposal, by virtue of the site's location, would fail to meet the tests of HLP Policy LS1.

7.47 The proposal would constitute a new dwelling outside of development limits, in which case policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) of the Hartlepool Local Plan, the Council's adopted New Dwellings Outside of Development Limits SPD (2015), Policy H4 (Housing in the Countryside) of the Rural Neighbourhood Plan, and paragraph 83 of the NPPF, are all relevant.

7.48 HLP Policy RUR1 (Development in the Rural Area) stipulates that development outside the development limits will be strictly controlled and the policy aims to manage a variety of associated impacts from a proposal on its surroundings. Whilst it is acknowledged that the application site is not a rural area as such, development beyond development limits must be in line with this criteria in order to

manage the associated impacts, and these criteria are considered more generally through the respective material considerations, as set out within this report.

7.49 The proposed development must also be in accordance with HLP Policy RUR2 and meet the criteria as set out within the New Dwellings Outside of Development Limits Supplementary Planning Document. HLP Policy RUR2 (New Dwellings Outside of Development Limits) ensures new dwellings outside of development limits are only permitted if there is clear justification and is subject to a number of strict criteria. Criterion 1-6, sets out that new dwellings in the countryside will only be permitted if there is clear justified need and that there is an established functional need, linked to a rural based enterprise that has been established for at least three years and is financially healthy, the need for the dwelling could not be met elsewhere, the size of the dwelling is commensurate to the size/value of the business and where relevant the development would represent the best viable use or secure the use of a heritage assets.

7.50 No information has been submitted with regards to the need for the dwelling and how the proposal complies with the criteria in HLP Policy RUR2. Local Plan Policy RUR2 sets out further criteria, in which exceptional circumstances, new dwellings outside of development limits may be permitted. Criterion 7-10 further sets out that in exceptional circumstances, new dwellings outside development limits may be permitted if the design is truly outstanding, ground breaking and innovative, it reflects the highest standard of architecture, it significantly enhances the immediate setting and is sensitive to the defining characteristic of the local area.

7.51 No information has been supplied in respect to the energy sources proposed or the fabric of the building to address criterion 7. Whilst the proposal is considered to be of a relatively high quality design, where the Council's Planning Policy section are satisfied that criterion 8 of policy RUR2 is achieved, crucially however, it is considered that the design of the proposal would not be outstanding, ground-breaking or innovative. HBC Planning Policy consider that the proposal is not sensitive to the defining characteristics of the local area.

7.52 The abovementioned SPD sets out further guidance on the requirements to comply with HLP Policy RUR2 in respect to a new dwelling outside the development limits. The SPD also sets out when a justification test will be required and details what information the applicant will be required to submit as part of the justification test. No information has been provided within the application to explain the need for the dwelling and the Council's Planning Policy section considers that the proposal would not be compliant with HLP Policy RUR2 and the associated SPD.

7.53 It is notable that in addition to the objections received from the Council's Planning Policy section, an objection has also been received from both the Hartlepool Rural Neighbourhood Plan Group and Hart Parish Council with respect to the proposed dwelling being located beyond the development limits of both the Hartlepool Local Plan (in the Strategic Gap) and that of the Hartlepool Rural Neighbourhood Plan (in the Green Gaps) and the Group are also of the view that there are no exceptional circumstances to justify the proposed dwelling.

7.54 In addition to the above detailed policy position, consideration is also given to a relatively recent planning appeal decision within the borough, which was dismissed in December 2022 for a similar proposal at a nearby site with the same policy context (*Land at Fens Lane, Hart (APP/H0724/W/22/3300990, HBC ref: H/2021/0354)*). As is the case with the current proposal, the appeal site lay outside of, but within immediate proximity to the development limits and both sites are located within a Strategic / Green Gap as defined by the HLP and HRNP.

7.55 In determining the referenced planning appeal, the Planning Inspector considered that a two-fold approach to the assessment should take place, which takes account of both the policy context alongside the considered impact of the proposal upon the character and appearance of the site and surrounding area. Having regard to the approach of the Inspectorate, when considering a similar scheme, it is considered prudent to adopt the same approach.

7.56 The proposed development would represent an incursion into an area of space between two respective settlements, designated to form a strategic/green gap. Whilst reference within the applicant's planning statement that suggests that the extent of the developed area would not extend closer to Hart village to the west than the developed area south of the A179, it is worth noting that the relationship between the respective sites is no different than at the time of the adoption of the HLP and HRNP, as reflected by the HLP Policies Maps, which excluded this neighbouring allocation from the Strategic Gap. Consequently, limited weight is given to the view (put forward by the applicant's agent) that the loss of this area would not contribute to the erosion of the strategic/green gap and the intentions of the policies that seek to protect such areas.

7.57 The application site is irregular in shape and part of the site (at the western aspect) is significantly at a higher level above its surroundings. The site acts as a transitional function between the rural area to the west and Hartlepool urban area to the east. As well as providing a strategic/green gap between the respective settlements east and west, the application site also forms a more local buffer between the housing development to the north and the A179 arterial route through Hartlepool. This is also reflected with the housing development to the south, where a similar raised hill and a landscaping buffer exists between the housing development to the south and the road. Together, they provide a degree of symmetry at both sides of the A179, where the proposed development would interrupt this pattern. The application site is therefore considered to serve as a prominent and multifunctional buffer at both a local and strategic level.

7.58 Given the nature of the application site, adjacent to the conurbation (north and south) and given the surrounding tree belt (north), it is recognised that the application site is not open countryside. In addition, given the surroundings, the site is also considered not to be isolated. Notwithstanding this, as set out within the comments of the Planning Policy section, the absence of isolation does not '*vindicate clear policy conflict*', which was a reflection of the Planning Inspector within the aforementioned dismissed appeal decision and is considered to be of a similar nature to the current application.

7.59 The Council's Planning Policy section within their comments also place emphasis on the Council's ability to realise its housing delivery targets over the 15 year period, where planned housing is being realised within appropriate locations. The addition of a single dwelling in a location of where such policy conflict exists, with the considered resultant harm raises concerns with respect to the positive balance that the proposed development would bring.

7.60 Having regard to the above considerations, the proposed development is considered to result in a new dwelling outside of the development limits, for which no satisfactory justification has been provided and the proposal is considered not to meet any of the relevant tests for a new dwelling beyond development limits. The proposed development is therefore considered contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1, H4 and H5 of the Rural Neighbourhood Plan (2018) and paragraphs 83 and 131 of the NPPF (2023). This would therefore warrant a reason for the refusal of the application.

IMPACT ON VISUAL AMENITY, CHARACTER AND APPEARANCE OF SURROUNDING AREA

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

7.62 Through the course of the planning application, revisions have been made to the location and design of the proposed dwelling. The location of the proposed dwelling under consideration has been altered to position it at the lower area of the site, at the eastern aspect of the site. It is also noted that the site would also be partly subterranean.

7.63 Notwithstanding these considerations, the proposed building would be a sizable addition to the site. The perpendicular T-shape building would feature an expansive floor area of approximately 360 square metres. Despite being single storey, the dual pitched aspect pitched roof would peak at a two storey scale of approximately 7.5 metres and the chimney structure, which would have a relatively prominent and almost non-domestic appearance, would have a notable width of approximately 2.4 metres and an overall height of approximately 9.9 metres.

7.64 Whilst it is highlighted within the submitted planning statement that the site benefits from a historic stable block building, the proposed building is of a significantly different scale and function to that of the existing (dilapidated) stable building, which may be what could be expected to be seen in such a location and this line of argument is given limited weight when assessing the merits of the proposed building.

7.65 Whilst views from the west, where the site is raised would provide a degree of screening to the proposed development, the upper level and roofline of the

building will be visible from the north and west. When approaching the site from the east the property would be visible from the A179, it is acknowledged that tree planting is proposed in this location however trees would be less effective during winter months. Additionally, the nature of a residential use is also likely to be more noticeable with lighting emanating from within the property when in use.

7.66 Additionally, the recommended incorporation of a 1.8m acoustic barrier along the eastern, southern and western edge of the site is considered to compound visual concerns in relation to the proposed development's visual prominence within the Strategic/Green Gap. Such a boundary treatment is considered to be unattractive and an uncharacteristic feature at this location that serves as a transition between the rural and urban area, where it would impact on the current rural edge character creating one which is more urban in nature. The Council's Landscape Architect has reflected upon the various elements discussed above and raises some concerns with respect to the impact of the proposed development on this functioning Strategic/Green Gap.

Landscaping & Trees

7.67 The application site is an undulating parcel of land containing a mixture of hedgerows and trees, mainly located around the perimeter of the site. More centrally the site is overgrown with vegetation. The applicant's submission includes an Arboricultural Impact Assessment and Method Statement and a Tree Location Constraints and Protection Plan. The proposed dwelling would be located on an area of land to the east, where it is illustrated that no existing trees would be impacted by the proposed development. There would however be a section of hedgerow that would be required to be removed, in order to facilitate the proposed changes to the vehicular access point at the north-east of the site. The Constraints and Protection Plan illustrates indicative extensive tree planting within the south-east and east corner, adjacent to the A179 and tree protection measures for existing trees and hedgerow. The Council's Arboricultural officer has considered the proposals and raises no concerns, subject to the tree and hedge protection measures being brought into place ahead of any construction related activity, and a scheme brought forward for the implementation of tree planting, in line with the indicative Constraints and Protection Plan, in the event of a planning approval.

Impact on Character of the Area Conclusion

7.68 The site lies outside of the conurbation's development limits, within both the Strategic Gap (HLP Policy LS1) and the Green Gaps (HRNP Policy GEN1). Whilst some attempts have been made to reduce the appearance of the proposed dwelling through the siting, the use of subterranean design and a degree of planting, the proposed dwelling is still considered to be sizable and owing to the scale and its setting, it would be conspicuous in an area of space where such a development would not be expected. It is therefore considered to conflict with adopted Hartlepool Local Plan Policy QP4 and with the respective HLP policies LS1, RUR1 and RUR2, the Council's New Dwellings Outside Development Limits SPD (2015) and Hartlepool Rural Neighbourhood Plan policies GEN1, GEN2, H4 and H5. The proposed development is therefore considered to not be acceptable in this instance

and the proposal would therefore warrant a refusal of the planning application on these grounds.

IMPACT ON AMENITY OF SURROUNDING NEIGHBOURING OCCUPIERS

7.69 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.

7.70 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 and sets out minimum separation distances. These requirements are reiterated in the Council's adopted Residential Design SPD (2019).

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

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

Properties to the North and North East

7.72 To the north and north east of the application site is a modern residential estate. The nearest street to the north from the application site is Tremaine Close. There would be an approximate 30 metre distance between the application site and the nearest neighbouring property located on Tremaine Close. Whilst some filtered views may be possible from neighbouring properties towards the application site, and in particular the chimney structure proposed, the area between the application site and the residential area to the north is a wooded tree belt, which would largely screen the proposed development from the neighbouring residential area. Whilst objection comments were received from neighbouring residents in relation to the proposed development being considered to be overbearing and resulting in a loss of privacy, given the separation distances involved, which would comply with and be in excess of the requirements of HLP Policy QP4 and the aforementioned SPD, and given the relationship with the area of vegetation between, the proposed dwelling at the application site is considered not to lead to any significant loss of amenity and privacy in terms of overbearing, loss of outlook, loss of light or overlooking as to warrant the refusal of the planning application on such grounds.

Properties to the South

7.73 To the south, beyond the A179 and the landscape strip, is another modern residential area of Hartwell Park, with Rotary Way and Aspen Gardens being the

most immediate streets within proximity of the application site. The application site would be at an approximate 85 metre distance from the nearest residential properties to the south, with intervening existing and proposed landscaping in between providing a degree of screening from the proposed development. Having regard to the separation distances involved, which would comply with and be in excess of the requirements of HLP Policy QP4 and the aforementioned SPD, and given the relationship with the area of vegetation between, the proposed dwelling at the application site is considered not to lead to any significant loss of amenity and privacy in terms of overbearing, loss of outlook, loss of light or overlooking as to warrant the refusal of the planning application on such grounds.

7.74 Other residential properties would be at greater distances, with less direct relationships, where the proposed development is considered not to lead to any significant loss of privacy and amenity to warrant refusal of the planning application on such grounds.

Impact from the Use of Access

7.75 It is recognised that the proposed dwelling would generate a degree of activity from associated comings and goings, with vehicles utilising the existing barrier vehicular access, within relative proximity to residential properties to the north.

7.76 Whilst it is acknowledged that the properties to the north may experience a degree of noise and light from vehicular movements, it is considered that given the limited number of trips generated by a single dwelling that the site would serve, the associated activity is considered to be limited. Finally, it is of note that no objections have been received from HBC Public Protection in this respect. Having regard to these considerations, the proposed development is considered not to lead to any significant issues in terms of loss of residential amenity for the surrounding neighbouring residents to warrant the refusal of the planning application on such grounds.

Impact on Future Occupiers

7.77 The proposed dwelling would provide three sizable bedrooms with a large kitchen and dining room. The property would benefit from extensive grounds and whilst the nearby proposed mitigating 1.8 metre acoustic fencing raises concerns, as considered above, in the event of a planning approval, the mitigating fencing would ensure the noise generated from the A179 road would not impact on the future occupiers to a degree to make the development unacceptable. Notwithstanding the concerns raised within the above character section, having regard to the considerations of future occupiers, the proposed development raises no issues in this respect to warrant the refusal of the planning application on such grounds.

Existing and Proposed Levels

7.78 From the case officer's site visit and as detailed above, the site features undulating levels. Notwithstanding the concerns raised, in the event of a planning approval, a condition could be recommended to secure the levels details to control

and ensure no amenity and associated issues arise as a result of the proposed development.

The Construction Phase

7.79 Comments have been received through the consultation exercise that the proposed development would cause disruption and noise during the construction phase and the need for deliveries and materials to be deposited at the site.

7.80 It is acknowledged that a degree of disruption is an inevitable reality of the construction phase of any development. Consideration of the impacts of the proposed development, including the construction phase have been considered by the Council's Public Protection section. The Council's Public Protection section have raised no objections or concerns to the proposed development, although a number of planning conditions are recommended. Conditions are recommended in respect to the times and days of construction activity and deliveries to the site. An informative is recommended from HBC Public Protection in respect to capture requirements to address both dust suppression and for wheel washing at the entrance/exit of the proposed site. The control of matters such as dust suppression and wheel washing, as well as the management of associated construction activity and the storage of materials can be controlled through an all-encompassing Construction Management Plan condition, which could be recommended in the event of a planning approval.

7.81 The Council's Public Protection Officer recommends no open burning should take place on the site and in the event of a planning approval, an informative could be recommended accordingly, explaining that such activity should not take place during the construction phase of the proposed development.

7.82 Subject to the recommended conditions and informatives, the construction phase of the proposed development is considered not to raise any significant issues in terms of impacts on the amenity of the surrounding neighbouring residential occupiers.

Amenity Conclusion

7.83 In view of the above considerations, taking account of the scale, design and layout of the proposed development, having regard to the relationships with the surrounding neighbouring properties and the proposed plot, subject to the recommended conditions, the proposed development is considered not to lead to any significant loss of privacy and amenity for neighbouring properties and future occupiers, and the proposed development would not warrant the refusal of the planning application on such grounds.

HIGHWAY SAFETY RELATED MATTERS

7.84 The application site is located to the north of the A179, where the proposal would achieve vehicular access from an existing looped road that wraps around the northern aspect of the application site. Two accesses are at either side of the application site that adjoin the A179, which are both closed off through the use of metalled gated barriers. The application submission details that it proposes to utilise

the existing site access to the east of the application site only. As the applicant owns the land bounding the restricted adopted highway, the applicant benefits from a right of access and a key currently provides the applicant the ability to enter and exit the site at will.

7.85 A number of concerns were received through the public consultation exercise. Of note, the Council's Countryside Access Officer and initial sets of comments of the Council's Traffic & Transport section raised concerns that the proposed dwelling may result in the removal of the barrier access to the adopted road, which would increase potential for conflict between vehicles and pedestrians, increase the use of the access onto the A179 by unrelated vehicles, as well as other potential anti-social behavioural concerns.

7.86 Final comments received from the Council's Traffic & Transport section explain that the adopted access and the gated barrier are an asset of, and are within the control of Hartlepool Borough Council's (HBC) Highway Section. Consequently, it is recognised that control over the retention of the barrier is within the highway authority's gift. In this instance, where the barrier is retained in its current form, the Council's Traffic & Transport section are satisfied with the arrangement for a dwelling, where the applicant would benefit from current right of access privilege and the gated barrier could be opened and closed following passage. Whilst recognising that the applicant's submission suggests an option for the barrier to be replaced by a gate of the applicant's choice, this suggestion is considered to be unacceptable by the Traffic & Transport section and in the event of a planning approval, an informative could be relayed to the applicant to explain and make clear the situation with respect to the highway authority's asset.

7.87 With respect to other highway safety considerations, the Council's Traffic & Transport section are satisfied that the site access would provide the ability to access the site and pull off from the access to the highway without causing conflict with the A179, where consideration is also given to limited traffic movements generated by a single dwelling.

7.88 Having regard to the above considerations, taking account of the final comments of the Council's Traffic & Transport section, the proposed development would not raise any significant highway and pedestrian safety, and vehicular parking related concerns to warrant the refusal of the planning application on such grounds.

FLOOD RISK & DRAINAGE

7.89 A comment was received during the public consultation exercise claiming that the proposed development would increase flooding issues that already exist within the area. The application site is located within Flood Zone 1 and notwithstanding the comments received, there are no known current drainage or flood risk issues at the site.

7.90 The application form indicates that surface water drainage would be connected to the existing main sewers and that the application site would also include a soakaway. An updated Surface Water Drainage Plan is also provided, which illustrates the soakaway solution. The Council's Engineering Consultancy has

reviewed the proposals and has raised no objections, although recommends a planning condition requesting a detailed design for surface water drainage and maintenance. The Council's Engineering Consultancy notes that the Drainage Plan does not detail the connection to the main sewer and that the applicant would need the consent of Northumbrian Water to connect to their infrastructure, which in the event of a planning approval, can be relayed by way of informative.

7.91 With respect to foul water, the Council's Building Control section have confirmed that Building Regulations would be required, which would manage the disposal of foul water.

7.92 The comments of Northumbrian Water were sought during the course of the planning application and should comments be received, they will be reported to Members as an update at the Planning Committee meeting. Having regard to the above considerations, subject to the recommended planning condition and informative, the proposed development raises no significant concerns in respect to surface water, drainage and flood risk management.

CONTAMINATION

7.93 The Council's Engineering Consultancy has reviewed the submitted information and is satisfied that subject to the appropriate unexpected contaminated land condition being imposed, the proposed development raises no significant concerns in respect to contamination related matters. In the event of a planning approval, a condition could be recommended accordingly.

ECOLOGY

7.94 The application has been submitted with an Ecological Impact Assessment and latterly with an updated Ecological Appraisal. The Council's Ecologist has provided a response to the planning application having regard a number of potential impacts from the proposed development including the bio-diversity value of the site and loss of habitat considerations; the consideration of the potential bio-diversity enhancement; the potential for increased nitrogen pollution, as a result of increased overnight accommodation being provided; and 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. These matters are duly considered below.

Bio-diversity Value and Loss of Habitat

7.95 As detailed above, the application has been submitted with an Ecological Impact Assessment and latterly with an updated Ecological Appraisal, which found the site to have little potential for impact upon biodiversity value and no important habitats were found to be present within the area of the application site. The Council's Ecologist has reviewed the Ecological Appraisal and concurs with the findings and also notes that there are no statutory designations within immediate proximity of the application site.

7.96 The Council's Ecologist notes that the application site features a number of hedgerows. As detailed within the above landscape section, and in line with the Council's Arboricultural Officer's recommendations, should the application be approved, the hedgerows and trees would be protected during the course of the construction phase of development through an appropriately worded planning condition. In the event of a planning approval, the Council's Ecologist also recommends a number of planning conditions in relation to mitigation and compensation measures and a condition is also recommended in respect to bio-diversity enhancement, with the use of bird boxes to be integrated into the proposed dwelling.

7.97 Having regard to the above consideration and subject to the recommended planning conditions, it is considered that there would be no significant loss of bio-diversity value and loss of habitat at the site and the proposed development would provide opportunities through the incorporation of nest bricks to provide bio-diversity enhancement.

Nitrate Pollution

7.98 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.

7.99 A Nutrient Neutrality Statement has been submitted, which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. The applicant's agent has provided associated correspondence with Northumbrian Water, where the discharge location has also been confirmed by the utility operator. 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 in terms of nitrate pollution in this respect. The proposed development therefore raises no concerns in respect to this matter.

Recreational impacts on designated sites

7.100 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.

7.101 The Hartlepool Coastal Mitigation Scheme was designed so that additional recreational visits to the coast created by developments could be suitably mitigated. Those developments below 10 dwellings would be captured and covered by the

wider mitigation scheme, which has factored such minor developments into the overall consideration.

7.102 As the number of new residential units to be created by this scheme would be limited to the below threshold amount of 9 units, 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 Integrity of any European Site. Natural England have been consulted and at the time of writing their consultation response is outstanding. Subject to Natural England confirming that they are satisfied that the Council's AA (mitigation strategic solution) in respect to the current scheme, the proposed development is considered not to result in any adverse harmful effects from increased recreational pressure on the protected sites.

Ecology Conclusion

7.103 The proposed development is considered not to result in any significant loss of bio-diversity value or habitat and provides opportunity to enhance value and habitat through the use of bird nest bricks within the construction of the proposed dwelling, and can be controlled by way of planning conditions.

7.104 Owing to the drainage solution proposed, there are no considered Likely Significant Effects on the designated sites in terms of nitrogen pollution or any increased recreational disturbance and there will be no Adverse Effect on Integrity of any European Site. This view is subject to and required to be confirmed by Natural England ahead of any decision being taken. Having regard to these considerations, subject to receiving the appropriate consultation response from Natural England and subject to the appropriate planning conditions, the proposed development is considered not to raise any significant issues in terms of ecological matters that would warrant the refusal of the planning application on such grounds.

OTHER PLANNING MATTERS

Waste Management

7.105 The Council's Waste Management section have been consulted and have commented that bins would need to be presented at the kerbside access from the A179 to service the refuse and recycling bins from the property. As detailed within the above section, the Council's Traffic & Transport section considered the proposal and have raised no significant highways concerns from the proposals. In the event of a planning approval, a condition can be recommended requesting details of the storage of refuse, which can be submitted to and agreed with the Local Planning Authority. Subject to the recommended condition, the proposed development raises no concerns or issues in relation to waste management related issues.

7.106 The Council's Waste Management section have also provided details of the options for prospective residents to obtain the necessary waste receptacles and in the event of a planning approval, an informative can be placed upon the decision notice to advise the applicant accordingly. Subject to the above considerations, the

proposed development raises no significant concerns with respect to waste management related considerations.

Crime and Safety

7.107 Section 17 of the Crime & Disorder Act (1998) requires the planning system to give due consideration to implications for crime and anti-social behaviour. A number of comments have been received during the consultation exercise that have raised concerns that the proposed development would attract anti-social behaviour, with particular reference being made to the opening up of the closed off barrier access (gate), located to the north of the A179. Furthermore, whilst Cleveland Police raise no objections to the proposed development, they have raised some concerns that opening up this gated access point and removing the locked barrier may allow for, and encourage anti-social behaviour and other criminal activity, such as fly tipping. These concerns have also been reflected within the comments of the Council's Countryside Access Officer.

7.108 Whilst noting the comments, it is understood that the applicant, who owns the land at the application site, currently benefits from personal keyed access to the barrier. It is understood that in the event that planning permission was granted for the proposal, the barrier and the use of the access would be unchanged from the existing arrangement, where access would only be opened at times of vehicular use, where it would be closed immediately following passage. The applicant has also explained that the continued presence of the barrier is also of benefit to the security of the applicant as landowner.

7.109 Whilst noting the concerns raised by Cleveland Police, they do not object to the proposed development on these grounds. Furthermore, whilst acknowledging the concerns raised both through the public consultee exercise and by the respective consultees, the concerns are considered not to lead to any significant issues in respect to anti-social behaviour and crime. In addition, it is also recognised that whilst considered a matter not to warrant approval of the planning application, the presence of a dwelling in this area would provide a degree of increased surveillance of the secluded area more generally. 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.

Archaeology

7.110 Tees Archaeology have been consulted and have advised that upon checking the HER, there are no known archaeological artefacts within this area and it is considered that there is a low potential to encounter archaeological remains on site and no objections and no requirement for any associated conditions to be recommended in respect to Archaeological works. Having regard to the comments and considerations of Tees Archaeology, the proposed development is considered acceptable in this respect.

Public Rights of Way

7.111 The Council's Countryside Access Officer has considered the application and has commented that the proposals would not impact on any public rights of way or permissive footpaths. The Countryside Access Officer notes that in the event of a planning approval, no materials or equipment should be stored on a nearby public footpath during the construction period. In the event of a planning approval, an informative can be issued on the decision notice to advise the applicant of this matter accordingly.

Developer Obligations

7.112 Given the scale and nature of the proposed development, there is no requirement for developer obligations in this instance.

Energy Efficiency

7.113 Notwithstanding the abovementioned concerns, in the event of a planning approval, the Council's Planning Policy section consider that the proposed development should seek to offset its likely reliance upon vehicular mode of transport by incorporating 10% clean energy integration into the proposed development, in line with the provisions of Local Plan Policy CC1. In the event of a planning approval, a planning condition could be recommended accordingly to address this matter.

Building Regulations

7.114 The Council's Building Control section have advised that the appropriate Building Regulations process would be required, should planning permission be granted. In the event of a planning approval an informative could be recommended to advise the applicant accordingly.

Fire Safety and Access

7.115 The matter of fire safety and access for such emergency vehicles would be considered during the Building Regulations process. In the event that a fire event was to occur at the application site, it is of note that the application site appears to be readily accessible up to the point of the barrier access. 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 of Cleveland Fire Brigade, the proposed development is considered not to raise any significant issues to warrant the refusal of the planning application in respect to fire safety related matters.

Utilities

7.116 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the

applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus.

7.117 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.

7.118 Having regard to the consultation responses in relation to the abovementioned utilities, no associated infrastructure 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.

CONCLUSION

7.119 In conclusion, it is considered that the principle of the development in this instance is unacceptable, and the proposals would have a detrimental impact on the visual amenity of the site and the character and appearance of the surrounding area (including the Strategic and Green Gaps). The application is therefore considered to be contrary to policies QP4, LS1, RUR1, and RUR2 of the Hartlepool Local Plan (2018), policies GEN1, GEN2, H4 and H5 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 83 and 131 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.120 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.121 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.

7.122 There are no Section 17 implications.

REASON FOR DECISION

7.123 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 – Subject to the consideration of any comments received from Natural England and Northumbrian Water in respect of consultations outstanding at the time of writing, **REFUSE** for the following reasons;

1. In the opinion of the Local Planning Authority, the development would result in a new dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The proposal does not meet any of the relevant tests for a new dwelling beyond development limits. The

proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1, H4 and H5 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 83 and 131 of the NPPF (2023).

2. In the opinion of the Local Planning Authority, it is considered that by virtue of the design, scale and siting of the dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and that it would be located within the Strategic Gap of the Hartlepool Local Plan and the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed dwelling would compromise the integrity of both the Strategic Gap and Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policies QP4, NE1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policy GEN1, GEN2, H4 and H5 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 83 and 131 of the NPPF (2023).

BACKGROUND PAPERS

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

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151572>

7.125 Copies of the applications are available on-line:

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

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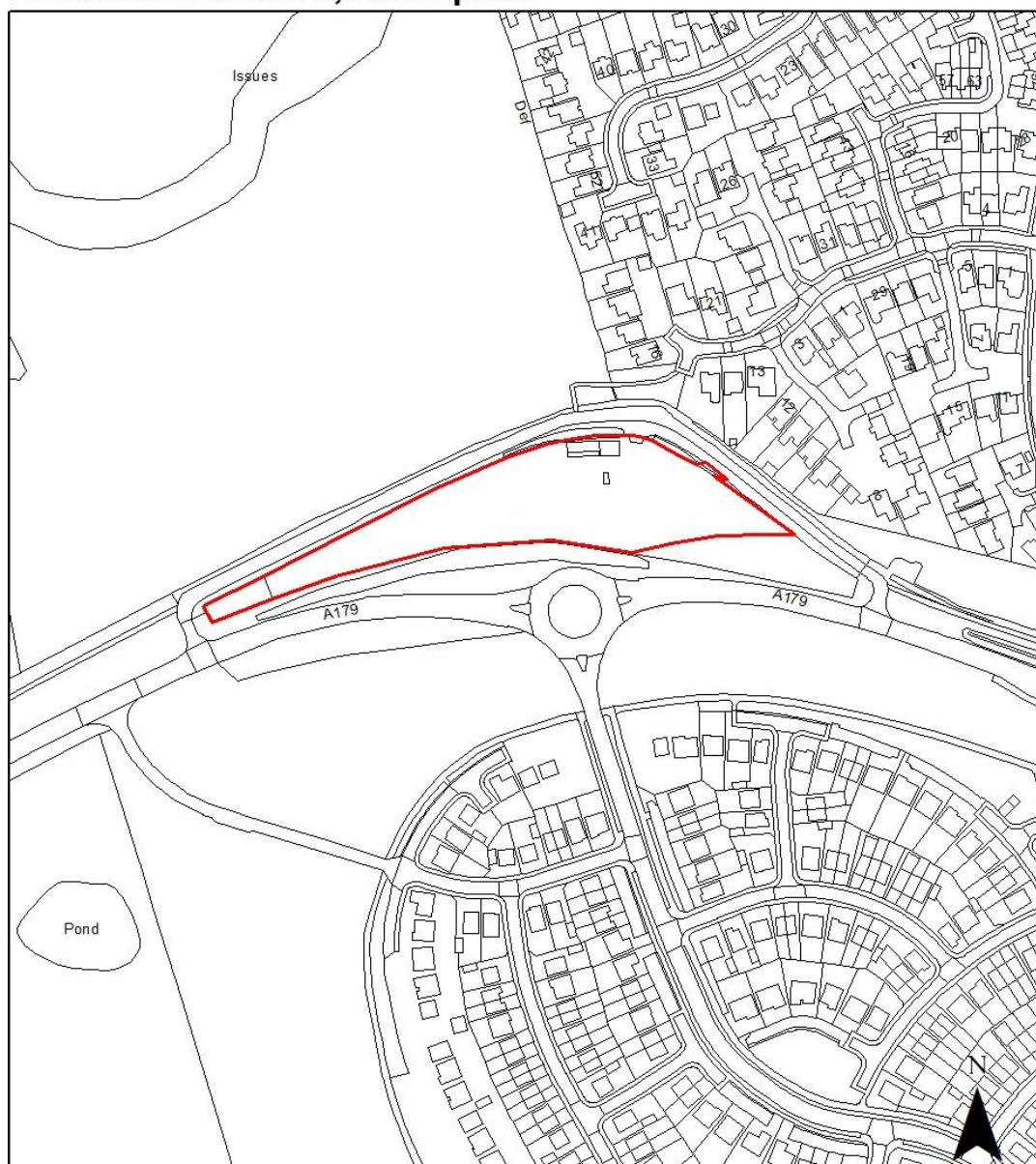
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Land North of A179, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 27.08.2024
	SCALE 2,500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0045	REV

No:	8.
Number:	This report relates to TPO 272
Date TPO created:	1 st May 2024
Description:	Tree Preservation Order of 6 no. Sycamore trees.
Location:	3, 5 & 7 EGERTON ROAD HARTLEPOOL

PURPOSE OF REPORT

8.1 Tree Preservation Order (TPO) 272 was established on 1st May 2024 to protect six Sycamore trees located within the gardens of 3, 5, and 7 Egerton Road, Hartlepool. During the public consultation period, three objections were received. In accordance with the Council's Constitution (and Scheme of Delegation), these objections have necessitated the matter being referred to the Planning Committee to determine whether the TPO should be confirmed.

8.2 This report outlines the relevant material considerations pertaining to the proposal and provides a recommendation for the committee's decision.

PROPOSAL

8.3 TPO 272 currently protects 6 no. Sycamore trees from within the gardens of 3, 5 & 7 Egerton Road, Hartlepool. 1 no. tree is located within the front garden of 3 Egerton Road. A further tree located in the rear garden and 2 no. trees in the front garden of 5 Egerton Road. Finally a further 2 no. trees are located on the shared boundary of 5 & 7 Egerton Road to the front of the properties.

8.4 The trees within these properties are located as follows (a plan from the preliminary TPO is appended to the end of this report):

- a) T1 – Within the rear garden of 5 Egerton Road, close to the western boundary of the garden and behind the garage.
- b) T2 – On the shared boundary and to the front of 5 & 7 Egerton Road.
- c) T3 – On the shared boundary and to the front of 5 & 7 Egerton Road.
- d) T4 – Within the front garden of 5 Egerton Road.
- e) T5 – Within the front garden of 5 Egerton Road.
- f) T6 – Within the front garden of 3 Egerton Road.

8.5 The preliminary TPO that is currently place will lapse after 6 months if the TPO is not confirmed (before the end of October 2024).

SITE CONTEXT

8.6 Egerton Road is located within the West Park area, located to the west of the town, falling just outside of the Park Conservation area. There are 10 additional Tree Preservation Orders in effect on Egerton Road alone ensuring the tree cover of the local area is protected. These include:

- a) TPO 27 – 22 Egerton Road
- b) TPO 31 – 17a Egerton Road
- c) TPO 38 – 34 Egerton Road
- d) TPO 115 – 19 Egerton Road
- e) TPO 231 – 24 Egerton Road
- f) TPO 232 – 23 Egerton Road
- g) TPO 233 – 28 Egerton Road
- h) TPO 234 – 28b Egerton Road
- i) TPO 235 – 30 Egerton Road
- j) TPO 299 – 28a Egerton Road

8.7 Within ½ Kilometer of TPO 272 (that this report relates to) there are a further 21 Tree Preservation orders in effect:

- a) TPO 18 – 9 & 9a Coniscliffe Road
- b) TPO 20 – 16 & 18 Coniscliffe Road
- c) TPO 25 – Oakengates, Cresswell Drive
- d) TPO 28 – 4 Coniscliffe Road
- e) TPO 34 – South Lands, Cresswell Drive
- f) TPO 53 – Inglethorpe, Elwick Road
- g) TPO 67 - Oakengates, Cresswell Drive
- h) TPO 68 – 3 West Park
- i) TPO 76 – South Highnam, Park Avenue
- j) TPO 78 – Hill Top, 2 Manor Road
- k) TPO 85 – Tunstall Garth, Tunstall Hall Lane
- l) TPO 90 – Stone Grange, Coniscliffe Road
- m) TPO 93 – 11 West Park (Coniscliffe Court)
- n) TPO 95 – Stone Grange, Coniscliffe Road
- o) TPO 100 – Meadowcroft
- p) TPO 124 – 7 West Park
- q) TPO 220 – Briarfields House, Briarfields
- r) TPO 238 – 14 The Vale
- s) TPO 239 – 15 The Vale
- t) TPO 269 – Laggan, Elwick Road
- u) TPO 270 – Highnam Hall, Park Avenue

8.8 The West Park area of Hartlepool achieves the highest Tree Equity Scores in the town (Tree Equity Score UK, 2024) and, as a result, boasts significant canopy cover. Given that Hartlepool ranks as the second-lowest area in England for canopy cover, it is crucial to protect existing trees to ensure an increase, rather than a decline, in the town's canopy cover. This protection has become a legal obligation under the Environment Act 2021, which mandates a target of 16.5% canopy cover by 2050. The Tree Preservation Orders (TPOs) referenced above illustrate the long-standing commitment to this objective, further reinforced by Objective 1 of the Hartlepool Tree Strategy 2020–2030, which states that the Planning Service will "protect privately owned trees of amenity value using Tree Preservation Orders where appropriate."

8.9 Located to the northeast of the site, Ward Jackson Park is a prominent Victorian-era park, established in 1883, and recognised for its historical and cultural

significance in Hartlepool. The park contains a diverse collection of mature trees, which are owned and meticulously maintained by the council. These trees not only enhance the park's aesthetic appeal but also provide considerable amenity value, contributing to the environmental quality and recreational opportunities available to the local community.

8.10 The front gardens of 5 and 7 Egerton Road are contiguous, with no physical boundary separating the two properties. A shared semicircular driveway provides access to both homes, encircling a central front lawn.

PUBLICITY

8.11 The TPO has been advertised by way of letters to the 3 affected properties that own the trees and 9 individual neighboring properties. To date, three objections have been received, one from each property that the TPO specifically relates to and/or adjoins.

8.12 The objections and concerns received from each property can be summarised as follows:

Objection from 3 Egerton Road

- Roots of T6 have caused cracking to the low boundary wall to the front which may require professional help to rectify.
- To impose a TPO that would affect T6 (within the front garden of 3 Egerton Road) is considered 'grossly unfair'
- The tree does not provide visual amenity to the area and its removal would have no impact on visual amenity to the local area.

Objection from 5 Egerton Road

- They were not aware that T6 within 3 Egerton Road would be included within the TPO.
- The intention for the original request was to stop work taking place to T1 from a neighbouring property.
- They have never been approached before about a TPO on their trees and feel it is unfair that a request for a single TPO is expanded to include more without discussion.

Objection from 7 Egerton Road

- Support the basis of the TPO and understand the reasons for it however disagree that T1 fulfils the criteria as it is located within the rear garden of 5 Egerton Road.
- Feels the nuisances that trees provide such as lack of light, bird droppings, honeydew and falling branches means that the TPO is unnecessary and potentially delays works that may be required to prevent a dangerous occurrence.

8.13 The period for publicity has a minimum public consultation timeframe of 28 days which has now expired.

PLANNING CONSIDERATIONS

8.14 On the 24th April 2024, the Council's Arboricultural Officer was contacted by the owner/occupier of 5 Egerton Road, Hartlepool, who was seeking advice in relation to a single tree within their garden. Upon the HBC Arboricultural Officer attending the site the next day it was discussed with the owner/occupier that the tree could be protected by virtue of a Tree Preservation Order (TPO) which would restrict the work that could be carried out and that it would have to be approved by the LPA, providing that the tree warranted a TPO.

8.15 The assessment for a TPO is done using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) Assessment. A preliminary verbal assessment was carried out that found that a TPO would be defensible with the tree scoring a 12 and therefore a viable option.

8.16 Upon further consideration of the matter, it was decided that for a TPO to be warranted as fair in the rear garden, the LPA would also need to consider the trees in the front of the property which were more visible and therefore more of a public amenity asset. This was then explained to the owner/occupier of 5 Egerton Road over the phone that trees out the front of the property would also be included. It was not specified how many this would include.

8.17 When returning to the site to plot the trees, it was identified that 5 trees formed the tree group to the front of the property and the tree in the rear garden was the 6th. The trees were then plotted create the site plan. 1 no. tree is located within the front garden of 3 Egerton Road. A further tree located in the rear garden and 2 no. trees in the front garden of 5 Egerton Road. Finally a further 2 no. trees are located on the shared boundary of 5 & 7 Egerton Road to the front of the properties.

8.18 A TEMPO assessment was carried out and identified that the trees scored 15 points which equated to the TPO being 'defensible'. The scoring for each part of the assessment was as follows:

- a) Condition and suitability for TPO – 5 – Trees are in good overall physiological health and provide amenity to the local area.
- b) Retention span (in years) and suitability for TPO – 4 – Trees are expected to remain for at least 40 years.
- c) Relative public visibility and suitability for TPO – 4 – Large trees, or medium trees clearly visible to the public.
- d) Other factors – 1 – No additional redeeming features.
- e) Expediency assessment – 1 – Precautionary only.

8.19 Following further consideration of the matter, the TPO instruction and supporting documentation was then created and issued to HBC Legal on 30th April 2024. The TPO was then created and effective from 1st May 2024 which started the clock on the minimum 28 day consultation period.

8.20 As these trees provide significant visual amenity to this area and enjoyment to the residents and public, the Council considers that a Tree Preservation Order would safeguard and protect them from any indiscriminate pruning or felling.

8.21 Policy QP5 of the Hartlepool local plan 2018 states “the presence of any landscape features, particularly those of significant quality in terms of species or visual amenity, should be preserved as often as possible.” The trees provide a visually attractive feature to the local area of Egerton Road and a number of Tree Preservation Orders are already in effect along Egerton Road.

CONSIDERATION OF OBJECTIONS RECEIVED

8.22 To date, three objections have been received, one from each property the TPO specifically affects and/or adjoins. They are summarised (*in the italics*) and considered below:

Objections received from 3 Egerton Road (summarised)

Roots of T6 have caused cracking to the low boundary wall to the front which may require professional help to rectify.

8.23 The damage to the low boundary wall is understood to be historic, as shown by Google Street imaging dating back to 2009. The wall can be repaired without harming T6 by using a lintel foundation over the existing tree roots. Alternatively, an application can be submitted to the LPA during the repair process to potentially allow selective root pruning, provided the tree's stability is not compromised. TPO applications are free of charge to apply and will ensure the tree is preserved when repair work takes place. If the tree ultimately requires removal, this may still occur with the submission of an application and relevant supporting information, and a replacement tree would need to be secured by a planning condition in such an instance.

To impose a TPO that would affect T6 (within the front garden of 3 Egerton Road) is considered ‘grossly unfair’

8.24 TPOs are created most of the time without any request from a resident. An assessment as to whether the TPO is viable is carried out to ensure that it is done subjectively and without prejudice. TPO's may be created for a number of reasons which include but are not limited to: threat from works, Section 211 notifications, sightings of valuable trees, request from residents, following review of existing TPO's etc. The use of the TEMPO Assessment criteria ensures a fit for purpose and repeatable approach to TPO creation. T1 to which the request for a TPO stems from, is located within the rear garden of 5 Egerton Road and in order for it to be publicly viewable you need to look past the trees in the front garden, as such it would be classed as an unfair not to apply the same assessment to these trees.

The tree (T6) does not provide visual amenity to the area and its removal would have no impact on visual amenity to the local area.

8.25 The amenity assessment part of the TEMPO Assessment looks at the trees as a whole and concludes that the trees do in fact provide a visual amenity to the local area scoring highly in all but one area (other factors). T6 forms part of the group

of trees at the front of the property and its loss may result in a sparse looking gap in the canopy for a number of years.

Objections received from 5 Egerton Road (summarised)

They were not aware that T6 within 3 Egerton Road would be included within the TPO.

8.26 TPO's are generally created without a request from residents. An assessment is conducted to ensure the TPO is justified, carried out objectively, and without prejudice. TPOs can be established for various reasons, including but not limited to threats from proposed works, Section 211 notifications, identification of valuable trees, requests from residents, or reviews of existing TPOs. The use of the TEMPO Assessment criteria ensures a consistent and purpose-driven approach to TPO creation. There is no requirement to notify anyone before the creation of a TPO, and doing so could potentially lead to the preemptive removal of trees. The TPO creation process includes a formal consultation period, allowing affected parties to provide feedback while ensuring the trees remain protected.

The intention for the original request was to stop any potential work taking place to T1 (from a neighbouring property).

8.27 It is understood that the initial request arose from a desire to prevent any potential work (from a neighbouring property) from taking place in regard to pruning the tree (such works would be within their common law rights). The tree owner did not want any alterations that might change the tree's structure. The LPA does not intervene in civil disputes between neighbours and can only assess the tree based on its amenity value. T1, located in the rear garden, is publicly visible only if viewed through the trees in the front garden, making it unreasonable to assess them differently. Therefore, it is only fair to apply the same assessment criteria to all trees in question.

They have never been approached before about a TPO on their trees and feel it unfair that a request for a single TPO is expanded to include more without discussion.

8.28 TPO's are typically created without any request from residents. An assessment is conducted to ensure that the TPO is justified, carried out objectively, and free from bias. TPOs can be established for various reasons, including but not limited to threats from proposed works, Section 211 notifications, identification of valuable trees, requests from residents, and reviews of existing TPOs. The use of the TEMPO assessment criteria ensures a consistent, purpose-driven, and repeatable approach to TPO creation. Given that Hartlepool is home to thousands of trees, it is not feasible to protect every tree. The assessment for this specific TPO was initiated following a request from the tree owner, which brought the tree's quality and amenity value to the council's attention. Within a ½ kilometer radius of the site, there are 31 other TPOs protecting various trees in different contexts, many of which are similar to this case.

Objections received from 7 Egerton Road (summarised)

Support the basis of the TPO and understand the reasons for it however disagree that T1 fulfils the criteria as it is located within the rear garden of 5 Egerton Road.

8.29 As these trees provide significant visual amenity to this area and enjoyment to the residents and public, the Council considers that a Tree Preservation Order would safeguard and protect them from any indiscriminate pruning or felling. Policy QP5 of the Hartlepool Local Plan 2018 states “the presence of any landscape features, particularly those of significant quality in terms of species or visual amenity, should be preserved as often as possible.”

8.30 The trees provide a visually attractive feature to the local area of Egerton Road and a number of Tree Preservation Orders are already in effect along Egerton Road. T1 although the least clearly visible tree still provides visual amenity to the local area. Visual amenity is not the only reason or criteria for the eligibility of a TPO and utilising the TEMPO Assessment it would individual score 12 points which equates to the TPO being defensible. A number of existing TPO's in the local area also include trees within the rear garden as a way of safeguarding them, this is even more important and relevant given the boroughs lack of canopy cover and legal requirement to increase this under the Environment Act 2021. Although modification to the TPO to remove T1 would alleviate the issues raised within this argument, the TEMPO assessment still finds that a TPO is still defensible and is in keeping with other existing TPOs within the local area.

Feels the nuisances that trees provide such as lack of light, bird droppings, honeydew and falling branches means that the TPO is unnecessary and potentially delays works that may be required to prevent a dangerous occurrence.

8.31 Trees can sometimes cause nuisances like reduced light, bird droppings, honeydew, and falling branches, which can be frustrating. However, these inconveniences do not outweigh the crucial role that TPO's play in protecting the environment, preserving community character, and ensuring public safety. While it's true that trees can pose hazards if not properly managed, a TPO does not prevent necessary maintenance. Instead, it ensures that any work on protected trees is carefully planned, considered, and conducted with professional oversight, addressing safety concerns without resorting to unnecessary or hasty removal that could harm the environment and community. Importantly, works to remove deadwood or dangerous branches are exempt from requiring local authority permission under Regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The statutory timeframe for processing a TPO application is eight weeks from validation, allowing routine maintenance to be planned well in advance. While exemptions exist for urgent and dangerous work, it's crucial to document and inform the Local Planning Authority (LPA) of such actions to ensure compliance.

CONCLUSION

8.32 In light of the objections and the detailed assessment (including consideration of the objections), it is clear that Tree Preservation Order (TPO) 272

plays a vital role in safeguarding the environmental and visual amenity of Egerton Road. The six Sycamore trees in question contribute significantly to the local landscape, supporting the community's character and enhancing the area's tree canopy, which is particularly crucial given Hartlepool's low overall canopy cover.

8.33 While concerns about potential nuisances and property impacts are understandable, these do not outweigh the broader benefits that these trees provide. The TPO ensures that any maintenance or work required to address safety concerns can be conducted with appropriate oversight, thereby preventing unnecessary or harmful tree removal. The existing framework for TPOs, including the use of TEMPO assessments and legal provisions for urgent work, offers a balanced approach to tree preservation, ensuring both environmental protection and public safety.

8.34 Therefore, it is recommended that TPO 272 be confirmed to continue protecting these valuable trees for the benefit of current and future generations.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.36 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.

8.37 There are no Section 17 implications.

REASON FOR DECISION

8.38 The recommendation to confirm TPO 272 is made (without modification) to protect the significant visual amenity and environmental value provided by the six Sycamore trees in the area. These trees contribute to the local landscape, help preserve the character of Egerton Road, and support Hartlepool's efforts to increase its overall tree canopy, which is crucial under the legal obligations of the Environment Act 2021. Confirming the TPO ensures that these trees are safeguarded from unnecessary removal or inappropriate work, allowing for their continued contribution to the community while still permitting necessary maintenance under professional oversight.

RECOMMENDATION – CONFIRM TREE PRESERVATION ORDER 272, without modification.

CONTACT OFFICER

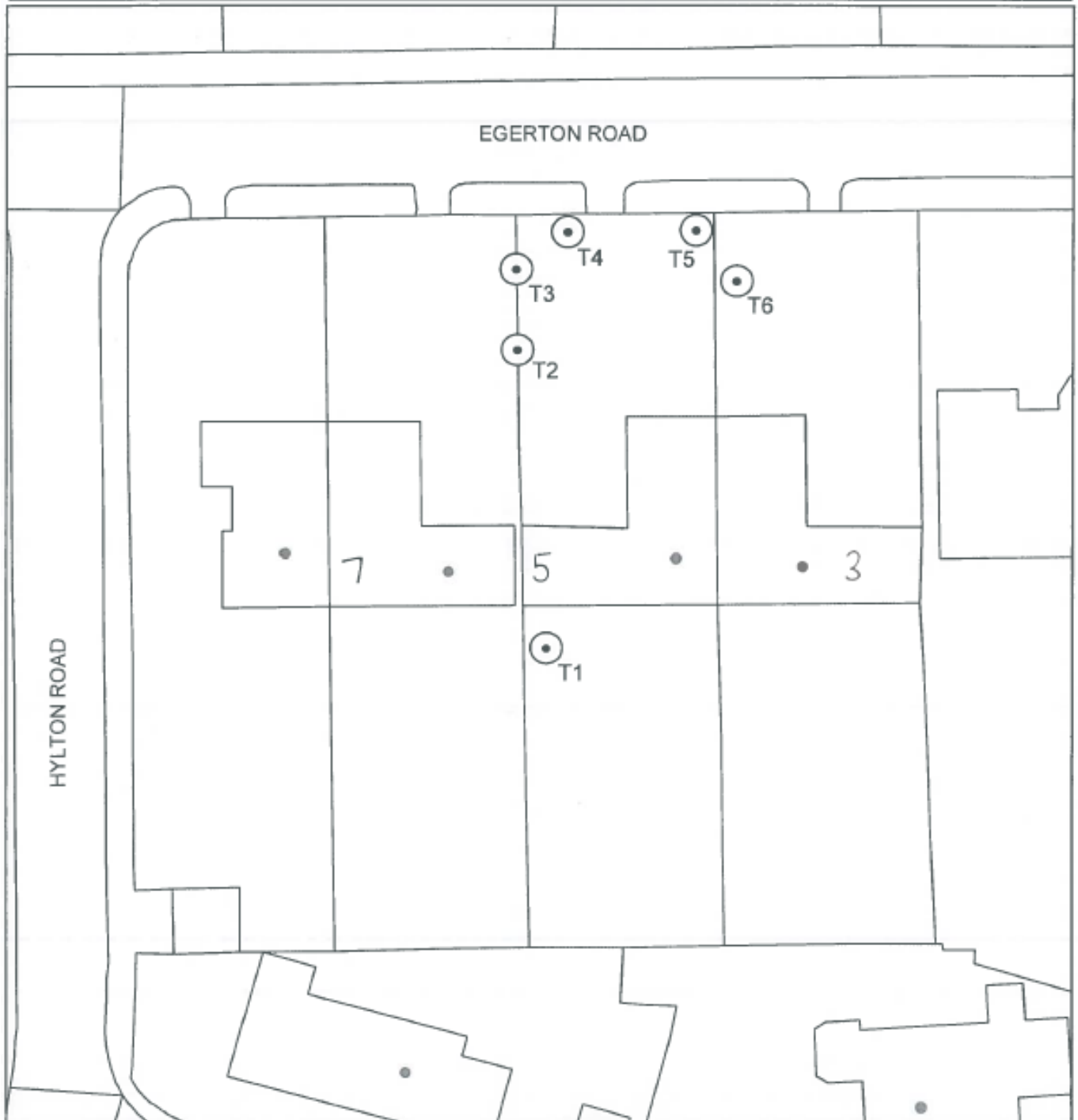
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Hartlepool Borough Council
Tree Preservation Order No.272/2024, 3, 5 & 7 Egerton Road
Site plan correct as of 30/04/2024



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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)