

PLANNING COMMITTEE AGENDA



Wednesday, 1st August, 2007

at 10.30 a.m.

in

Conference Suite,
Belle Vue Community Sports and Youth Centre,
Kendal Road, Hartlepool

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, Brash, R Cook, S Cook, Flintoff, Kaiser, Laffey, G Lilley, J Marshall, Morris, Payne, Richardson, Simmons, Worthy and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 4th July 2007 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*

1. H/2007/0333 Wisbech/Barford Close
2. H/2007/0382 24 Brandon Close
3. H/2007/0429 Brus Arms
4. H/2007/0492 65 Grange Road
5. H/2007/0244 Ashfield Farm
6. H/2007/0436 Block 23, Fleet Avenue
7. H/2007/0397 46 Tintagel Close
8. H/2007/0490 Rift House Primary School

4.2 Appeal by Mr T Bates, Site at 5 Mayflower Close (H/2006/0831) – *Assistant Director (Planning and Economic Development)*

- 4.3 Appeal Ref APP/HO724/A/07/2039548: H2006/0839 Change of Use to Hot Food Takeaway (as use), 132 Oxford Road, Hartlepool, TS25 5RH – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal Ref APP/HO724/X/07/2048720: H/2007/064 Application for a Certificate of Lawfulness of Existing Use of Amerston Hill Cottage as a Residential Dwelling House, Amerston Hill Cottage, Coal Lane, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Harcharan Singh Nijjar, Site at 152 Raby Road, Hartlepool, TS24 8EL – *Assistant Director (Planning and Economic Development)*
- 4.6 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.7 Decision of Ombudsman – Complaint against Hartlepool Borough Council and the Decision to Approve Planning Application H/2006/0016 – Erection of 16 Flats and Associated Works at the Former Fina Service Station, Powlett Road, Hartlepool – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

7. ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – Martindale Farm, Elwick – *Assistant Director (Planning and Economic Development)* (para 6)
- 7.2 Enforcement Action- Land Adjacent to 108 Graythorp Industrial Estate, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 7.3 Enforcement Action – Easy Skips C/O Myross Engineering, Casebourne Road, Hartlepool – *Assistant Director (Planning and Economic Development)*

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 29th August 2007 at 9.00am.

Next Scheduled Meeting – Wednesday 29th August 2007

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

4th July 2007

The meeting commenced at 10.00am
in West View Community Centre, Hartlepool

Present:

Councillor R W Cook (In the Chair)

Councillors S Cook, Flintoff, G Lilley, J Marshall, Worthy and Wright

Also present: In accordance with Council Procedure Rule 4.2 (ii);
Councillor Sutheran as substitute for Councillor Akers-Belcher
Councillor A Lilley as substitute for Councillor Allison
Councillor Griffin as substitute for Councillor Brash

Officers: Tony Brown, Chief Solicitor
Richard Teece, Development Control Manager
Christine Pipe, Senior Planning Officer
Gill Scanlon, Planning Technician
Adrian Hurst, Principal Environmental Health Officer
Chris Roberts, Development and Co-ordination Technician
Tony MacNab, Solicitor
Jo Wilson, Democratic Services Officer

9. Apologies for Absence

Councillors Akers-Belcher, Allison, Brash, Laffey, Morris, Payne and Richardson.

10. Declarations of interest by members

Item 3.1 To confirm the minutes of the meetings held on 31st May 2007, 6th June 2007 and 7th June 2007:

Councillor Stan Kaiser declared a prejudicial interest and indicated he intended to leave the room during this item.

Item 7.2 Seaton Meadows

Councillor Stan Kaiser declared a prejudicial interest and indicated he intended to leave the room during this item.

Item 3.1 To confirm the minutes of the meetings held on 31st May 2007, 6th June 2007 and 7th June 2007:

Councillor Geoff Lilley declared an interest and indicated he would leave the room if this was felt necessary.

Item 4.1 H/2007/0333 Wisbech:

Councillor Geoff Lilley indicated he was pre-disposed but still intended to vote on this issue.

11. Confirmation of the minutes of the meetings held on 31st May 2007, 6th June 2007 and 7th June 2007.

Confirmed.

12. Planning Applications – Assistant Director (Planning and Economic Development)

The following planning applications were submitted for the Committee's determinations and decisions are indicated as follows:

Number:	H/2007/0333
Applicant:	Mrs T Allen Barford Close Hartlepool
Agent:	Mrs T Allen 16 Barford Close Hartlepool
Date received:	02/05/2007
Development:	Incorporation of public open space land into curtilages of properties for use as domestic gardens
Location:	REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL
Decision:	Deferred for a Members' site visit

Number:	H/2007/0382
Applicant:	Mr Mrs Jiggins BRANDON CLOSE HARTLEPOOL
Agent:	Mr Mrs Jiggins 24 BRANDON CLOSE HARTLEPOOL
Date received:	14/05/2007
Development:	Erection of a rear sun room and toilet extension

Location: 24 BRANDON CLOSE HARTLEPOOL

Decision: **Deferred for a Members' site visit**

Number: H/2007/0163

Applicant: Mrs J Harrington
HARTLEPOOL

Agent: Fleurs Classique 2 THE FRONT SEATON CAREW
HARTLEPOOL

Date received: 08/03/2007

Development: Display of a non-illuminated plastic name sign
(retrospective application)

Location: 2 THE FRONT SEATON CAREW HARTLEPOOL

Representations: Miss M Nixon (applicant) and Mr Holmes (objector)
were present at the meeting and addressed the
Committee.

Decision: Members took the view that the advertisement is not
significantly different to others in the conservation
area and considered it to be well designed and not
out of scale on the gable and as a consequence not
intrusive therefore Advertisement Consent Approved

The Committee considered representations in relation to this matter.

Number: H/2007/0250

Applicant: Simon Hunter
Duncan Road Hartlepool

Agent: Simon Hunter 72 Duncan Road Hartlepool

Date received: 12/04/2007

Development: Change of use from police office to therapy centre
(D1)

Location: 195 BRIERTON LANE HARTLEPOOL

Representations: Mr Hunter (Applicant) and Samantha Banks
(Objector) were present at the meeting and addressed

the Committee.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. The premises shall only be open to the public between the hours of 0800 and 1800 Mondays to Fridays inclusive between the hours of 0800 and 1300 on a Saturday and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. The premises shall be used as a therapy centre as described in the supporting documentation associated with the application and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
4. The use hereby approved shall be carried out in conjunction with the use of the 72 Duncan Road as a single dwellinghouse only and shall not be used independantly.
In the interests of the amenities of the occupants of 72 Duncan Road.
5. There shall be only one therapist or medical or nursing practioner working in the therapy centre at any one time.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
6. Notwithstanding the submitted details prior to the use hereby approved commencing a final scheme of off street parking for 3 vehicles including any necessary carriage crossing extension to the front of 195 Brierton Lane shall be implemented in accordance with revised details which shall be first submitted to and approved in writing by the Local Planning Authority. Once implemented the crossing and car parking shall be retained throughout the lifetime of the use unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
7. Prior to the commencement of the use hereby approved the windows in the elevation facing 193 Brierton Lane shall be fixed sash, once fixed they shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking

The Committee considered representations in relation to this matter.

Number: H/2007/0335

Applicant: Mr D Rezai
Marco Polo restaurant York Road Hartlepool

Agent: Jacksonplan Limited Mr Ted Jackson 7 Amble Close
Hartlepool

Date received: 26/04/2007

Development: Variation of permission to permit use of premises as a restaurant and bar

Location: MARCO POLO RESTAURANT YORK ROAD
HARTLEPOOL

Representations: Mr Rezai (applicant) was present at the meeting and addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. The application site lies within an area where the adopted Hartlepool Local Plan seeks to discourage uses of this type. It is considered that a mixed bar and restaurant use here would have a detrimental impact on the amenities of the occupiers of nearby residential accommodation by reason of noise, general disturbance and anti social behaviour contrary to policies GEP1, Com4 and Com12 of the adopted Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

Number: H/2007/0423

Applicant: Mr Mrs Trebble
HART LANE HARTLEPOOL

Agent: Mr Mrs Trebble SEAVIEW HOUSE HART LANE
HARTLEPOOL

Date received: 29/05/2007

Development: Outline application for the erection of a detached dwelling (Amended Description)

Location: SEAVIEW HOUSE HART LANE HARTLEPOOL

Representations: Mr Trebble (applicant) was present at the meeting and addressed the Committee

Decision: **Outline Permission Approved**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid
2. Approval of the details of the internal layout, final siting, scale, appearance of the dwelling, parking and access arrangements and landscaping of the site (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid
3. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out. In the interests of the amenities of the occupants of neighbouring properties.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
5. A final scheme for the foul and surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no free standing

building(s) shall be erected without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

8. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
9. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest
10. Bat bricks shall be incorporated into the house in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with these details.
In the interests of the protection of bats
11. The dwellinghouse hereby approved shall not exceed two storeys in height.
In the interest of the visual amenity of the occupiers of surrounding residential properties.
12. Unless otherwise agreed in writing by the Local Planning Authority the window(s) and door(s) within the northeast gable of the donor property (SeaView House) facing into the application site shall be removed prior to any commencement of works for the construction of the dwelling hereby approved in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of the proposed dwelling.
13. The landscaping scheme required by condition 2 above shall identify those existing trees on the site to be retained and shall include a scheme for their protection during construction works, in accordance with BS 5837:2005 (Trees in relation to construction). The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).

The Committee considered representations in relation to this matter.

Number: H/2007/0194

Applicant: Mr S Bates
LOWER PIERCY FARM DALTON
PIERCYHARTLEPOOL

Agent: Mr S Bates LOWER PIERCY FARM DALTON
PIERCY HARTLEPOOL

Date received: 17/04/2007

Development: Siting of residential caravan in connection with existing livery business

Location: LOWER PIERCY FARM DALTON PIERCY

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The occupation of the building shall be limited to a person solely or mainly employed in the business of commercial livery and training stables, currently occupying Lower Piercy Farm together with any resident dependants.
To ensure that the caravan is not used as general residential accommodation
2. On the cessation of the business of commercial livery, the caravan shall be removed and the residential use shall cease.
To define the nature of the permission
3. Notwithstanding the provisions of Article 3 and schedule 2, Part 1, Classes A-f and Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995, no enlargements, improvements or other alterations of the caravan or hard surfaces within the curtilage, gates, fences, walls or other means of enclosure shall be constructed, erected or carried out on the site.
In the interest of visual amenity
4. The caravan currently located on the site shall remain in its current position and shall not be moved without written agreement from the Local Planning Authority
In the interests of visual amenity
5. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meet the requirements of British Standard BS6297:1983 (septic tank) and the Building Research Establishment Digest Standard 365 (soakaway system). Compliance must be achieved with the following requirements:- (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10m of any ditch or watercourse; (b) porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BRE 365 refers)

6. To prevent pollution of the water environment
 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
 To prevent pollution of the water environment

The Committee considered representations in relation to this matter.

Number: H/2007/0404

Applicant: Mr Mrs Gardner
 LOYALTY ROAD HARTLEPOOL

Agent: Mr Tony Smiles Building Design Services 52
 MOWBRAY ROAD HARTLEPOOL

Date received: 21/05/2007

Development: Erection of a garage, kitchen, bathroom utility room and bedrooms extension including provision of a rear dormer

Location: 56 LOYALTY ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
 To clarify the period for which the permission is valid
2. The external materials used for this development shall match those of the existing building(s)
 In the interests of visual amenity.
3. The window(s) shown on the proposed gable facing 8 and 9 Burnaby Close shall be glazed with obscure glass and shall thereafter be retained at all times while the window(s) exist(s).
 To prevent overlooking
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 8 and 9 Burnaby Close without the prior written consent of the Local Planning Authority.
 To prevent overlooking

The Committee considered representations in relation to this matter.

Number: H/2007/0352

Applicant: Ms Penny Thompson
HARTLEPOOL BC - Childrens Services Civic Centre
Victoria Road Hartlepool

Agent: Hartlepool BC Building Consultancy Group Mr Alan Foster
Leadbitter Buildings Stockton Street Hartlepool

Date received: 11/05/2007

Development: Erection of a single storey extension to accomodate a childrens centre and provision of an extended car park

Location: KINGSLEY PRIMARY SCHOOL TAYBROOKE AVENUE HARTLEPOOL

Decision: **Council Consent Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details.
Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 2nd, 11th and 29th May 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
5. A detailed scheme for an acoustic barrier and landscaping between the proposed car park and the boundary with Staindale Place and additional planting to Taybrooke Avenue shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is brought into use. The scheme must include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the approved scheme shall be retained for the lifetime of the car park unless otherwise agreed in writing with the Local Planning Authority.

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

The Committee considered representations in relation to this matter.

13. Update on Current Complaints – *Assistant Director (Planning and Economic Development)*

Members' attention was drawn to 15 on-going issues, which were briefly set out in the report.

Decision

That the report be noted.

14. Local Government (Access to Information) Act 1985

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006

Minute 15 – (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Minute 16 – (Para 5) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

15. Complaint Files to be Closed (*Assistant Director (Regeneration and Planning)*)

The Assistant Director (Planning and Economic Development) reported on nine complaint files that it was now proposed should be closed.

Decision

That the case files referred to be closed and no further action be taken.

16. Seaton Meadows – *Assistant Director (Planning and Economic Development)*

Details of the report and subsequent discussion are set out in the exempt section of the minutes.

Decision

- i. That officers be authorized to serve an injunction notice against the operator should tipping of non-hazardous waste products continue after the agreed date.
- ii. That officers continue to investigate all aspects of the operations that have been undertaken/are proposed to see what additional action if any is necessary to resolve the situation
- iii. That Officers report progress back to the Committee
- iv. That regular unannounced site visits be carried out by Officers from the Planning and Public Protection departments with Environment Agency representatives

ROB COOK

CHAIRMAN

No: 1
Number: H/2007/0333
Applicant: Mrs T Allen Barford Close Hartlepool TS25 2RQ
Agent: 16 Barford Close Hartlepool TS25 2RQ
Date valid: 02/05/2007
Development: Incorporation of public open space land into curtilages of properties for use as domestic gardens
Location: REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL

BACKGROUND

1.1 This application was considered at the Planning Committee of 4 July 2007 when it was deferred for a site visit and for further information from Cleveland Police. This information is still outstanding and it is hoped it will be available for the next meeting.

The original report is reproduced below.

The Application and Site

1.2 The application site is an area of public open space with footpath located on the South Fens estate.

1.3 The land, which runs north to south, is sandwiched between houses and bungalows in Wisbech Close/Brandon Close and Barford Close

1.4 The proposal involves the stopping up of the footpath and the incorporation of the land into the curtilages of private gardens by means of fencing. Apart from the footpath itself, the area of land is grassed with four mature sycamore trees. The footpath joins other footpaths both to the north and south.

1.5 A formal 'stopping up' order would have to be obtained from the Magistrates Court and is a separate issue.

1.6 The application represents a departure from the policies in the Hartlepool Local Plan.

Publicity

1.7 The application has been advertised by way of neighbour letters (9) and also by press notice and site notices (4).

1.8 15 letters/emails of objection have been received raising the following concerns:-

- a) Questions the validity and accuracy of applicants reasons for purchase.
- b) Will be unduly large and out of keeping in area.

- c) Problems with construction traffic.
- d) Will not stop the infrequent minor nuisance that happens.
- e) Not an area where people congregate.
- f) Only a few incidents over last 10 years.
- g) 'Short scattered leafy lanes' are one of the main features of the Fens Estate.
- h) Applicants want to increase gardens.
- i) Proposal will damage the attractive appearance of the area.
- j) Have not witnessed anti social behaviour in many years of use.
- k) Proposal will only benefit minority.
- l) Situation is not as bad as made out by some residents/intolerance of youth.
- m) 'Problems' will be moved elsewhere.
- n) Contrary to Council Policy.
- o) Evidence shows that neighbourhood policing has improved in the area.
- p) Services run through area.
- q) The report provided from P C Myers was retrospective.
- r) Not consulted.
- s) Better lighting/CCTV
- t) Those involved should be caught and prosecuted.
- u) Precedent

1.9 21 letters and emails (several from the same property) of support raising the following:

- a) Clear evidence put forward.
- b) Have sought help for years.
- c) Plenty of open space on the Fens.
- d) Anti social behaviour for year – bottles thrown into garden, noisy rowdy behaviour until late which has gradually got worse.

- e) Support now from Ward Councillors, Residents Association, Parish Council and Police.
- f) Improve quality of life.
- g) Other nearby footpaths to use instead.

1.10 67 emails of support – these either give a name only or names and addresses identifying a road rather than a specific property e.g. Spalding Road.

1.11 A letter of support has been submitted by the Fens Residents Association. Their comments echo those outlined above. In addition they point out that closures elsewhere have removed problems of anti social behaviour and that the design of the estate is such that it makes policing particularly difficult.

Copy letters I.

The period for publicity has expired.

Consultations

1.12 The following consultation replies have been received:

Head of Public Protection – No objections

Anti Social Behaviour Unit – Awaited

Property Services – Awaited

Neighbourhood Services – No objections

Traffic & Transportation – The footpath at the rear of properties is adopted highway which would require stopping up at Magistrates Court. Any utilities under footpath would require either diverting or have a wayleave at the expense of the applicant. No work must commence until the above has been done.

Police – Have met 2 residents who referred to problems over 20 years. A check on records shows no records of incidents for last five years. However over the last year there have been a small number of instances reported to the police by one of those residents. Closure would have a great impact on reducing problems at this location and would meet the criteria of Section 17 of the Crime and Disorder Act.

Greatham Parish Council – No objections subject to small amendment to south end of the scheme.

Planning Policy

1.13 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

Planning Considerations

1.14 The main issues to be considered in this case are as follows:-

- i) The relevance of policies within the Local Plan
- ii) Impact on the visual amenity of the estate
- iii) Impact on enjoyment of the footpath/open space
- iv) Significance of anti-social behaviour
- v) Precedent issues.

Policy Issues

1.15 Policy GN6 of the Hartlepool Local Plan states that:

“The loss of areas of incidental open space will be resisted except: i) it can be demonstrated that the area of open space is detrimental to the amenities of adjoining or nearby properties, and it is too small or difficult to maintain to a satisfactory standard, or
ii) a proposed development has special locational requirements and there is no other appropriate site in the vicinity.”

1.16 In this case, the applicant has provided a statement from PC David Myers and Anti-Social Behaviour Data from Cleveland Police as supporting evidence to justify the loss of open space and footpath.

1.17 Crime and the fear of crime are material planning considerations which must be taken into account in deciding this application and whether or not these outweigh the loss of the open space/footpath.

Visual Amenity Issues

1.18 The area of land (and footpath) would be fenced at both ends and shared between six properties (16, 18, 20 and 22 Barford Close and 1 and 2 Wisbech Close). Whilst 4 households would gain small rectangular parcels of land, 16 Barford Close would have a large triangle to the rear and 1 Wisbech Close would gain a large amount of land (inc. 4 trees) to the side of 4 Brandon Close.

1.19 The amount of new fencing required at the south end of the site would be only a few metres and should not therefore have a significant impact on the visual amenities of the area. However, at the north end, the new fence would cross the remaining open space diagonally. This fence could be up to 20m in length and would form a blank barrier where the remainder of the footpath ends. This would be visible from nearby houses and to pedestrians using the remaining footpaths in the area. The detailing of this boundary could however be subject to further consideration and could be conditioned.

1.20 There are a number of green footpath routes in the Fens Estate which are considered to add significant amenity value to the area.

1.21 Whilst this particular 'green link' has no outstanding features, the area appears to be a well maintained, grassy open space with four mature sycamore trees. At the time of the site visits (2), there were no obvious signs of misuse.

1.22 The four sycamore trees would be enclosed within the curtilage of 1 Wisbech Close. Should the application be approved, it may be necessary to protect these healthy trees by a Tree Preservation Order to prevent their loss.

1.23 The trees would still be visible from surrounding properties and from the north and south paths.

Enjoyment of footpath

1.24 The enjoyment of a footpath is influenced by the visual quality of its surroundings and how physically accommodating the route is. Crime or the fear of crime may also influence the choice of a route whether for a stroll or as a means of access.

1.25 If this path is to be closed, access between Barford Close, Wisbech Close and Brandon Close would still be available by 2 alternative routes to the north and south.

Anti social behaviour issues

1.26 As previously mentioned, crime and the fear of crime is a material planning consideration and in this particular case appears to be the main point of contention.

1.27 Evidence (police officers report and Cleveland Police data) has been provided by the applicant in order to demonstrate that the anti-social behaviour in the area should necessitate and justify the closure of the path.

1.28 Whilst the Police Officer states that he has dealt with numerous crimes and reports at this path, no statistics or figures have been provided.

1.29 The other information is data collected between April 2004 and January 2007 when 9 incidents of anti-social behaviour and 7 crimes were reported (3 related to vehicles). A copy of this statement will be copied with the background papers.

1.30 The formal consultation with the police referred to in para.1 above suggests only limited problems in this area. The formal views of the Anti Social Behaviour Unit are awaited.

1.31 The comments from objectors and supporters are contradictory.

Precedent

1.32 Precedent is a proper and material consideration where it is likely that similar future proposals, in closely parallel situations, could not be resisted and the cumulative harm to planning principles or policies would result.

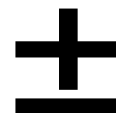
1.33 There are a number of similar pathways/routes throughout the Fens Estate which offer both access and leisure to the residents of the area. This is considered to be an important feature which should be maintained.

Conclusion

1.34 There are many small areas of amenity space within Hartlepool, often provided as part of housing developments, which have significant amenity value and contribute to the overall character of local areas.

1.35 Open space is essential to the enjoyment of residential areas both in visual and recreational terms and its loss should not be permitted without good reason. The evidence here about anti social behaviour is far from clear and further discussions are taking place with the Police and Anti Social Behaviour Unit. These will hopefully be provided in the form of an update.

RECOMMENDATION – UPDATE TO FOLLOW

Land at Wisbech Close

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/06/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0333	REV

No: 2
Number: H/2007/0382
Applicant: Mr Mrs Jiggins BRANDON CLOSE HARTLEPOOL TS25 2LN
Agent: 24 BRANDON CLOSE HARTLEPOOL TS25 2LN
Date valid: 14/05/2007
Development: Erection of a rear sun room and toilet extension
Location: 24 BRANDON CLOSE HARTLEPOOL

Update

2.1 Members deferred this application for a site visit on 4th July 2007.

2.2 The site visit will take place on the morning of 1st August 2007 prior to the meeting of the Planning Committee. The original report has been updated and is re produced below.

The Application and Site

2.3 The applicant's property is located centrally within Brandon Close on the Fens Estate, Hartlepool. In the immediate area the site falls significantly from east to west. As such the neighbours at 25 are situated approximately 1m higher than no. 24 whereas the neighbour at 23 is situated 1m lower.

2.4 The application is for the erection a single storey rear sun room and toilet extension (2.5m (l) x 7.7m (w) x 2.4m (to eaves)). The extension will incorporate a lean to roof and will project to a maximum height of 3.4m. Velux roof lights will be installed above the proposed sun lounge area.

Publicity

2.5 The application has been advertised by way of neighbour letters (4). To date there have been 2 letters of objection and 1 letter of no objection. In addition a Member has requested that the Planning Committee determine this application.

2.6 The concerns raised are as follows:

- i) Concerns that if the drains are moved it may present problems with the drainage at the neighbouring properties;
- ii) Loss of light to the windows of the existing properties on either side of the extension;
- iii) Noise and disturbance during the construction of the extension;
- iv) Effect on the enjoyment of the rear garden area of the neighbour's property.

The period for publicity has now expired.

Consultations

Greatham Parish Council – No objections

Planning Policy

2.7 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

2.8 The application must be assessed firstly against the policies contained within the Hartlepool Local Plan 2006. The policies suggest that the key considerations with regards to this application are the effect on the privacy and amenity of the surrounding neighbours. Each of these issues are considered below.

Effect on privacy

2.9 With regards to the effect on privacy of the adjacent properties including the effect on the neighbours garden areas, it is noted that the applicant does not propose to insert windows in the side elevations of the rear extension. As such it is unlikely that the views out of the proposed rear elevation will infringe on the privacy of the neighbouring properties.

2.10 Views over the rear garden area of no. 25 will not be possible owing to the stagger in levels, whilst views over the garden area of no. 23 are unlikely to differ significantly enough to affect the overall privacy of the neighbour.

2.11 In conclusion the proposed extension will not significantly affect the privacy of the neighbours on either side of the applicant's property and therefore conforms to the relevant criteria in policies GEP1 and Hsg10 of the Hartlepool Local Plan.

Effect on amenity

2.12 Supplementary Note 4 which is appended to policy Hsg10 of the Hartlepool Local Plan suggests that single storey extensions which extend 2.5m or less along a shared boundary will normally be permitted. In this case an assessment of the

differing levels must also be taken into consideration particularly with regards to the neighbour at no. 23 Brandon Close.

2.13 Nos. 23, 24 and 25 Brandon Close are oriented so that their rear garden areas face north. Owing to the 1m stagger between no. 25 and the applicants property and in considering the path of the sun (east to west) it is on reflection unlikely that the proposals would lead to any overshadowing of the garden area of no. 23.

2.14 As such the proposed extension is unlikely to significantly alter the amount of light entering the ground floor windows to such an extent that warrants refusal of this application. Clearly, the extension will be visible from the neighbouring property but this is not unusual given what the guidelines normally permit.

2.15 In conclusion and having regard to all matters, including the fact that 24 and 25 are staggered, it is considered that in terms the affect on amenity the proposals conform to the relevant criteria of policies GEP1, Hsg10 and Supplementary Note 4 of the Hartlepool Local Plan.

Other issues

2.16 In addition to the issues considered above it must be noted that other properties along the same side of Brandon Close have similar extensions to that proposed here. In some cases the extensions have been built using the occupiers permitted development rights and therefore did not require planning permission. No. 22 Brandon Close has a similar extension, which was approved planning permission in the 1980s. Whilst the land falls slightly less towards the bottom of the hill a stagger is still evident. As such in terms of precedent it would be very difficult for the LPA to resist the proposals given the already approved applications and extensions built under permitted development rights in such close proximity to applicants address.

2.17 Concerns regarding the drainage provision and the effect of construction noise at antisocial hours have also been received and have been considered.

2.18 With regards to the drainage issue perceived or anticipated damage to the drainage system caused by the implementation of the planning application is not a material planning consideration. Should the applicant cause damage to the neighbours drainage system then other civil measures are in place to address this if required.

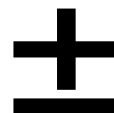
2.19 With regards to the hours of construction it is not usual practice for the LPA to impose conditions relating to hours of work on a project of this scale. Should the construction continue beyond reasonable working hours then the Council's Environmental Health Department would have powers to deal with this accordingly.

Conclusion

2.20 Based on a full assessment of the application and the surrounding area the application is recommended for approval subject to the conditions detailed below.

RECOMMENDATION – APPROVE

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 external materials used for this development shall match those of the existing building(s)
In the interests of visual amenity.

24 Brandon Close

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/06/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0382	REV

No: 3
Number: H/2007/0429
Applicant: Euro Property Management
Agent: Blackett Hart & Pratt Westgate House Faverdale
 Darlington
Date valid: 30/05/2007
Development: Erection of 25 apartments and boundary wall and
 associated parking facilities
Location: BRUS ARMS WEST VIEW ROAD HARTLEPOOL

The Application and Site

3.1 The application site comprises a public house and car parking area located on the corner of Winterbottom Avenue and West View Road. The public house, known as the Brus Arms has been vacant for over a year and is boarded up, the site has been made secure with security fencing to prevent unauthorised access.

3.2 The building is located centrally on the plot and is substantially 2 storey traditional formal appearance with castellated details to the front. There are smaller out buildings to the rear of the site and there is a large car parking area to the front of the building. It is not a listed building.

3.3 The site is within a predominantly residential area of Hartlepool however there are a small number of commercial properties opposite the site (Brus Comer).

3.4 The proposal is to demolish the existing public house and provide residential accommodation in the form of a single corner apartment block comprising 25 two bedroom apartments located to the front of the site. The building has been designed over two, three and three and a half storeys, the higher storeys being located in the centre of the building on the corner of the site fronting West View Road roundabout.

3.5 Landscaping is proposed to be implemented between the building and the highway with a wall and railing detail to the front. The main car parking spaces are proposed to the rear of the site, 32 parking spaces are proposed including 2 disabled parking bays. The main car parking would be accessed via West View Road, however 3 spaces would be accessed from Winterbottom Avenue. Small scale outbuildings are proposed to the rear and side of the site for refuse storage.

Publicity

3.6 The application has been advertised by way of a press notice, 2 site notices and neighbour letters (56). To date, there have been 4 letters of no objection and 2 letters of objection.

The concerns raised are:

1. Noise disturbance
2. Should be a park built on the site

3. People from out of the town will live there
4. Wants existing building to be retained/converted
5. Hartlepool Housing should use the building as head offices
6. Concerns regarding flooding in the area

Copy Letters B

The period for publicity has expired.

Consultations

3.7 The following consultation replies have been received:

Head of Public Protection - No objection

Head of Traffic and Transportation - Concerns regarding the layout of the parking area, however an amended scheme has been supplied which is acceptable from a Highways perspective.

Head of Property Services - No comments

Engineering Consultancy - No objection a site investigation is required via condition

Neighbourhood Services - No response

Environment Agency - No objections subject to conditions

Northumbrian Water - No objection

Cleveland Police - No objection, comments relating to secured by design principles

Planning Policy

3.8 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Planning Considerations

3.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposals upon neighbouring properties and on streetscene in general and highway safety considerations.

Local & National Guidance

3.10 In terms of National Planning Policy, PPS3 – Housing promotes the re-use of previously developed land for housing in order to minimise the amount of greenfield land being taken for development. In principle therefore this proposal is in line with policy.

3.11 The Council has commissioned a Local Housing Assessment. The report identifies that there is a market demand for flats, particularly from newly forming households within the town although it is noted that this degree of interest in apartments is heavily out-weighted by aspirations towards houses. The Assessment acknowledges the level of existing planning permissions for flats and apartments and states that the “on-going programme of flat/apartment development needs to be very carefully monitored” and that “new development will easily offset the shortfalls evidenced and excess supply could result in under-occupation and market distortions”. Policy Hsg5 highlights the need for the provision of a variety of housing types to meet the needs of all sectors of the community. There are substantial numbers of flats approved or intended within the Marina and Victoria Harbour areas but it is not certain that all of these will be provided as market forces will shape the final mix. That said acknowledging the need for variety in locations each case should be looked at on its merits.

3.12 Having regard to the immediate area there are 16 flats under construction (Powlett Road filling station site) and no outstanding permissions. There are few purpose built apartments, the most recent scheme being the flats on the former Queen public house site.

3.13 Turning to the merits of this scheme in regeneration terms the supporting text to policy Hsg5 on managing housing supply lists developments considered to offer the greatest regeneration benefits as follows:

- i) redevelopment of cleared housing areas;
- ii) conversion of individual vacant industrial or commercial buildings, particularly those situated in prominent locations;
- iii) demolition and redevelopment of sites of vacant, unused and derelict commercial and community buildings located in residential areas;
- iv) development of untidy and unused land located within and causing problems in residential areas;
- v) developments for special needs housing; and
- vi) developments providing housing which is under-represented in the town.

3.14 There are clear regeneration benefits particularly as the development would lead to the removal of a problem building at the major approach to the town centre, the site is accessible to public transport and local facilities and involves development of a brownfield site.

3.15 It is considered prudent to encourage energy efficiency and sustainability measures on the site. This approach is encouraged through Policy 2 (Sustainable Development) of the Regional Spatial Strategy. A condition requiring this is proposed.

3.16 There are therefore no local plan objections to this proposed development. For a development of this scale developer contributions towards the acquisition, demolition and improvement of current housing stock and for the improvement of off site play facilities (King George V – playing grounds) are required. A legal agreement providing for this is proposed.

Effect on Neighbouring Properties and the area in general

3.17 The elevation of the apartment building fronting Winterbottom Avenue has both two storey, three storey and a three and a half storey elements. The two storey element is located to the end of the building adjacent 9 Winterbottom Avenue and reflects the scale of the property. The building naturally extends in height towards the centre, which is three and a half storey.

3.18 The elevation facing West View Road is consistent with that of Winterbottom Avenue incorporating both two storey, three storey and three and a half storey elements. The two storey again is located at the end of the building where it lies adjacent to existing residential properties in West View Road.

3.19 The design of the apartment block reflects the form of the existing development opposite the site at Brus Corner. A mixture of render and brickwork are proposed for the building and the break in roof heights provides relief and visual interest. Some elevational details have been incorporated into the design to resemble similar features on the existing Brus Arms such as projecting bays, which have castellated tops.

3.20 The wall and railing detail to the front would provide a visual barrier between private space and the highway and is considered to be visually attractive on a prominent corner. Landscaping is proposed behind this boundary which would benefit the visual amenity of the area.

3.21 An acoustic barrier is proposed to the rear of the site between the car parking area and the neighbouring properties 9 Winterbottom Avenue and 315a West View Road. The Council's Public Protection team have assessed this fence detail and consider it satisfactory to provide a degree of relief to the occupiers of these neighbouring properties from the car parking area proposed.

3.22 It is considered that noise generation from a residential development would be quieter to that of a public house, especially during evenings when people in the surrounding area would naturally expect a reasonable degree of peace and quiet notwithstanding the proximity of the new parking areas to existing houses. It is considered that the proposed development would not be significantly detrimental to the neighbouring properties in terms of noise.

3.23 Separation distances between the proposed apartments and the neighbouring properties are acceptable and in line with the Council's guidelines.

3.24 The site is within a predominantly residential area, given the scale and siting of the existing public house on the site it is considered that due to the design and siting

of the proposed building there would not be a significantly detrimental effect on the neighbouring properties or the streetscene in general.

Highway Considerations

3.25 There were concerns raised regarding the layout of the car parking spaces, which has been addressed in the form of an amended plan. It is considered there is adequate car parking proposed for the flats, as there are good transport links available nearby. Cycle storage is also proposed to be located within the apartment building on the ground floor.

3.26 The Head of Traffic and Transportation has no objection to this scheme.

Other Issues

3.27 A flood risk assessment was submitted with the planning application, the Environment Agency have assessed the site and considered the scheme satisfactory subject to conditions. It is considered that the proposed scheme would reduce the amount of hard surfacing across the site and allow for the introduction of soft landscaping. These two measures would decrease the total impermeable area of the site and thus reduce the flow of surface water from the site. Northumbrian Water has also assessed the scheme and raises no objection.

3.28 With regard to the concerns raised in the objection letter which refer to the type of people who may live in the flats and the type of development which should occur on the site rather than the proposal. It is considered that these are not material considerations in this instance and therefore cannot be given weight.

3.29 The applicant has indicated that the site will incorporate secured by design principles; Cleveland Police has no objection to the scheme.

3.30 The agent prior to the submission of the application carried out pre-application consultation with 40 neighbours. The pre application consultation demonstrated significant support for the scheme as 29 responses were received in support of the scheme. No negative comments were received.

3.31 The scheme would demolish an untidy site, which has had problems with anti-social behaviour due to the building being vacant in the past. It is considered that the proposed development is appropriate for the site.

3.32 The developers are willing to enter into a legal agreement to contribute toward the regeneration of existing housing within Hartlepool (£25000) and the improvement of King George V play facilities (£6250).

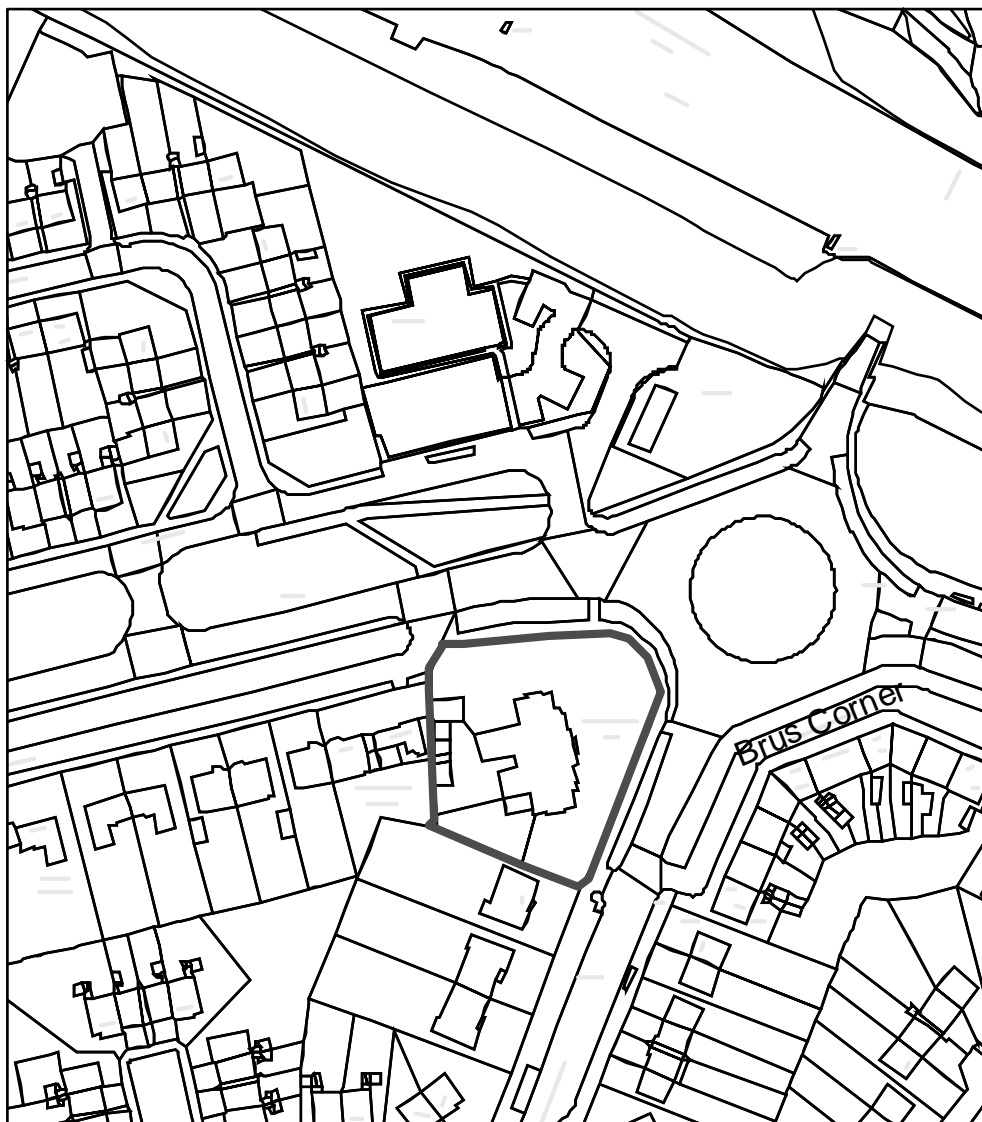
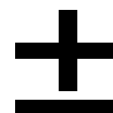
RECOMMENDATION - It is advised that the application is approved subject to receipt of a legal agreement securing developer contributions and the following conditions.

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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 30th May and 19th July 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.
To prevent pollution of the water environment
7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
9. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures comprising the installation of external lighting shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to commencement of use.
In the interests of crime prevention
10. The scheme for the acoustic fence detailed in Drawing No's. JW/82382/005 Rev: D and JW/82382/F1 shall be implemented in accordance with the approved details. Thereafter the acoustic fence shall be retained for the lifetime of the dwellings unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
11. The means of enclosure detailed in Drawing No. JW/82382/005 Rev: **D** shall be implemented in accordance with the approved details.
In the interests of visual amenity.
12. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
13. The developer shall give the Local Planning Authority two weeks written notification of the intention to commence works on site.
14. The scheme shall incorporate energy efficiency and sustainability measures the details of which shall be first submitted to and approved in writing by the Local Planning Authority; thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of sustainable development

Brus Arms



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 16/07/07
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0429	REV

No: 4
Number: H/2007/0492
Applicant: Mr C McHale Ewood Lane Newdigate Dorking Surrey
 RH5 5AR
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26
 8JA
Date valid: 22/06/2007
Development: Conversion of existing dwelling into 3 self-contained flats
Location: 65 GRANGE ROAD HARTLEPOOL

The Application and Site

4.1 The application site is a large Victorian terrace house on the south side of Grange Road close to the junction with Thornville Road. The property which is similar to many others in the area is covered by an Article 4 Direction within the Grange Conservation Area.

4.2 The property which has a small palisade to the front and a yard to the rear has 6 bedrooms, 3 in the roof space.

4.3 The proposal involves alterations to provide 3 self contained flats. The ground floor and first floor both have 2 bedrooms with a smaller one bedroom flat in the roof space. No off street parking is available and there is a residents parking scheme in operation on Grange Road with alley gated lane to the rear.

Publicity

4.4 The application has been advertised by way of site notice, press notice and neighbour letters (10). 3 letters of objection and 1 email from a ward councillor requesting the application be referred to Committee for consideration have been received with the following concerns:-

- a) parking problems in area
- b) too many flats in area
- c) noise issues
- d) should be used as family home
- e) lack of care by absentee landlords

The period for publicity has expires after the meeting.

Consultations

4.5 The following consultation replies have been received:

Traffic and Transportation Section – The proposal will increase parking demand in the area and it may be necessary to limit permits to each household (no restrictions

at present). The property is over 500m from good transport links. There may be problems with refuse collection which could lead to highway safety issues.

Public Protection – No objections subject to noise insulation

Police - Awaited

Planning Policy

4.6 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: Encourages environmental improvements to enhance conservation areas.

Hsg7: States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Planning Considerations

4.7 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, the impact of the development on the amenity of adjacent properties, the effect on the character of the conservation area and on highway safety.

4.8 Policy Hsg7 states that proposals for the conversion of dwellings or other buildings to self contained flats or houses in multiple occupation, will be approved where there is no significant detrimental impact on the amenities of occupiers of adjoining or nearby properties or on the character of the surrounding area. (Parking requirements may be relaxed where there is public parking available nearby or in areas well served by public transport).

4.9 The property is located on a main thoroughfare to and from the Town Centre (bus route) where there are already a number of flats. There are shops and other services (doctors, dentists) close by in Murray Street and Grange Road itself. The site is approx 500m from the main shopping centre.

4.10 The house which has been vacant for sometime, has its front window boarded up. Most of the alterations to convert it to flats are internal, although there will be some minor works to the rear offshoot.

4.11 The converted property would still have the appearance of a single dwelling house. It is unlikely that any of the works would affect the character of the building or impact on the Conservation Area in terms of visual amenity.

4.12 It is not considered therefore, that the proposal would have a significant impact on the street scene in general.

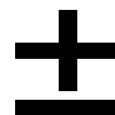
4.13 Whilst there is no direct access to the back yard from the upper floor flats, refuse would have to be taken down and either stored in the yard ready for collection to the rear or arrangements could be made for the rubbish to be collected from the front. As the property is second from the end, it would be only a short distance to the rear yard from the front door.

4.14 Although there is no off street parking available, the property has at present residents and visitors car parking permits (2) for the residents parking scheme which operates in this area. The rear yard is 7m in length and could provide a space for a small car if necessary.

4.15 Whilst some of the concerns raised by objectors are material planning issues which should be taken into account in the consideration of this proposal others are not. For example in relation to crime and the fear of crime your officers consider this proposal is significantly different to that which caused problems at 71 Grange Road. That was an unauthorised house in multiple occupation with a significant number of individual tenants. Here flats are proposed two of which are larger two bedroom flats.

4.16 Given that the views of the Police are awaited an update will follow

RECOMMENDATION – UPDATE to follow

65 Grange Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/07/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0492	REV

No: 5
Number: H/2007/0244
Applicant: Mr M Ashton Hillcrest Grove Elwick Village Hartlepool
Agent: Business Interiors Group 73 Church Street
HARTLEPOOL TS24 7DN
Date valid: 28/03/2007
Development: Variation of the original approval (H/2006/0333) to provide
licensed clubhouse to the caravan site
Location: ASHFIELD FARM DALTON PIERCY ROAD
HARTLEPOOL

Update

5.1 This application was deferred at the applicant's request on 6th June 2007. The original report has been updated and is reproduced below.

The Application and Site

5.2 This application follows the approval of planning permission for a touring caravan and camping site, which was approved by Members on 8th August 2006. The application is for the variation of the original approval (H/2006/0333) to provide a licensed clubhouse at Ashfield Farm caravan site.

5.3 Ashfield Farm is located approximately 1 km to the north east of Dalton Piercy and consists of a smallholding. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall holding is part of a cluster of holdings which are being used for various commercial and rural related enterprises.

5.4 The application relates to a small section of the 'L' shaped building located in the north west corner of the site. The building was previously approved as an office, store and staff room.

5.5 The site is accessed from Dalton Back Lane via a track some 300m in length.

Publicity

5.6 The application has been advertised by way of neighbour letters (9). The application has also been advertised in the Hartlepool Mail (19th April 2007) and a site notice was erected at Dalton Back Lane on 11th April 2007. To date, there have been 3 objections from the surrounding residents. In addition a Member has requested that this application be determined by the Planning Committee.

5.7 The concerns raised are as follows:

- i) Object to a licence to serve the general public instead of just the temporary occupants of the caravan park.

- ii) In the event of any misbehaviour the police resources will be unnecessarily stretched because of the location.
- iii) Access concerns
- iv) Object to alcohol being served over a twelve hour period, seven days a week. Touring caravanners who want to drink until midnight can surely stay at urban caravan sites or sites associated with public houses. Touring caravanners who do not want to be disturbed by late drinking will welcome a rural site with no alcohol facilities.
- v) Object to any music, live or piped, being played outside at any time in the peace of the countryside.
- vi) effectively a proposal to create a public house in the middle of a rural area.
- vii) It would risk setting a precedent which would make it difficult for the Authority in the future to resist further and even more inappropriate commercial developments in and around this locality.

One further objector has written in opposition to the application for the licence which will be considered separately by the Council's Licensing Committee. Notwithstanding this the letter is marked for the attention of the planning department and the concerns raised must therefore be considered as part of this application.

Additional concerns raised are as follows:

- i) The use of the clubhouse as a licensed premises will not be sustained by the occupiers of a rural caravan site. Others will use the premises. This site can only be accessed by motor vehicle over the same roads. More vehicles, unquantifiable in number, on narrow dangerous roads.
- ii) There is the potential for a crime issue in respect of licensed premises – drink driving, careless driving etc, all of which will add to the police burden.
- iii) The infrastructure surrounding the site is already grossly inadequate to deal with the seventy caravans for which you have already granted permission. Accidents and bodily injury, or worse, are inevitable.

The period for publicity has now expired.

Consultations

5.8 The following consultation replies have been received:

Dalton Parish Council – Verbal communication with Eric Benson dated 19th April 2007 confirmed that the Parish Council do not wish to object to the application.

Northumbrian Water – No objections

Environment Agency – No objections

Tees Forrest Protection Group – No objections

Hartlepool Access Group – No objections

Traffic and Transportations Section – No objections providing the proposed use is for users of the caravan park only.

Highways Agency – No objections

Environmental Health – No objections providing a condition restricting the use of the clubhouse to residents of the caravan park only and an opening hours restriction no later than midnight is attached to any approval. Separate staff sanitary accommodation will also have to be provided.

Planning Policy

5.9. The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

Planning Considerations

5.10 In essence the application is for the conversion of the eastern limb of the already approved 'L' shaped building towards the north of the site to a small licensed clubhouse.

5.11 The total floor space to which the clubhouse relates is approximately 71.5 square metres (5.5m x 13m). In context and given the already approved application for the siting of 68 caravans and camping facilities, it is unlikely such a small area would be used for any other purpose than for use by the residents residing at the caravan park. A condition can however ensure this is the case.

5.12 Concerns from the surrounding neighbours have been expressed regarding noise and the effect on the rural aspect of the site. As part of the original application for the caravan site a condition requiring the erection of an acoustic fence in this location, was attached to the approval. Whilst the acoustic fence has not yet been erected this is a requirement to which the Local Authority have control. As such on completion of the building works the applicant will be required to install a suitably designed acoustic fence, which will minimise the noise emitted from the site. Given the size of the proposed clubhouse facility it is considered that this method of mitigation would go a long way to minimise any disturbance in terms of noise impact on the surrounding residents. In addition an hours restriction on the club house, a restriction on the formation of any outside drinking area and the playing of music outside the building and a limit on the licensed area itself are suggested as further measures to limit any disturbance.

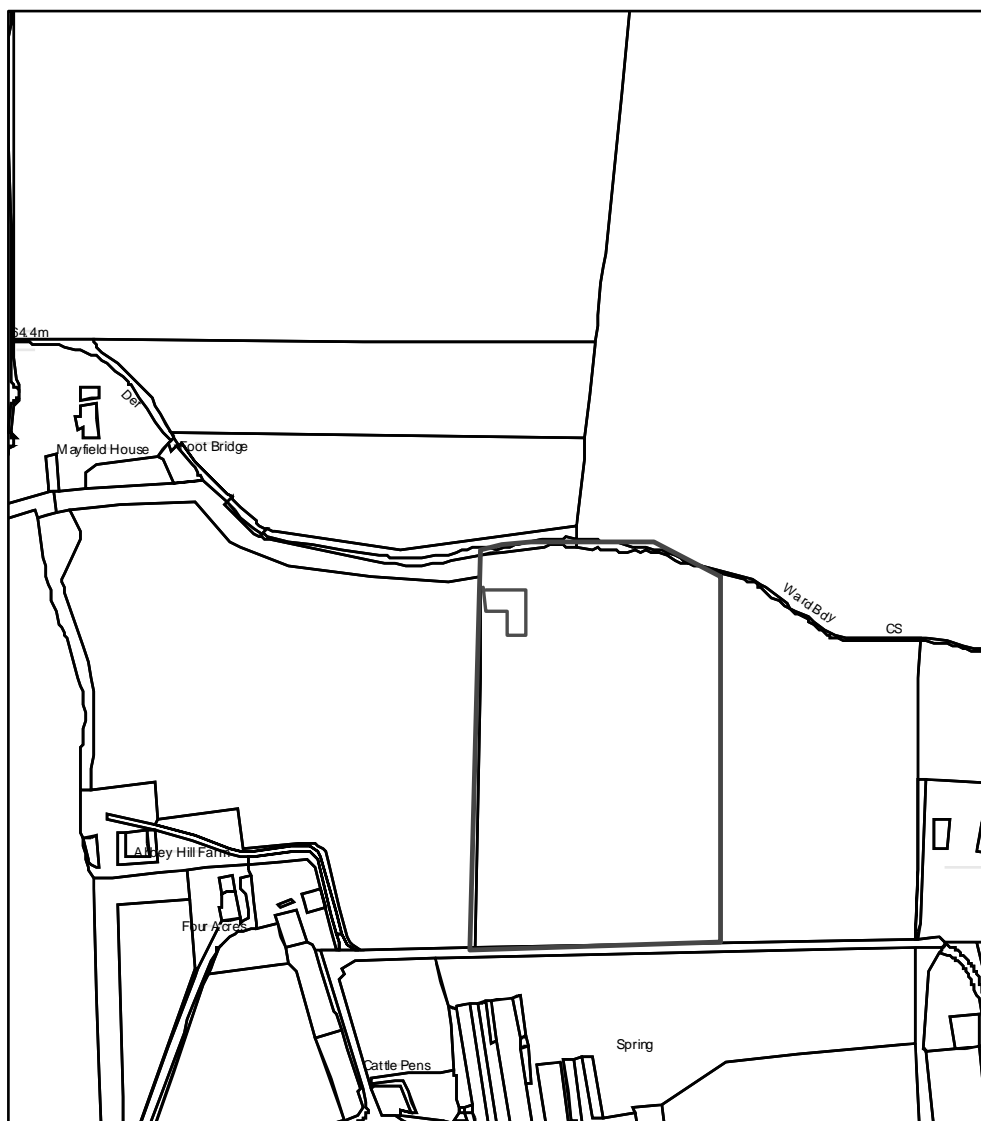
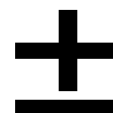
5.13 With regards to the effect of the proposals on the surrounding highways network, the application is unlikely to give rise to any significant increase in traffic in the immediate locality. Members are reminded that the use of the site as a caravan and camping site has already been approved and the application relates specifically to the provision of a clubhouse. The Council's highways department have returned no objections to the application providing a suitably worded condition restricting the use of the clubhouse for the caravan site residents only, is attached to any approval.

5.14 In conclusion when assessed against the criteria outlined by the relevant planning policies contained within the Hartlepool Local Plan 2006 no conflict occurs. In addition the Governments Planning Policy Statement 7 (Sustainable Development in Rural Areas) is supportive of tourism development in countryside areas providing that this is not to the detriment of the area.

5.15 When assessed as a single element, the proposed clubhouse is unlikely to have any significant impact on the area and on the surrounding residents. The application is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE SUBJECT TO THE FOLLOWING CONDITIONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. The development hereby approved shall be used as a licenced club house associated with the touring caravan and camp site and shall only be used by occupiers of caravans and tents on the site and for no other purpose.
In the interests of the amenity of the area
3. The licenced club house hereby approved shall only be open between the months of March and October between the hours of 11am to 11pm, Monday - Saturday, and 11am to 10pm on Sunday and shall be closed at all other times.
In the interests of the amenity of the area
4. The drinking area hereby approved shall be limited to the area edged red on the plan accompanying this decision notice and no alcohol shall be consumed anywhere else within the building.
In the interests of the amenities of the area.
5. No area surrounding the club house shall be used as an amenity area beer garden or outside drinking area without the grant of a further specific permission from the Local Planning Authority.
In the interests of the amenities of the area.
6. No music shall be piped or relayed to the outside from within the building
In the interests of the amenities of the area.

Ashfield Farm

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/07/07
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2007/0244	REV

No: 6
Number: H/2007/0436
Applicant: Mr Alistair Scott Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW
Agent: Jomast Developments Ltd Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW
Date valid: 05/06/2007
Development: Substitution of 8x2 storey penthouses and replacement with 16 apartments (amendment to previous planning approval H/FUL/0638/01
Location: BLOCK 23 FLEET AVENUE HARTLEPOOL

The Application and Site

6.1 In 2003 the Committee granted planning permission for a mixed development comprising apartments, business related uses and retailing on land at the marina. Planning permission is sought to vary the design and content of one of the apartment blocks, Block 23 located to the south of Fleet Avenue.

6.2 Since the development was originally approved in 2003, minor amendments to the design of Block 23 were approved in August 2004 under the scheme of delegation. The currently approved details for block 23 comprise 24 apartments and 8 two storey penthouses on the upper floors. Modifications are proposed to this scheme through deleting the penthouses and replacing them with 16 apartments. This means that there would be a net gain of 8 units. The height of the building would remain at 5 storeys as approved.

6.3 40 spaces would be allocated to the development, one space per apartment. It is also proposed for each floor of the building to be served by a lift.

6.4 The footprint of the building, which is U-shaped, would remain substantially the same as already approved. The overall height of the building would be approx 18.2 metres between 1-1.4 metres higher than the scheme previously approved in August 2004. The frontage elevations are to incorporate curved roof details.

6.5 At its meeting in January 2007, the Planning committee approved a similar scheme relating to a residential block on the opposite side of Fleet Avenue. This scheme involved the substitution of 5 penthouses with 10 apartments.

Publicity

6.6 The application has been advertised by way of neighbour letters (47) and a site notice. To date there have been 2 letters of no objection and 4 letters of objection raising the following points:-

1. No room for 8 additional parking spaces. Parking space is already very limited in this area, adding further apartments would only make the problem worse.

Some flat occupiers have 2 cars at present. There will be an increasing number of vehicles in an already densely populated area.

2. Huge numbers of apartments have been constructed already and are unfilled. Penthouses offer more diversity to the area and ensure that a very high standard of development is maintained. There must have been clear reasons initially for approving penthouses.
3. Significant numbers of smaller apartments are attracting landlords that offer low rent accommodation. The construction of more lower cost accommodation presents the risk of the area becoming ghettoised.

Copy Letters B

The period for publicity has expired.

Consultations

6.7 The following consultation replies have been received:

Highway Engineer – Comments awaited

Head of Public Protection – No objection

Environment Agency – No objections – subject to conditions to prevent flood risk and water pollution.

Northumbrian Water – Comments awaited

Planning Policy

6.8 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity

space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

6.9 The main issues for consideration in this case are the increase in flat numbers in policy terms the impact of the development on the amenities of nearby residents and the availability of car parking space.

Policy Issues

6.10 The Council has commissioned a Local Housing Assessment. The report identifies that there is a market demand for flats, particularly from newly forming households within the town although it is noted that this degree of interest in apartments is heavily out-weighted by aspirations towards houses. The Assessment acknowledges the level of existing planning permissions for flats and apartments and states that the “on-going programme of flat/apartment development needs to be very carefully monitored” and that “new development will easily offset the shortfalls evidenced and excess supply could result in under-occupation and market distortions”. Policy Hsg5 highlights the need for the provision of a variety of housing types to meet the needs of all sectors of the community. There are substantial numbers of flats approved or intended within the Marina and Victoria Harbour areas but it is not certain that all of these will be provided as market forces will shape the final mix. That said acknowledging the need for variety in locations each case should be looked at on its merits.

6.12 Having regard to the immediate area there are 141 flats under construction in the Stranton Ward (this includes the former Co-op) and outstanding permissions for 854 further apartments (mainly within the Marina). The Marina area is characterised in part by purpose built apartments.

6.13 Turning to the merits of this scheme in regeneration terms the supporting text to policy Hsg5 on managing housing supply lists developments considered to offer the greatest regeneration benefits as follows:

- i) redevelopment of cleared housing areas;
- ii) conversion of individual vacant industrial or commercial buildings, particularly those situated in prominent locations;
- iii) demolition and redevelopment of sites of vacant, unused and derelict commercial and community buildings located in residential areas;
- iv) development of untidy and unused land located within and causing problems in residential areas;
- v) developments for special needs housing; and
- vi) developments providing housing which is under-represented in the town.

6.14 Clearly the marina development is a major redevelopment initiative. However it is not clear what the redevelopment benefits are from changing from penthouse accommodation to general accommodation and increasing the number of such units

when there are already very large numbers approved. Members expressed concern about increasing numbers when the similar application referred to in para 6.5 above was approved. At that time the Housing Assessment had not been progressed sufficiently. A small net increase in apartments may not in itself be significant but this is the second such application. Together this involves 18 additional units and there is a potential for it to be repeated elsewhere within the approved development. There are concerns in the light of the issues identified in the Assessment and the applicant has therefore been requested to clarify the position.

Residential amenity

6.15 The building would be 5 storeys in height and as such would be similar in scale to nearby units varying between 4 and 6 storeys. The development would be in keeping with the character of its surroundings.

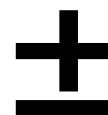
6.16 Whilst retaining the same number of storeys as previously approved the overall height of the building would increase between 1 – 1.4 metres. This however is considered to be relatively minor change taking into account the overall scale of the development, the net impact of which is considered may be negligible.

6.17 A separation distance of more than 20 metres would be maintained between habitable room windows in opposing blocks. This would be in keeping with separation guidelines in the Local Plan.

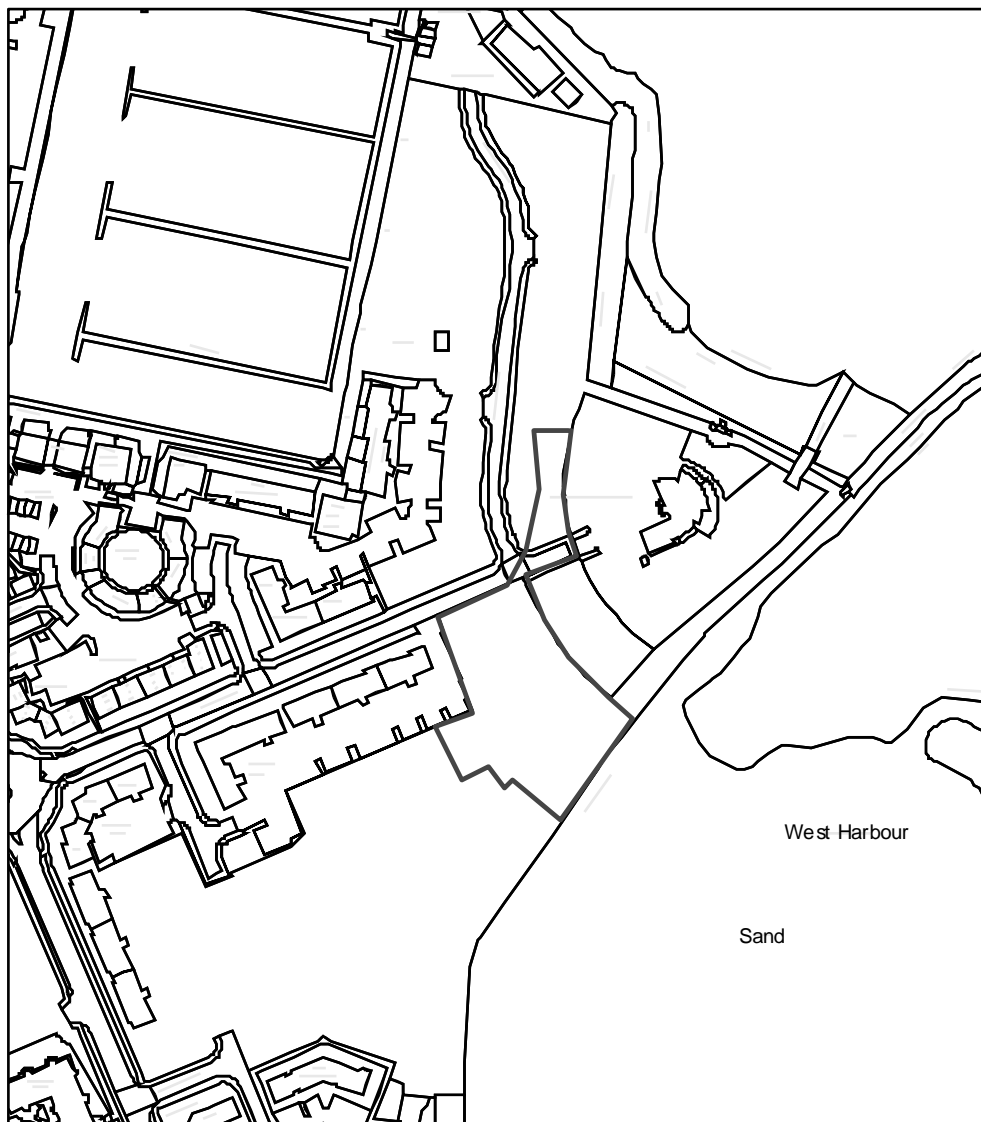
Parking Provision

6.18 The views of the Highway engineer are outstanding and the overall level of parking provision for this part of the development remains under consideration.

RECOMMENDATION – Given that the level of parking provision remains under consideration and additional information has been requested from the developer an update report will follow:



Block 23 Fleet Avenue



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/07/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0436	REV

No: 7
Number: H/2007/0397
Applicant: Mr Mrs A Grimwood TINTAGEL CLOSE HARTLEPOOL TS27 3NA
Agent: 46 TINTAGEL CLOSE HARTLEPOOL TS27 3NA
Date valid: 17/05/2007
Development: Erection of a first floor bedroom extension above garage
Location: 46 TINTAGEL CLOSE HARTLEPOOL

The Application and Site

7.1 The application site is a detached property with double garage (one integral and one attached to the side), the property is situated on a residential housing estate.

7.2 The original application submitted related to a first floor extension over the attached garage and a first floor extension over the rear garden room, there were concerns from the case officer regarding the affect of the first floor extension over the garden room on the streetscene and neighbouring properties. The application has been revised to remove the first floor extension above the garden room.

7.3 The application now relates to a first floor extension above the attached garage to the side and utility room, to provide a bedroom extension. The proposed extension has a set back of 2metres from the front of the dwelling.

Publicity

7.4 The application has been advertised by way of neighbour letters (9). To date, there have been 1 letter of no objection and 3 letters of objection to the revised scheme.

7.5 The concerns raised are:

1. During past projects at this property, neighbours have been disturbed with noise disruption late at night, concerns it will happen again.
2. Concerns re: loss of light into objectors house.
3. Concerns re: wind noise between the houses as wind predominately blows from the west. This extension could cause a 'funnel' effect between houses.
4. The first floor rear window proposed would lead to loss of privacy to the objector's garden. This window would further erode the limited privacy currently enjoyed.
5. Concerns re: noise and disturbance, disruptions due to deliveries, potential blocking of drives/road.
6. Would like a condition if application were approved to limit the completion date of the build.

Copy letters A

7.6 The period for publicity has expired.

Planning Policy

7.7 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

7.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 and the affect of the proposal upon neighbouring properties and the streetscene in general.

7.9 The application property sits forward of the neighbouring property (48 Tintagel Close) however is orientated at an angle, which swings away from the front of 48. The extension is proposed above the existing attached garage and utility room on the side closest to 48.

7.10 There are windows to the front of the neighbouring property (48) serving the lounge at ground floor and a bedroom at first floor, there are also windows within the side facing onto the application site these serve a ground floor cloakroom and first floor en-suite (both obscure glazed). Concerns have been raised by the neighbour at 48 Tintagel Close in relation to the loss of light to these windows. Whilst on a site visit the case officer visited the objectors house and viewed the application site from within the lounge. Although the property can be viewed from the objectors house the proposed extension is set back 2 metres from the front of the property, and due to the orientation it is considered that the views of this extension would be limited from the objectors house.

7.11 There are neighbour concerns that the proposed first floor rear window to serve the bedroom extension would lead to a further loss of privacy to the objectors property (48 Tintagel Close). It is considered that this window would not provide any more views of the objectors rear garden than the existing windows already have. It is considered that the window would not have a significantly detrimental affect on the amenities of the neighbouring property.

7.12 The objector at 48 has also raised concerns that the extension would cause a 'funnel' effect between the 2 houses causing wind noise. The orientation of the properties is not dissimilar to other modern housing estates. It is considered that the stagger and orientation are not unreasonable and the extension (with the set back) is considered acceptable in relation to the neighbouring property.

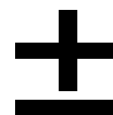
7.13 The application property has been extended in the past to provide a rear utility room behind the attached garage and a rear garden room. Neighbours have raised concerns relating to the times of the construction work of the previous extensions. The concerns raised are beyond the planning remit, however Public Protection has legislation in the form of nuisance legislation which could monitor and control (if necessary) construction hours. A neighbour has stated that a condition should be attached if the application is successful for a time limit for the completion of the build. It is considered that it would be inappropriate to seek to impose a planning condition regarding a deadline for construction.

7.14 The proposed extension is not out of scale with the property or area in general and is similar to others within the town and based on the information above it is recommended that the application is approved.

RECOMMENDATION - APPROVE

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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 48 Tintagel Close without the prior written consent of the Local Planning Authority.
To prevent overlooking
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19th June 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

46 Tintagel Close



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/07/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0397	REV

No: 8
Number: H/2007/0490
Applicant: MRS CAROLE CARROLL RIFT HOUSE PRIMARY SCHOOL MASEFIELD ROAD HARTLEPOOL TS25 4JY
Agent: Hartlepool BC Building Consultancy Group Leadbitter Buildings Stockton Street Hartlepool TS25 7NU
Date valid: 28/06/2007
Development: Erection of a new 2.4 metre high perimeter fence
Location: RIFT HOUSE PRIMARY SCHOOL MASEFIELD ROAD HARTLEPOOL

The Application and Site

8.1 The application site is Rift House Primary School, which fronts onto Masefield Road. The school is located in a predominantly residential area. There are playing fields to the rear of the school, which are currently open, and can be accessed by members of the public.

8.2 The application proposes the erection of a 2.4metre high security fence to the perimeter of the site, replacing the 1.8metre palisade fencing currently around the school buildings and grounds. It is also proposed to extend the fencing around the playing pitches to the rear, however leaving a green margin of approximately 10 – 15 metres between the residential properties and the fencing. Pedestrian and vehicular access gates are proposed to be in the same location as existing, however there a double gate to enable access to a grass cutting machine is required to the rear of the site.

Publicity

8.3 The application has been advertised by way of neighbour letters (43) and 2 site notices. To date, there have been 3 letters of no objection and 3 letters of objection

8.4 The concerns raised are:

1. School already has a fence which is an eyesore, don't want an even bigger and closer fence
2. Devaluation of surrounding properties
3. Visual concerns regarding the fence
4. Unduly large and out of keeping
5. Concerns regarding access to objectors property
6. Concerns regarding affect of daylight
7. Concerns regarding the size of the fence

Copy letters C

The period for publicity expires on the day of the Planning Committee, any further representations made will be presented to the Committee.

Consultations

8.5 The following consultation replies have been received:

Head of Traffic and Transportation - There are no major highway implications with this application.

Sport England - Awaiting Response

Cleveland Police - Awaiting Response

Planning Policy

8.6 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Planning Considerations

8.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposals upon the playing fields, neighbouring properties and on the area in general and highway safety considerations.

Local Plan Policies

8.8 In accordance with the adopted Hartlepool Local Plan; it is important that sufficient land is made available in appropriate locations to enable all age groups to participate in games and activities. Currently the school field is under used by the school due to Health and Safety reasons. The school has provided a statement highlighting existing issues. In the event that the children are scheduled to use the field, members of staff do a 'sweep' of the field and remove items such as dog faeces, litter, cans, glass, and frequently used condoms, despite efforts items may be missed or if the field was not patrolled between this sweep and the use of the field other items may accumulate on the field.

8.9 It is considered that the scheme would provide a facility that would be suitable, creating better and more intensive use of this area for the school.

Effects on neighbouring properties and the surrounding area

8.10 The existing fencing around the school buildings and grounds is currently 1.8m high palisade fencing. The existing fencing currently abuts the highway, Masfield Road, it is considered that this type of fencing is more commonly associated with industrial areas and should be discouraged in urban areas. The existing fencing is painted red; it is proposed that the new fencing would be powder coated moss green. The proposed mesh fencing is considered acceptable in visual appearance terms, although acknowledging it would be a higher boundary treatment. It is now widely used on school sites throughout the town.

8.11 The fencing to the rear of the site is proposed to be constructed inside the boundary of the field to create a green margin/buffer approximately 10 - 15 metre strip from the properties on Huxley Walk. It is proposed that this area can be used by the public but would also act as a visual break from the proposed fencing. The maintenance and management of green margin is proposed to be kept within the existing management structure of the school.

8.12 With regard to Supplementary Note 7 – Crime Prevention by Planning and Design the basic guidelines stated in section 6 stress:

"The design of any development should strike a balance between what is safe, structurally secure and aesthetically pleasing. A rigorous, systematic approach is recommended by Police Architect Liaison Officers in assessing development proposals."

8.13 It is considered that the design and scale of the proposed fencing is considered acceptable from a visual amenity perspective and would not have a detrimental affect on the amenities of the neighbouring properties or the surrounding area in general. However a formal response is awaited from Cleveland Police regarding security aspects.

Effects on the Playing Fields

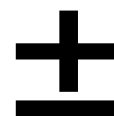
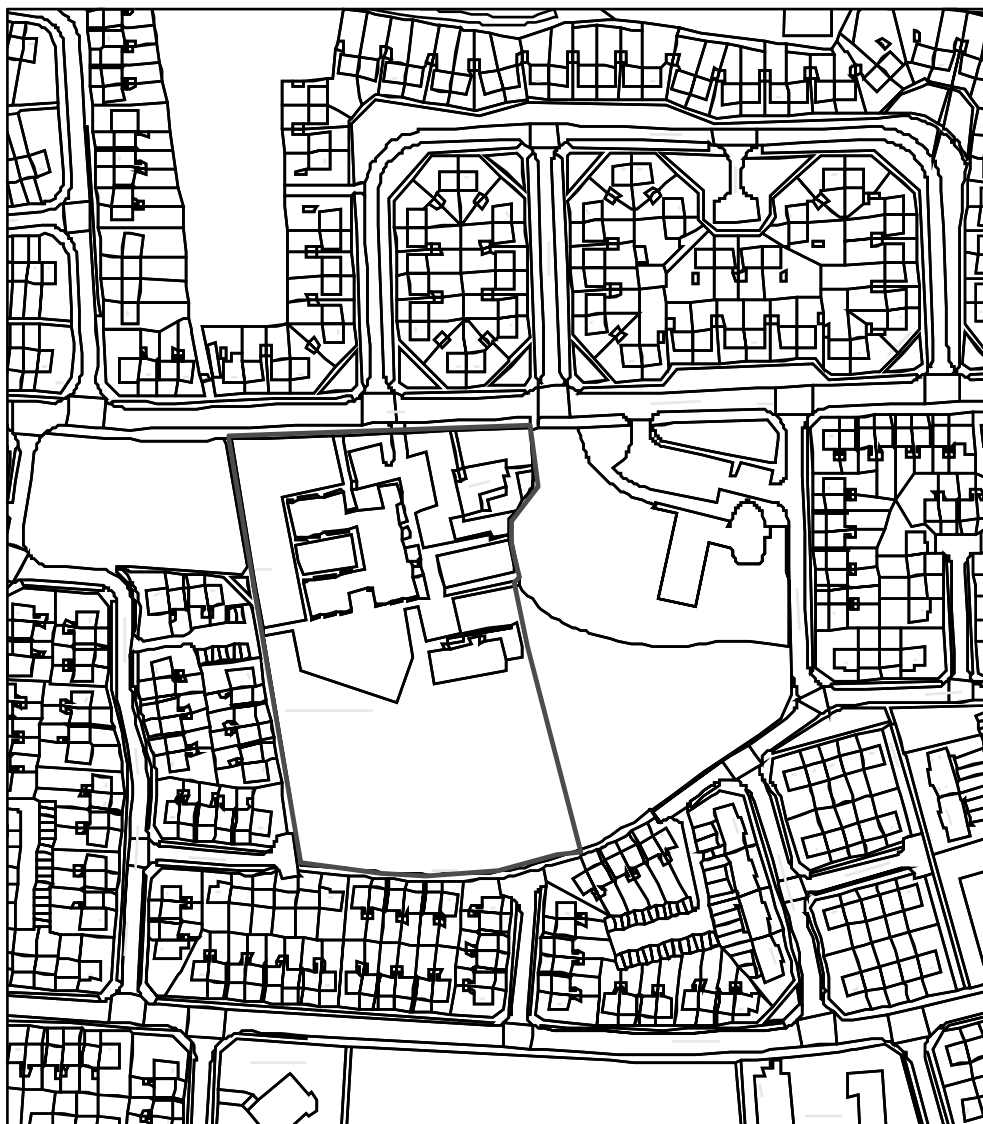
8.14 Sport England have been consulted on the application as the area proposed to be enclosed is currently used as playing fields for the school, although it does not have a boundary fence identifying it as such.

Conclusion

8.15 It is anticipated that outstanding consultation responses will be submitted in advance of the Committee. A final recommendation will follow.

RECOMMENDATION – UPDATE TO FOLLOW

Rift House Primary School



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/07/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0490	REV

No: 1
Number: H/2007/0333
Applicant: Mrs T Allen Barford Close Hartlepool TS25 2RQ
Agent: 16 Barford Close Hartlepool TS25 2RQ
Date valid: 02/05/2007
Development: Incorporation of public open space land into curtilages of properties for use as domestic gardens
Location: REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL

Update report

The following information has now been provided by the police officer assigned to this area of the town. (copy attached)

26 reported incidents have been recorded by the police in the last 2½ year period and as a result of calls direct to the Jutland Road office, police officers have attended the location at least 12-15 times (unrecorded incidents).

It is therefore the opinion of the local police officer that the pathway and open space contributes to the ongoing crime and anti social behaviour in the immediate area and should be closed in order to reduce the potential for future incidents of crime and anti social behaviour.

This information has only recently been received and as a result it is likely that a further update will be provided at the meeting together with a final recommendation.

No: 4
Number: H/2007/0492
Applicant: Mr C McHale Ewood Lane Newdigate Dorking Surrey
RH5 5AR
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26
8JA
Date valid: 22/06/2007
Development: Conversion of existing dwelling into 3 self-contained flats
Location: 65 GRANGE ROAD HARTLEPOOL

Update

A further response has been received from the Housing Division which deals with the licensing of flats and houses in multiple occupation (HIMO's) regarding such uses in Grange Road. They confirm that no complaints have been received (noise and disturbance) in the past 12 months apart from about 71 Grange Road which was used without permission as on HIMO. Enforcement Action was authorised against this use.

Hartlepool Police's Problem Solving Co-ordinator has raised no opposition to the change of use on the grounds that there is no evidence or justification to support an objection. In her opinion there is a clear distinction between flats and HIMO's.

In view of the above and the fact that the proposal is for 3 self contained flats and not a house in multiple occupation, approval is recommended.

No: 6
Number: H/2007/0436
Applicant: Mr Alistair Scott Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW
Agent: Jomast Developments Ltd Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW
Date valid: 05/06/2007
Development: Substitution of 8x2 storey penthouses and replacement with 16 apartments (amendment to previous planning approval H/FUL/0638/01)
Location: BLOCK 23 FLEET AVENUE HARTLEPOOL

Update report

Policy Issues

In light of the recent Housing Assessment that revealed a potential oversupply in the provision of apartment accommodation within the Borough the applicant has been asked to provide an explanation of the rationale behind substituting 8 penthouses for 16 apartments. Together with the previously approved scheme this would result in 13 additional units and there is the potential for it to be repeated elsewhere within the wider approved development.

A response from the applicant is awaited at this time and will be reported to the meeting.

Highway Issues

The level of parking provision in the development would be approximately 1 space per unit which is consistent with the level of provision within the part of the site to the north of Fleet Avenue. The Highway Engineer considers that it would be difficult to sustain an objection to the proposed development.

A further update may be provided at the meeting.

Number: H/2007/0490
Applicant: MRS CAROLE CARROLL RIFT HOUSE PRIMARY
 SCHOOL MASEFIELD ROAD HARTLEPOOL TS25 4JY
Agent: Hartlepool BC Building Consultancy Group Leadbitter
 Buildings Stockton Street Hartlepool TS25 7NU
Date valid: 28/06/2007
Development: Erection of a new 2.4 metre high perimeter fence
Location: RIFT HOUSE PRIMARY SCHOOL MASEFIELD ROAD
 HARTLEPOOL

PLANNING UPDATE

The period for publicity expires on the day of the meeting, since the writing of the Planning Committee 2 further letters of no objection and one letter of objection has been received citing the following reasons:

1. The fence would be too close to the house and will restrict objectors view.
2. The fence will make the area darker at night and concerns regarding feeling frightened after recently being mugged.
3. Concerns that an ambulance may not be able to get access to objectors house.
4. Concerns that the fencing would be vandalised and left in a dangerous and filthy condition (like Brierton School).

The letter of objection is attached.

With regard to this objection the fencing is proposed to be approximately 16 metres away from the objector's front boundary. It is considered that the fencing would not restrict vehicular access, as there is a vehicular turning head adjacent the objector's home, which could accommodate an ambulance. It is therefore considered that this objection does not change the original report in that it is considered that the design and scale of the proposed fencing is acceptable in terms of visual amenity and would not have a detrimental affect on the amenities of the neighbouring properties or the surrounding area in general.

Cleveland Police has no objection to the scheme, therefore the proposed fencing is considered acceptable in terms of security.

Informally Sport England has stated that they are likely to object on the basis of the loss/reduction of an area, which could be laid out as a playing pitch, however a formal response is awaited. Although it is likely that Sport England will object to the scheme it is considered that on balance the proposed scheme would allow a currently underused school field to become actively used.

The Council's Recreation team have assessed the scheme and have confirmed that a 5 a side pitch can be accommodated within the proposed

enclosure (if required by the school). However a large adult size pitch cannot be accommodated within the part of the field, which is in the control of the school; even if the fencing was not set in to provide the green margins for the benefit of the occupants of the surrounding properties. At best a 6 or a 7 aside pitch for children up to the age of 10 years could be provided if the fencing was not set back, it should be noted that there are no known requirements for a specific type of playing pitch to be associated with a primary school.

It is considered that despite Sport England's informal objection the proposal would provide a facility that would be suitable, creating better and more intensive use of this area for the school. The earlier report indicates that at present this area is underused and for the most unusable.

However given the need to await Sport England's formal response it is recommended that Members indicate that they are minded to approve the application but delegate the final decision to the Development Control Manager in consultation with the Chair. On this basis, if Sport England confirm their objection, the application would be required to be referred to the Government Office for the North East for consideration.


RECOMMENDATION - Delegate final decision to the Development Control Manager

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR T BATES SITE AT 5 MAYFLOWER CLOSE (H/2006/0831)

1. PURPOSE OF REPORT

- 1.1 An appeal against the Council's refusal to grant planning permission for the erection of 6 self contained flats at 5 Mayflower Close, has been decided by written representations and dismissed by the Planning Inspectorate.
- 1.2 A copy of the decision is attached.



Appeal Decision

Site visit made on 12 June 2007

by F M Ellwood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
11th Floor, 11
Trafalgar Square, London
WC2N 5DQ
Tel: 020 7333 0100
Fax: 020 7333 0101
Email: enquiries@plan.gov.uk
Web: www.plan.gov.uk

Appeal Ref: APP/H0724/A/07/2037066

Plot 5, Mayflower Close, Hartlepool, TS24 0XY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Bates against the decision of Hartlepool Borough Council
- The application Ref: H/2006/0831 dated 8 November 2006, was refused by notice dated 22 January 2007.
- The development proposed is 6 self contained apartments.

Summary of Decision: The appeal is dismissed.

Main issues

1. The effect of the proposed development on;
 - the character and appearance of the surrounding area; and
 - the living conditions of adjacent residents in relation to outlook, noise and disturbance.

Planning Policy

2. The development plan includes the Hartlepool Local Plan 2006 (LP). Policy GEP1 of the LP is a general policy setting out the Council's main environmental principles in terms of the effect of new development on the area and the need to conform to a range of standards and requirements. Policy Hsg9 relates specifically to new residential development and requires, amongst other things, that the scale is appropriate to the locality and there is no significant detrimental effect on the occupiers of existing development.

Reasons

Character and appearance

3. The site lies in a newly developed area close to Hartlepool Marina containing mixed housing of varying design and height. I saw on my visit there were groups of 3, 4 and five storey developments nearby. However, all the buildings flanking the appeal site on Mayflower Close and Maritime Avenue are two storey detached dwellings.
4. The proposed building would be much larger than these surrounding dwellings. The front elevation would be nearly 20 metres wide and the central section would be 9 metres in height to accommodate the second floor rooms. However, the appeal plot size is substantially larger than the surrounding plots. Moreover, as the appellant points out, the proposed building would only occupy just over 20% of the site area and sufficient parking and communal space can be provided on the site. I consider the configuration of the building as a cross shape, located centrally within the plot reduces the impact of its size and two

Appeal Decision APP/H0724/A/07/2037066

and a half storey height in terms of its visual impact on the locality. Furthermore, it would not appear unduly prominent due to its position at the end of Mayflower Close, set back from the frontage and positioned at an angle to other dwellings. As such I conclude on this first issue that the scale, design and position of the proposed development would not be harmful to the character and appearance of the surrounding area.

Living conditions

5. Mayflower Close is a small quiet cul-de-sac serving only 7 dwellings at present. Whilst the development of the site for 6 flats would almost double the vehicle movements along the street, I do not consider this would be excessive or harmful to this residential area. Moreover I note there have been no highway objections in this respect.
6. However, 10 parking spaces are proposed to serve the development of which 8 would be positioned alongside the rear garden boundaries of 8 and 10 Maritime Avenue and the side boundary of 6 Mayflower Close. The gardens of these houses are currently away from the road and provide an area of privacy and quiet enjoyment which I consider contributes significantly to the living conditions for the occupants. The concentration of cars manoeuvring and parking in the limited area in front of the building close to the rear and side gardens of other dwellings, would result in the occupants of these properties experiencing noise and disturbance. In my view this would diminish the enjoyment of their house and rear gardens unacceptably.
7. The Council are also concerned the building would be visually intrusive for the surrounding residents. The outlook from the rear windows and gardens of 6 and 8 Maritime Avenue is currently across this open undeveloped site. Whilst I appreciate it has always been intended for development, the occupants of these properties would be faced with a wide tall building across the full width of their rear gardens. I consider it would be oppressive and overbearing and would appear to tower over their rear elevations at close quarters. This would considerably harm the occupant's enjoyment of their house and garden.
8. The appellant says the separation distance between the properties would meet all the required standards. I agree the building has been carefully designed to avoid overlooking and in terms of separation, the space between buildings could be adequate in this case for a smaller development. However, since each elevation of the proposed building would be longer and higher than those of the surrounding houses I consider greater separation distances should apply. The appellant states the proposal is of lower height than a previously approved 5 bedroom dwelling on the site. I do not have the details before me and cannot therefore compare its size, position and spacing to the appeal proposal. However, I consider this proposed development for six flats would be likely to have a greater overall bulk and mass than a single dwelling.
9. I conclude on this second issue that the proposed development would have a harmful effect on the living conditions of nearby residents in relation to outlook and in relation to the disturbance associated with vehicles parking and manoeuvring close to garden boundaries.

Appeal Decision APP/H0724/A/07/2037066

Conclusions

10. The lack of harm to the character and appearance of the area is outweighed by the harm I have identified to the living conditions of adjacent residents. I find the development would conflict with policies GE1 and H9 of the LP.
11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

12. I dismiss the appeal.

Fiona Ellwood

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL REF APP/H0724/A/07/2039548:
H/2006/0839 CHANGE OF USE TO HOT FOOD
TAKEAWAY (A5 USE), 132 OXFORD ROAD,
HARTLEPOOL, TS25 5RH

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members of the outcome of a recent planning appeal at 132 Oxford Road, Hartlepool for the change of use to a hot food takeaway (A5 use).
- 1.2 The Planning Inspectorate allowed the appeal subject to conditions. A copy of the Inspector's report is attached.

2. RECOMMENDATION

- 2.1 That Members note the decision.

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 3 July 2007</p> <p style="text-align: center;">by Graham E Snowden BA BPhil DipMgmt MRTPI</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN ☎ 0117 372 6372 e-mail: enquiries@ planning-inspectorate. gsi.gov.uk Date: 5 July 2007</p>
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Appeal Ref: APP/H0724/A/07/2039548
132 Oxford Road, Hartlepool TS25 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Hassan Ali Alfaham against the decision of Hartlepool Borough Council.
- The application ref: H/2006/0839 dated 10 November 2006, was refused by notice dated 26 January 2007.
- The development proposed is the change of use to hot food takeaway.

Decision

- The appeal is allowed and planning permission is granted for the change of use to hot food takeaway at 132 Oxford Road, Hartlepool TS25 5RH, in accordance with the planning application ref: H/2006/0839, dated 10 November 2006 and the plans submitted therewith, subject to the following conditions:
 - The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - The use hereby permitted shall not be open to customers outside the hours of 08.00 to 23.00 Mondays to Saturdays and at no other time on Sundays, Bank or Public Holidays.
 - Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the local planning authority. The scheme, as approved shall be implemented before the use commences and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reasons

- The appeal property is located in a small parade of commercial properties, lying on the north side of Oxford Road, just to the east of the area designated in the Hartlepool Local Plan (Local Plan) as the Oxford Road Local Centre. Provision is made under Local Plan Policy Com5 for Class A5 uses to be located in such centres, but does not prohibit such uses outside these centres. There is no evidence before me to suggest that allowing the present proposal would adversely affect the vitality and viability of the Oxford Road Centre. The centre, itself, which is of limited extent, is fully occupied and includes a post office, small supermarket and several retail outlets. The appeal property is immediately adjacent and, in my view, the re-use of a vacant retail outlet here could

DEPT. OF REGENERATION & PLANNING
 BRYAN HANSON HOUSE, HANSON SQUARE

 - 9 JUL 2007

 HANDED TO | REPLY
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only reinforce the viability of the centre as a local destination.

3. There is a lay-by within the carriageway immediately outside the parade in which the appeal property is located and the adjacent commercial outlets are unlikely, in my view, to generate parking at a time when the proposed takeaway would be at its busiest. I do not consider, therefore, that the proposal would lead to parking congestion or any other conditions likely to give rise to problems of safety for users of the highway.
4. For the same reasons, I consider it unlikely that the use would give rise to levels of parking on Marlborough Street, which would cause noise and disturbance to residents. On this matter, I note that the appellant intends a closing time of 23.00 hours and I believe that this, which can be ensured through the imposition of a condition, would prevent any undue level of disturbance at unsocial hours. Whilst, I am less convinced of the need to prevent opening on Sundays, as suggested by the Council, I note that the recent appeal decision in respect of a similar use at 143 Oxford Road imposes such a restriction. In the interests of consistency, I have done the same.
5. I have also imposed a condition requiring the approval of details and subsequent installation of measures to control the emission of fumes and odours from the premises. Whilst the Council suggests two conditions to cover this matter, I consider that the one condition, I have imposed, is adequate. The appeal property is single storey, whilst the adjacent premises are of two storeys, with a residential flat at first floor level. I am, nevertheless, satisfied that, although challenging, it should be possible to install a ventilation and extraction system, with a discharge point at a high level, which would not only be visually acceptable, but, if operated and maintained in a proper manner, would also minimise any odour nuisance to a satisfactory level.
6. In the light of the above, I consider that the proposal would not have an adverse effect on the living conditions of neighbours and, in this respect, would not conflict with the requirements of Local Plan Policies GEPI or Com12. I, therefore, conclude that the appeal should be allowed. In reaching this decision, I have taken into account all other matters raised, including local concerns relating to litter and anti-social behaviour. I am, however, not convinced that the proposal would exacerbate any such problems. I also do not consider that the proposed use would adversely affect the success of adjacent businesses nor, despite the other successful appeals at 122 and 143 Oxford Road, to which my attention is drawn, that it would lead to an unacceptable concentration of takeaway uses in the area.

G. E. Snowdon

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL REF APP/H0724/X/07/2048720:
H/2007/064 APPLICATION FOR A
CERTIFICATE OF LAWFULNESS OF
EXISTING USE OF AMERSTON HILL
COTTAGE AS A RESIDENTIAL DWELLING
HOUSE, AMERSTON HILL COTTAGE, COAL
LANE, HARTLEPOOL.

1. PURPOSE OF REPORT

- 1.1 To inform members that a planning appeal has been lodged against the refusal of an application for a certificate of lawfulness for the use of Amerston Hill Cottage as a residential dwelling house.
- 1.2 The appeal is to be decided through the inquiry procedure and authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That authority is given to officers to contest this appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY HARCHARAN SINGH NIJJAR,
SITE AT 152 RABY ROAD, HARTLEPOOL,
TS24 8EL.

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of the Planning Authority to grant planning permission for the change of use of the above premises to a hot food takeaway.
- 1.2 The appeal is to be decided by the written procedure and authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
- 1 A neighbour complaint about the alleged non-compliance with conditions attached to an existing planning permission at a development on Hutton Avenue.
 - 2 An neighbour complaint about the provision of an outside drinking area at a public house on Dunston Road.
 - 3 A neighbour complaint about an alleged change of use at a domestic residence on Millpool Close.
 - 4 A neighbour complaint about an alleged untidy property on West View Road.
 - 5 A neighbour complaint about an alleged unauthorised development at Seaton Lane.
 - 6 A neighbour complaint about an alleged unauthorised extension on Millston Close.
 7. A neighbour complaint about an alleged unauthorised extension on Bum Valley Road.
 8. A neighbour complaint about an alleged unauthorised development on Eider Close.
 9. A neighbour complaint about an alleged unauthorised development on Duncan Road.
 - 10 An investigation has commenced following officer concerns that an area of open space adjacent to Kingfisher Close has been enclosed.
 - 11 A neighbour complaint about an alleged unauthorised development to the rear of a property on Campbell Road.
 - 12 A neighbour complaint about an alleged unauthorised development on Thornbury Close.

- 13 A neighbour complaint about the alleged operation of a business at a domestic residence on Stockton Road.
- 14 An investigation has commenced following officer concerns of non-compliance with conditions attached to an existing planning permission at a development on Groves Street.
- 15 An investigation has commenced following officer concerns of an unauthorised change of use at a business premises on Longhill Industrial Estate.
- 16 A neighbour complaint about an advertisement on Catcote Road.

3. RECOMMENDATION

- 3.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: DECISION OF OMBUDSMAN – COMPLAINT AGAINST HARTLEPOOL BOROUGH COUNCIL AND THE DECISION TO APPROVE PLANNING APPLICATION H/2006/0016 – ERECTION OF 16 FLATS AND ASSOCIATED WORKS AT THE FORMER FINA SERVICE STATION, POWLETT ROAD, HARTLEPOOL.

1. PURPOSE OF REPORT

- 1.1.1 To inform members of the outcome of the Ombudsman investigation into the decision of Hartlepool Borough Council approve the above-mentioned planning application.
- 1.1.2 The Ombudsman has come to the conclusion that there was no maladministration in the way the Council reached its decision to approve planning application H/2006/0018.
- 1.1.3 The Investigator has now discontinued her investigation.

2. RECOMMENDATION

- 2.1 That members note the decision.