

PLANNING COMMITTEE AGENDA



Wednesday, 29th August 2007

at 10.00 a.m.

in

Ow ton Manor Community Centre,
Wynyard 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 1st August 2007 (*to follow*)

4. ITEMS REQUIRING DECISION

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

1. H/2007/0562 85 York Road
2. H/2007/0500 Briarfields Lodge
3. H/2007/0537 17 Clifton Avenue
4. H/2007/0521 196 Park Road
5. H/2007/0484 PCT Scheme – Park Road
6. H/2007/0490 Rift House School
7. H/2007/0333 Wisbech Close
8. H/2007/0508 15-17 The Front

4.2 Appeal by Mr A Cook – Site at Amerston Hill – *Assistant Director (Planning and Economic Development)*

- 4.3 Appeal by Mr A Dhaliwal – Site at 34A Duke Street – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr Weed – Site at 18 Lowthian Road – *Assistant Director (Planning and Economic Development)*
- 4.5 Planning for a Sustainable Future: The Planning White Paper – *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 – Land Opposite CCS, Mainsforth Terrace, Sandgate Industrial Estate, 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 26th September 2007 at 9.00am.

Next Scheduled Meeting – Wednesday 26th September 2007.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

1 August 2007

The meeting commenced at 10.30 a.m. in the Belle Vue Community, Sports and Youth Centre, Hartlepool

Present:

Councillor R W Cook (In the Chair)

Councillors Akers-Belcher, Allison, Brash, Flintoff, G. Lilley, J Marshall, Dr G Morris, Richardson, Simmons and Wright.

Also Present in accordance with Council Procedure rule 4.2(ii):
Councillor Sutheran as substitute for Councillor S Cook
Councillor Griffin as substitute for Councillor Worthy
Councillor A Lilley as substitute for Councillor Kaiser.

Officers: Richard Teece, Development Control Manager
Christine Pipe, Senior Planning Officer
Gill Scanlon, Planning Technician
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways and Transportation Manager
Peter Devlin, Legal Services Manager
David Cosgrove, Principal Democratic Services Officer

17. Apologies for Absence

Councillors S Cook, Kaiser, Laffey, Payne and Worthy.

18. Declarations of interest by members

Councillor G Lilley declared a private and personal interest in planning application H/2007/0333 Wisbech/Barford Close.
Councillor Brash declared a private and personal interest in planning application H/2007/Ashfield Farm.

19. Confirmation of the minutes of the meeting held on 4 July 2007

Confirmed.

20. Planning Applications *(Assistant Director (Planning and Economic Development))*

Num ber: H/2007/0333

Applicant: Mrs T Allen
Barford Close Hartlepool

Agent: Mrs T Allen, 16 Barford Close, Hartlepool

Date received: 02/05/2007

Developm ent: 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 to enable neighbours to consider the latest advice from the police and for additional information

Num ber: H/2007/0382

Applicant: Mr & Mrs Jiggins
BRANDON CLOSE, HARTLEPOOL

Agent: Mr Mrs Jiggins, 24 BRANDON CLOSE, HARTLEPOOL

Date received: 14/05/2007

Developm ent: Erection of a rear sun room and toilet extension

Location: 24 BRANDON CLOSE, HARTLEPOOL

Representations: Mrs Jiggins (applicant) and Mrs Maxwell (Objector) were present at the meeting and addressed the Committee.

Decision: Officers were instructed to see if the roof pitch as designed can be reduced. If so and the applicant agrees to change the scheme planning permission should be approved on this basis. If not the current application should be approved subject to the following conditions. If the roof pitch as designed can be reduced but the applicant fails to agree to this the application should be referred back for further consideration.

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.

The Committee considered representations in relation to this matter.

Number: H/2007/0429

Applicant: Euro Property Management

Agent: Blackett Hart & Pratt, Westgate House, Faverdale, Darlington

Date received: 30/05/2007

Development: Erection of 25 apartments and boundary wall and associated parking facilities

Location: BRUS ARMS, WEST VIEW ROAD, HARTLEPOOL

Representations: Mr S Hesmondaigh (applicant's representative) was present at the meeting and addressed the Committee.

Decision: Minded to APPROVE subject to a legal agreement under S106 of the Planning Act requiring a developer contribution towards town centre housing regeneration and the provision/improvement of off site play facilities

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. The development hereby permitted shall be carried out in accordance with the plans and details of the building received by the Local Planning Authority on the 30th May unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt

4. Notwithstanding the submitted details revised parking and access arrangements shall be submitted to and approved in writing by the Local Planning Authority before development commences. The access arrangements shall be designed in such a way that the principle access/egress to and from the site shall be from Winterbottom Avenue. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of highway safety.
5. Signs shall be displayed at all times during the lifetime of the development towards/at the entrance/exit of the site advising occupiers of the flats and visitors to them to turn left out of the site and use the roundabout at the junction of West View Road and Winterbottom Avenue if they intend to travel south from the site. Details of the signs and their siting shall be first agreed in writing by the Local Planning Authority.
In the interests of highway safety.
6. Unless otherwise agreed in writing by the Local Planning Authority no vehicular access shall be formed to the site which would enable vehicles to access or egress the site onto West View Road either directly or indirectly.
In the interests of highway safety.
7. 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.
8. 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.
9. 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
 10. 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.
 11. 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.
 12. 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
 13. Notwithstanding the submitted details and having regard to the requirements of condition 4 a revised scheme for the means of enclosure of the site including details of acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter be carried out in accordance with the approved details, and any acoustic fencing shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
In the interests of visual amenity and the amenities of occupants of neighbouring properties.
 14. Before the development is brought into use the finally 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.
 16. The developer shall give the Local Planning Authority two weeks written notification of the intention to commence works on site.

- To enable the Local Planning Authority to monitor the start of the development in the interests of the amenities of the area.
16. 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

The Committee considered representations in relation to this matter.

Number: H/2007/0244

Applicant: Mr M Ashton
Hillcrest Grove, Elwick Village, Hartlepool

Agent: Business Interiors Group, 73 Church Street,
HARTLEPOOL

Date received: 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

Representations: Mr M Ashton (applicant) and Sir Ron Norman (objector) were present at the meeting and addressed the Committee.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

It is considered that the provision of licensed facilities could lead to an increase in noise and general disturbance to the detriment of the quiet enjoyment of the countryside and the occupiers of nearby properties contrary to policies Com12 & GEP1 of the adopted Hartlepool Local Plan.

Number: H/2007/0397

Applicant: Mr & Mrs A Grimwood
TINTAGEL CLOSE, HARTLEPOOL

Agent: Mr & Mrs A Grimwood, 46 TINTAGEL CLOSE,
HARTLEPOOL

Date received: 17/05/2007

Development: Erection of a first floor bedroom extension above garage.

Location: 46 TINTAGEL CLOSE, HARTLEPOOL

Representations: Mr Sawdon (applicant's representative) was 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. 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 window(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

The Committee considered representations in relation to this matter.

Number: H/2007/0436

Applicant: Mr Alistair Scott
Jomast Developments Ltd, Oriel House, Bishop Street,
STOCKTON-ON-TEES

Agent: Jomast Developments Ltd, Mr Alistair Scott, Oriel
House, Bishop Street, STOCKTON-ON-TEES

Date received: 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
- Representations:** Mr Scott (applicant's representative) was present at the meeting and addressed the Committee.
- Decision:** Minded to APPROVE subject to a legal agreement under S106 of the Planning Act providing for a reduction of 8 number apartments to the remaining blocks of the approved scheme which this block forms part of (application no H/FUL/0683/01) and the following conditions

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. 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 car parking spaces shown on the plan hereby approved shall be provided prior to the development being brought into use.
In the interests of highway safety.
4. Floor levels should be set no lower than 5.00m AOD.
To protect the development from flooding.
5. No part of the development shall commence unless the Local Planning authority is satisfied that there is adequate capacity in the foul and surface water drainage system to accommodate the foul and surface water flows arising from that part of the development.
To ensure the adequate foul and surface water drainage facilities are available to serve the development.
6. Notwithstanding the submitted details final details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available for use before the building they are designed to serve is brought into use and shall thereafter be retained for the intended purpose at all times during the life of the development.
To ensure adequate facilities are available to serve the development/in interests of the visual amenities of the area.
7. Details of the provision for cycle parking to serve the development shall be submitted to and agreed by the Local Planning Authority prior to the development being commenced.
To encourage alternative means of transport to and from the site.

The Committee considered representations in relation to this matter.

Number: H/2007/0492

Applicant: Mr C McHale, Ewood Lane, Newdigate, Dorking

Agent: ASP Associates, 8 Grange Road, HARTLEPOOL

Date received: 22/06/2007

Development: Conversion of existing dwelling into 3 self-contained flats

Location: 65 GRANGE 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. Unless otherwise agreed in writing by the Local Planning Authority, the use hereby approved shall not commence until detailed proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the visual amenity of the Conservation Area and the amenities of the occupants of neighbouring properties and of the occupants of the flats.
3. Prior to their installation, details of any proposed extraction outlets for the ventilation of the property shall be submitted to and approved in writing by the Local Planning Authority. The extraction outlets shall thereafter be installed in accordance with the approved details.
In the interests of the character and appearance of the area.
4. Prior to the occupation of any of the flats hereby approved, a vehicular access gate and car parking space to the rear shall be formed in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The vehicular access gate and car parking place shall thereafter be retained for the intended purpose at all times for the lifetime of the development.
In the interests of highway safety.
5. The external materials used for this development shall match those of the existing building(s)
In the interests of visual amenity.
6. The gate(s) hereby required by condition 4 shall open into the application site only and not out over the highway.
In the interests of highway safety.

The Committee considered representations in relation to this matter.

Number: H/2007/0490

Applicant: MRS CAROLE CARROLL
RIFT HOUSE SCHOOL, RIFT HOUSE PRIMARY
SCHOOL, MASEFIELD ROAD, HARTLEPOOL

Agent: Hartlepool BC Building Consultancy Group, Mr Darron
Pearson, Leadbitter Buildings, Stockton Street,
Hartlepool

Date received: 28/06/2007

Development: Erection of a new 2.4 metre high perimeter fence

Location: RIFT HOUSE PRIMARY SCHOOL, MASEFIELD ROAD,
HARTLEPOOL

Decision: Deferred for additional information and to enable
discussions to take place to ensure problems which have
arisen at Brierton School, where fencing has been
provided, do not occur here.

21. Appeal By Mr T Bates Site At 5 Mayflower Close (H/2006/0831) (Assistant Director (Planning & Economic Development))

An appeal against the Council's refusal to grant planning permission for the erection of six self-contained flats at 5 Mayflower Close, has been decided by written representations and dismissed by the Planning Inspectorate. A copy of the decision letter was submitted for the Committee's information

Decision

That the report be noted.

22. 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 (Assistant Director (Planning & Economic Development))

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). The Planning Inspectorate allowed the appeal subject to conditions. A copy of the Inspector's report was submitted for the

Committee's information.

Decision

That the report be noted.

23. 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. *(Assistant Director (Planning & Economic Development))*

Members were informed 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. The appeal was to be decided through the inquiry procedure and authority was therefore requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

24. Appeal By Harcharan Singh Nijjar, Site at 152 Raby Road, Hartlepool, TS24 8EL *(Assistant Director (Planning & Economic Development))*

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. The appeal was to be decided by the written procedure and authority was therefore requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

25. Update on Current Complaints *(Assistant Director (Planning & Economic Development))*

Members' attention was drawn to sixteen on-going issues that were being investigated by Officers.

Decision

That the report be noted.

26. 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 & Economic Development))*

The report informed members of the outcome of the Ombudsman investigation into the decision of Hartlepool Borough Council approve the above-mentioned planning application. 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. The Investigator has now discontinued her investigation.

Decision

That the report be noted.

27. Any Other Items the Chairman Considers are Urgent

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

28. Sedgefield BC Planning Application *(Development Control Manager)*

The Development Control Manager informed Members that Sedgefield Borough Council were considering an application for the extension of a quarry in their area. Concerns had been raised into the potential affect of the extension to the quarry on the local water table, which could potentially harm the water extracted for use in Hartlepool. The Environment Agency had written to the authority indicating that they were satisfied that there would be no affect on the water table from the proposed extension to the quarry.

Councillors expressed their concern at the lack of formal consultation on the application if there had been concerns raised within Sedgefield about the possible affects on Hartlepool's water. Members requested that officers write to Sedgefield BC expressing the concern that the application should have been referred to this Council for comment and asking the Council that they be satisfied that there would be no effect on the water table.

Decision

That the report be noted and that the Development Control Manager write to Sedgefield BC in the terms stated above.

29. 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 30 – Enforcement Action – Martindale Farm, Elwick (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 31 – Enforcement Action – Enforcement Action – Land Adjacent to 108 Graythorp Industrial Estate Hartlepool (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 32 - Enforcement Action – Easy Skips c/o Myross Engineering Casebourne Road Hartlepool (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.

30. Enforcement Action – Martindale Farm, Elwick (*Assistant Director (Planning & Economic Development)*)

The Assistant Director (Planning and Economic Development) reported on proposed enforcement action, should this be required, in respect of the unauthorised storage and distribution of ground plastics at Martindale Farm, Elwick, by way of issuing an enforcement notice.

Decision

1. That the Development Control Manager, in consultation with the Chief Solicitor be authorised to issue an enforcement notice requiring the owner of Martindale Farm to :-
 - i) Cease the use of the agricultural building for the storage of non-agriculture related materials.
 - ii) Cease the importing of ground plastics to the site.
 - iii) Remove all ground plastics from the site within the time period specified in the notice.
2. That a period of four weeks from the date the notice takes effect be given for compliance with step (iii) while that in relation to (i) & (ii) be immediate

on the notice becoming effective.

31. Enforcement Action – Land Adjacent to 108 Graythorp Industrial Estate Hartlepool *(Assistant Director (Planning & Economic Development))*

The Assistant Director (Planning and Economic Development) reported on proposed enforcement action should this be required in respect of the unauthorised use of land adjacent to 108 Graythorp Industrial Estate, Hartlepool, for the depositing of construction waste by way of issuing an enforcement notice.

Decision

1. That the Development Control Manager, in consultation with the Chief Solicitor be authorised to issue an enforcement notice requiring the following:
 - i) The cessation of the unauthorised use of the land adjacent to 108 Graythorp Industrial Estate, Hartlepool, for the depositing of waste.
 - ii) The halting of the importing of any waste materials onto the site.
 - iii) The removal from the site in its entirety of all waste materials, which have been imported onto the site, unless otherwise agreed in writing by the Local Planning Authority.
2. It is recommended that a time period of two months from the date the notice takes effect be given for compliance with step (iii) while that with regard to (i) & (ii) be immediate on the notice becoming effective.

32. Enforcement Action – Easy Skips c/o Myross Engineering Casebourne Road Hartlepool *(Assistant Director (Planning & Economic Development))*

The Assistant Director (Planning and Economic Development) reported on proposed enforcement action should this be required in respect of the unauthorised change of use of Myross Engineering, Hartlepool, to a waste transfer station by way of issuing an enforcement notice.

Decision

1. That the Development Control Manager, in consultation with the Chief Solicitor be authorised to issue an enforcement notice requiring the following:
 - i) The cessation of the unauthorised use of Myross Engineering, Casebourne Road, Hartlepool, TS25 1PJ, as a waste transfer station
 - ii) The halting of the importing of any waste materials onto the site.
 - iii) The removal from the site in its entirety of all waste materials, which have been imported onto the site.
2. It is recommended that a time period of 2 months from the date the notice

takes effect be given for compliance with step (iii) while that for (i) and (ii) should be immediate once the notice takes effect.

33. Any Other Items the Chairman Considers are Urgent

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

34. Seaton Meadows Waste Disposal Site – Update (Development Control Manager)

The Development Control Manager updated Members on issues at the Seaton Meadows Waste Disposal Site.

Decision

That the report be noted.

35 Enforcement Action – Future Cases Where Urgent Action Was Required

In discussing the cases set out at Minutes 30, 31 and 32 above, Members commented that in some cases, action should be taken as soon as possible to enforce conditions in approved planning consents, or where it was clear that unauthorised developments were being carried out, without need for referral to Committee. Members supported officers carrying out such action following consultation with the Chair, or in his absence, the Vice-Chair of the Committee.

Decision

That should it be necessary to take urgent action in the enforcement of conditions relating to planning consents or where it was clear that unauthorised development was being carried out, the Development Control Manager be authorised to do so following consultation with the Chief Solicitor and the Chair of the Committee (or in his absence the Vice-Chair).

CHAIRMAN

No: 1
Number: H/2007/0562
Applicant: Mr Mohammad Uddin 20 Meadowgate Drive Hartlepool
 TS26 0RH
Agent: Business Interior Group 73 Church Street Hartlepool
 TS24 7DN
Date valid: 23/07/2007
Development: Change of use to hot food takeaway (Class A5 use)
Location: 85 YORK ROAD HARTLEPOOL

The Application and Site

1.1 The application site is located in the middle of a largely commercial terrace at the edge of the town centre. To the north is a vacant commercial unit. To the south is an Indian restaurant. Opposite is the Carlton Bingo. Whilst the properties in the area are commercial at ground floor some have residential uses at first floor. To the rear is a cul-de-sac which is fenced off from an adjacent residential estate (Barbara Mann Court). In close proximity and with window facing towards the site are residential properties on Barbara Mann Court. There are also other residential properties nearby on Elliott Street.

1.2 It is proposed to change the use of the property to a hot food takeaway. The proposed hours of operation will be 16:00 to midnight Monday to Sunday inclusive. No alterations to the building are proposed. The building and the one adjacent (83 York Road) are in the process of being refurbished with new shop fronts recently installed (H/2006/0852).

Planning History

1.3 The site has a history of refusals for hot food takeaway uses.

1.4 In July 2003 planning permission was refused for the change of use of the premises to provide a ground floor hot food takeaway and a self contained flat (H/FUL/0291/03) for the following reasons:

“It is considered that a hot food take-away in the location proposed would be detrimental to the amenities of the occupiers of nearby residential properties by way of traffic, noise, litter and general disturbance associated with the comings and goings to and from the premises and the congregation of clients, particularly at times of day when residents could reasonably expect the quiet enjoyment of their homes; as such the proposal is contrary to policies Gen1 and Ec 19 of the adopted Hartlepool Local Plan 1994”.

1.5 In March 2004 planning permission for the change of use of the ground floor to a hot food takeaway (A3) was again refused for similar reasons as stated above. (H/FUL/0099/04)

1.6 The applicant pursued an appeal against this refusal. The appeal was dismissed the Inspector concluding “4...I have noted the presence of residential property to the west, in close proximity to the rear of the appeal site (Barbara Mann Court). Although separated from the housing area by fencing there are windows in the dwellings, which directly face the site. Whilst customers of the proposed takeaway would use the front entrance, away from the housing, any car born customers would be likely to be attracted to the short dead end street at the rear. The use of this area would require turning manoeuvres, which would in turn generate noise. When added to the revving of engines and slamming of car doors this would be likely to result in disturbance to residents in the houses to the rear...5...It seems to me that an addition to the stock of takeaways locally would encourage more people to congregate late at night with the strong possibility of greater disturbance being caused through high spirits and raised voices”. (see appeal decision attached)

Other Relevant Appeals and Applications in the vicinity

1.7 A number of other appeals and applications in the vicinity are also considered of relevance to the current application. A particular concern of the Local Planning Authority and the Inspectorate in all these cases has been the potential impact the developments would have on the amenity of the occupants of the nearby residential properties particularly in relation to the noise and disturbance created by congregation, and comings and goings, associated with customers. Consequently where permissions have been allowed for leisure uses these have been for restaurant uses only, where one would expect a lesser through flow of customers reducing the comings and goings, and so the potential for disturbance.

1.8 The original permission for Marco Polo, located to the south of the application site, restricted its use to a restaurant use (H/FUL/0296/98). In November 1999 an application, to vary conditions to allow a bar on the ground floor with restaurant at first floor open 7 days a week was refused for reasons relating to the amenity of nearby residential properties. (H/FUL/0440/99). A subsequent appeal was dismissed in 2000. Members may recall that a similar application to vary conditions to permit the use of Marco Polo's as a restaurant and bar was refused for similar reasons at the July Committee (H/2007/0335).

1.9 An application to change the use of 86/88 York Road on the opposite side of the road, to the south east of the application, to a public house on the ground floor with a restaurant on the first floor (H/FUL/0547/04) was refused in 2004 for highway reasons and reasons relating to the amenity of the occupiers of nearby residential properties. The applicant appealed against this decision. The Inspector did not support the highway reason for refusal. The Inspector did conclude however that the development would have a harmful effect on the living conditions of the occupants of nearby residential properties and the appeal was therefore dismissed in 2005.

1.10 On the opposite side of the road at 78 York Road, and adjoining the site at 87/89 York Road applications to change the use of the premises to restaurants were allowed on appeal subject to conditions restricting their use to a restaurant use. This was at a time when a restaurant fell within the same A3 use class as a takeaway, which meant that unless restricted by condition, the use could change between the two. (They now fall within different use classes and so planning permission is

required). The imposition of these conditions reflected the Inspector's concerns in relation to residential amenity.

Publicity

1.11 The application has been advertised by site notice and neighbour notification (28). The time period for representations expires on 20th August 2007. To date one representation has been received. The writer objects to the proposal raising the following issues.

- 1) The takeaway will affect the success of the writer's new restaurant business.
- 2) Lack of parking/congestion.

Copy Letters A

Consultations

1.12 The following consultation replies have been received:

Traffic & Transportation – Refer to a traffic regulation order outside the property which restricts parking between 7.00 am and 7.00 pm and raises highway safety concerns with the application with vehicles parking on York Road. However given the previous appeal decisions believes it would be difficult to sustain an objection.

Head of Public Protection & Housing - The hot food takeaways situated on York Road currently attract a large amount of custom late into the evenings and into the early hours of the mornings from the many public houses and night clubs in the area. As these customers disperse from the area they cause a considerable amount of disturbance to local residents. A further hot food takeaway in this location so close to residential properties will only compound the problems already experienced by local residents. There are currently planning conditions on both the neighbouring restaurants prohibiting the sale of takeaway food in order to protect the amenity of residents. A previous application for a hot food takeaway at this premises was dismissed on appeal due to the potential nuisance to local residents. Taking all of this into account I would therefore wish to object to this application.

Planning Policy

1.13 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.

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord

with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the south west area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Planning Considerations

1.14 The main planning considerations in this case are policy, the impact of the development on the amenity of nearby residential properties and highway safety.

POLICY

1.15 The application site lies on the edge of the Town Centre in an area where Local Plan policy advises that hot food takeaways will not be permitted. The proposal is therefore contrary to policy.

IMPACT ON THE AMENITY OF NEARBY RESIDENTIAL PROPERTIES

1.16 The application site lies at the north-western edge of the town centre where commercial uses give way to residential areas of the town. It is in these areas where uses such as takeaways, which support the night time economy, can come into conflict with the amenity of the occupiers of nearby residential areas. The area already experiences a good deal of disruption and anti-social behaviour associated with such uses.

1.17 In close proximity to the rear of the premises are residential properties which have windows facing the site and the cul-de-sac (Barbara Mann Court). There are also flats above commercial premises in the vicinity. The Head of Public Protection has objected to the proposal on the grounds that the use of the premises would compound the problems already experienced by local residents by encouraging more people to congregate in the area late at night. The cul-de-sac to the rear also provides a convenient parking/turning area for the occupants of vehicles visiting the

takeaway. The inevitable use of this area for the manoeuvring/parking of vehicles together with the revving of engines and slamming of doors would be an additional source of late night noise and disturbance for the nearby residents. These concerns were also raised by the Inspector when he dismissed the recent appeal on the site in 2004.

1.18 It is considered that the use of the building as a hot food takeaway would generate unacceptable disturbance and have a detrimental impact on the living conditions of nearby residents contrary to policies GEP1 and Com 12 of the Hartlepool Local Plan.


HIGHWAYS

1.19 The site does not enjoy the benefit of any off street parking. York Road is part of the Bus Priority Route in the town. Highways have advised that while there are highway safety concerns in relation to vehicles parking on York Road, which is a busy road and a bus corridor but acknowledge it would be difficult to sustain an objection on grounds given previous appeal decisions. In highways terms therefore the proposal is considered acceptable.

RECOMMENDATION - REFUSE

1. The premises lies within an area of Hartlepool where Local Plan policy advises hot food takeaways will not be permitted. It is considered that the use of the premises as a hot food takeaway would have a detrimental impact on the amenity of the occupants of nearby residential properties by reason of noise and general disturbance from customers visiting the premises by foot and in vehicles. This disturbance would extend late into the evening when occupiers of the neighbouring residential properties could reasonably expect to experience the peaceful enjoyment of their homes. The proposal is therefore contrary to policies GEP1, Com4 and Com12 of the adopted Hartlepool Local Plan.

H/2007/0562 AP/006/04



Appeal Decision

Site visit made on 15 December 2004

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kilo Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gov.uk

Date

12 JAN 2005

Appeal Ref: APP/H0724/A/04/1151857
85 York Road, Hartlepool TS26 8AQ.

- 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 J Rasul against the decision of Hartlepool Borough Council.
- The application Ref H/FUL/0099/04, dated 28 January 2004, was refused by notice dated 16 March 2004.
- The development proposed is the change of use of the ground floor to A3 (takeaway).

Summary of Decision: The appeal is dismissed.

Main Issue

1. The main issue in the appeal is the effect of the proposed development on the living conditions of nearby residents, with particular reference to noise and disturbance.

Planning Policy

2. The development plan includes the Hartlepool Local Plan of 1994. The most relevant policy is Gen1 which, amongst other things, indicates that in determining planning applications the effect on the amenities of occupiers of nearby properties will be taken into account.

Reasons

3. The appeal site is an unoccupied property which is suffering a degree of dereliction and would clearly benefit from re-use. It is located in a mixed use area, adjacent to the busy York Road, which contains many premises in use as shops, business premises, restaurants, clubs and the like.
4. I have noted the presence of residential property to the west, in close proximity to the rear of the appeal site. Although separated from the housing area by fencing there are windows in the dwellings which directly face the site. Whilst customers of the proposed takeaway would use the front entrance, away from the housing, any car borne customers would be likely to be attracted to the short dead-end street at the rear. The use of this area would require turning manoeuvres which would, in turn, generate noise. When added to the revving of engines and slamming of car doors this would be likely to result in disturbance to residents in the houses to the rear.
5. I also note that there is an existing concern in relation to the use of hot food takeaways late at night in the vicinity. It is clear that there is already a degree of disturbance, and I understand that recent planning permissions have restricted A3 uses to restaurant use only. It seems to me that an addition to the stock of takeaways locally would encourage more

Appeal Decision APP/H0724/A/04/1151857

people to congregate late at night, with the strong possibility of greater disturbance being caused through high spirits and raised voices.

6. Overall, therefore, and despite the fact that finding a use for the building is to be encouraged, it is my judgement that a hot food takeaway here would generate unacceptable disturbance and would harm the living conditions of nearby residents. It would therefore be in conflict with the objectives of Local Plan Policy Gen1.

Conditions

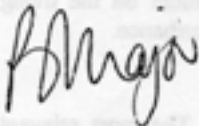
7. I have considered the conditions put forward but I am not satisfied that these would overcome the fundamental objections to the proposal.

Conclusions

8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

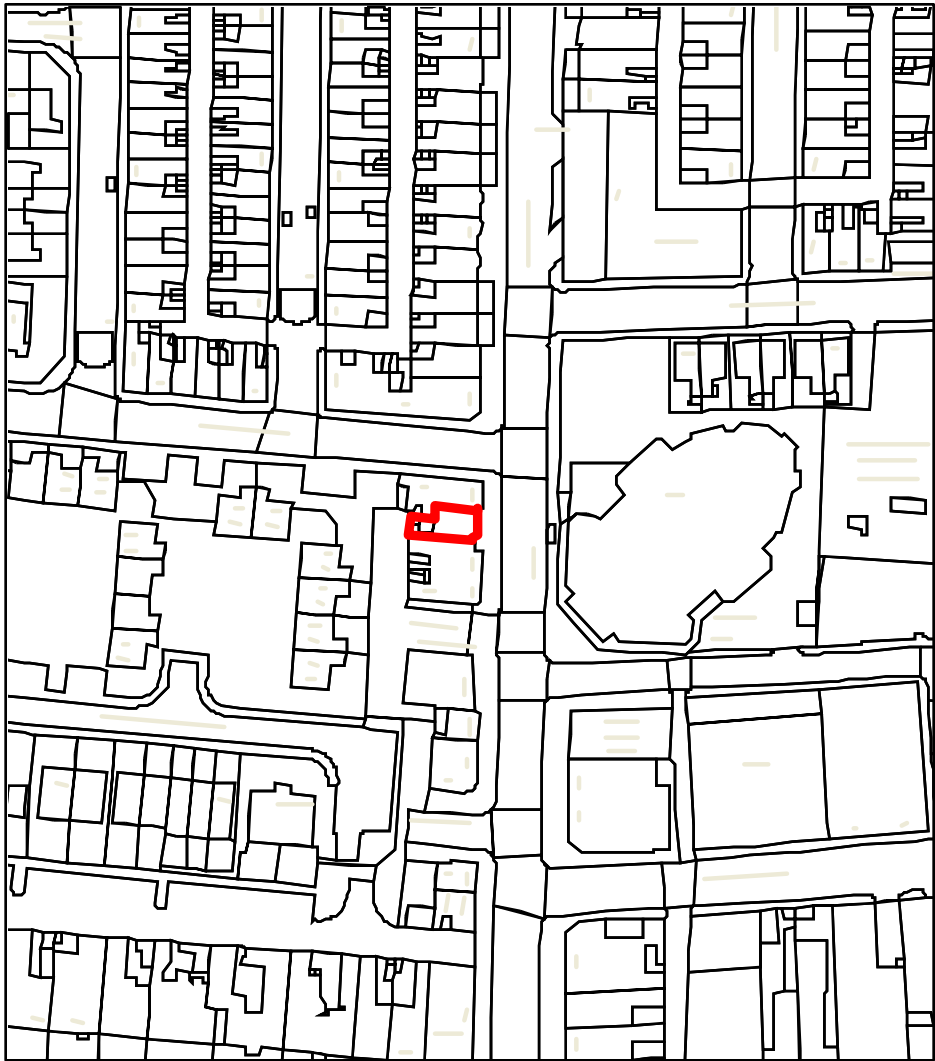
9. I dismiss the appeal.



INSPECTOR



85 York Road



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0562	REV

No: 2
Number: H/2007/0500
Applicant: Mr Mrs Hugill Voltigeur Drive Hart Village Hartlepool TS27 3BS
Agent: Mr Mrs Hugill 1A Voltigeur Drive; Hart Village Hartlepool TS27 3BS
Date valid: 25/06/2007
Development: Erection of a two-storey, kitchen and bedroom extension, a single storey sun lounge extension and a detached garage (AMENDED SCHEME)
Location: BRIARFIELDS LODGE ELWICK ROAD HARTLEPOOL

The Application and Site

2.1 The application site is a lodge house located at the entrance to Briarfields in the Park Conservation Area. It is an attractive traditional building constructed in brick, render/Tudor style boarding with a tiled roof. It has however been vacant for some time and is in a deteriorating state. The littered rear garden, graffiti and smashed windows suggest that it is already attracting a measure of anti-social behaviour. To the rear of the site the garden of the property is very overgrown with self seeded young trees and bushes. At its western end is a large metal container. The site is bounded to the north side by a high brick wall, an existing gateway in the wall forms the vehicular access from Elwick Road. To the west is a high hedge, which forms part of the boundary with Holly House. To the south a chain link fence and bushes form the boundary with the remainder of the Briarfields estate. A large mature Sycamore tree is located close to the northern boundary of the site. The main access to Briarfields passes to the front (east) of the site. This access also serves the Ambulance Station located to the east.

2.2 The site currently belongs to Hartlepool Borough Council and forms one of three lots on the site, which have recently been offered for sale. The applicant is the prospective purchaser. The other lots have attracted different potential purchasers. It is understood that applications for the other two lots will be forthcoming shortly.

2.3 The property currently has three bedrooms and a downstairs bathroom. It is proposed to refurbish and extend the property. The refurbishment will be undertaken sympathetically the roof, walls, stonework heads and cills, timber doors and windows will be repaired, with matching materials used where replacement is necessary. The brickwork will be cleaned to remove graffiti. Aside from these refurbishment works the main front elevation of the property will not be affected. To the rear a two storey and a single storey extension will be added. The extensions will accommodate a bedroom at first floor (with an existing bedroom converted to a bathroom), and a sun lounge and kitchen extension at ground floor. All external materials are to match the existing. It is also proposed to erect a double garage to the rear the garage will incorporate a storage area in the roof space accessed by an internal stair. A parking/turning area will be formed in front of the garage.

Planning History

2.4 In April 2007 a planning application was received for the erection of a two-storey lounge kitchen and bedrooms extension and a detached garage (H/2007/0209). The proposal was for a larger two-storey extension to that currently proposed. The applicant was advised that Officers could not support the proposal and withdrew the application. The current proposal represents an amended scheme and has been submitted following negotiations with Officers.

Publicity

2.5 The application has been advertised by site notice, neighbour notification (9) and in the press. The time period for representations has expired.

2.6 Two letters of no objection and three letters of objection were received. The objectors raise the following issues.

1. Extension should be single storey
2. No tree survey has been submitted.
3. The application does not preserve or enhance the character and appearance of the Conservation Area.
4. The extension is substantial and the lodge will no longer retain its nature as a gatehouse. It should remain discrete and subordinate to Briarfields.
5. The separate garage might be converted to second dwellinghouse.
6. Concerns trees might be affected and need to be considered.
7. Public Right Of Way (PROW) adjacent, which needs to be considered.
8. Trees to be removed should be identified on a plan and semi mature/mature trees should if removed be replaced.

Copy Letters B

The period for publicity has expired.

Consultations

2.7 The following consultation replies have been received:

Head of Property Services - No comments received.

Traffic & Transportation - The applicant has stated that the existing access onto Elwick Road. There are no major highway implications with this application.

Planning Policy

2.8 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 edges. 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.

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.

Planning Considerations

2.9 The main issues are considered to be the impact of the development on the character and appearance of the building and the Conservation Area, the impact on the amenity of neighbouring properties, trees, highways and the public right of way.

The Impact of the Development on the Character and Appearance of the building and the Conservation Area.

2.10 The property is an attractive traditional lodge house located in the Park Conservation Area. It has not been occupied for some time, is boarded up, in a deteriorating state and has become the target of vandals. The proposal involves the refurbishment of the existing building, an extension to the rear and the provision of a double garage.

2.11 Objections have been received to the proposal on the grounds that the proposed extensions are “substantial” and will erode the Lodge’s subordinate discrete relationship with the main dwellinghouse at Briarfields.

2.12 It is accepted that part of the proposal involves the addition of a two-storey extension and the proposals will increase the size of the modest lodge however nonetheless it is considered that it will remain a discrete and subordinate building in comparison to the very much larger Briarfields. The extensions proposed are to the rear and the principle elevation of the property will not be affected. The high boundary wall which forms the northern boundary onto Elwick Road and the mature Sycamore tree provide a good degree of screening and it is not considered the extensions will be unduly prominent. The design, detailing and materials of the proposed extensions are considered to be sympathetic to the existing lodge house and it is not considered that they will detract from the character and appearance of the building or the Conservation Area.

2.13 The detached double garage which will have internal access to the roof space is to be located in the rear garden of the property. Again the high boundary wall and high hedge to the rear on the north and west side of the property will provide a good degree of screening. The design, detailing and materials of the proposed garage are considered to be sympathetic and in keeping with the existing lodge house and it is not considered that it will detract from the character and appearance of the building or the Conservation Area.

2.14 The Conservation Officer has raised no objections to the proposal. The development will bring back into use a significant building in the Conservation Area which is in a deteriorating state, and will increasingly detract from the character and appearance of the Conservation Area. It is concluded that the proposed extension and refurbishment of the building will enhance the character and appearance of this part of the Conservation Area.

Impact on the amenity of neighbouring properties

2.15 The extensions and garage are located to the rear of the property well away from any neighbours. It is not considered that either will detract from the amenity of the occupiers of any neighbouring properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

Trees

2.16 The site contains a large mature Sycamore tree located to the north of the existing house. This tree is shown to be retained in the proposals.

2.17 The site is very overgrown with bushes and self seeded young trees particularly to the rear garden where the new garage/parking/turning area is proposed. The applicant states “the existing gardens are currently overgrown and require a complete overhaul to return them to a pleasant family environment. Existing shrubs will be complemented with new planting to maintain the character of the surrounding behaviour”. It is clear the gardens are in need of vigorous management if the site is to be brought back into domestic use and the erection of the garage and hardstandings will also require the removal of young trees and bushes.

2.17 Objectors have raised concerns that a tree survey has not been included with the application and in relation to the potential loss of trees. The Arboriculturalist did not require a tree survey in this case. He has visited the site and confirmed that with the exception of the mature Sycamore tree he would not consider the trees within the site to be a significant public amenity feature. He acknowledges some pruning of the sycamore will be required and its encroaching on the existing house but this would be the case even if an extension were not proposed. He has no objection to the removal of the other semi mature trees. In terms of the impact of the development on trees therefore the proposal is considered to be acceptable.

Highways

2.18 The property will utilise the existing access. Highways have advised that they have no objections to the proposal. A PROW also passes to the front of the site but will not be directly affected by the development.

Other Matters

2.19 An objector has raised concerns that the proposed separate garage might be extended and converted to a separate dwellinghouse at some time in the future. The application describes the garage as a garage and this is the basis on which the application must be considered. A condition proposed below will require the garage to remain ancillary to the existing dwellinghouse. Any proposal to extend and convert the garage to a separate dwellinghouse would require a separate application for planning permission.

CONCLUSION

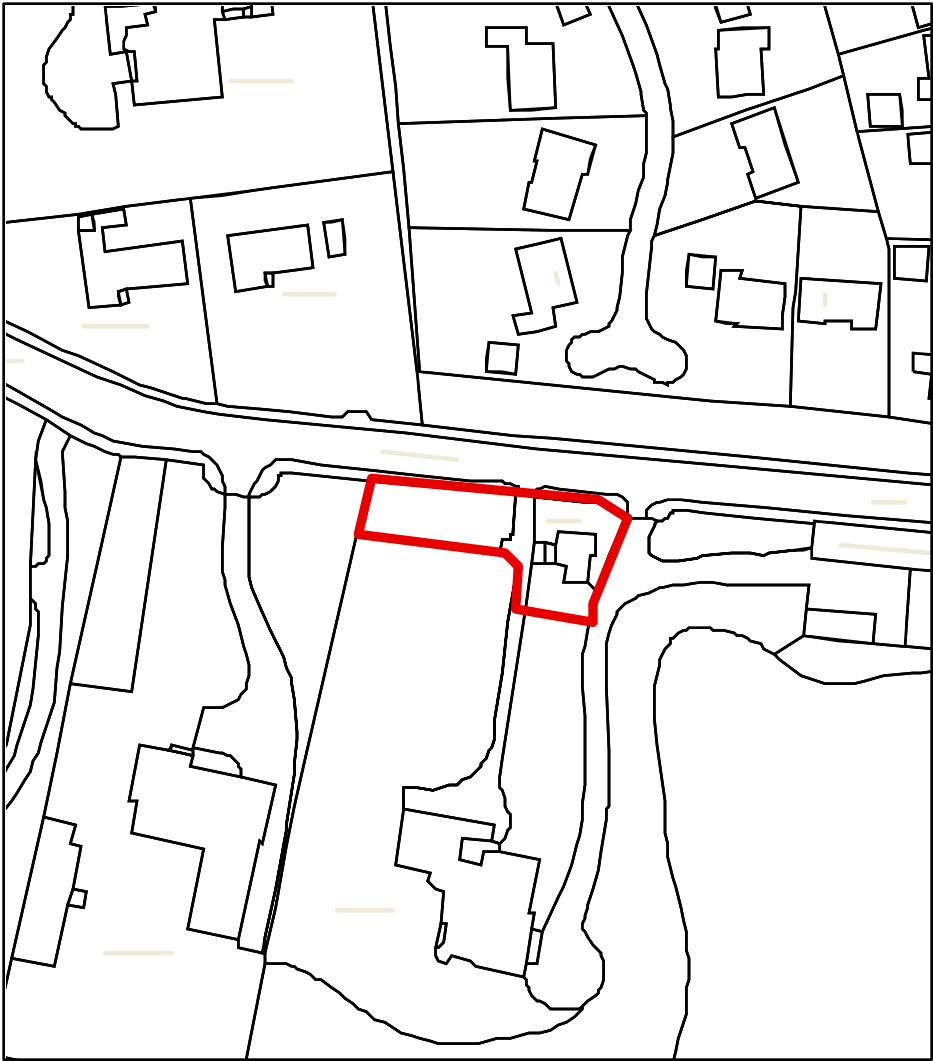
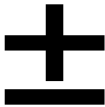
2.20 The proposal is considered to be acceptable and is recommended for approval

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 the character and appearance of the building and the Conservation Area.
3. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
4. Details of all external finishing materials of the garage access and turning/manoeuvring area shall be submitted to and approved by the Local Planning Authority before this part of the development commences, samples of the desired materials being provided for this purpose.
In the interests of the character and appearance of the building and the Conservation Area.
5. Notwithstanding the details submitted prior to their installation detailed drawings of the garage doors and all proposed new windows, doors, dormer windows, heads and cills shall be submitted to and approved in writing by the Local Planning Authority. These parts of the development shall be carried out in accordance with the details so approved.
In the interests of the character and appearance of the building and the Conservation Area.
6. Notwithstanding the details submitted prior to any cleaning of any brickwork the proposed method of cleaning shall be submitted to and approved in

writing by the Local Planning Authority, the cleaning shall thereafter be carried out in accordance with the method so approved.
In the interests of the character and appearance of the building and the Conservation Area.

Briarfields Lodge



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2007/0500	REV

No: 3
Number: H/2007/0537
Applicant: Mrs Joanne McGowan 17 Clifton Avenue Hartlepool
 TS26 9QN
Agent: 2 Siskin Close Bishop Cuthbert Hartlepool TS26 0SR
Date valid: 13/07/2007
Development: Installation of replacement upvc windows to front
 elevation
Location: 17 CLIFTON AVENUE HARTLEPOOL

The Application and Site

3.1 The application site is a traditional Victorian semi-detached dwellinghouse located on the south side of Clifton Avenue within the Grange Conservation Area. The adjoining semi-detached property to the west has had UPVC windows installed in its front elevation. To the east, west and across the road to the north are other semi-detached dwellinghouses some of which have UPVC windows and some of which have traditional sliding sash painted timber windows.

3.2 It is proposed to replace the existing traditional timber single glazed windows with double glazed UPVC windows. The existing windows are mostly sliding sash windows. The UPVC windows will include top hung opening windows with the exception of the large central window of the ground floor bay, which will remain fixed.

3.3 Planning permission is required in this instance as the front of the property is covered by an Article 4 (2) Direction, which removes permitted development rights from the front elevation of the dwelling. This means that permission is required to replace the windows in a different style.

Publicity

3.4 The application has been advertised by site notice, neighbour letters (6) and in the press. The time period for representations expires on 16th August 2007. To date, there have been no letters of objection.

Planning Policy

3.5 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 edges. 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.

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.

RELEVANT BACKGROUND

3.6 In March 2004 the Planning Committee resolved that in considering planning applications in Conservation Areas relating to buildings subject to an Article 4 (2) Direction they would adopt the following policy:

3.7 “Any application for replacement or alteration of traditional joinery items on the building on the front, side or rear elevations which is not of a type appropriate to the age and character of the buildings (in term of design, detailing and materials) and the character and appearance of the Conservation Area should be denied consent”.

3.8 Members will recall that at the meeting of the Planning Committee on 7th June 2006 they approved four planning applications for UPVC windows in this Conservation Area (17,34,98 Grange Road and 86 Clifton Avenue) contrary to Officer recommendation. At the meeting members acknowledged that these decisions were made contrary to policy and therefore resolved to form a Planning Working Party (PWP), to consider the implications of these decisions and Conservation Area issues in general.

3.9 At the first meeting of the PWP on 17th July 2006 members agreed that there was a need to review policy on alterations to properties in conservation areas however they agreed in the short term the existing approved policy, stated above, should be maintained.

3.10 Nonetheless, notwithstanding the decision of the PWP, members will recall at the meeting of the Planning Committee on 20th December 2006 they approved a planning application for UPVC windows at 72 Clifton Avenue, again contrary to Officer recommendation.

3.11 Further to this a planning application was brought to committee on the 16th May for UPVC windows at 21 Clifton Avenue. This application was also approved. At the same meeting members were presented with a report outlining a proposed policy structure for conservation areas based on the work carried out by the PWP. Members were asked for their comments on proposed revised guidance which would incorporate three tiers of control within conservation areas. The Committee expressed concern that allowances had not been made for the use of UPVC within the proposed policy. It was requested that the report was withdrawn and that the

PWP further consider the potential of UPVC for use in conservation areas. Officers are currently carrying out research into UPVC windows which may be suitable for use in conservation areas and will report this information back to the PWP in due course.

Planning Considerations

3.12 The main issue is the impact of the development on the character and appearance of the Grange Conservation Area.

3.13 Policy HE1 requires that development in Conservation Areas preserves or enhances the Conservation Area and that alterations where proposed are appropriate to the age and character of the building and the Conservation Area in terms of their design, materials and detailing.

3.14 Generally it is not considered that the modern UPVC double glazed windows are appropriate to the age and character of the buildings in conservation areas where they replace traditional window for the following reasons:

a A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. UPVC as a material has a smoother more regular surface finish and colour and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change of appearance over time.

b The appearance of the windows proposed is significantly different from the sliding sash windows they will replace. The proposed windows, where opening, are top hung rather than sliding sash and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a traditional timber window would be set back rather than flush as with the proposed windows.

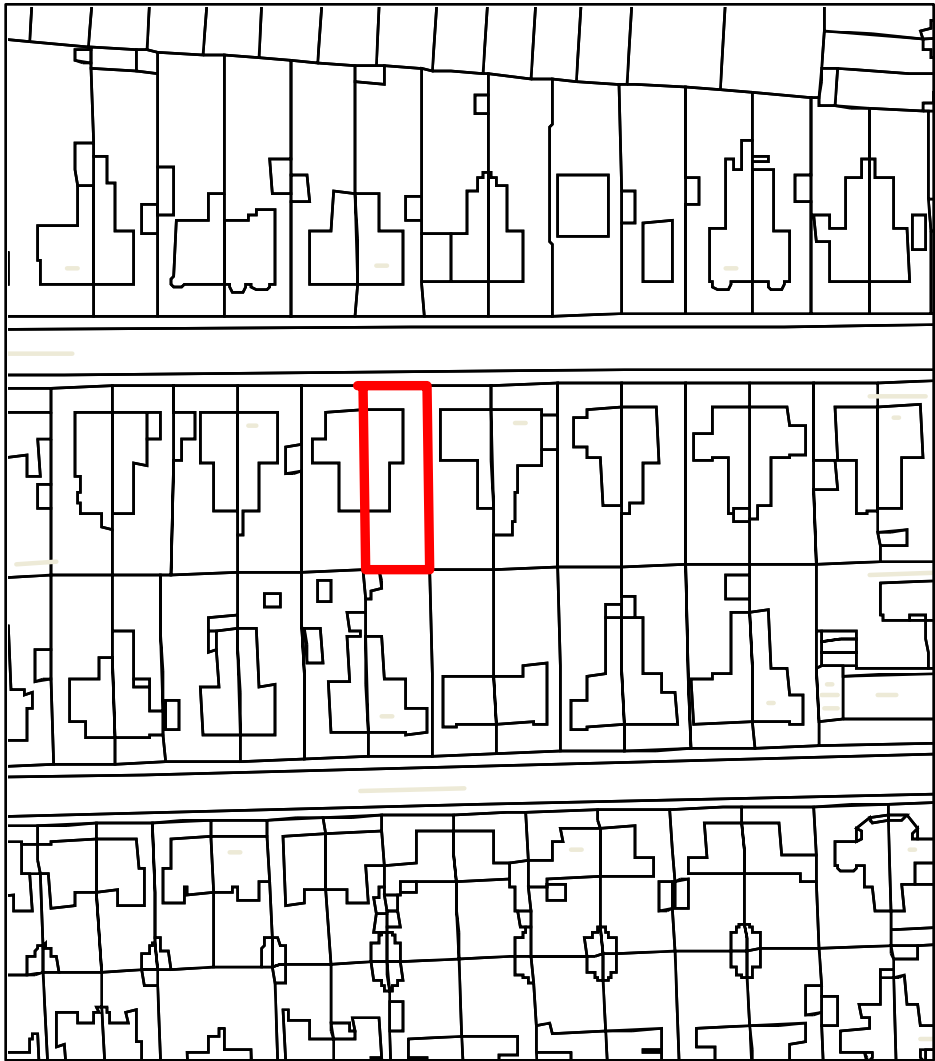
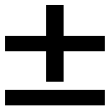
c A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of the Conservation Area.

3.15. Members have indicated that they consider there is a role for UPVC in conservation areas suggesting that design dimension and detailing are important (heritage style windows) and the PWP is looking at this. In this case your officers consider the proposed windows are fundamentally different to the existing traditional windows and at odds with what the PWP is considering. Accordingly refusal is recommended.

RECOMMENDATION that the application be **REFUSED** for the following reasons:

- 1 It is considered that the proposed windows by reason of their design, detailing and materials would detract from the character and appearance of the building and the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.

17 Clifton Avenue



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0537	REV

No: 4
Number: H/2007/0521
Applicant: Mr D Rowbotham PARK ROAD HARTLEPOOL TS26 9LW
Agent: 196 PARK ROAD HARTLEPOOL TS26 9LW
Date valid: 09/07/2007
Development: Erection of a front boundary wall with railings and gates
Location: 196 PARK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 The application site is a traditional Victorian semi-detached dwelling house located on the north side of Park Road within the Grange Conservation Area.

4.2 This application seeks consent for the erection of a front boundary wall with railings and gates and the formation of a concrete hard standing. The walls and the hard standing have already been constructed and these parts of the proposal are retrospective.

4.3 Planning permission is required in this instance as the property is subject to an Article 4 (2) Direction, which removes permitted development rights for the provision of a hard surface within the curtilage and the erection or demolition of a gate, fence, wall or other means of enclosure.

Publicity

4.4 The application has been advertised by site notice, neighbour letters (4) and in the press. The time period for representations expires on 16th August 2007. To date, there has been one letter received.

4.5 The letter comments that:

1. "It is futile sending this when the new front boundary wall has already been erected and the whole of the front 'garden' area concreted"

Consultations

4.6 The following consultation replies have been received:

Highways Division: no objections

Planning Policy

4.7 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.

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.

Planning Considerations

4.8 The main planning considerations in this case are considered to be the impact of the proposal on the character and appearance of the Grange Conservation Area.

4.9 Current Local Plan guidance, in accordance with national guidance, requires that development in conservation areas preserves or enhances the character and appearance of the Conservation Area. In such areas it is important to retain traditional features, to ensure that the replacements are of an appropriate traditional design, detailing and materials in keeping with the age of the property. This is particularly the case on public frontages as these features can make a significant contribution to the character and appearance of the street scene. It is these changes that the Article 4 (2) Direction seeks to control and manage.

4.10 The Conservation Officer has expressed concern for the following reasons:

- i) The proposed wall is not in keeping with those typically found in the Grange Conservation Area, which contribute to its special character. The boundary walls associated with the area are very often low walls with coping stones, sometimes with the property name on the gate post or the boundary wall. The walls lack the coping stone detail, which is typical of this area.
- ii) The proposed railings and gates are considered inappropriate. The gates are wider than those required for car access and dominate the frontage. The railings typical of such properties in this area would be heavier railings.
- iii) The whole of the front garden has been converted to hard standing which is considered inappropriate. Properties within the Grange Conservation

Area are characterised by gardens which add to the attractiveness and character of the area.

4.11 The applicant has been asked to consider amending the proposal but does not wish to change it. The applicant has explained that the finished gates are being manufactured to a Victorian feel, the proposed gates provide the minimum access width that needs to be created for safety and access purposes for a vehicle due to the narrow width of the existing driveway and the small area to the front of the house. He also points out that due to the heavy traffic on Park Road, and the property being near a school crossing and a dangerous junction, it is unsafe to leave parked vehicles outside his home.

4.12 It is clear that the applicant has on site parking difficulties, the existing drive being very narrow (see attached photograph) and that there are good reasons to encourage parking off the highway. The detailing proposed is not typical of the original detailing in the conservation area. However, the existing driveway is concrete, there are flower tubs on the unused area of the hardstanding and there is a wide variety of walls and fencing on long sections of Park Road. In normal circumstances officers would try to negotiate some changes to the scheme e.g. provision of copings, less ornate fencing and gate details. However the applicant has arranged for the gate and fencing to be manufactured and wishes the scheme to be considered as proposed.

4.13 Members will appreciate the ongoing review of policy in conservation areas makes it difficult for officers to provide consistent and clear advice on applications on residential properties in conservation areas. However in the light of specific circumstances in this case approval is recommended.

RECOMMENDATION – APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

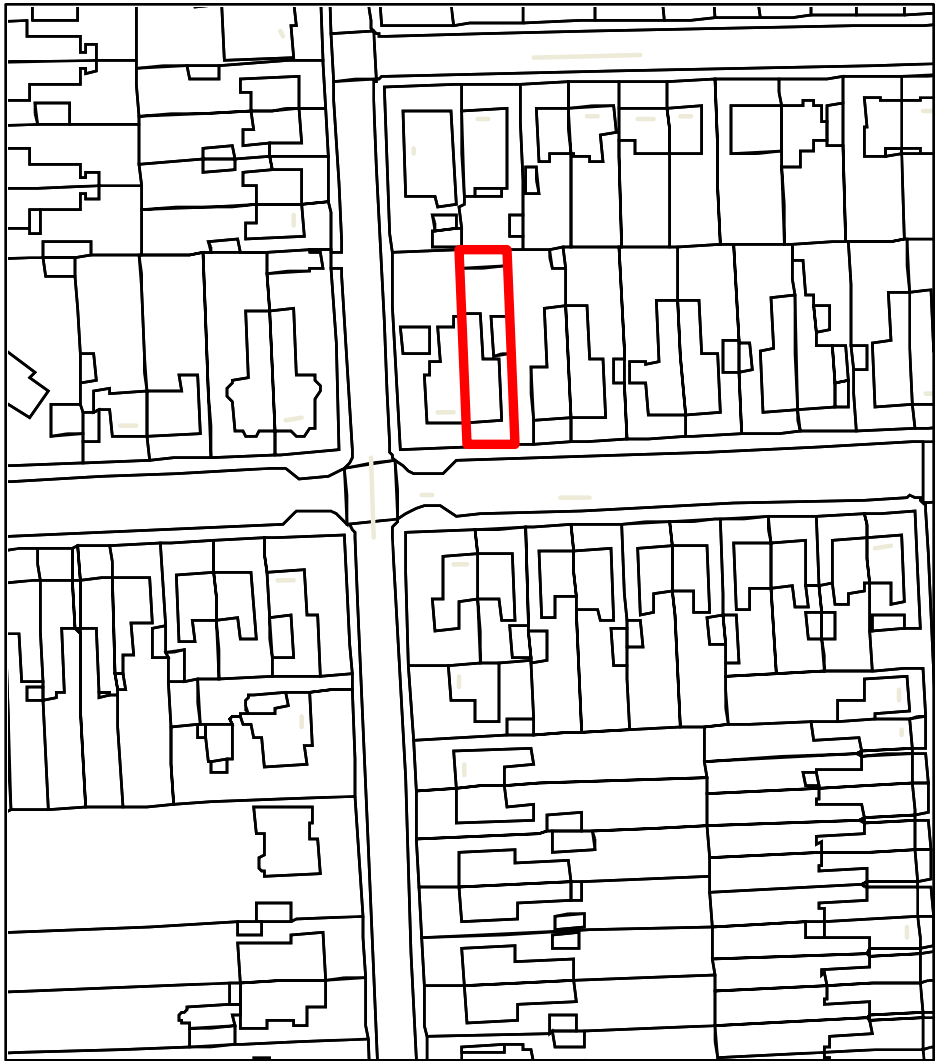
To clarify the period for which the permission is valid

2. Unless otherwise agreed in writing by the Local Planning Authority the gates and fencing hereby approved shall have a black finish.

In the interests of visual amenity.



196 Park Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2007/0521	REV

No: 5
Number: H/2007/0484
Applicant: Hartlepool PCT And Care Ptnshp Harbour Walk The Marina Hartlepool
Agent: West And Machell Architects No1 Northw est Business Park Servia Hill Leeds LS6 2QH
Date valid: 15/06/2007
Development: Erection of a primary care centre including retail (A1) Chemists/Pharmacy w ith associated w orks including car parking landscaping and the formation of a new access onto Park Road
Location: Land bounded by Park Road Waldon Street and the rears of Lister Street York Road and Gainford Street, HARTLEPOOL

The Application and Site

5.1 This application is submitted on behalf of the Hartlepool PCT and seeks full planning permission for the erection of a primary care centre including an A1 retail unit and all associated works including car parking, landscaping and the formation of a new access onto Park Road.

5.2 The application site is located along Park Road between the junctions with Waldon Street and York Road. The site comprises of 5 parcels of land, which were previously occupied by the former Barlow printers building, a hostel for homeless people, an assisted housing scheme and an elderly persons sheltered housing scheme. The site is also made up of an existing advertising hoarding which is to be demolished.

5.3 The main development will be set into the site bound by residential properties at Waldon Street and Lister Street to the east and south respectively. To the west are commercial properties at York Road and the Stonham residential premises. Opposite the site to the north are the Middleton Grange (Park Road) car parks.

5.4 The site is identified as being within the defined Town Centre limits in the Hartlepool Local Plan.

Publicity

5.5 The application has been advertised by the following methods:

- Neighbour letters (78);
- Site notices erected at the corner of Park Road/Waldon Street, Waldon Street, Lister Street and at the car park to the rear of the Arches;
- Press notice, which appeared in the Hartlepool Mail on 12th July 2007.

5.6 Following receipt of amended plans the application has been re-advertised by way of neighbour letter (78).

5.7 To date, there have been 3 letters of objection received.

5.8 The concerns raised are:

1. Impact of increased traffic on the surrounding residential properties;
2. No provision for large vehicle turning at the north end of Waldon Street;
3. Not enough parking provided for members of the public;
4. Noise created by the proposed activities and comings and goings of ambulances; and
5. Building will be out of keeping with the general area

5.9 The revised period for publicity expires on 27th August 2007.

Consultations

5.10 The following consultation replies have been received:

Engineering Consultancy Technical Services – Further information requested and received 8th August 07. Details to follow.

Traffic and Transports Section - No objections however clarification was sought on several aspects relating to the access and parking provision. Additional information was received on 8th August 07. Further details will follow.

Head of Public Protection and Housing – Details to follow

Landscape Planning and Conservation – No objections

Cleveland Police – No objections

Northumbrian Water – No objections

Head of Property Services – No objections

Environment Agency – Details to follow.

5.11 The following planning policies are relevant to the determination of this application:

The Hartlepool Local Plan 2006

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2,

Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and

cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

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 edges. 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.

Tra6: States that developments attracting large numbers of visitors or employees should provide on site, secure and convenient cycle parking provision.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

National Planning Policy

PPS1(Delivering Sustainable Communities) - Indicates that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

The Government set out four aims for sustainable development in its 1999 strategy.

These are:

1. social progress which recognises the needs of everyone;
2. effective protection of the environment;
3. the prudent use of natural resources; and,
4. the maintenance of high and stable levels of economic growth and employment.

PPS1 suggests that these aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use.

Urban design is promoted as one of the key elements in achieving sustainable development PPS1 states that: *'Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'*

PPS6(Planning for Town Centres) - Defines town centres in Annex A as the second level of centres after city centres. Annex A states that: *'in many cases, town centres will be the principal centre or centres in a local authority's area. In planning the future of town centres, local planning authorities should consider the function of different parts of the centre and how these contribute to its overall vitality and viability'*.

PPS25 (Development and Flood Risk) - The aim of PPS 25 is to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding.

With regards to the Environment Agency's flood maps the site is classified as being within Flood Zone 1 where there is less than 1 in 1000 annual probability of river or sea flooding in any year.

PPS25 suggests that for development proposals on sites comprising one hectare or above the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a FRA. This need only be brief unless the factors above or other local considerations require particular attention.

A flood risk assessment has been submitted and will be assessed in the update report.

Planning Considerations

5.12 In accordance with section 38(6) of the 2004 Planning and Compulsory Purchase Act this application must firstly be assessed against the relevant planning policies contained within the Hartlepool Local Plan. In general terms the thrust of these policies seek to protect the surrounding environment as well as the amenity of the surrounding residential and commercial premises.

5.13 The site has been vacant for a number of years since the closure of the Barlow printer's works and has only recently been cleared to make way for the proposed health care facility. As a whole the site extends to just over 1ha (some 3 acres) and is identified as a priority area in the Council's Town Centre Strategy. The proposal is considered to be wholly consistent with Local Plan policy

5.14 An assessment of the site with regards to impact on the surrounding neighbours, pedestrian/vehicular circulation landscaping, ecological implications,, and visual impact can be found below. Information regarding flood risk, ground contamination, highways implications, environmental health, neighbour concerns and sustainability will follow in an update report prior to the meeting of the Planning Committee.

Landscaping

5.15 The plans show the majority of soft landscaping focused around the edge of the site through the retention of some of the existing semi mature trees and lawned areas. Towards the front of the site further planting and grassed areas along with the provision of a public art zone will enhance the overall appearance of the scheme.

5.16 A full survey of the trees at the site, produced in accordance with the tree categorisation method contained within British Standard 5837:2005 has been submitted in support of the proposal.

5.17 The proposals show a total of 46 trees to be removed, (comprising of 1 category A, 10 category B, 30 category C and 5 category D). Trees categorised A-C should be considered as a material planning during the determination of the application.

5.18 7 existing trees (2 category B and 5 category C) are shown to be retained which are located adjacent to the southeastern boundary of the site, and plans have been submitted which show that they are to be protected during construction works.

5.19 The proposed landscaping scheme includes the provision of 42 replacement trees, comprising 36 extra heavy standards, and 6 multi-stemmed trees. The new trees are shown to be located within landscaped areas at the proposed new main entrance to the site from Park Road, along the Waldon Street boundary, along the site boundary at the rear of Lister Street and along the proposed car parking area to the rear of York Road.

5.20 A landscape maintenance and management scheme, which covers a period of 5 years from completion of the development, has been submitted in support of the proposal. This scheme should ensure the successful establishment of the trees and shrubs included in the landscape scheme.

5.21 The Council's Landscaping department have been consulted with regards to the proposed landscaping and have returned no objections to the proposals.

Ecological Implications

5.22 With regards to the impact of the proposed development on the ecology of the site the applicant has submitted a phase 1 Habitat Survey. The survey suggests that the site is of low ecological value and that the only protected species issues might be breeding birds that nest in the shrubs and trees.

5.23 The Council's Ecologist has been consulted and comments as follows:

'As the nests of birds are protected whilst in use or being built I would agree with the recommendation of the survey that works affecting the trees and shrubs should only be undertaken outside the bird breeding season, which is usually given as March to August inclusive. An exception to this should only be made if a suitably qualified ecologist surveys the trees and shrubs immediately prior to any works affecting them and confirms to this Authority that no breeding birds or their nests are present'

Impact on surrounding neighbours

5.24 The proposed development as stated above is surrounded on three sides by existing residential and commercial properties. It is therefore important to assess the impact of the proposals on these neighbours both with regards to the impact on privacy and amenity.

5.25 The site is bound to the east by Waldon Street where the front elevations of nos. 5-47 (odd) are located approximately 14m from the site boundary. The nearest part of the PCT centre will be located approximately 24m from nos. 19-29 (odd) Waldon Street. The Council's Local Plan suggests a minimum separation of 20m window to window is sufficient to alleviate any concerns regarding loss of privacy and/or overlooking. In this respect it must be accepted that the proposals are unlikely to impact on the privacy of the existing residential properties along Waldon Street.

5.26 With regards to the effect on the outlook from these properties additional details showing the boundary treatment was requested following concerns from the surrounding residents. The amended plans show 100mm x 100mm rails supported on a birds mouth fixing fronting nos. 3-17 (Odd) Waldon Street and 2.4m high open weld mesh design fence, which will be coated green, facing 19-47 (odd) Waldon Street.

5.27 The surrounding residents have been re consulted with regards to these details and the findings will be addressed in the update report.

5.28 To the south the site is bound by residential properties in Lister Street. The rear elevations of these properties are separated from the site boundary by a back lane approximately 5m in width. The nearest part of the proposed PCT building will be located approximately 14m from the rear of nos. 19 and 21 Lister Street.

5.29 The layout plan shows that in this location the PCT building is orientated so that the proposed windows do not directly overlook the residential properties in Lister Street. Retained and proposed planting will also further alleviate any impact on the privacy and amenity of these neighbours.

5.30 With regards to the impact of the proposals on the commercial and residential properties at York Road the proposed PCT building will be set approximately 40m away.

5.31 The main area of concern with regards to the impact on the surrounding neighbours relates to the relationship between the proposed development and the Stonham housing scheme to the west of the site. Following concerns regarding inadequate separation distances, the applicant was asked to revise the proposals to address the perceived overlooking issues.

5.32 Further details were received on 8th August and the residents have been re notified. The amended details show the northern section of the building 7.5m from the gable end of the Stonham Housing building and show window relationships. The nearest principal window to window separation distance is 11m. The scheme has been revised so that the windows overlooking the residential dwellings will be non-opening and glazed with obscure glazing. Windows at ground floor level will not be obscured however a 2m high close-boarded timber fence will prevent any overlooking occurring.

5.33 In conclusion based on an assessment of the amended plans received it is considered that the proposals comply with the aims of policies GEP1 and Com1 with regards to the impact on the surrounding neighbours.

Pedestrian/Vehicular Circulation

5.34 The site will be accessed by vehicles and pedestrians directly from Park Road at the existing traffic light junction at the entrance to the Middleton Grange car parks.

5.35 35 parking spaces (8 disabled) will be provided to the front of the site for public use with a further 50 spaces (4 disabled) towards the rear intended for use by staff. The rear parking area will be accessed via an electrically operated access gate barrier. The overall parking provision is considered to be acceptable given the proximity of the site to the town centre car parks.

5.36 Access for service vehicles will be via the same access point. The applicant has provided a tracking diagram that shows how the larger service vehicles are able to manoeuvre within the site.

5.37 Filtration through the proposed public art zone and the landscaped areas from Park Road will afford adequate access through the site for pedestrians.

5.38 The applicant has stated in their design and access statement that new crossing points will be installed as part of the Section 278 works. These crossing points will allow ease of access to and from the Middleton Grange shopping centre.

5.39 The applicant has submitted an updated transport assessment which will be assessed in the update report.

Visual Impact

5.40 The supporting design and access statement suggests that proposed scheme has evolved through meetings and consultation with various key strategic partners and members of the public. The scheme hereby submitted has been selected as the preferred option.

5.41 It is considered that in visual terms the scheme would be a well designed addition, which would significantly enhance this now redundant area of Park Road. The building seeks to contain a number of functions and therefore responds to varying needs. The feature glazed atrium and the use of contemporary materials gives the scheme a more modern appearance.

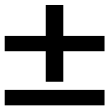
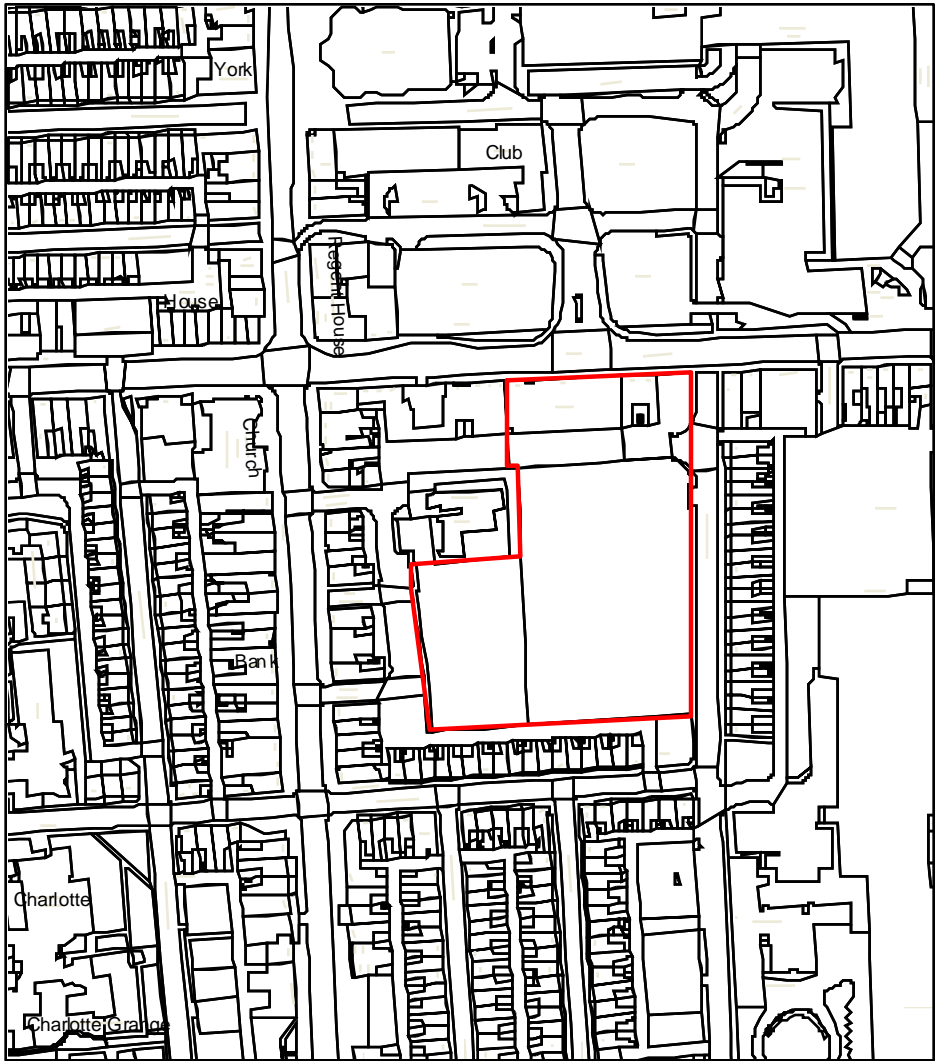
5.42 Only three objections from the surrounding neighbours have been received to date, which suggests that on the whole the majority of residents are happy with the proposals.

Information to follow

5.43 Information regarding flood risk, ground contamination, highways implications, environmental health, neighbour concerns and sustainability will follow in an update report prior to the meeting of the Planning Committee.

RECOMMENDATION – UPDATE TO FOLLOW

PCT Scheme, Park Road



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/8/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0484	REV

No:
Number: H/2007/0484
Applicant: Hartlepool PCT And Care Ptnshp Harbour Walk The Marina Hartlepool
Agent: West And Machell Architects No1 Northw est Business Park Servia Hill Leeds LS6 2QH
Date valid: 15/06/2007
Development: Erection of a primary care centre including retail(A 1) Chemists/Pharmacy w ith associated w orks including car parking landscaping and the formation of a new access onto Park Road
Location: Land bounded by Park Road Waldon Street and the rears of Lister Street York Road and Gainford Street
 HARTLEPOOL HARTLEPOOL

Update Report

1. An assessment of the site w ith regards to impact on the surrounding neighbours, pedestrian/vehicular circulation landscaping, ecological implications, and visual impact has already been provided. Information regarding flood risk, ground contamination, highways implications, environmental health, neighbour concerns and sustainability can be found below .

Flood Risk

2. The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted planning conditions are imposed. These are incorporated below .

Ground Contamination

3. The agent has supplied a ground investigation report w hich the Council's Engineering Consultancy Team has no objection to the scheme subject to a condition requiring a further investigation, in line w ith the standard condition which is normally applied in cases of this type.

Highways Implications

4. Traffic and Transportation have no objection to the scheme subject to further details w hich can be controlled via condition. Discussions are still on-going regarding final access and construction access. It is anticipated that this w ill be resolved in time for the meeting, w hen specific conditions w ill be suggested.

Environmental Health

5. E-mail received no objection to the scheme subject to conditions regarding the access provision for construction vehicles from Waldron Street is only permitted for the duration of the construction of the main access point from Park Road, and

that the construction hours are restricted to - Mon-Fri 08:00-18:00hrs, Sat 09:00-13:00 with no workings on Sundays and Bank Holidays.

6. Discussions are still on-going regarding operating times for the premises. The proposed operational hours of the facility are between 8am and 10pm Monday to Friday, but some clinics will be required to run evening clinics from the onset, with others requiring evening, night-time and weekend access as services develop. The pharmacy is proposed operate for 100 hours a week with some 24hour provision on a rota basis.

Neighbour Concerns

7. In addition to the Council's standard consultation process Hartlepool New Deal for Communities have undertaken a further public consultation exercise in consultation with officers where by residents were able to drop in to the new deal community centre to view and comment on the final draft plan. The drop in took place on the 8th August 2007 and the concerns were as follows:
 1. Impact of the proposals on the view from the existing properties at Waldon Street;
 2. The proposed construction times;
 3. Use of Waldon Street for construction traffic;
 4. Lack of parking provided for the public and patients which will lead to an increase in parking along Waldon Street.
8. The deadline for publicity expires on the 27th August; to date 5 letters of no objection and 1 letter of objection have been received citing the following reasons:
 1. Concerned that the plans submitted are not what was shown at a residents meeting 3 years ago.
 2. Does not want to look at consulting rooms from their house, these should be relocated.
9. The objection received and the concerns raised by the NDC drop in session have not changed the views expressed in the main report submitted to the Committee that the proposal is considered acceptable in terms of its relationship to neighbouring properties and streetscene in general.

Sustainability

10. The application site is located within the defined town centre boundary and as such is located close to existing public transport nodes and a wide variety of existing services.

11. With regards to the sustainability of the proposed building the applicant has provided an energy statement along with some additional sustainable energy options, which could potentially be incorporated into the development. With regards to the proposed scheme whilst we would encourage the use of as much renewable energy sources as possible providing the scheme complies with part L of the building regulations the LPA are satisfied that the building would be energy efficient.

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. Notwithstanding the submitted details final 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. Unless otherwise agreed in writing the hours for construction are restricted to 08:00-18:00hrs Mon-Fri, 09:00-13:00 Saturdays and at no other time on Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 15th June and 8th August 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
5. No development shall take place until a final scheme for the car parking layout including a tracking diagram for service vehicles has been submitted for the consideration and approval of the Local Planning Authority.
In the interests of highway safety.
6. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. 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.
7. Unless otherwise agreed in writing by the Local Planning Authority a Banksman will be used to assist large vehicles such as the screening vehicle to reverse into position during the operation of the centre.
In the interests of highway safety.
8. A scheme for pedestrian crossings within the hereby approved front car park shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved detail unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
9. Final details of one-way signage for the hereby approved car park shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details

- prior to the operation of the centre, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of highway safety.
10. A scheme detailing the design and final number of cycle parking shall be submitted to and agreed 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 interest of sustainable transport and visual amenity.

 11. A detailed staff survey should be undertaken within 3 months of occupation of the centre and a detailed Travel Plan, including an action plan with detailed objectives, SMART targets and measures within 6 months of occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of sustainable transport

 12. A scheme to incorporate sustainable energy systems shall be submitted to and agreed 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.

To encourage sustainable development

 13. No development shall take place until a revised scheme to include additional planting along the boundary with Waldon Street has been submitted for the consideration and approval of 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 visual amenity.

 14. Notwithstanding the submitted details revised details for the means of enclosure forming the boundary with Waldon Street shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. 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 visual amenity.

 15. 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.

 16. The proposed window (s) facing Gainford House (Stonham Housing) coloured red on drawing 2738-00-134 shall be glazed with obscure glass which shall be installed before the centre is operational and shall thereafter be retained at all times while the window (s) exist(s).

To prevent overlooking

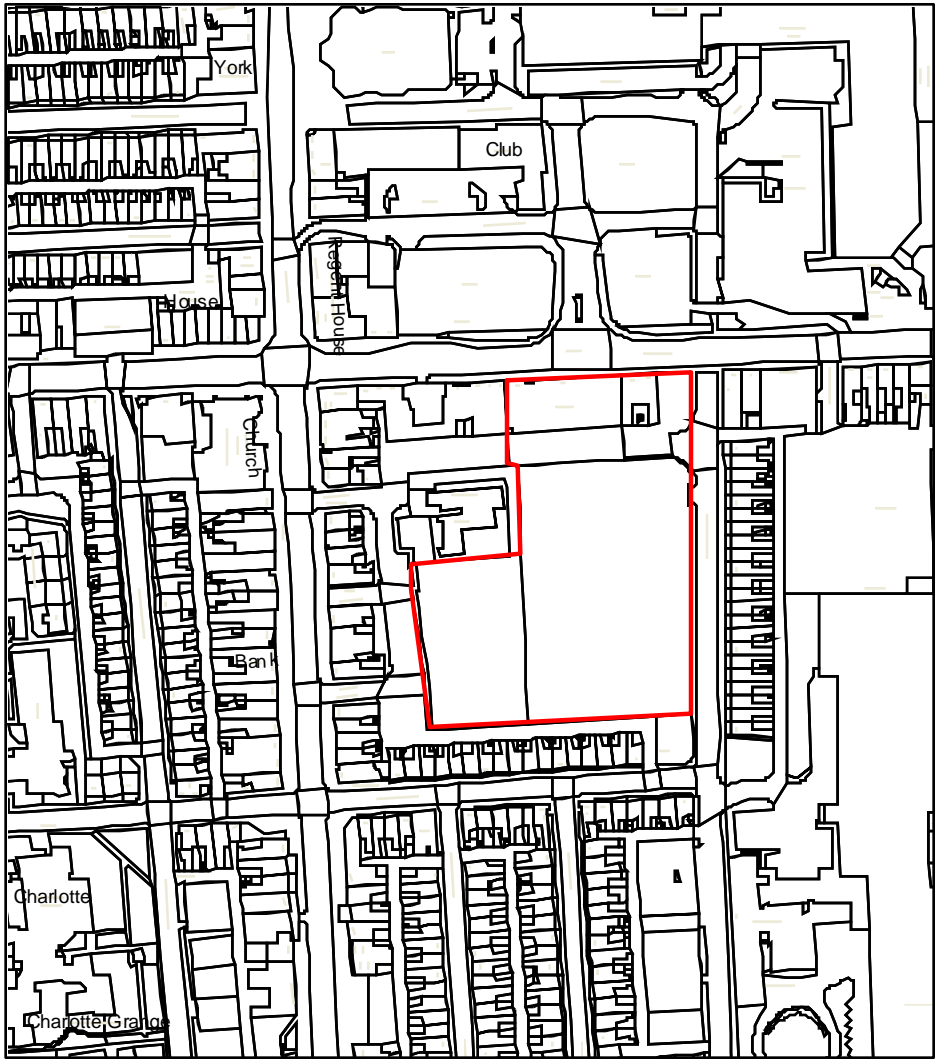
17. Final details for the public art zone will be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
18. Notwithstanding the submitted plans final details for the outside staff area shown on drawing 2738-00-113F including the final extent of the area and the means of any enclosure/screening shall be submitted to and agreed 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.
To ensure the site is developed in a satisfactory manner.
19. Works affecting the trees and shrubs and trees shall be undertaken outside of the bird breeding season (March to August inclusive), unless agreed in writing by the Local Planning Authority.
In the interests of protecting the habitats of breeding birds
20. The tree protection measures detailed on drawing tree protective fencing No. 4 shall be implemented during construction, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the health and appearance of the retained tree(s).
21. The development hereby permitted shall not be commenced until: a) The application site has been subjected to a further detailed scheme for the investigation and recording of contamination in accordance with the preliminary conceptual model. Remediation objectives shall be determined through risk assessment, and agreed in writing with the Local Planning Authority. b) Using the information obtained from the site investigation reports and the site risk assessment, 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. c) Upon completion of the remediation detailed in the Reclamation Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. d) 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.
22. 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.
23. 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 an oil interceptor installed in

accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

24. No development approved by this permission shall be commenced until:
- a) a controlled waters risk assessment is undertaken;
 - b) a remedial method statement is developed with reference to the controlled waters risk assessment and is submitted to and agreed by the local planning authority.
- For the protection of controlled waters.
25. Upon completion of the remediation detailed in the Method Statement (as per condition 24) a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement.
- To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard

PCT Scheme, Park Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/8/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0484	REV

Number: 6
Applicant: H/2007/0490
Agent: MRS CAROLE CARROLL RIFT HOUSE PRIMARY
 SCHOOL MASEFIELD ROAD HARTLEPOOL TS25 4JY
Date valid: Hartlepool BC Building Consultancy Group Leadbitter
 Buildings Stockton Street Hartlepool TS25 7NU
Development: 28/06/2007
Location: Erection of a new 2.4 metre high perimeter fence
 RIFT HOUSE PRIMARY SCHOOL MASEFIELD ROAD
 HARTLEPOOL

Current report

6.1 This application was deferred at the last meeting to enable discussions to take place with relevant parties drawing from the experiences Brierton School at where similar fencing has been provided. A meeting has yet to be confirmed as head teachers have been/are on holiday. It is hoped this can happen before the meeting when an update will be provided. The original report and update are reproduced below.

PLANNING UPDATE

1. 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).
2. 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.
3. Cleveland Police has no objection to the scheme, therefore the proposed fencing is considered acceptable in terms of security.

4. 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.

5. 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 a side 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.

6. 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.

7. 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

Original report

The Application and Site

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.
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

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
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

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

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 edges. 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

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 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.

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

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.

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.

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.”

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

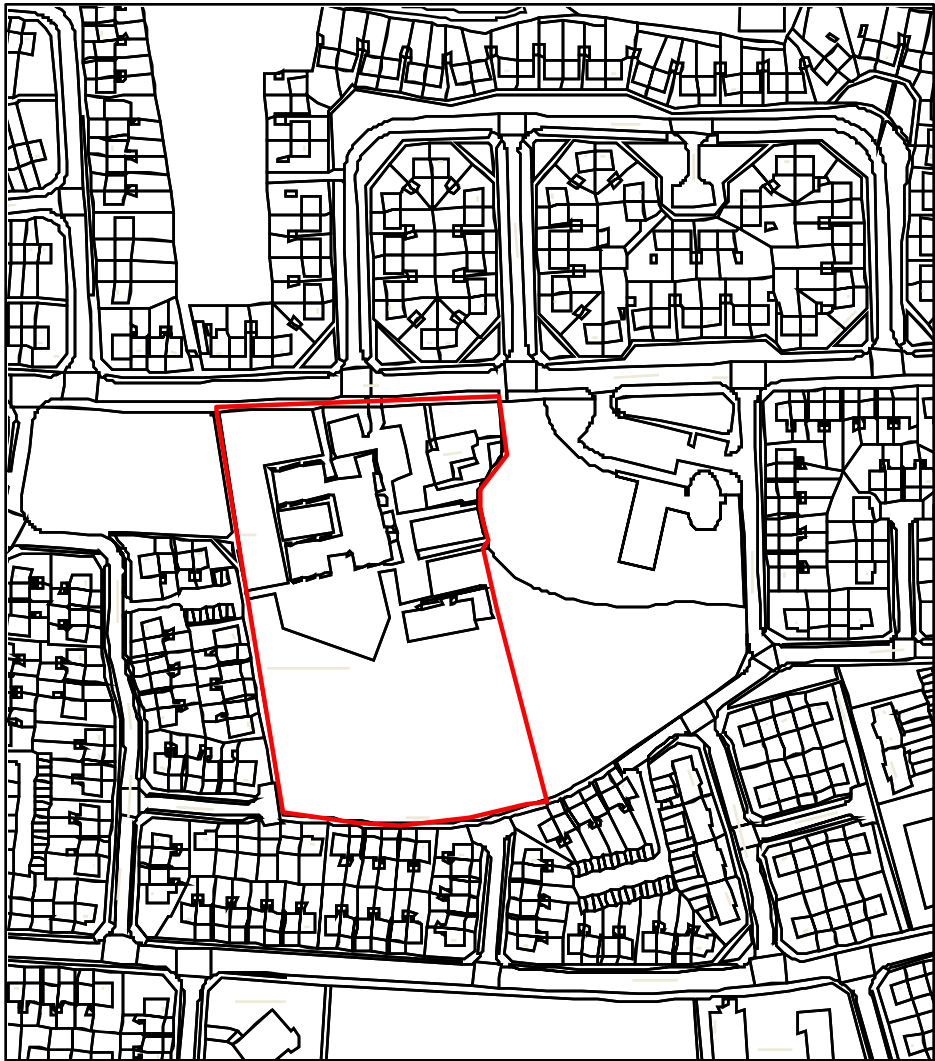
14 Sport England have been consulted on the application as the area proposed to be enclosed is currently used as playing fields for the school, although it does not have a boundary fence identifying it as such.

Conclusion

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

6
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

Update

Officer's are still trying to find a convenient date for a meeting of the relevant parties. If this is possible before the Committee an update will be provided then.

No: 7
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

Current Report

7.1 This application has been deferred a number of times for further discussions about crime and anti-social behaviour.

7.2 In the light of an additional report from the police, a further response has been received from an objector. This questions the accuracy of the latest police report.

7.3 The last main report and updates amended as necessary are reproduced below.

7.4 Discussions are continuing with the police and crime prevention unit and it is anticipated that an update report will follow.

Update Report

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

2 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).

3 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.

4 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.

Last Main Report

BACKGROUND

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

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

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

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.

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

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

Publicity

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

8 18 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
- v) Questions the accuracy of the police report.

w) Refers to a petition with 1000 names against the closure of the footpath which was submitted to the portfolio holder in September 2006.

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.

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.

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

12 The following consultation replies have been received:

Head of Public Protection – No objections

Anti Social Behaviour Unit – No additional information

Property Services – No comments

Neighbourhood Services – No additional information is available to what has already been supplied by the police

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

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 edges. 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

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

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.”

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.

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

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.

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.

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

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.

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.

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

Enjoyment of footpath

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.

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

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.

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.

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.

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.

31 The comments from objectors and supporters are contradictory.

Precedent

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.

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

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.

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

G 01-02

MEMO



**CLEVELAND
POLICE**
Putting People First

Reference:

Date: 25/07/2007

From: PC 740 David MYERS 740

To: Linda WRIGHT

Subject: Alleyway at rear of Barford/ Brandon Close

Dear Linda,

There are two alleyways that run parallel with each other approximately 30 yards apart, the first alleyway runs between Barford Close and Brandon close and the second runs between Watton Close and Wisbech Close. Between these two alleyways is a third walkway that connects the first two alleyways and forms what could loosely be described as H shaped.

There are 7 properties that back onto the central alleyway in question. These are 16, 18, 20 & 22 Barford Close, 4 Brandon Close and 1 & 2 Wisbech Close. Checks on police systems confirm that residents from all seven properties have made complaints of Anti Social Behaviour to police in relation to the walkway between the two alleyways.

In total there have been 26 reported incidents recorded by police in the last 2 ½ year period, on top of this I and other officers have attended the location at least 12-15 times as a result of calls direct to Jutland Road Office, from residents from all 7 properties or from councillors acting on behalf of the occupants. These calls have resulted in officers dealing with similar incidents of anti social behaviour as those recorded below. However, due to the receiving officer dealing with the reports immediately the incidents were not recorded on any police systems which until recently, were mainly used as a way of recording information until an officer was assigned to deal with the incident.

Checks have also been carried out on properties that back onto the other two alleyways these are 3 Brandon close no reports, 14 Barford Close no reports, 3 Watton Close no reports and 2 Watton Close which has reported 3 incidents which have not been added to the list below.

From the below information there is an obvious problem in this location revolving around the small area encompassing the three alleyways and the central connecting alleyway in particular. This problem is due to the central alleyway not being overlooked by any properties as a result those present in the central alleyway are able to indulge in activities without risk of being disturbed. The alleyway is an obvious design fault which leaves the rear of the 7 address vulnerable this is evidenced by the reports of criminal damage to rear fences and thefts from rear gardens.

It is the opinion of myself and my supervision that this central alleyway serves no satisfactory purpose and its existence is contributing to the ongoing crime and anti social behaviour in the immediate area. As a result police back the closure of the central alleyway as a means of reducing the potential for future incidents of crime and anti social

Page 1 of 2

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G 01-02

behaviour in the area and as a means of improving the quality of life of all of the occupants of the seven properties, all of which have been affected by anti social behaviour and crime in the past.

Below is further information in relation to the 9 incidents of Anti Social Behaviour that were brought to your attention, I have checked the computer and include further information in relation to each incident.

In relation to the copy of the stats that were given to you

24/07/2005 Related to a fight involving two males who were fighting with sticks.
 20/10/2005 Youths throwing eggs at informants house.
 18/09/2006 Group of youths banging on rear fence believed taking drugs.
 13/01/2007 Resident reporting anti social behaviour (no further known)
 13/01/2007 Large group of youths at rear of property drinking alcohol and being rowdy (separate informant from above)
 18/01/2007 Youths congregating at rear of property sitting on trees
 19/01/2007 Mud on informants wall and flower beds damaged by youths
 25/01/2007 Above youths congregating again informant concerned there would be a repeat
 25/01/2007 Report of drug taking at rear of property (separate informant to above)

On top of this new reports, which you are as yet unaware of, have also been made to police.

19/10/2005 Eggs thrown at informant's house
 20/12/2005 Car tyres slashed (crime)
 21/07/2006 Discarded BBQ has scorched rear fence
 01/10/2006 Damage caused to rear fence, repaired by owner.
 21/01/2007 Criminal damage to garage door
 03/02/2007 Youths throwing stones at informants house
 13/02/2007 Youths throwing stones at informants house
 24/02/2007 Drug paraphernalia found at rear of premises
 04/04/2007 Theft of washing from rear garden
 17/05/2007 Male urinating at rear of premises ongoing problem
 02/06/2007 Youths camping at rear of premises drinking alcohol very noisy and fighting. Twenty containers of alcohol subsequently recovered.

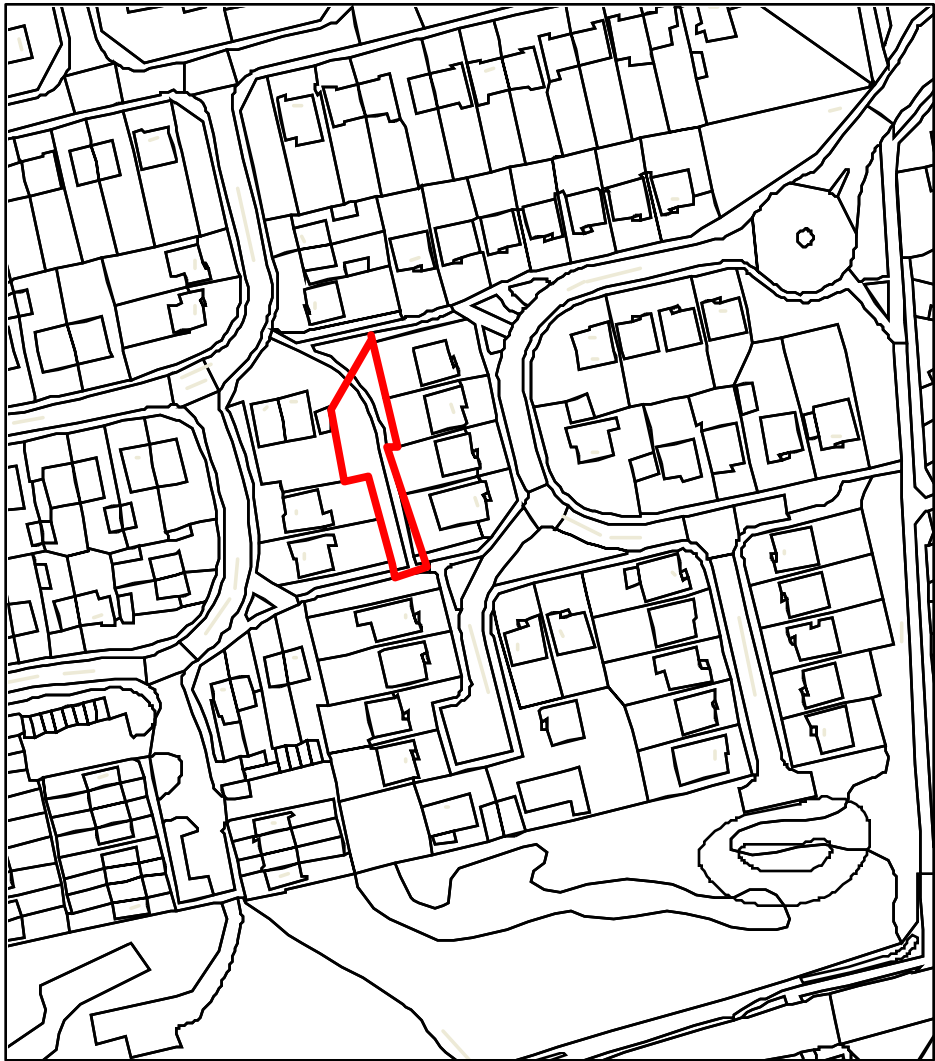
PC 740 David MYERS

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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: 7
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

1. Further information has been received from Hartlepool Police which explains how calls from members of the public are dealt with and recorded. The letter also expands the list of anti social incidents previously reported, and is attached.
2. Advice has also been received from the crime prevention officer and Crime and Disorder Co-ordinator regarding measures which could be taken to make the area less attractive and accommodating for trouble makers. This could involve the planting of shrubs along the space between the path and the garden fences and possibly lighting. Their e mails are also attached.
3. In previous police reports, there is a clear view that the central walkway and open space is contributing to ongoing crime and anti-social behaviour and its closure is supported by the police.
4. There is a presumption against the loss of open space in the Local Plan (Policy GB6) except where:
 - 1 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.
 - 2 The policy goes on to say where open space is lost to development the Borough Council will impose planning conditionsto seek enhancement of adjoining open space.
- 5 Members have seen the area of open space in question. It is reasonably attractive. However it is not overlooked from principal ground floor windows/rooms and as such has the potential to be abused. The police have in fact confirmed that this happens. In modern estate design terms having regard to crime and the fear of crime it is an area officers would seek to design out.

- 6 The decision for Members therefore is, is there enough evidence to justify closure at this time or are there other measures such as increased lighting and extra policing which should be tried in the first instance? Precedent arguments are also important.
- 7 The issues here are very finely balanced supporter and objectors present differing views. The police however are strong in their recommendations and anti social incidents appear to be on the increase. The Crime Prevention Officer and Crime Disorder Co-ordinator on the other hand suggest design measures which could be considered in the first instance.
8. In view of the above, the recommendation is to refuse the proposed closure of the footpath and enclosure of the open space and to look at other means of making the area safer for both residents and users of the footpath in the first instance.

RECOMMENDATION – REFUSE

1. It is considered that the proposed closure of the footpath and enclosure of public open space would be detrimental to the visual amenities of the surrounding area contrary to policies GEP1 and GN6 of the Hartlepool Local Plan.



"DAVIES, Stephen
V(P0375V)"
<Stephen.Davies@cleveland.pnn.police.uk>

22/08/2007 09:01

To <linda.wright@hartlepool.gov.uk>

cc

bcc

Subject Barford/Wisbech Close

Linda

Further to our conversation re above

Crime/Incident Analysis was carried out for the location of Barford/Wisbech/ Brandon Close for the past 12 months which showed a total of 13 Crimes reported 5 of which were for criminal damage, and 43 incidents reported 27 of which related to anti social behaviour which reveals the extent of the problems in the area.

I understand that the problems in the area are directly linked to the existence of footpaths linking the named roads which gangs of youths gather on a regular basis.

The closing of the footpaths would assist in solving the problem however I believe there are some objections to this proposal. With this in mind instead of closing the footpaths you may wish to consider the use of defensive planting next to the footpaths in order to reduce the grassed area between the footpath and boundary fencing.

This would help create a buffer zone to separate the paths from the boundary fencing. Careful selection and location of plants is critical not to hinder natural surveillance and provide places of concealment. I would suggest any planting should be at least 2 metres from the footpath with low growing plants to the front and taller to the rear.

Cheers

Steve

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G 01-02

MEMO



**CLEVELAND
POLICE**
Putting People First

Reference:

Date: 21/08/2007

From: PC 740 David MYERS

To: Linda WRIGHT

Subject: Alley way at rear of Barford /Brandon
Close

Dear Linda

1/ Calls made to Cleveland Police control room or police station requiring action of some sort by an officer are recorded on a system known as Intergraph which is also known as CAD, short for Computer Aided Dispatch. Each call requires certain personal information such as the name & address of the caller as well as their date of birth & telephone number the call is being made on, or on which the caller can be re-contacted, also needed is the incident address if it is different from the callers address. An explanation is also required of what is happening or what is required to be done by police, for example a member of the public reporting a suspected offence/incident requiring immediate police action or a request from officers from a different district or force requesting an officer to complete some task.

When the above information is obtained the call is given a unique computer generated number starting with a letter that assists in identifying the year. After this number has been created the report is classed as a type of incident, ie is it a crime, a road traffic accident, a missing person enquiry etc. At the same time the call is graded in that the type of response it will receive is allocated to it. This grading assists the police control room to priorities the calls which it is dealing with. It also affects how quickly officers are dispatched to deal with the incident. For example depending on the number of incidents live at the time (needing attention) officers will be tasked to attend the incidents deemed the most serious first. The most suitable or available unit is then assigned to attend and deal with the incident depending on its seriousness.

The above process could be time consuming and involve two or three department's participation from the time the initial call was made to the time the incident was dealt with and the incident closed off. In the past calls made to Jutland Road Community Office and which were incidents/information of an historical nature were conveyed to the respective Local Beat Officer covering that area verbally or in note form for there attention. If the incident /offence was occurring there and then and it was of a nature that the receiving officer could deal with himself without assistance from specialist officers they would go out and deal with it immediately themselves.

In the past due to the reports of incidents being reported to Jutland Road having been dealt with immediately by officers working from Jutland Road no incident number was created as it was felt that there was no need for the incidents to be electronically recorded and would just waste time & create extra work for those personnel in call taking departments who would have to record the above information as well as wasting the time of the officer who dealt with the call who would have to convey the information.

Page 1 of 2

Form/Template Revised 01/2001

p:\CADOCUMENTS AND SETTINGS\PC740\MY DOCUMENTS\MEMO 3 PATH CLOSURE.DOC

G 01-02

Only recently have the benefits of recording every call electronically, been fully appreciated and more and more the recording of incidents is used as a method of evidencing how much, certain areas are suffering from certain problems. As a result I now create an Intergraph Record for all relevant incidents I go to or deal with in my area.

2/ In relation to whether incident occurred at front of houses or rear

24/07/2005	Males fighting	(front of houses)
20/10/2005	Eggs at informants house	(insufficient detail unable to say)
18/09/2006	Youths banging on rear fence	(rear of houses)
13/01/2007	Report of Anti Social behaviour	(rear of house)
13/01/2007	Large Rowdy group drinking	(rear of houses)
18/01/2007	Youths congregating sat on trees	(rear of houses)
19/01/2007	Mud on wall and flowers damaged	(side facing central alleyway)
25/01/2007	Concern above would be repeated	(side facing central alleyway)
25/01/2007	Report of drug taking	(rear of houses)
19/10/2005	Eggs thrown at informants house	(insufficient detail unable to say)
20/12/2005	Car tyres slashed	(front of houses)
21/12/2005	Discarded BBQ scorched fence	(rear of houses)
01/10/2006	Damage to rear fence	(rear of houses)
21/01/2007	Criminal damage to garage door	(front of house/next to central alleyway)
03/02/2007	youths throwing stones at house	(rear of house)
13/02/2007	Youths throwing stones at house	(rear of house)
24/02/2007	drug paraphernalia found	(rear of houses)
04/04/2007	theft of washing from rear garden	(rear of houses)
17/05/2007	male urinating at rear of premises	(rear of houses)
02/06/2007	Youths camping, drinking, fighting	(rear of houses)

3/ The above figures for this location cannot be compared to similar locations in the area as there are no similar locations in the vicinity and to the best of my knowledge no other area in Hartlepool has been designed like this.

Joe Hogan/HBCDomino
23/08/07 12:22

To Richard Teece/HBCDomino@HBCDOMINO
Subject Barford/Wisbech/Brandon Close

Richard

Re the above location: I have spoken to PC Steve Davies this morning and he has conveyed his view of the situation. Bearing in mind that any closure could be problematic (although it would in all probability solve the problem of anti social behaviour) in view of the Council's Open Space Policy, the planting of shrubbery along the space between the path and the garden fences may be a solution. However, in the first instance I would suggest that Neighbourhood Police Team should be involved and asked if they identify the problem times/days and give it extra attention. PC Davies has informed me that 43 incidents (of which 27 were related to anti social behaviour) have been reported in the last 12 months - this is a relatively high number of incidents for the type of location concerned. If traditional policing methods could be explored first that may be the best course of action to take and monitor the situation.

If physical improvements are to be adopted such as bushes being planted, then perhaps lighting could also be considered (this prompts the question what time the reported incidents are occurring? Is lighting or the lack of lighting a contributory factor?). Bob Golightly in Highways runs an initiative called Social Lighting for those areas outside NRF areas that enables the improvement of lighting if raised by community safety issues. If the area is in NRF, then there is funding available through Bob for that too.

Joe Hogan
Crime and Disorder Co-ordinator
Hartlepool Borough Council
Tel: 01429 405582
Fax: 01429 405588
8 Church Street, Hartlepool TS24 7DJ
www.saf.ehartlepool.co.uk

No: 8
Number: H/2007/0508
Applicant: Rubicon Pastimes Ltd The Front Seaton Carew Hartlepool
 TS25 1BS
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 03/07/2007
Development: Erection of a single storey rear sunroom extension
Location: 15 17 THE FRONT HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The application site is a group of buildings, located within a terrace which face onto The Front at Seaton Carew. The buildings are currently vacant and stand at the centre of a complex of amusement arcades, which abut the site to the north, south and west. They are within the Seaton Carew Conservation Area and have recently been refurbished. These works have been funded in part through the Heritage Economic Regeneration Scheme. The buildings range in height from two to three storeys. To the rear is an enclosed yard, which is accessed via a covered alleyway from The Front and via fire doors from the amusement arcades, which enclose the yard.

8.2 The buildings on the site though vacant benefit from an extant planning permission for a mixed use as public house and restaurant. This permission was allowed on appeal (see below). It is proposed to erect a single storey sunroom to the rear of the premises in the enclosed yard. The extension will be used as a lounge/dining area by patrons. It will have solid rendered walls and a slate roof to match the existing building. A lantern feature will be incorporated at the pinnacle of the roof. The applicant has confirmed that the development will incorporate timber doors and windows, cast iron guttering and downpipes and a traditional lime render.

8.3 The submitted drawings also indicate amendments to parts of the approved layout of the public house/restaurant. This has been raised with the applicant. He has resolved to amend the plans so that the originally approved layout is retained. The amended drawings are awaited.

Planning History

8.4 In December 2004 a planning application for the change of use of the premises to provide a ground and first floor licensed premises was refused by the Planning Committee, against Officer recommendation, for reasons relating to the amenity of the occupants of neighbouring residential properties and highway safety (H/FUL/0681/04). The application appealed against this decision. The Inspector allowed the appeal concluding that the development would not significantly affect the living conditions of nearby residents in terms of noise and disturbance nor adversely affect highway safety. (see decision letter attached).

Publicity

8.5 The application has been advertised by site notice, in the press and by neighbour notification (40). The time period for representations has expired.

Two letters of no objection and ten letters of objection were received.

The objectors raise the following issues:

1. The previous application stipulated sound proofing and that the sound system would cut out if fire doors were opened. This would not be possible if a glass structure were built and an open access to the sunroom would not control the noise level coming from these premises.
2. Flats are directly behind the arcade.
3. Sunroom will be used for smoking and windows will always be left open.
4. Noise disturbance to elderly residents.
5. Consideration should be given to the elderly.

Copy letters C

CONSULTATION REPLY

8.6 Head Of Public Protection & Housing : I would have no objections to this application subject to the following conditions. The rear doors to the premises shall be kept closed at all times and only be used as emergency exits. At no time should the rear doors be used as customer access to the premises. The premises do not currently hold a licence under the Licensing Act 2003. When an application is received the licensing authority will be able to attach conditions relating to the use of the extension in order to prevent any nuisance to neighbours. I understand that there is already a condition on the planning approval that prohibits the use of the rear yard as a drinking area.

Northumbrian Water : No objections.

Traffic & Transportation : There are no major highway implications with this application.

Health & Safety Executive : Comments awaited

PLANNING POLICY

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

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.

HE4: Identifies the circumstances in which demolition of buildings and other features and structures in a conservation area is acceptable - where it preserves or enhances the character or appearance of the conservation area, or its structural condition is such that it is beyond reasonable economic repair. Satisfactory after use of the site should be approved and committed before demolition takes place.

To3: States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

PLANNING CONSIDERATIONS

8.7 The main planning considerations are the impact of the development on the character and appearance of the building/Conservation Area, the impact of the development on the living conditions of the occupiers of neighbouring property's and Highways.

Impact of the development on the character and appearance of the building/Conservation Area

8.8 The sunroom will be erected to the rear of the premises and will not be visible in public views from within the Conservation Area. The Conservation Officer has confirmed that the extension is acceptable in principle subject to conditions relating

to the approval of the finer detailing of windows, doors and the lantern, and minor amendments. The minor amendments suggested by the Conservation Officer relate to modifications to the door/window arrangement on one side of the extension so that single windows are arranged either side of French Doors, which is considered more appropriate, and the extension to ground level of the render on the walls as per the existing property. The applicant has agreed to these amendments and amended drawings are awaited.

8.9 It is considered that the proposal will have an acceptable impact on the character and appearance of the building and the Conservation Area

Impact of the development on the living conditions of the occupiers of neighbouring property's

8.10 The property is located in a commercial area and is enclosed to the rear and sides by the adjacent amusement arcade. The closest residential accommodation is the flats to the rear which lie on the other side of the intervening amusement arcade. A number of objections to the proposal have been received from the occupiers of these flats. There are concerns that the structure will not contain noise from the licensed premises and the elderly residents will be disturbed by noise. The premises already benefit from an extant permission for a change of use to a mixed use of public house and restaurant which was allowed on appeal. Similar concerns were raised at the time by residents and the Inspector concluded that the development would not significantly affect the living conditions of neighbouring residents. The structure proposed whilst it incorporates windows, a lantern and doors has a largely solid roof and walls. The Head of Public Protection is satisfied that conditions can be attached to the use of the sunroom at the licensing stage to prevent any nuisance to neighbours. He has recommended a condition requiring that the rear doors are kept closed and are used only in the event of an emergency. Conditions on the original approval control the use of the doors and required the submission and approval of measures for the attenuation or reduction of noise within the premises. It is proposed to impose similar conditions on the development. It is considered that with these appropriate conditions the proposed development will not significantly affect the living conditions of neighbouring residents.

Highways

8.11 The Inspector in considering the recent appeal on the site concluded that the use of the premises as a public house/restaurant would not adversely affect highway safety. The proposal is for a relatively small extension to the rear and it is not considered that it raises any significant highway concerns. In highway terms the proposal is considered acceptable.


Other Matters

8.12 A concern has been raised by objectors that the sunroom may be used as a smokers room. As the sunroom would be fully enclosed its use by smokers would not comply with the relevant legislation and would be unlawful. The concern raised therefore is unwarranted in this case.

CONCLUSION

8.13 There is a discrepancy between the submitted layout for the main building and that approved by the Planning Inspectorate. Amendments have also been requested by the Conservation Officer. Amended plans are awaited and therefore the recommendation is left open. The applicant is agreeable to amend the plans. It is anticipated that acceptable amended plans will be received shortly and that the recommendation will be to approve the application. An update report will follow.

RECOMMENDATION – Update report to follow.



Appeal Decision

Hearing held on 17 May 2006

by Mrs K.A. Ellison BA(Hons), MPhil, MRTPI

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

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

Appeal Ref: APP/H0724/A/05/1175435
15-17 The Front, Seaton Carew, Hartlepool TS25 1BS

- 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 Lloyd Nichols against the decision of Hartlepool Borough Council.
- The application Ref H/FUL/0681/04, dated 9 August 2004, was refused by notice dated 15 December 2004.
- The development proposed is the formation of new licensed premises.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

- An application for costs was made by Mr Nichols against Hartlepool Borough Council and this is the subject of a separate Decision.
- It was confirmed at the Hearing that the proposal related to the ground and first floor of the appeal premises. It was also confirmed that it was intended to operate a mixed pub and restaurant (classes A3 and A4 of the Town and Country Planning (Use Classes) Order 1987, as amended 21st April 2005) where neither element could be classed as ancillary. I have therefore determined the appeal on that basis.

Main Issues

- I consider that the main issues in this appeal are, firstly, the effect of the proposal on the living conditions of nearby residents, especially in relation to noise and disturbance and secondly, its effect on highway safety, with particular regard to delivery arrangements.

Planning Policy

- The development plan includes the Hartlepool Local Plan Including Minerals and Waste Policies 2005. Under policy Com18, proposals for food and drink developments will only be permitted where, among other things, there will be no significant detrimental effect on occupiers of nearby properties by reason of noise and disturbance and that there would be no adverse effect on highway safety. These criteria are also contained in policy GEP1. With regard to protection of amenity, policy Com18 also refers to the use of planning conditions and the negotiation of developer contributions. Policy GEP9 deals with such contributions and states that they will be sought for additional works deemed to be required as a result of the development and may include additional measures for street cleansing and crime prevention. Further detail is contained in Supplementary Note 9 which states that

financial contributions will be sought where it is deemed that a development may either singly or cumulatively affect the amenities of an area.

5. The appeal site lies within the Seaton Carew Conservation Area where policy HE1 expects development to preserve or enhance its character or appearance. It also lies within the core area of Seaton Carew where policy To3 permits commercial and leisure developments provided they are sympathetic to the character of the area and are in keeping with its development as a seaside resort. Furthermore, policy Com11 identifies the area as a Commercial Improvement Area where environmental and other enhancement schemes will be encouraged.

Reasons

6. The appeal premises consist of two, recently refurbished shops situated around the mid-point of a short terrace of seafront properties in the centre of Seaton Carew. To either side, and in the same ownership, are two large arcades offering a range of seaside-related leisure activities as well as a café and children's play area. The Appellant seeks to operate the pub/restaurant in association with the wider leisure business.

Issue 1: Noise and Disturbance

7. The Seaton Carew commercial area is concentrated along the seafront. However, it quickly gives way to residential uses. In particular, Major Cooper Court, a sheltered housing complex comprising a small apartment block, a two-storey annex and a number of bungalows, lies immediately to the rear of the appeal site. Charles Street, a narrow alley, leads from the seafront, through Major Cooper Court, to the park and other residential areas of Seaton Carew.
8. There are already a number of licensed premises nearby, particularly the Longscar Centre across the road from the appeal site, the Marine Hotel to the north and the Seaton Hotel to the south. In addition, as residents pointed out at the Hearing, the seafront serves as a focal point for young people to gather. I can understand the very real concerns expressed by residents with regard to the disturbance they already experience, particularly in relation to unsocial behaviour in and around Charles Street. I also recognise that, even though it is intended to operate the appeal premises as a pub and restaurant, the balance between the two elements will vary during trading hours, with the restaurant element likely to be less active later in the evening. In this respect, I note that the licensing plan, although not part of the planning proposal, suggests the premises have an overall capacity for some 360 people.
9. However, the proposal is for a pub/restaurant so that it would differ substantially from the type of town centre public house described by the Council and envisaged by some residents. In addition, it would be associated with the arcades to either side, which are clearly geared towards a wide range of customers. Furthermore, since the internal layout would need to reflect the mixed use, it seems to me that the number of customers on the premises at any one time would probably be well below that indicated on the licensing plan. In view of the nature and scale of the business and its links to the adjacent arcades, the proposal would not, in my view, be likely to encourage high levels of alcohol consumption either within the premises or in relation to under age drinking around the seafront area. As a result, I consider that the appeal proposal would not materially add to instances of alcohol-related disorder and unsocial behaviour in the locality.

10. Whilst Major Cooper Court is adjacent to the appeal site, the two properties are separated by a brick wall some 4-5m in height. During my site inspection, I noted that although there was considerable noise within the arcades, this was not generally audible when standing in the grounds of Major Cooper Court. Consequently, provided suitable noise insulation measures were taken, there is no reason to expect that nearby residents would experience undue disturbance as a result of noise from within the appeal premises.
11. On my first issue therefore, I conclude that the proposal would not significantly affect the living conditions of nearby residents in terms of noise or disturbance.

Issue 2: Highway Safety

12. Turning to my second issue, the layout of the surrounding area is such that deliveries would normally be made to the front of the premises. Whilst there are a number of parking bays to the front, the survey submitted by the Council indicates that they may well be occupied at certain times of the day. If this was the case at delivery times, it could well give rise to double parking.
13. During my site visit, I was able to observe an example of double parking which occurred a short distance to the south of the appeal site. From my observations, it was clear that such behaviour would represent a significant risk to the safety both of other road users and of pedestrians seeking to cross between the seafront and the remainder of the town.
14. However, the Council's survey suggests that the bays are less well used in the early part of the day, which would generally accord with the pattern of leisure activity associated with a seafront location. I therefore consider that safety concerns related to delivery arrangements could be overcome through restricting deliveries to the early part of the day.
15. Consequently, I conclude on my second issue that, provided delivery times were properly controlled, the proposal would not adversely affect highway safety.

Overall Conclusions

16. I have found that, provided suitable conditions were in place, a pub/restaurant would not give rise to a level of noise or disturbance which would materially affect nearby residents and would not adversely affect highway safety. On that basis, I conclude that the proposal would not conflict with policies Com 18 and GEP1 of the Local Plan. Moreover, the re-use of these buildings would enhance the conservation area and bring vitality and viability to the Commercial Improvement Area and core area of Seaton Carew, so that it would be in keeping with the aims of policies HE1, To3 and Com11.

Conditions

17. The Council suggested a number of conditions. Given the prominence of the buildings in the conservation area, I consider that details should be submitted of window finishes, door ironmongery, exterior lighting and paint colours to ensure that the appearance of the conservation area is preserved. However, this could be dealt with as a single condition. Conditions relating to opening hours, the use of the courtyard and courtyard doors, the use of the second floor, storage of refuse, ventilation arrangements and noise would all be necessary to protect the living conditions of nearby residents. Given the possible effect of a drinking establishment use only, a condition requiring the maintenance of a mixed A3/A4 use would also be appropriate for the same reason. As I have already noted, control over

delivery times is necessary in the interests of highway safety although, on the basis of the Council's parking survey, there seems to be no reason why this should not be set at 10.00am each day.

18. I shall word the conditions to accord with the advice in Circular 11/95, *The Use of Conditions in Planning Permissions*.

Planning Obligation

19. I note that, at the time the Council reached its decision, there appeared to have been agreement in principle on the question of a planning obligation relating to street cleansing and crime prevention. Nonetheless, no planning obligation has been submitted with this appeal.
20. However, although some information as to disorder was provided, this related to Hartlepool town centre and no evidence was produced as to the particular circumstances in Seaton Carew. I have found that the proposal would not materially add to alcohol-related disorder or unsocial behaviour in the locality and there is nothing before me which identifies any additional impact which might result from it, either singly or cumulatively. It follows therefore that no additional measures in relation to services such as street cleansing and crime prevention could reasonably be deemed to be required. As such, I consider that an obligation along the lines of policy GEP9 and Supplementary Note 9 could not be justified in this instance to make the development acceptable in planning terms, as required by Circular 05/2005 *Planning Obligations*.

Conclusions

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

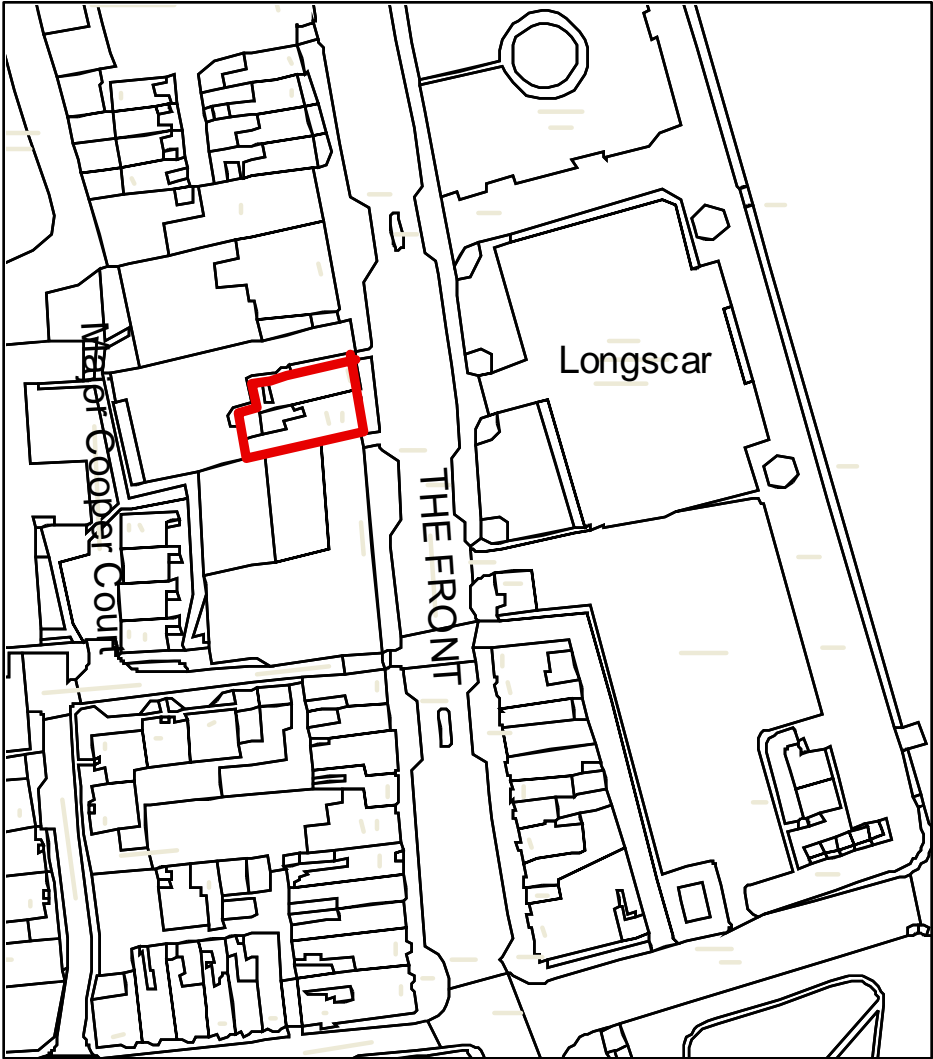
22. I allow the appeal, and grant planning permission for the formation of a pub/restaurant at 15-17 The Front, Seaton Carew, Hartlepool in accordance with the terms of the application, Ref H/FUL/0681/04, dated 9 August 2004, and the plans submitted therewith, as amended, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
 - 2) No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority: the side panels in the front doorways; window finishes; door ironmongery; exterior lighting; and external finishes and paint colours. Development shall be carried out in accordance with the approved details.
 - 3) The premises shall not be open for customers outside the hours of 08.00 – midnight.
 - 4) The courtyard area shall not be open to the public or used as an amenity area without the grant of further specific permission from the local planning authority.
 - 5) The doors to the rear courtyard shall remain closed during the hours of 08.00 – midnight.

- 6) The second floor of the appeal premises shall not be used for the sale or consumption of food or drink.
- 7) Before the use hereby permitted begins, a scheme for storage of waste within the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented.
- 8) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 9) Before the development hereby permitted is brought into use, provision shall be made for the attenuation or reduction of noise generated within the premises in accordance with a scheme to be agreed with the local planning authority. This scheme shall include: all internal works; details of the sound system to be installed and provision for both use and maintenance in accordance with the manufacturer's specifications; measures to manage noise arising from the storage and transfer of bottles; measures to ensure that any electronically generated noise will cease immediately and automatically if fire escape doors are opened.
- 10) The premises shall be used as a mixed public house and restaurant and for no other purpose (including any other purpose in Classes A3 and A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 11) No deliveries shall be taken at the premises outside the hours of 07.00 – 10.00 each day.


Inspector



15-17 The Front



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0508	REV

No: 8
Number: H/2007/0508
Applicant: Rubicon Pastimes Ltd The Front Seaton Carew Hartlepool TS25 1BS
Agent: Business Interiors Group 73 Church Street HARTLEPOOL TS24 7DN
Date valid: 03/07/2007
Development: Erection of a single storey rear sunroom extension
Location: 15 17 THE FRONT HARTLEPOOL

Update Report

Background

1. This application appears at item 8 on the main agenda.
2. The recommendation was left open as amended plans were awaited from the applicant.

PLANNING CONSIDERATIONS

3. Amended plans have been submitted. These indicate that the layout of the main building will be as per the previous approval H/FUL/0681/04 (HFUL/2004/0681) save for a minor alteration to the double door connecting the new sunroom to the main part of the building. The amended plans also show the amendments requested by the Conservation Officer, the external render extended to ground floor level and single windows arranged either side of French Doors at the emergency exit.
4. The proposal is considered acceptable and is recommended for approval. The comments of the HSE are awaited and the recommendation is subject to the satisfactory outcome of this outstanding consultation.

RECOMMENDATION – **APPROVE** subject to the satisfactory outcome of the outstanding HSE consultation and 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 carried out in accordance with the amended plan (Reference BIG/LN/IC/299-100A) received by the Local Planning Authority on 21st August 2007, unless otherwise agreed in writing by the Local Planning Authority.
 For the avoidance of doubt.

3 This permission does not authorise any changes to the layout of the licensed premises approved under the provisions of planning permission H/FUL/0681/04 save for the minor alterations to the double doors linking the sun room to the main building shown on the approved plan.
For the avoidance of doubt.

4 The rear court yard/yard area shall not be open to the public or used as an amenity area without the grant of a further specific permission from the Local Planning Authority.
For the avoidance of doubt

5 Before the sunroom hereby permitted is brought into use, provision shall be made for the attenuation or reduction of noise generated within the premises in accordance with a scheme to be agreed with the Local Planning Authority. This scheme shall include: all internal works; details of the sound system to be installed; measures to manage noise arising from the storage and transfer of bottles; measures to ensure that any electronically generated noise shall cease immediately and automatically if fire escape doors are open.
In the interests of the amenity of neighbouring properties.

6 All doors to the rear court yard/yard shall remain closed during the hours of 08:00 - midnight.
In the interests of the amenity of neighbouring properties.

7. Notwithstanding the details submitted with the application prior to their installation large scale details of the windows, doors and the lantern, including sections, shall be submitted to and approved in writing by the Local Planning Authority. The windows, doors and lantern installed shall be in accordance with the details so approved.
In the interests of the character and appearance of the building and the Conservation Area.

8 Unless otherwise agreed in writing the external roofing materials shall consist of natural slate to match that of the existing property
In the interests of the character and appearance of the building and the Conservation Area.

9 Unless otherwise agreed in writing guttering and downpipes shall be cast iron painted black.
In the interests of the character and appearance of the building and the Conservation Area.

10 Windows and door shall be constructed of timber and shall be painted white or such other colour as may be agreed in writing with the Local Planning Authority.
In the interests of the character and appearance of the building and the Conservation Area.

11 Unless otherwise agreed in writing the render shall be a traditional lime mix render to a specification previously agreed in writing with the Local Planning Authority. It shall be painted to match the existing building. In the interests of the character and appearance of the building and the Conservation Area.

Report of: Assistant Director (Planning & Economic Development))

Subject: APPEAL BY MRA COOK - SITE AT AMERSTON HILL

1. PURPOSE OF REPORT

- 1.1 To update Members on the outcome of the above appeal.
- 1.2 The appeal for the Certificate of Lawfulness of existing use of Amerston Hill Cottage as a residential dwelling house has been withdrawn.

2 RECOMMENDATION

- 2.1 That Members note the outcome of the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MRA DHALI WAL - SITE AT 34A DUKE STREET

1. PURPOSE OF REPORT

- 1.1 To update Members on the outcome of the above appeal.
- 1.2 The appeal was allowed. The inspectorate concluded that the proposed Sunday opening of the property should be allowed, provided that is not open to customers outside the hours of 9.00 to 21.30.
- 1.3 The Urban Policy section is reviewing this decision and that at 18 Lowthian Road also reported on this agenda. A copy of the Inspector's decision letter is attached.

2 RECOMMENDATION

- 2.1 Update to follow.



Appeal Decision

Site visit made on 3 July 2007

by **Graham E Snowden BA BPhil DipMgmt MRTPI**

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

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SCANNED

31 JUL 2007

Appeal Ref: APP/H0724/A/07/2038902

34A Duke Street, Hartlepool TS26 8PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by Mr Amar Dhaliwal against the decision of Hartlepool Borough Council.
- The application ref: H/2006/0834 dated 14 November 2006, was refused by the Council by notice dated 26 January 2007.
- The application sought the variation of a condition attached to planning permission ref: H/2005/5500, dated 28 September 2005 for the change of use to hot food takeaway shop.
- The condition in dispute is no 2, which states that the premises shall only be open to the public between the hours of 9 am and 10.30 pm on Mondays to Saturdays inclusive and at no other time on Sundays.
- The reason given for the condition is in the interests of the amenities of the occupants of neighbouring properties.

Decision

1. The appeal is allowed and planning permission is granted for the change of use to hot food takeaway shop at 34A Duke Street, Hartlepool TS26 8PU in accordance with the application ref: H/2006/0834, dated 14 November 2006 without compliance with condition no. 2. previously imposed on planning permission ref: H/2005/5500, dated 28 September 2005, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition:

The use hereby permitted shall not be open to customers outside the hours of 09.00 to 22.30 on Monday to Saturday inclusive and 09.00 to 21.30 on Sundays

Reasons

2. The appellant, in his application, sought to be allowed to trade on Sundays, between the hours of 09.00 and 20.30 (as enjoyed previously at former premises), but subsequently indicated his willingness to accept a curfew of 21.30 hours. I have determined the appeal on this basis.
3. I note the Council's comments that permission was granted for the use against officer advice and as an exception to the provisions of Policy Com12 in the Hartlepool Local Plan (Local Plan). However, the fact is that it is operating lawfully and the main issue to be addressed in this appeal, is whether Sunday opening would lead to unacceptable

Appeal Decision APP/H0724/A/07/2038902

levels of noise and disturbance to local residents, particularly those in Duke Street and Topcliffe Street.

4. Duke Street accommodates a level of through traffic as well as a number of commercial outlets, particularly at its northern and southern ends. Some of these, including the large social club opposite, operate on a Sunday. I would, therefore, expect there to be a significant level of activity along the length of the street on a Sunday, particularly as the social club is likely to enjoy one of its busiest periods of custom on this day. I do not consider, therefore, that the activity – both vehicle and pedestrian – occasioned by Sunday opening of the appeal premises, particularly given the proposed early closing, would give rise to any significant noise nuisance to residents on Duke Street.
5. Topcliffe Street, however, is a much quieter side street and I can understand the concerns of residents there. Nevertheless, the entrance to the appeal premises is on Duke Street and is located some distance from dwellings on Topcliffe Street. I note that the appellant has an arrangement for customer parking in the social club car park. Although such an arrangement would probably be known only to regular customers, the location of the premises is such that I consider “passing” car-borne trade is likely to be limited. Whilst it is possible, that some customers would park on Topcliffe Street, I do not consider that the level of such parking would be significant.
6. I accept that residents expect a greater level of peace and quiet on Sundays, even in an era of relaxed trading hours and general acceptance of greater levels of activity on that day, but I am not convinced that allowing the appeal premises to operate on Sundays would lead to unacceptable levels of noise and disturbance for residents and the requirements of Local Plan Policies GEP1 and Com12 would, therefore, be satisfied. In reaching this conclusion, I have had regard to the record of Sunday trading of the business, without complaint, at its previous location in Lancelot Street, albeit that this was in a more inherently noisy location. I have also had regard to the support for the proposal from the immediate neighbour and those living in close proximity to the previous premises.
7. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowdon

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL BY MR WEED - SITE AT 18 LOWTHIAN ROAD

1. PURPOSE OF REPORT

- 1.1 To update Members on the outcome of the above appeal.
- 1.2 The appeal was allowed. The inspectorate concluded that the proposed alterations and use as offices is acceptable here. A copy of the Inspector's decision letter is attached.
- 1.3 The Urban Policy section is reviewing this decision together with that at Duke Street also reported on this agenda.

2 RECOMMENDATION

- 2.1 Update to follow .



Appeal Decision

Site visit made on 3 July 2007

by **Graham E Snowden BA BPhil DipMgmt MRTPI**

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

SCANNED

31 JUL 2007

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Date: 18 July 2007

Appeal Ref: APP/H0724/A/07/2036069
18 Lowthian Road, Hartlepool TS24 8BJ

- 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 Weed against the decision of Hartlepool Borough Council.
- The application ref: H/2006/0385 dated 28 April 2006, was refused by notice dated 8 August 2006.
- The development proposed is the change of use from dwelling to offices.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling to offices at 18 Lowthian Road, Hartlepool TS24 8BJ in accordance with the planning application ref: H/2006/0385, dated 28 April 2006 and the plans submitted therewith, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (ii) Within two months of the date of this decision, details of noise insulation measures, to protect against transmission of noise from the premises to 16 Lowthian Road and 28 York Road, shall be submitted to the local planning authority and shall, thereafter, be installed in accordance with the approved details, within 3 months of the approval of such details.
 - (iii) The use hereby permitted shall not be open to the public outside the hours of 09.00 to 17.00 Monday to Saturday inclusive and at no time on Sunday or Bank or Public Holidays.
 - (iv) For the avoidance of doubt, no permission is hereby granted for the external alterations shown on the submitted drawings dated April 2006.

Reasons

2. Although the Council's decision notice refers to the proposed development as "alterations and use as offices" and drawings are submitted showing external alterations to the premises, I note that the application form limits the proposal to a change of use only and not for building works. I have, therefore, determined the appeal on this basis and, for the avoidance of doubt, have imposed a condition limiting the permission accordingly. The change of use sought, which falls within Class A2, has been implemented, but the external alterations have not been carried out.

Appeal Decision APP/H0724/A/07/2036069

3. The appeal premises are located at the corner of Lowthian Road and York Road, the latter being one of the principal thoroughfares into the town centre from the north. Although the immediately adjacent properties and those to the north, on York Road, are all in residential use, the other corner properties at the junction of Lowthian Road and York Road are in commercial use and there are several other commercial properties to the south on York Road and to the east on Lowthian Road. I, therefore, view the appeal property as being in a mixed use, rather than predominantly residential area. As such, I do not consider that the proposal would be in conflict with Policy Hsg 4 in the Hartlepool Local Plan (Local Plan).
4. The proposed use is not, in my view, an inherently noisy use and given the location, and from my observations on site, I do not consider that the activity associated with it is likely to cause any undue noise or disturbance. I note that there have been no objections to the proposal from the Council's environmental health section, subject to conditions to control internal noise transmission and opening hours, which I am minded to impose. I am also unconvinced that other uses falling in the same Use Class would have significantly different noise implications. Having regard to government advice in Circular 11/95 *The Use of Conditions in Planning Permissions*, that restricting changes of use in the same Use Class should only be used exceptionally, I consider that a condition, along the lines suggested by the Council, is neither reasonable nor necessary.
5. I note the concerns of adjacent residents regarding traffic movements, which may be generated by the use. However, I consider that these would be limited and, given the waiting restrictions on York Road, the physical closure of the adjacent junction and the existence of a "residents only" parking scheme on Lowthian Road, I am of the view that objections based on nuisance from traffic movement cannot be sustained and I note that there have been no objections from the highway authority.
6. The proposal would not, therefore, conflict with the provisions of Local Plan Policies GEPI or Com13.
7. The Council has indicated that allowing the appeal would create a precedent. I do not agree. Each case has to be considered on its merits and I consider that the specific locational characteristics of the appeal premises are unlikely to exist elsewhere in the vicinity.
8. In conclusion, having regard to the above, and all other matters raised, I consider that, subject to the conditions discussed, the appeal should be allowed.

G E Snowden

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)

Subject: PLANNING FOR A SUSTAINABLE FUTURE: THE PLANNING WHITE PAPER

1.0 BACKGROUND

- 1.1 The Planning White Paper was published in May 2007. It is accompanied by a number of daughter documents giving additional detail on implementation. These documents can be viewed on the Department of Communities and Local Government web site at <http://www.communities.gov.uk/index.asp?id=1510502>. Responses to it were required by 17 August 2007. Officers have been involved in discussions with other Tees Valley authorities and with officials of the Association of North East Councils on the implications of the White Paper. This report outlines the main elements of the proposed reforms and contains comments, drawing in part on those discussions, which have been provided in response to the consultation following discussion with the Chair of the Planning Committee.

2.0 REASONS FOR THE WHITE PAPER

- 2.1 The Government claims that the White Paper is necessary to push forward further reforms following those that have already taken place since the Planning and Compulsory Purchase Act 2004. It follows publication of the Barker and Eddington reports (into Land Use Planning and Transport Infrastructure respectively).
- 2.2 The Government is of the view that the following problems exist with the current system:
1. national policy is not sufficiently clear and responsive
 2. the system is too bureaucratic, takes too long and is too unpredictable
 3. individuals and communities find it hard to be heard
 4. the system is confusing
 5. decisions are not always taken at the right level

3.0 KEY PROPOSALS

- 3.1 A new system is proposed to deal with key national infrastructure projects such as port projects, major new power generating facilities and airport projects. It is proposed to replace the existing multiple consent regimes with a requirement for a single consent. Applications would be decided by independent expert decision makers with new inquiry procedures in place. Thus, it is proposed decisions will be taken in a timely, efficient and

predictable way with increased accountability and transparency by strengthening the role of ministers in setting national policy and establishing an independent body to take decisions. The Government adds that there will be full and fair opportunities for public consultation and that Local Authorities in particular will have a strong part to play in representing their communities and helping shape national infrastructure in their area.

- 3.2 National policy statements are proposed for key infrastructure sectors such as air transport and energy supply.
- 3.3 It is proposed to simplify the local planning system for householder developments so that it is easier to build house and business extensions where it is argued there is little or no impact on neighbours. In addition, microgeneration equipment on houses will be less likely to require planning permission. Details are attached to this report at Appendix 1.
- 3.4 The Government aims to improve community engagement in planning. On plan making it proposes a more joined up approach to community engagement across the range of Local Authority functions. Independent examination of Statements of Community Involvement will be dispensed with. An 'open floor' stage is proposed for major inquiries, to allow the public to participate more effectively. Grant funding for Planning Aid will be increased.
- 3.5 The Government considers that there is more scope for further devolution to Local Authorities eg so that they can deal with more non-national infrastructure proposals. The number of cases to be notified to, and called in by, the Secretary of State will reduce.
- 3.6 It is indicated that the planning system should continue to support town centres. However, the Government is of the view that the 'needs test' (from Planning Policy Statement 6) can have the effect of restricting competition and limiting consumer choice. The example quoted refers to a case where a retail development on an edge of town centre site is refused on needs grounds because there is an existing or proposed out of town development which meets the identified "need" notwithstanding that the edge of centre proposal would help support the town centre. Therefore it is proposed to abandon the needs test, and replace it with a new "town centre first" test. It is not clear what this involves in detail but further consultation is proposed.
- 3.7 There are various proposals to speed up the planning policy process. The Preferred Options Stage of LDF preparation would go. Final consultation on LDF documents would be before submission for examination and exceptionally changes could then be made. Supplementary Planning Documents will be able to be produced without prior approval of the Secretary of State and the requirements for a sustainability appraisal of these will be removed. The appeals process will be speeded up. For householder applications, appeals would need to be made within 8 weeks (as opposed to 6 months currently). It is proposed to introduce Member review bodies to determine minor appeals. Planning Performance Agreements, voluntary

agreements between developers and the Local Planning Authority (LPA), will speed up the handling of major applications by setting clearer timetables.

- 3.8 It is proposed to incentivise joint working between LPAs.
- 3.9 Fees will increase and fees will be introduced for letters of confirmation that conditions have been met.

4.0 MAIN ISSUES

- 4.1 The White Paper puts planning at the centre of the Government's agenda and this is to be welcomed. It emphasises the importance of planning to local communities and its important role within local Councils. It is however unfortunate that much of the focus comes out of a negative perception of the planning process as a hindrance to development, which officers both here and elsewhere locally consider unjustified.
- 4.2 On major infrastructure projects, the main test will be how local public involvement is secured. Undoubtedly, there is a need to speed up and simplify arrangements for deciding applications on such proposals. However assurance are needed from Central Government that arrangements for involvement of local people will be enhanced rather than weakened. This is consistent with the approach adopted by the Council in its response on the energy review consultation.
- 4.3 There has long been a need for national policy statements on ports and airports etc. and this is to be welcomed. The recent experience on the proposed developments at Teesport highlight the need for this.
- 4.4 Whilst accepting that an impact approach represents a reasonable way of dealing with householder applications, it is considered that the projection and height of extensions being proposed close to shared boundaries will have a significant adverse effect on the amenities of adjoining residents particularly in densely developed areas. This is the one area where members of the public actively engage with the planning process and for any system to have credibility and general support it needs to be seen to be both clear and fair. It is considered that the potential for legitimate neighbour concerns is significant, therefore smaller projections and heights should be considered with clear reference to terraced situations. Further any proposal that introduces the principle of planning by neighbour consent is seen as a recipe for the system to rapidly fall into disrepute, being prone to inconsistency and decision making unrelated to material planning considerations. Furthermore, it is not considered that the proposals with all the associated qualifications will necessarily be easier for members of the public to interpret. It is likely that the authority will continue to receive a large volume of requests for confirmation as to whether or not a proposal is permitted development. The Planning Officers' Society is concerned that the burden on Local Planning Authorities could increase rather than reduce. If this is the case we could have a situation of workload increasing at the same time as fee income diminishing (as a result of fewer developments requiring planning permission). Finally the

freedom to install wind turbines in domestic situations should have clear regard to amenity issues

- 4.5 The speeding up of the LDF process described in para. 3.7 above is welcomed. It retains the right balance between progress of the documents and public engagement. The current system is too cumbersome.
- 4.6 Local Authority handling of non-national infrastructure projects is welcomed.
- 4.7 Officers have real concern at the abandonment of the retail 'needs test'. It may make it more difficult to resist inappropriate development to the detriment of our town and district centres.
- 4.8 This Council is already involved in a number of joint working initiatives eg
 1. through the Joint Strategy Unit/Tees Valley Unlimited representing the sub regional case
 2. preparation of joint waste and minerals LDFs across the Tees Valley
 3. various working groups meeting on planning issues eg to identify a common (Tees Valley approach) to Section 106 Agreements
- 4.9 The issue of fees is covered in a separate consultation document. It indicates that current fees do not cover a Local Planning Authority's costs in dealing with applications. Proposed fee increases (a preferred 25% for all excluding householder applications and 7.5% for householder applications is discussed. A 40% option is also identified) reflect inflation and the need to drive service improvement and this is to be welcomed, as is the introduction of a new fee when an Authority is requested to certify that a planning condition has been discharged. However any new fee levels should clearly be demonstrated to cover costs and have the potential to drive up standards. Any suggestion for local fee setting is seen as potentially divisive, as is the suggestion of a fast track approach for major schemes. While it is acknowledged that LPAs can set charges for informal advice it is considered that this service should be given national recognition with an element within the planning application fee being set for this purpose.
- 4.10 Speeding up the appeals process is welcomed, particularly a reduction in the time period when an appeal can be made. Members Review Bodies (3 or 5 Councillors not previously involved in the case) would operate in respect of minor applications where decisions have been made by Officers. Professional expertise would be available from adjoining Local Authorities. While this suggestion is interesting it is felt that this could potentially place an additional and significant burden on Members and professional officers who would take on this role for adjoining Authorities (this work currently falls to the Planning Inspectorate). It could also leave Councillors personally in a very difficult position. The loss of the independence the Planning Inspectorate brings is something, which should be considered very carefully.

5.0 RECOMMENDATION

5.1 That Members note the contents of this report.

Appendix 1

REVIEW OF HOUSEHOLDER DEVELOPMENT CONSENTS

1. Members will be aware that current planning regulations allow householders to build small extensions to their property without always needing to obtain planning permission. The current system is based on volume measurements and once the set volume is exceeded (generally 50m³ for a terraced property and 70m³ for other dwellings) then any extension over that limit will require consent.
2. The purpose of the review is threefold – to reduce the number of householder planning applications; to simplify the guidelines and to control adverse impacts of householder developments. It is stated that the changes are not simply a deregulatory measure, but rather seek to respond to modern day pressures and will allow Local Planning Authorities to focus on the major proposals.
3. The consultation document proposes a redrafting of Parts 1 and 2 of the Town and Country Planning (General Permitted Development) Order 1995, which relate to householder developments based on an impact approach. Accordingly, proposals which either only impact on the host property (i.e. the applicants themselves), or have a minimal effect on neighbouring properties, will generally be permitted development (i.e. planning permission will not be required).

5.2 Examples of these instances include the following: -

1. Single-storey rear extensions, which do not project more than 4 metres from the original rear wall of a dwelling (for terraced and semi-detached properties) and 5 metres for detached dwellings.
2. Two-storey rear extensions up to 3 metres in depth (4 metres for detached properties) provided they are more than 2 metres from a party boundary.
3. Single-storey sheds and other outbuildings subject to height and ground coverage restrictions.
4. Roof extensions including rear dormers, although the legislation would require a 1 metre check to be retained
5. Solar panels on dwellings or freestanding in gardens.

5.3 The consultation paper on householder micro generation schemes also proposes allowing certain generation facilities to be installed without obtaining

planning permission subject to satisfactory specified noise levels and height restrictions e.g. -

1. Solar Panels
2. Wind Turbines
3. Heat Pumps

6.0 THE RESPONSE

- 6.1 Please find below extracts from a report, which sets out my Council's comments in respect of the proposals in the Planning White Paper Planning for a Sustainable Future and related documents. These comments also reflect discussions within the Association of North east Councils and the other Tees Valley local authorities on the implications of the White Paper.

7.0 MAIN ISSUES

- 7.1 The White Paper puts planning at the centre of the Government's agenda and this is to be welcomed. It emphasises the importance of planning to local communities and its important role within local Councils. It is however unfortunate that much of the focus comes out of a negative perception of the planning process as a hindrance to development, which officers both here and elsewhere locally consider unjustified.
- 7.2 On major infrastructure projects, the main test will be how local public involvement is secured. Undoubtedly, there is a need to speed up and simplify arrangements for deciding applications on such proposals. However assurance are needed from Central Government that arrangements for involvement of local people will be enhanced rather than weakened. This is consistent with the approach adopted by the Council in its response on the energy review consultation.
- 7.3 There has long been a need for national policy statements on ports and airports etc. and this is to be welcomed. The recent experience on the proposed developments at Teesport highlight the need for this.
- 7.4 Whilst accepting that an impact approach represents a reasonable way of dealing with householder applications, it is considered that the projection and height of extensions being proposed close to shared boundaries will have a significant adverse effect on the amenities of adjoining residents particularly in densely developed areas. This is the one area where members of the public actively engage with the planning process and for any system to have credibility and general support it needs to be seen to be both clear and fair. It is considered that the potential for legitimate neighbour concerns is significant, therefore smaller projections and heights should be considered with clear reference to terraced situations (the Chair of our Planning Committee specifically asked that his concerns in this respect be emphasized). Further any proposal that introduces the principle of planning by neighbour consent is seen as a recipe for the system to rapidly fall in to disrepute, being prone to inconsistency and decision making unrelated to

material planning considerations. Furthermore, it is not considered that the proposals with all the associated qualifications will necessarily be easier for members of the public to interpret. It is likely that the authority will continue to receive a large volume of requests for confirmation as to whether or not a proposal is permitted development. The Planning Officers' Society is concerned that the burden on Local Planning Authorities could increase rather than reduce. If this is the case we could have a situation of workload increasing at the same time as fee income diminishing (as a result of fewer developments requiring planning permission). Finally the freedom to install wind turbines in domestic situations should have clear regard to amenity issues

- 7.5 The speeding up of the LDF process is welcomed. It retains the right balance between progress of the documents and public engagement. The current system is too cumbersome.
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 1. through the Joint Strategy Unit/Tees Valley Unlimited representing the sub regional case
 2. preparation of joint waste and minerals LDFs across the Tees Valley
 3. various working groups meeting on planning issues eg to identify a common (Tees Valley approach) to Section 106 Agreements
- 7.9 The issue of fees is covered in a separate consultation document. It indicates that current fees do not cover a Local Planning Authority's costs in dealing with applications. It is suggested that the preferred proposed fee increases (25% for all excluding householder applications and 7.5% for householder applications) reflect inflation and the need to drive service improvement. This is to be welcomed, as is the introduction of a new fee when an Authority is requested to certify that a planning condition has been discharged. However any new fee levels should clearly be demonstrated to cover costs and have the potential to drive up standards. Any suggestion for local fee setting is seen as potentially divisive, as is the suggestion of a fast track approach for major schemes. While it is acknowledged that LPAs can set charges for informal advice it is considered that this service should be given national recognition with an element within the planning application fee being set for this purpose.
- 7.10 Speeding up the appeals process is welcomed, particularly a reduction in the time period when an appeal can be made. Members Review bodies (3 or 5 Councillors not previously involved in the case) would operate in respect of minor applications where decisions had been made by Officers. Professional expertise would be available from adjoining Local Authorities. While this

suggestion is interesting it is felt that this could potentially place an additional and significant burden on Members and professional officers who would take on this role for adjoining Authorities (this work currently falls to the Planning Inspectorate) It could also leave Councillors personally in a very difficult position. The loss of the independence the Planning Inspectorate brings is something which should be considered very carefully

Richard Teece
Development Control Manager
Regeneration and Planning
Tel 01429 523272

ITEM OF ANY OTHER BUSINESS

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR FEWSTER, SITE AT LOWTHIAN FARM, DALTON PIERCY, HARTLEPOOL

1. PURPOSE OF REPORT


- 1.1 To update members of an enforcement notice appeal decision.

2. APPEAL

- 2.1 An appeal was made against an enforcement notice, of the alleged breach of planning control including (1) the erection on a date or dates unknown after 7 August 2002 of an extension to a mobile building including a pool and (2) the failure to comply with conditions 1 and 2 imposed on planning permission H/FUL/0320/01 requiring the removal of the mobile building.
- 2.2 The appeal was decided by written representations and by a hearing and was allowed by the Planning Inspectorate. The Inspector decided that the enforcement notice should be quashed and grant personal planning permission for a 3 year limited period. A copy of the letter is attached.

3. RECOMMENDATION

- 3.1 That the report be noted.

	<p>Hearing held on 6 June & 13 July 2007</p> <p>Site visit made on 6 June 2007</p> <p>by D A Hainsworth LL.B(Hons) FRSA Solicitor</p> <p>an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p>☎ 0117 372 6372 email:enquiries@pins.gsi.gov.uk</p> <p>Decision date: 8th August 2007</p>
	<p>Appeal Ref: APP/H0724/C/06/2023970</p> <p>Land and buildings at Lowfield Farm, Dalton Piercy, Hartlepool TS27 3HY</p> <ul style="list-style-type: none"> The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991. The appeal is made by Mr Ian Fewster against an enforcement notice issued by Hartlepool Borough Council. The Council's reference is PlanAg.4894.LH. The notice was issued on 4 August 2006. The breaches of planning control alleged in the notice are (1) the erection on a date or dates unknown after 7th August 2002 of an extension to a mobile building including a pool and (2) the failure to comply with conditions 1 and 2 imposed on planning permission ref. H/FUL/0320/01 dated 7 August 2001. The requirements of the notice are as follows: - <ul style="list-style-type: none"> "7.1 Remove the building from the land. 7.2. Remove the extension and pool from the land. 7.3. Remove all materials arising as a consequence of 7.1 and 7.2 above from the land. 7.4. Fill the pool void and otherwise restore the surface of the land and return the land to a grassed area." The period for compliance with the requirements is 6 calendar months. The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. <p>Summary of Decision: The appeal is allowed on ground (a), the enforcement notice is quashed and planning permission is granted, subject to conditions, in the terms set out in the formal decision below. Grounds (f) and (g) no longer fall to be considered.</p>	
<p>Procedural matters</p> <ol style="list-style-type: none"> The hearing opened on 6 June and was adjourned on that day. It resumed on 13 July and closed on that day. Grounds (b) and (e) were withdrawn before the hearing opened. Ground (d) was introduced at the hearing. <p>Ground (c)</p> <ol style="list-style-type: none"> In 1995, a contractor's site office and canteen were brought to the farm in six sections and re-assembled to form a dwelling and a farm office. The structure rests on timber supports and a concrete base. The external walls have been 		

clad with wooden sheets and painted green. Internal partitions have been removed and new ones inserted to create living and office accommodation. Internal plastering and decoration have been carried out and electricity and water services installed. Over the years, a porch has been added at the southern end, a gym has been added at the northern end and a pool extension has been added next to the porch. The porch is a timber attachment. The gym is timber framed and is bolted to a concrete base. The pool extension is timber framed and rests on block work and concrete footings. The whole structure can reasonably be described as a mobile building because of its size and the fact that it could be dismantled, taken away and re-assembled elsewhere.

4. As to the first allegation in the notice, the appellant agrees that the pool extension was operational development requiring planning permission, but maintains under ground (d) that it was too late to take enforcement action in respect of it at the time the notice was issued. Ground (d) is dealt with below.
5. As to the second allegation in the notice, Conditions 1 and 2 of the 2001 permission are as follows: -
 - "1. The mobile building for use as living accommodation and farm office shall be occupied/used only by Mr and/or Mrs Fewster and their dependents and shall be for a further limited period being the period of 1 year from the date of this permission, or the period during which the premises are occupied by Mr and/or Fewster [sic], whichever is the shorter."
 - "2. When the mobile building ceases to be occupied by Mr and/or Mrs Fewster or at the end of the 1 year, whichever shall first occur, the mobile building shall be removed from the premises unless otherwise agreed in writing with the Local Planning Authority."
6. The appellant maintains that the 2001 permission does not relate to the units as assembled and modified or to the porch or the gym, and that consequently there has been no breach of these conditions. The Council maintain that the conditions relate to the structure as it was when the permission was granted.
7. An application was made in 1997 for "new building(s) retrospective" on the farm and this resulted in permission being granted in 1998 (ref: H/FUL/0566/97) for "retention of mobile building" for 3 years. The appellant states that the porch existed at the time of this permission. The 2001 permission followed an application made for "further retention of mobile building". During the processing of the application the Council received photographs showing that both the porch and the gym existed by then. The 2001 permission authorises "further retention of mobile building". I construe both applications as being for permission to retain the structure as it that existed at the time. Both permissions state that they were granted in accordance with the applications. The 2001 permission therefore relates to the structure as assembled and modified, including the porch and the gym, and Conditions 1 and 2 apply to all these elements of the mobile building.
8. Condition 2 requires the mobile building to be removed at the end of the 1-year period "unless otherwise agreed in writing with the Local Planning Authority". Permission was granted in 2002 to erect a detached dwelling, detached double

garage and a stable block on a nearby part of the farm (ref: H/FUL/0513/02). The appellant was told at a Council meeting that the 1-year period would be extended to allow time to carry out this development. However, no agreement was recorded in writing.

9. Since Conditions 1 and 2 are applicable and have not been complied with, the appeal on ground (c) fails.

Ground (d)

10. The appellant submitted statutory declarations, statements and letters to the hearing indicating that the pool extension had been completed by 20 July 2002. The Council submitted records indicating that on 24 April 2003 he enquired about a proposal for a "temporary portable building to house a portable swimming pool" on the farm and that the proposal was discussed with him on site on 27 May 2003. The officer who visited him told the hearing that on that date the pool was on the site and decking was constructed around part of it, but it had no sides or roof. Having considered this information, the appellant told the hearing that he had made a mistake and that the pool extension was not finished until 2003.
11. The pool extension is a building operation and the time limit for taking enforcement action is 4 years beginning with the date on which the operation was substantially completed. As this date was in 2003, it was not too late to take enforcement action in respect of the pool extension when the notice was issued on 4 August 2006. The appeal on ground (d) therefore fails.

Ground (a)

12. Under ground (a), the appellant seeks permission to retain the mobile building approved in 2001 without compliance with Conditions 1 and 2 and to retain the pool extension. The main issues concern their effect on the character and appearance of the countryside, the agricultural need and the appellant's personal circumstances.
13. The development plan for the area includes the Hartlepool Local Plan, which was adopted in 2006. Policy Rur7 of the Plan sets out the factors that will be taken into account when development is proposed in the open countryside. Policy Rur12 states that isolated dwellings will not be permitted in the open countryside, except for certain purposes. One of these is a dwelling essential for the efficient functioning of an economically-viable agricultural enterprise. Government policy relating to agricultural dwellings is set out in Annex A of Planning Policy Statement 7 (PPS7).
14. The mobile building and the pool extension are temporary, improvised structures that are visually unappealing. They have an adverse impact on the character and appearance of the countryside, contrary to Policy Rur7, and I do not consider that a permanent permission should be given for them.
15. The officer's response to the appellant's enquiry about the pool extension was that it was acceptable as a temporary building within the policies then applying. The appellant was advised to submit an application for it in conjunction with an application to renew the 2001 permission. That response was appropriate then

and I will consider whether it is still appropriate, having regard to current policies and present agricultural needs and personal circumstances.

16. The 1998 permission authorised an agricultural building, fencing, pens and associated works in connection with the appellant's business of wild boar breeding and the 2001 permission authorised their permanent retention. The business was successful enough to justify the permanent dwelling approved in 2002. It was, however, badly affected by the foot-and-mouth disease controls, which prohibited animal movements and led to serious animal welfare problems on the farm and the eventual disposal of the stock. The appellant suffered a back injury in 2000, which restricts his mobility, and the pool extension was built to provide hydrotherapy for him. More recently, he suffered further health problems. He is, however, determined to restart the business, in which he has invested considerable time, effort and capital, and he is actively taking steps to do so. The infrastructure for the business remains in place on the farm.

17. PPS7 sets out criteria that applicants for temporary agricultural dwellings should satisfy. The first is clear evidence of a firm intention and ability to develop the enterprise. This has already been demonstrated and there has been significant investment in infrastructure. The second is a functional need for someone to be readily available at most times. It is not disputed that such a need will arise when restocking has taken place. The third is clear evidence that the enterprise has been planned on a sound financial basis. The appellant has already demonstrated that the business can be run successfully. The fourth asks whether the functional need could be met elsewhere in the area. Since wild boar are classed as dangerous wild animals, the appellant should live on the farm. The fifth relates to details such as siting and access. There are no issues of this nature.

18. The criteria are therefore all satisfied, but PPS7 also states that successive extensions should not normally be granted to a temporary permission over a period of more than three years. However, in view of the misfortunes that the appellant has suffered in recent years, this is a case where an exception should be made. A further three years would be reasonable, since this is the period needed to restart the business effectively and establish its viability. The permission should include the pool extension, since it will be needed for health reasons during this period. Three years will also give the appellant the opportunity to carry out the development approved in 2002 (the permission is extant until 7 November 2007) or to pursue the possibility of building a smaller dwelling instead.

19. For the above reasons and having regard to all other matters raised, I conclude that a personal, temporary permission should be granted for the mobile building and the pool extension. The appeal on ground (a) therefore succeeds to this extent. I will impose conditions to give effect to this conclusion, similar to those imposed before, in order to protect the character and appearance of the countryside.

Grounds (f) and (g)

20. The notice will be quashed in view of the success of the appeal on ground (a). Grounds (f) and (g) no longer fall to be considered.

Formal decision

21. I allow the appeal, direct that the enforcement notice be quashed and grant a personal planning permission for a limited period on the application deemed to have been made under section 177(5) of the Act as amended for the mobile building, including the porch, the gym extension and the pool extension, at Lowfield Farm, Dalton Piercy, Hartlepool TS27 3HY, subject to the following conditions: -

1. The development permitted shall be occupied only by Mr Ian Fewster and/or Mrs Julie Fewster and their dependents and only as living accommodation and a farm office and for a limited period, being the period of 3 years from the date of this decision or the period during which the development is occupied by Mr Ian Fewster and/or Mrs Julie Fewster, whichever is the shorter.
2. The development permitted shall be removed from the farm when it ceases to be occupied by Mr Ian Fewster and/or Mrs Julie Fewster or at the end of the period of 3 years from the date of this decision, whichever is the sooner.

D.A.Hainsworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Roy Merrett	Principal Planning Officer, Hartlepool Borough Council
Peter Riddell	Enforcement Officer, Hartlepool Borough Council
Chris Pipe	Senior Town Planner, Development Control, Hartlepool Borough Council
Richard Teece	Development Control Manager, Hartlepool Borough Council

FOR THE APPELLANT:

David Stovell	Partner, David Stovell & Millwater, 5 Brentnall Centre, Brentnall Street, Middlesbrough TS1 5AP
Ian Fewster (appellant)	Lowfield Farm, Dalton Piercy, Hartlepool
Julie Fewster	Lowfield Farm, Dalton Piercy, Hartlepool

DOCUMENTS

- 1 Council's letter of notification of hearing.
 - 2 Records of attendance.
 - 3 Letter to Mr and Mrs Fewster from Mr G O Robinson dated 5/6/07.
 - 4 Appellant's schedule of events.
 - 5 Bundle of correspondence and documents submitted by the Council on 19 June 2007.
 - 6 Additional statements submitted by the appellant on 6 July 2007.
 - 7 Council's record of informal enquiry made by the appellant on 29 April 2003 and details of advice given.
 - 8 Council's statement of case in relation to ground (d).
 - 9 Statutory declarations, statements and correspondence submitted by the appellant.
 - 10 Planning application H/FUL/0566/97 and approved plans.
 - 11 Planning application H/FUL/0320/01 and approved plans.
 - 12 Statement of Chris Pipe.
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PLANS

A-D Appellant’s sketches of features of the development.

PHOTOGRAPHS

A-C Views of the development taken before 24 July 2001.

D-H The pool extension during construction.

I Western elevation of pool extension on 6 June 2007.