

PLANNING COMMITTEE AGENDA



Wednesday, 26th September 2007

at 10.00 a.m.

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

MEMBERS OF PLANNING COMMITTEE:

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

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 29th August 2007

4. ITEMS REQUIRING DECISION

4.1 Tree Preservation Order No. 181 – 6 Grantham Avenue – *Chief Solicitor and Director of Regeneration and Planning Services*

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

- | | | |
|-----|-------------|-----------------------------|
| 1. | H/2007/0083 | Queens Meadow Business Park |
| 2. | H/2007/0634 | The Hour Glass Public House |
| 3. | H/2007/0627 | Able UK |
| 4. | H/2007/0626 | Able UK |
| 5. | H/2007/0620 | Unit 58 Elizabeth Way |
| 6. | H/2007/0598 | 12 Murray Street |
| 7. | H/2007/0537 | 17 Clifton Avenue |
| 8. | H/2007/0584 | 44 Murray Street |
| 9. | H/2007/0516 | 9 The Spinney |
| 10. | H/2007/0552 | 39/40 Mounston Close |

- 4.3 Appeal Ref APP/H0724/A/07/2039498: H/2006/0441 Amerston Hill, Coal Lane, Hartlepool, TS27 3EZ. Erection of a Two-Storey Lounge, Hall, Garage, Bathroom and Bedroom (2) Extension - *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Alab Environmental Services, Land at Brenda Road, Hartlepool - *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

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

7. ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – The Golden Lion PH, Dunston Road Hartlepool - *Assistant Director (Planning & 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 24th October 2007 at 9.00am.

Next Scheduled Meeting – Wednesday 24th October 2007.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

29 August 2007

The meeting commenced at 10.00 a.m. in the Owton Manor Community Centre, Hartlepool

Present:

Councillor R W Cook (In the Chair)

Councillors Akers-Belcher, Allison, Brash, S Cook, Flintoff, Laffey, G Lilley, J Marshall, Dr G Morris, Richardson, Worthy and Wright.

Also Present in accordance with Council Procedure Rule 4.2(ii);
Councillor A Lilley as substitute for Councillor Kaiser.

Officers: Peter Devlin, Legal Services Manager
Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Linda Wright, Planning Officer
Gill Scanlon, Planning Technician
Chris Roberts, Development and Coordination Technician
David Cosgrove, Principal Democratic Services Officer

36. Apologies for Absence

Councillors Kaiser, Payne and Simmons.

37. Declarations of interest by members

Councillor Brash declared a prejudicial interest in planning application H/2007/0521 196 Park Road.

Councillor G Lilley declared a prejudicial interest in planning application H/2007/0333 Wisbech Close.

38. Confirmation of the minutes of the meeting held on 1 August 2007

Confirmed.

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

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: The Development Control Manager confirmed that he had a meeting the previous day with the Head Teacher of Rift House School and Bob Smith (Facilities Manager) at Brierton School to air concerns raised by Councillors at the previous committee meeting in summary the conclusions of the meeting were:

- 1) The Head Teacher from Rift House had sort to achieve a balance between amenity and need to bring the playing field back into use given the proximity to adjacent houses.
- 2) The school playing field is useless and potentially dangerous in its current form.
- 3) The post and pole fence around the edge of the site appears to be in much better condition than the one at Brierton School and its retention will preclude serious unauthorised access onto the site.
- 4) There is open space to the north-west and east of the school playing field which will be in effect linked by the area of open space retained outside the area of proposed fence.
- 5) The proposed fence is different than that at Brierton School, the panels are secure bolted to posts as opposed to applied under pressure as at Brierton. This ensures that any repairs are limited to the panels themselves rather than several panels and posts as appears to happen at

Brierton School.

- 6) Significant investment is being undertaken within the school, under the Sure Start scheme and on the back of this significant children's play equipment is to be provided this needs to be secure.
- 7) The southern boundary of this fence could be adjusted slightly to enable a pitch to fit onto the site more regularly.

Members are minded to approve the application on this basis subject to the following conditions. As the land is within Council ownership and given Sport England's concerns the application will be referred to the Government Office for the North East for final 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. Notwithstanding the amended plans received the final siting of the southern part of the boundary fence shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
To enable a junior pitch to be located within the site more satisfactorily.
3. The hereby approved fencing shall be powder coated Moss Green when installed, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. The area of playing pitch enclosed by the scheme hereby approved shall be made available for use by members of the local community at times when the school is closed. Details of the hours and proposed arrangements shall be first agreed in writing by the Local Planning Authority.
To ensure that the playing pitch is available for community use.

The Committee considered representations in relation to this matter.

Number: H/2007/0562

Applicant: Mr Mohammad Uddin, 20 Meadowgate Drive, Hartlepool

Agent: Business Interior Group, Mr Ian Cushlow, 73 Church Street, Hartlepool

Date received: 23/07/2007

Development: Change of use to hot food takeaway (Class A5 use)

Location: 85 YORK ROAD HARTLEPOOL

Representations: Mrs J Rudge (Objector) was present at the meeting and addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL:

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.

The Committee considered representations in relation to this matter.

Number: H/2007/0521

Applicant: Mr D Rowbotham, 196 PARK ROAD, HARTLEPOOL

Agent: Mr D Rowbotham, 196 PARK ROAD, HARTLEPOOL

Date received: 09/07/2007

Development: Erection of a front boundary wall with railings and gates

Location: 196 PARK ROAD, HARTLEPOOL

Representations: Councillor Hall (Burn Valley Ward Councillor) addressed the Committee and spoke in favour of the application.

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 gates and fencing hereby approved shall have a black finish.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2007/0333

Applicant: Mrs T Allen, Barford Close, Hartlepool

Agent: Mrs T Allen, 16 Barford Close, Hartlepool

Date received: 02/05/2007

Development: Incorporation of public open space land into curtilages of properties for use as domestic gardens

Location: REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL

Representations: Mrs T Allen (applicant) and Mr Picken (objector) were present at the meeting and addressed the Committee

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

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.

The Committee considered representations in relation to this matter.

Number: H/2007/0508

Applicant: Rubicon Pastimes Ltd, The Front, Seaton Carew, Hartlepool

Agent: Business Interiors Group, 73 Church Street, HARTLEPOOL

Date received: 03/07/2007

Development: Erection of a single storey rear sunroom extension

Location: 15 - 17 THE FRONT, HARTLEPOOL

Representations: Mr I Cushlow (applicant's representative) was present and addressed the Committee.

Decision: **Subject to no objections from the Health & Safety Executive Planning Permission Approved**

CONDITIONS AND REASONS:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with 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.

The Committee considered representations in relation to this matter.

Number: H/2007/0500

Applicant: Mr Mrs Hugill, Voltigeur Drive, Hart Village, Hartlepool

Agent: Mr Mrs Hugill, 1A Voltigeur Drive, Hart Village, Hartlepool

Date received: 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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. The external materials used for this development shall match those of the existing building(s).
In the interests of 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 brick work 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.

The Committee considered representations in relation to this matter.

Number:	H/2007/0537
Applicant:	Mrs Joanne McGowan, 17 Clifton Avenue, Hartlepool
Agent:	Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, Hartlepool
Date received:	13/07/2007
Development:	Installation of replacement upvc windows to front elevation
Location:	17 CLIFTON AVENUE, HARTLEPOOL
Decision:	Deferred the application was deferred to enable officers to discuss whether the applicant would consider using a different type of UPVC windows to those proposed and for additional information from the planning working party which continues to consider whether UPVC windows are appropriate in conservation areas.

Number: H/2007/0484

Applicant: Hartlepool PCT And Care Partnership, Harbour Walk,
The Marina, Hartlepool

Agent: West And Machell Architects, Chris Webb, No1
Northwest Business Park, Servia Hill, Leeds

Date received: 15/06/2007

Development: Erection of a primary care centre including retail(A1)
Chemists/Pharmacy with associated works 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

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. 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 unless otherwise agreed in writing by the Local Planning Authority.
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

26. Vehicular access to the finished development shall be from Park Road at all times in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

In the interests of highway safety and the amenities of the occupants of neighbouring properties.

27. Once complete no vehicular access shall be taken from Waldon Street. In the interests of highway safety and the amenities of the occupants of neighbouring properties.

28. A scheme for access for construction traffic including a programme of works shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works, unless otherwise

agreed in writing by the Local Planning Authority.
In the interests of highway safety and the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

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

The Development Control Manager informed the Committee that the appeal for the Certificate of Lawfulness of existing use of Amerston Hill Cottage as a residential dwelling house had been withdrawn.

Decision

That the report be noted.

41. Appeal by Mr A Dhaliwal - Site at 34a Duke Street *(Assistant Director (Planning and Economic Development))*

The Development Control Manager updated Members on the outcome of the this appeal, which was allowed by the Inspector. 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. A copy of the Inspector's decision letter was submitted for Members information.

The Development Control Manager reported that the Urban Policy section was reviewing this decision and that at 18 Lowthian Road (Minute No. 42 below). There was some concern being expressed by Officers in relation to recent decisions of the Planning Inspectorate that were, in officer's opinions, eroding the detailed policies of the Hartlepool Local Development Plan. Officers had initially considered a legal challenge to the Inspectorate's decision in this case and that of 18 Lowthian Road. However, it was considered more prudent at this time to write to the Planning Inspectorate setting out the concerns and seeking their views. The Development Control manager sought the Committee's authority to send such a letter on behalf of the Committee.

Decision

1. That the report be noted.
2. That the Development Control manager be authorised to write to the Planning Inspectorate setting out the concerns reported following consultation with the Chief Solicitor and the Chair of the Committee.

42. Appeal by Mr Weed - Site at 18 Lowthian Road *(Assistant Director (Planning and Economic Development))*

The Development Control Manager updated Members on the outcome of this appeal, which was allowed by the Inspector. The inspectorate concluded that

the proposed alterations and use as offices would be acceptable here. A copy of the Inspector's decision letter was submitted for Members information. Ref to 41

Decision

1. That the report be noted.
2. That the Development Control manager be authorised to write to the Planning Inspectorate setting out the concerns reported following consultation with the Chief Solicitor and the Chair of the Committee.

43. Planning For A Sustainable Future: The Planning White Paper *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that the Planning White Paper was published in May 2007. It is accompanied by a number of daughter documents giving additional detail on implementation. Responses to the document were required by 17 August 2007. Officers had 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 outlined the main elements of the proposed reforms and contained comments, drawing in part on those discussions, which had been provided in response to the consultation following discussion with the Chair of the Planning Committee. The Chair commented that there had been very little time to consider a response to the document, which was why the document had not been brought to Committee for Member to formulate a response.

Decision

That the report be noted.

45. Any Other Items the Chair Considers are Urgent

The Chair 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 matter could be dealt with without undue delay.

46. Appeal by Mr Fewster, Site at Lowthian Farm, Dalton Piercy, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that 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.

The appeal was decided by a hearing and was allowed by the Planning

Inspectorate. The Inspector decided that the enforcement notice should be quashed and granted personal planning permission for a 3 year limited period. A copy of the decision letter was submitted for Members information.

Decision

That the report be noted.

47. Local Government (Access to Information) (Variation) Order 2006

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 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 48 – Enforcement Action – Land Opposite CCS, Mainsforth Terrace, Sandgate Industrial Estate Hartlepool

Minute 49 – Any Other Items the Chair Considers are Urgent

Minute 50 – Seaton Meadows Waste Disposal Site

Minute 51 – CJC Site, Hartlepool

48. Enforcement Action – Land Opposite CCS, Mainsforth Terrace, Sandgate Industrial Estate Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that the Local Planning Authority were concerned by the untidy appearance of an area of disused privately owned land opposite CCS, Mainsforth Terrace, Sandgate Industrial Estate. The land in question was not secured and was easily accessed from the access road to the adjacent units. Significant amounts of debris and tyres had been deposited on the site and vegetation was overgrown and unkempt. The general untidy appearance of the site was having an adverse impact upon the amenity and general appearance of the estate.

Under Section 215 of the Town and Country Planning Act 1990 the Borough Council has the power to require the proper maintenance of land and buildings where it is considers that the condition 'adversely affects the amenity of the area'. The Notice must specify the steps that need to be undertaken to abate the harm to the amenity of the area and the period within which they are to be taken. The Committee's approval was sought to issue such a notice in the terms set out in the report.

Decision

- 1 That in the event that the site owner will not agree to voluntarily undertake remedial actions, the Development Control Manager, in consultation with the Chief Solicitor, be authorised to issue a section 215 notice requiring the landowner to undertake such of the following, and any other steps

they consider appropriate to abate the harm that is being caused to the amenity of the area, namely:

- (i) Remove from the site in its entirety of all, rubble, debris and other scrap materials that have been deposited on the land.
- (ii) Remove of all tyres from the site in its entirety
- (iii) Reinststate a secure boundary fence and gated access to the site
- (iv) Cut back all vegetation on site to a height not exceeding 5cm and ensure that the vegetation does not exceed this height thereafter.

- 2 That a period of three months from the date the notice takes effect be given for compliance with the steps specified.

49. Any Other Items the Chair Considers are Urgent

The Chair 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 Committee was informed of the most up-to-date information

50. Seaton Meadows Waste Disposal Site *(Development Control Manger)*

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

Decision

That the report be noted.

51. CJC Site, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) updated Members on the issues relating to the site, including enforcement and the prospective planning application for the site.

Decision

That the report be noted.

CHAIRMAN

PLANNING COMMITTEE

26th September 2007



Report of: Chief Solicitor & Director of Regeneration & Planning Services

Subject: TREE PRESERVATION ORDER NO. 181
6 GRANTHAM AVENUE

1. PURPOSE OF REPORT

- 1.1 To invite members to confirm a Tree Preservation Order relating to a Copper Beech tree located within the curtilage of 6 Grantham Avenue, Hartlepool.

2. BACKGROUND

- 2.1 On 24th April 2007 a Tree Preservation Order was made under the Council's emergency powers to protect a Copper Beech tree located within the curtilage of 6 Grantham Avenue, Hartlepool. The Order was produced following a notification to fell the tree was received under section 211 of the Town and Country Planning Act. (See appendix 1 for location plan and photographs)
- 2.2 Subsequent to the Council issuing the Order, representations have been received from the freehold owners of 6 Grantham Avenue and 8 Grantham Avenue. (Appendix 3 & 4). The main concerns raised are: –
- (i) The foundations of the boundary wall are being heaved, the wall is cracked and leaning towards the public footpath
 - (ii) Roots are on the surface of the lawns
 - (iii) Telephone wires are tangled in the branches
 - (iv) The threat of legal action
 - (v) The tenant wants his daylight restored
 - (vi) Potential for tree root damage to house foundations

2.3 The Council's views in relation to the concerns of the owner and adjacent land owners are contained in correspondence from the Council's, Arboricultural Officer (Appendix 4 & 5) and more specifically that: -

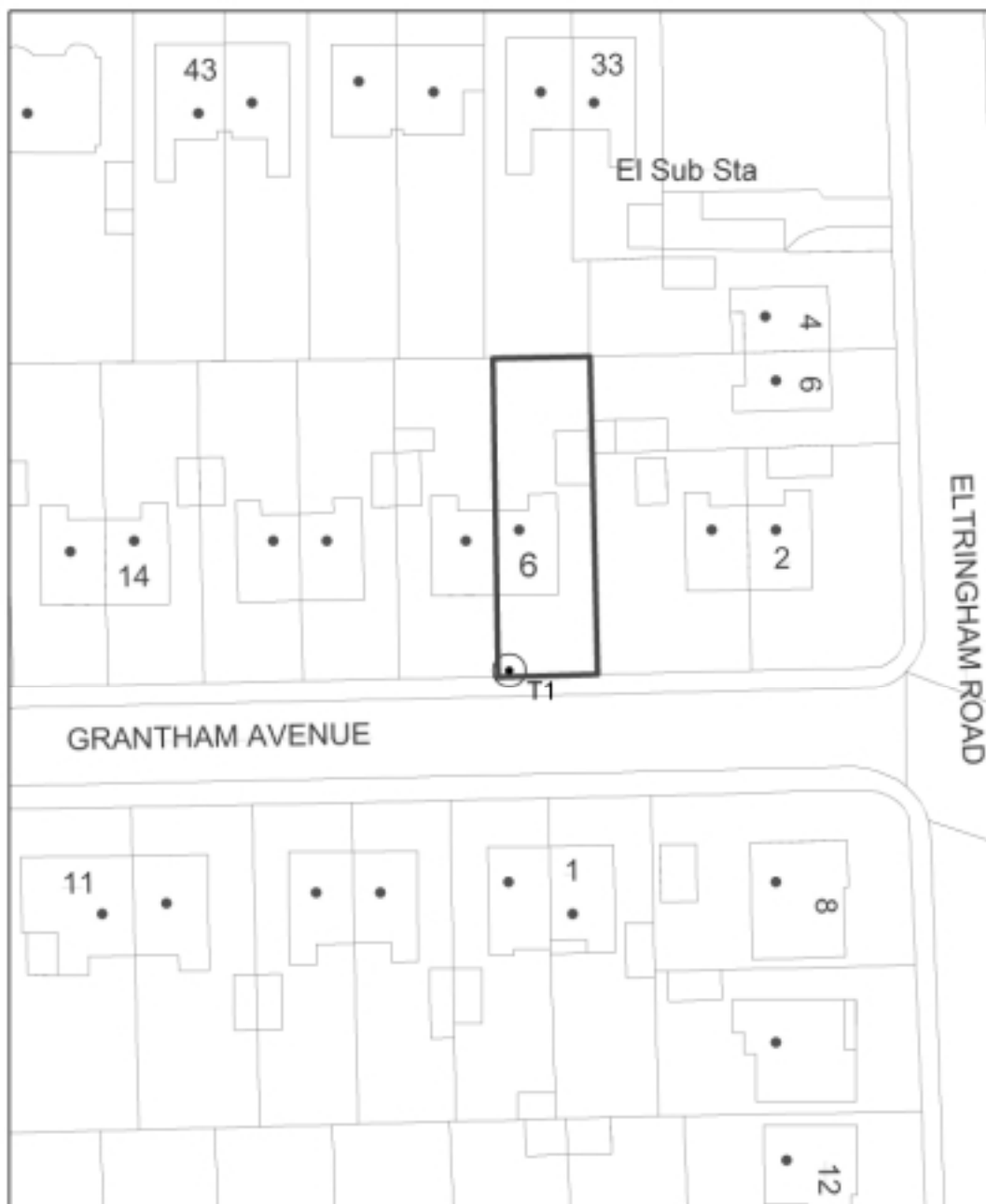
- (i) The location of the tree, and the fact that some displacement of the wall had occurred was taken into account when considering the tree for a TPO. It was felt that the tree could be retained, and the wall, which would need to be repaired in any case, could be repaired in such a way as to take account of the presence and future growth of the tree.
- (ii) The problems associated with roots on the lawns may be considered an inconvenience rather than an 'actionable nuisance' in the legal sense.
- (iii) The problem of telephone wires becoming entangled in the branches of the tree could be abated by means of light pruning works around the wires.
- (iv) A 'right to light' can only be enjoyed in relation to a specified opening (such as a window), and must therefore be associated with a building. It must also be shown that the specified opening has received uninterrupted light for at least 20 years prior to the obstruction.
- (v) Due to the tree being some distance from the house, it would be considered unlikely that the roots would have any adverse effect.

3. RECOMMENDATIONS

After giving consideration to the representations, it is recommended that Tree Preservation Order No.181 be confirmed without modification.

Appendix 1

6 Grantham Avenue



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSES ONLY

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HARTLEPOOL BOROUGH COUNCIL Department of Regeneration and Planning Services Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRAWN	AD	DATE	08/06/07
	SCALE	1:500		



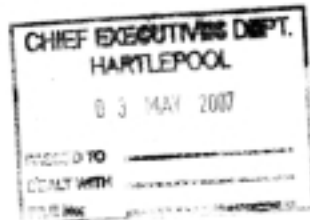


Appendix 2

The Mansion House
Sheraton
Castle Eden
Co. Durham
TS27 4RB
Telephone 01429 836214

APA/LV

Mr J.A Brown
Chief Solicitor
Civic Centre
Hartlepool



01st May 2007

Dear Mr Brown,

T.P.O. 181
6 Grantham Avenue

Thank you for your recent correspondence with regard to the above.

I must say that I am amazed at the big guns that have been brought to play. For a tree that my late uncle planted and I have pruned and lopped on at least two occasions since 1983. Only since I spoke to Derek Wardle has this tree become a visual amenity, no one in your offices knew of its existence earlier.

I now need your advice.

Mr Wilson at no 8 Grantham Avenue approached me early April (hence my request for advice from Derek Wardle).

The foundations of the boundary wall are being heaved, the wall is cracked and leaning towards the public foot path.

Roots are on the surface of the lawns. Indeed Mr Wilson has raised and returfed his lawn to cover the surface roots. Telephone wires are tangled in its branches and no doubt the roots will soon disrupt the water and gas supplies below the drives and foot path.

Mr Wilson is threatening to take legal action against me. My tenant Michael Peart wants his daylight restored.

My insurers are now aware of the damage surrounding the curtilage.

Now that you instruct me to stand back and take no action to prevent further damage or injury. Could you please confirm that you accept the full responsibility for all subsequent claims. Including to members of the public should the boundary wall fail, or utilities are disrupted?

Yours sincerely

A handwritten signature in black ink, appearing to be 'A P Abbott', written over a horizontal line.

A P Abbott

Encl.

APPENDIX 2

Regeneration & Planning
Services

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Our Ref:

Tel: 01429 266522

Your Ref:

Fax: 01429 523599

DX60669 Hartlepool – 1

Contact Officer:

Tony Dixon: Arboricultural Officer (01429 284071)
e-mail: tony.dixon@hartlepool.gov.uk



23rd May 2007

Mr A P Abbott
The Mansion House
Sheraton
Castle Eden
Co. Durham
TS27 4RB

Dear Mr Abbott,

Tree Preservation Order 181, 6 Grantham Avenue

Thank you for your recent letter regarding the above.

Where trees are of particular benefit for improving visual amenity then they may be placed on a Tree Preservation Order (TPO) to ensure their protection from removal or inappropriate pruning.

Prior to making the TPO at 6 Grantham Avenue, an evaluation was undertaken using the Tree Evaluation Method for Tree Preservation Orders (TEMPO), a copy of which, with accompanying guidance note, is enclosed. The evaluation showed that the tree merited an order.

The location of the tree being close to the front boundary wall, and the fact that some displacement of the wall had occurred, was taken into account as part of the evaluation when considering the tree for a TPO. It was felt that the tree could be retained and the wall, which would need to be repaired in any case, could be repaired in such a way as to take account of the presence and future growth of the tree.

The problem associated with roots on the lawn of the adjacent garden may be considered an inconvenience rather than an 'actionable nuisance' in the legal sense, and the problem of telephone wires becoming entangled in the branches of the tree could be abated by means of light pruning works around the wires. Being placed on a TPO does not mean that no work can be carried out on the tree, but that any proposed work would require permission from the Council.

You also mention that no doubt the roots of the tree will soon disrupt water and gas supplies below the drives and footpath, however you provide no evidence of this.



INVESTOR IN PEOPLE

APPENDIX 2

You state also that Mr Peart, your tenant, wants his daylight restored. The issue of a 'right to light' in connection with trees is a complex one. A right to light can only be enjoyed in relation to a specified opening (such as a window), and must therefore be associated with a building. It must also be shown that the specified opening has received uninterrupted light for at least 20 years prior to the obstruction.

In answer to your request regarding responsibility for the tree, as is explained in the leaflet entitled *'Protected Trees, a guide to tree preservation procedures'*, a copy of which was enclosed with the order, the local authority does not become responsible for looking after the tree when an order is made. The responsibility for the tree remains with the owner.

The order was made on a provisional basis on 24th April 2007, and will remain in force for a period of six-months. The order will need to be confirmed before becoming a full order, and before deciding whether or not to confirm the order, the local planning authority must consider all objections and other representations made. Where objections are received, the decision whether or not to confirm the order will be taken by the Council's Planning Committee made up of elected members.

Should you wish to discuss this matter further I would be happy to meet with you at your convenience. I can be contacted on the number or e-mail address given above.

Yours sincerely,



Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

APPENDIX 2

Your ref: SW/TPO.UN6277

Mr J.A. Brown
Chief Solicitor
Hartlepool Borough Council



8 Grantham Ave
HARTLEPOOL
TS26 9QT
8.5.07

Dear Sir,

We have received your letter of April 24th containing tree Preservation Order No. 181 in respect of the tree situated in the garden of 6 Grantham Ave.

I should firstly like to point out that we were, with some reservations, in favour of the area becoming a conservation area when residents were asked of their opinions. I should like to add that we agree that the tree is indeed 'a high visual amenity'.

However, may we ask that certain points are clarified, as the tree has already incurred considerable expense and even inconvenience on our part. The problems are and will continue to be as follows:

- twice in the past, Telecom have had to repair cables which have become entangled in the tree and we have been without a phone line
- we have had to dig up the front lawn and have it re-turfed in the past, very little will grow healthily in our front garden
- we have, in the past, had 'neighbour issues' regarding the tree, which currently is not a problem but can we guarantee this will continue?
- when the garden was dug up, the tree roots were intact at least up to the foundations of the house
- we have, as the naked eye will be able to see, had to have the perimeter wall repaired a number of times and it is again beginning to split and crumble

Before we can happily agree with the order we do need in writing who is now responsible for the upkeep of the wall **and also** any damages should the wall fall and hurt a passer by or damage a vehicle.

Will something be written into the deeds of the property? What will happen if the roots of the tree do indeed damage the house foundations or, should we wish to move, a survey done on behalf of potential buyers, indicates that this could be a problem.

I would also request that if and when you write to us again it is perhaps on recycled paper as it is rather ironic that documentation regarding tree preservation should be on copious sheets of the very best quality paper.

Yours faithfully,

Mrs Frances Wilson

APPENDIX 2

Regeneration & Planning
Services

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Our Ref:

Tel: 01429 266522

Your Ref:

Fax: 01429 523599

DX60669 Hartlepool – 1

Contact Officer:

Tony Dixon: Arboricultural Officer (01429 284071)
e-mail: tony.dixon@hartlepool.gov.uk



1st June 2007

Mrs F. Wilson
8 Grantham Avenue
Hartlepool
TS26 9QT

Dear Mrs Wilson,

Tree Preservation Order 181 – 6 Grantham Avenue

Thank you for your recent letter regarding the above.

In your letter you raise a number of issues associated with the tree.

I understand that the tree may be causing problems, but hope that these could be overcome and the tree retained.

Where trees are of particular benefit for improving visual amenity then they may be placed on a Tree Preservation Order (TPO) to ensure their protection from removal or inappropriate pruning.

Prior to making the TPO at 6 Grantham Avenue, an evaluation was undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO), a copy of which, with accompanying guidance note, is enclosed. The evaluation showed that the tree merited an order.

The location of the tree being close to the front boundary wall, and the fact that some displacement of the wall had occurred, was taken into account as part of the evaluation when considering the tree for a TPO. It was felt that the tree could be retained and the wall, which would need to be repaired in any case, could be repaired in such a way as to take account of the presence and future growth of the tree.

The problem of telephone wires becoming entangled in the branches of the tree could be abated by means of light pruning works around the wires. Being placed on a TPO does not mean that no work can be carried out on the tree, but that any proposed work would require permission from the Council.

In answer to your query regarding responsibility for the upkeep of the wall and any damages, the making of a tree preservation order does not mean that the local authority takes responsibility for the tree or any of the structures in the area of the tree; the situation regarding responsibility remains unchanged.



INVESTOR IN PEOPLE

APPENDIX 2

To answer your question regarding the trees roots and the foundations of your house, due to the tree being some distance from the house, I would consider it unlikely that the roots of the tree would have any adverse effect, however, should you provide a professional report which shows that the roots are causing damage to the house, then it is likely that consent to fell the tree would be granted.

The order was made on a provisional basis on 24th April 2007, and will remain in force for a period of six-months. The order will need to be confirmed before becoming a full order, and before deciding whether or not to confirm the order, the local planning authority must consider all objections and other representations made. Where objections are received, the decision whether or not to confirm the order will be taken by the Council's Planning Committee made up of elected members.

Should you wish to discuss this matter further I would be happy to meet with you at your convenience. I can be contacted on the number or e-mail address given above.

In answer to you request regarding recycled paper, I can confirm that all paper used by the Council is either 100% recycled, or sourced from sustainably managed forests (which is supplied in boxes made from 65% recycled material). In addition to this a paper-recycling scheme runs through all offices.

The Council also has a Paper Use Policy, which is outlined below:

'Hartlepool Borough Council is committed to reducing the environmental impacts of its own activities and promoting sustainable development throughout the Borough.

The Council will integrate environmental considerations into all it's activities and seek to promote the conservation and sustainable use of natural resources by:

- *Maximising the use of recycled paper throughout the authority.*
- *Minimising the amount of paper used within the authority and striving for a 'paper free' office environment.*
- *Maximising the amount of paper recycled by the authority'*

For further information about the Council's environmental standards, please contact Helen Beaman on 01429 523358 or e-mail helen.beaman@hartlepool.gov.uk.

Yours sincerely,



Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

No: 1
Number: H/2007/0083
Applicant: Mr Carl Barnett Gladman House Alexandria Way
 Congleton Cheshire CW12 1LB
Agent: Gladman Homes Gladman House Alexandria Way
 Congleton CW12 1LB
Date valid: 07/02/2007
Development: Speculative development of 24 semi-detached and 12 detached 2 and 3 storey commercial units (B1 use), with associated landscaping, roads and infrastructure
Location: QUEENS MEADOW BUSINESS PARK STOCKTON ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 Detailed planning permission is sought for a speculative office development on the Queens Meadow Industrial Estate.

1.2 The site is some 3.85 hectares in area and is situated to the north of the access road into the estate and the smallholding known as Mayfields. The site extends northwards as far as the Milestone Green Nursery site. Its western boundary borders a belt of tree planting which forms a buffer with the adjacent A689 Stockton Road. It is essentially a large expanse of grassland currently used for grazing purposes and crossed by a series of hedges. There is wetland habitat in the form of drainage ditches in the vicinity of the south and eastern boundaries of the site. In view of the presence of this wetland habitat in the vicinity of the site, a Great Crested Newt survey has been undertaken and the findings submitted in a report accompanying the application.

1.3 The site is part of a broader area comprising the Queens Meadow Industrial Estate that received an outline planning permission in 1999 and is allocated within the Local Plan to be developed as a high quality business park. Members will be aware the southern part of the industrial estate has been the subject of previous planning permissions for office and workshop developments notably the Innovation Centre development which has now been completed and occupied.

1.4 The development would consists of 24 semi detached, and 12 detached units of 2/3 storeys in height incorporating landscaping measures and served by car parking areas (totalling 518 spaces) and cycle bays. The buildings will comprise a brick and curtain wall glazing construction with pitched roof.

1.5 Access to the site will be provided via a new junction off the existing roundabout within the business park. The new access road would cross a drainage ditch which would require culverting.

1.7 The application is accompanied by a travel plan aimed at reducing dependency on the private car.

1.8 Amendments to the original proposals have been made. These revisions include the repositioning of certain buildings with a view to reducing their impact on adjacent properties and also improving the visual impact of the entrance to the development. Gated pedestrian access points to the site from Stockton Road have been introduced. These access points would be some 3 metres wide in order to allow for cycle access if and when cycle links are constructed along Stockton Road in the future. Discussions are currently ongoing with the applicant about extending cycle links to the site along the main entrance road and also with regards to enhancing the signal crossing at the business park entrance to accommodate cyclists.

Publicity

1.9 There was one letter of objection to the plans as originally proposed. There was concern about the proximity of one of the units (the scheme has been amended to take account of this). There have been no letters of objection to the amended scheme and 1 letter making the following comments:-

1. High security fence required adjacent to garden centre

Copy letters D

The publicity period has expired

Consultation responses

North East Regional Assembly – Consider proposal to be in general conformity with regional policy. The LPA should be satisfied that the development could not be accommodated in a more sequentially preferable location such as town centre. Links with existing footpath and cycle network should be maximised. The overall level of parking provision should be in line with maximum parking standards as set out in PPG13. Energy efficiency measures should be incorporated into the development and sustainable drainage techniques should be considered.

One North East – The site is a regionally strategic employment site and represents a prime employment generation location in the Borough. Supports proposal. Request the LPA pursue the highest standards of design.

Natural England – Suggest advice is sought from in-house ecologist. Consider there will be no adverse affects subject to a condition requiring works to cease and a plan of action to be agreed if great crested newts are found on the site during construction works.

Environment Agency – Final surface water discharge from the site should be no greater than 3.5 litres/second/hectare. Details of water run off limitation to be subject to a condition

Northumbrian Water – No objection subject to a condition to control discharges of foul and surface water.

Police – No comments

Head of Public Protection – No objections

Engineering Consultancy - Drainage attenuation measures required. Percolation tests will be required if SUDS are to be used. A sewer crosses the site.

Highway Engineer – No objections. Raises various comments about the need to restrict the use of the site to office use to control the type of traffic using the proposed road widths. Cycle/footpath linkages to be enhanced in the interests of highway safety and the promotion of non-car access. Cycle storage should be accommodated within the site.

Greatham Parish Council – No objections providing landscaping conforms to Local Plan restrictions.

Community Safety division – Hope new development will be adequately monitored with CCTV provision.

Planning Policy

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

Dco2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

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.

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

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

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

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

GN4: States that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

Ind3: States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

PU2: States that industrial development on this site will be approved if surface water drainage is adequate. Sustainable drainage is encouraged.

Tra14: Identifies the primary access point to this development.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

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

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

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.

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

WL8: States that the Borough Council will seek to minimise or avoid any significant adverse impact of a development on the nature conservation interest of a site through the use of planning conditions or obligations where appropriate.

Considerations

1.10 The main issues for consideration in this case are the principle of the development and its compatibility with the Local Plan, transportation and parking issues, visual and residential amenity including the siting of buildings and their relationship with one another flood risk, drainage requirements and impact on nature conservation.

Principle of development

1.11 The Local Plan identifies the Queens Meadow business park as a suitable location for office development. It comprises a mixture of greenfield/brownfield land and was previously the subject of an outline planning permission. The Economic Development Manager considers that there are no suitable centrally located sites within the town to accommodate the proposed development. He considers that with respect to Oakesway it is unsuitable for high quality office use due to the industrial nature of the site and that it could not accommodate the future proposals Gladman intend to deliver in the longer term. The overall level of job creation would be in the region of 500 to 1000 jobs. The proposals are therefore considered to be acceptable in principle. The Local Plan states that land at Queens Meadow is reserved for development as a Business Park. Policy Ind3 requires buildings to be provided with a higher quality finish and to ensure that buildings take up no more than 30% plot coverage. Substantial high quality landscaping should be provided. The proposals are considered to be in keeping with these requirements. The proposed building footprints are calculated to cover around 18% of the overall site area.

Highway Issues

1.12 Parking provision is considered to be acceptable. The applicant has submitted amended plans showing pedestrian/ access points to the site from Stockton Road via the peripheral landscaping left along the western boundary of the site. This will serve to improve the accessibility of the site. Discussions are continuing with the applicant about specific measures to improve the accessibility of the site for cyclists, the outcome of which will be provided in an update report. A detailed travel plan designed to promote non-car access to the site would be the subject of a planning agreement in the event that planning permission is granted.

Visual and amenity issues

1.13 Amended plans have been submitted showing improvements to the siting of buildings. The principal revisions are the clustering of units adjacent to the site entrance in order to enhance visual impact in a important gateway location. Furthermore one of the units has been moved further away from the residential property, Mayfields to south. A separation distance of some 18 metres would be achieved. Whilst this would be slightly sub-standard in comparison to separation distances required between new dwellings it is considered acceptable in this case taking into account the non permanent occupation of the office buildings and the scope for planting measures to secure screening between the two developments. The concerns about ensuring a security fence is erected can be subject to a planning condition. A number of trees and hedges on the site would be removed in order to accommodate the scheme however a planning condition would be imposed to require compensatory planting measures. An indicative landscaping scheme has been provided which appears acceptable in principle, subject to detailed consideration regarding species types and positioning. The relationship of the proposed development with the landscape buffer bordering the western edge of the site remains subject to detailed consideration and will be covered in the update report.

Flood risk/drainage

1.14 The Environment Agency and Council drainage engineers raise no objection to the proposed development subject to the condition to control the rate of discharge of surface water from the site. The applicant proposes to incorporate sustainable drainage measures. This can be made subject to a planning condition.

Nature Conservation Issues

1.15 A survey has been carried out confirming that Great Crested Newts a protected species, are not present on the site. Smooth newts have been shown to be present and as such the Council's ecologist would advocate imposing a condition to protect from interference the relevant habitat i.e. the drainage ditches. The Ecologist accepts that the loss of hedges and two mature Sycamore trees can be compensated for by replacement landscaping measures.

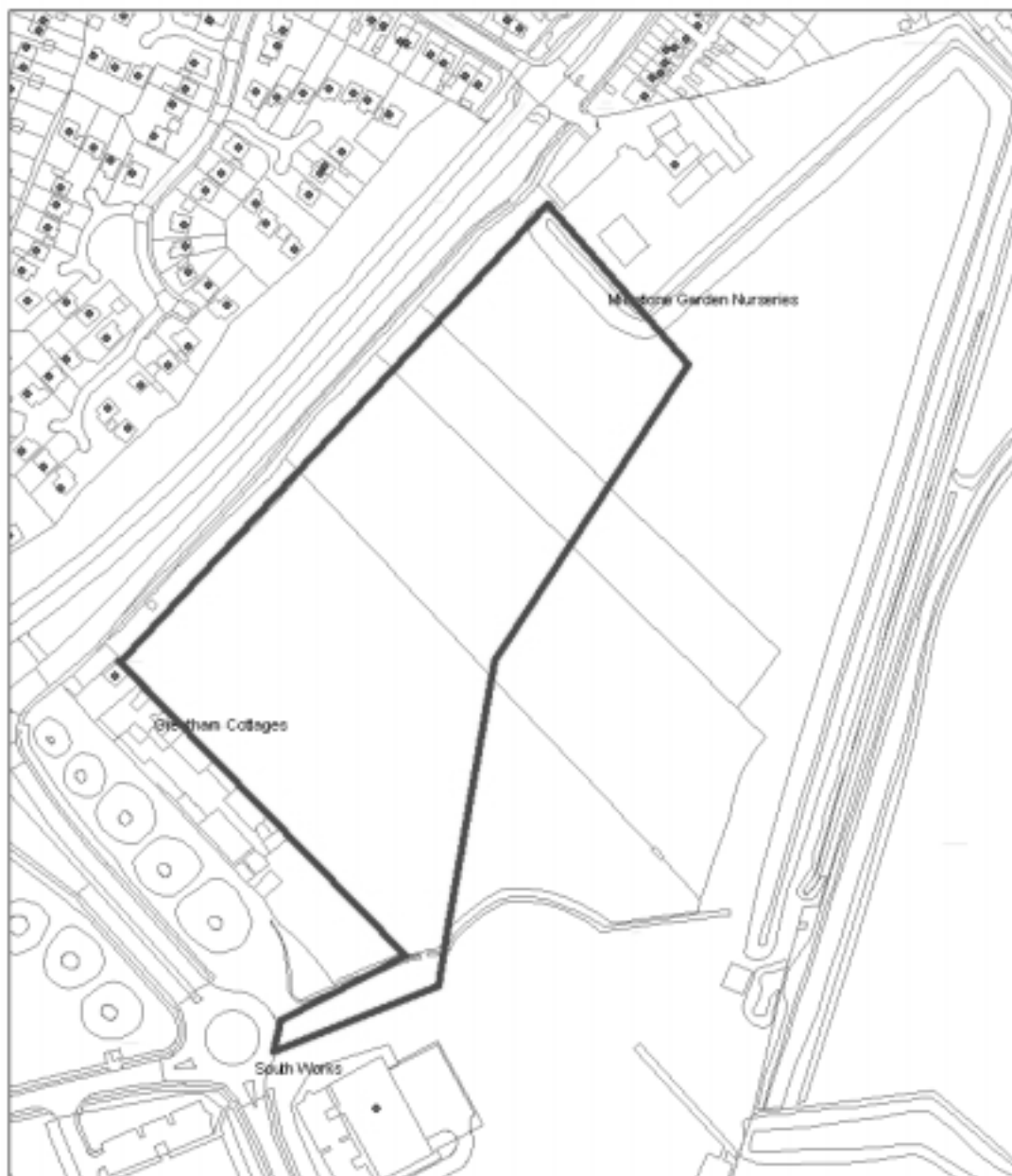
Other Matters

With regard to site security the applicant confirms that a paladin boundary fence some 2 metres in height would be erected. The public access positions are to be well lit and a condition could be imposed to ensure sufficient lighting within and around the entrance to the site. The pedestrian access points to the site from Stockton Road would be gated to deter access for motorbikes. Should the need arise the applicant would consider remotely operated cameras to monitor the access points but is reluctant to do so as an initial measure.

The applicant has confirmed their intention to construct the buildings to achieve a 'very good' energy efficiency rating.

RECOMMENDATION – Update report to follow

Queens Meadow H/2007/0083



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN

JT

DATE

26/9/07

SCALE

1:2500

DRG.NO

REV

No: 2
Number: H/2007/0634
Applicant: Enterprise Inns PLC Monkspath Hall Road Solihull West Midlands B90 4SJ
Agent: Anthony Keith Architects Ltd 19 Lansdowne Terrace Gosforth Newcastle upon Tyne NE3 1HP
Date valid: 15/08/2007
Development: Provision of an electric retractable awning with associated heating and lighting
Location: THE HOUR GLASS PUBLIC HOUSE EAGLESFIELD ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 The application site is an existing modern public house located on the north side of Eaglesfield Road. It is bounded to the east, north and west by residential properties. To the (south) is Eaglesfield Road and beyond a large grassed open space. The public house is surrounded by a tarmac hardstanding.

2.2 It is proposed to install an electric retractable awning with associated heating and lighting on the front south elevation of the public house. The awning will be some 4m by 4m and will be located to the side of the main entrance on the south west corner of the building.

Publicity

2.3 The application has been advertised by site notice and neighbour notification (19). The time period for representations expires on 20th September 2007. At the time of writing three responses had been received no objections.

Consultations

2.4 The following consultation replies have been received:

Traffic & Transportation - No objections.

Public Protection - The premises has a licence until 00:30 hours Monday to Thursday, 01:30 Hours on Friday and Saturday and until 23:30 hours on a Sunday. There are no restrictions on the premises licence to prevent customers from drinking outside the public house. The proposed retractable awning would be in very close proximity to the neighbouring bungalow at 1 Eskdale Court. Whilst smokers will congregate outside of the premise anyway, the provision of a canopy complete with heating and lighting will inevitably result in customers congregating and sitting outside late into the evening and into the early hours of the morning throughout the year, resulting in considerable nuisance to the neighbouring residential properties.

Looking at the layout of the public house and the fact that it is surrounded on three sides by residential properties there would not appear to be any alternative location that this facility could be located without causing a nuisance to neighbouring premises. I am therefore of the opinion that this application should be resisted.

Planning Policy

2.5 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.

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest 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

2.6 The main planning considerations are design/impact on the visual amenity of the area and impact on the amenity of neighbouring properties.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

The projecting awning will be attached to the front of the building which faces on to Eaglesfield Road and will therefore be prominent in the street scene. The Hourglass is a modern public house with a long frontage. The awning will cover a relatively small part of the frontage and it is considered its design and appearance is acceptable. It is not considered that the awning will detract from the visual amenity of the area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

The public house site is surrounded on three sides by residential properties. The closest residential property to the proposed awning, a bungalow at 1 Eskdale Court, is located some 9m from the closest part of the awning. The premises has a licence until 00:30 hours Monday to Thursday, 01:30 Hours on Friday and Saturday and until 23:30 hours on a Sunday. There are no restrictions on the premises licence to prevent customers from drinking outside the public house. The site is currently occupied by a table/bench seat and whilst smokers will congregate outside of the premise anyway, the provision of a canopy complete with heating and lighting will inevitably, extend the circumstances in which, and thus the period of time that, people are likely to spend in this external area. The enhanced facility will encourage customers to linger, congregating and sitting outside late into the evening and into the early hours of the morning throughout the year, resulting in considerable nuisance to the neighbouring residential properties. Public Protection have recommended therefore that the application be refused.

Conclusion

It is considered that the proposal would have an unacceptable impact on the amenity of the occupiers of nearby residential properties and the recommendation is that the application be refused.

RECOMMENDATION – REFUSE for the following reasons:

- 1 It is considered that the development proposed would make this external area of the site more attractive for use and would be likely to lead to increased activity in this area with associated noise and disturbance late into the evening to the detriment of the amenity of the occupiers of nearby residential properties contrary to policies GE1, Com 12, Com 13 and Rec 13 of the adopted Hartlepool Local Plan 2006.

The Hourglass H/2007/0634



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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN

JT

DATE

26/9/07

SCALE

1:1250

DRG.NO

REV

No: 3
Number: H/2007/0627
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness in respect of existing use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
 HARTLEPOOL

The Application and Site

3.1 Able UK have submitted an application for certificate of lawfulness as to whether a previously granted planning permission on their TERRC site would be sufficient to allow the company to undertake a proposed industrial process. A related application for certificate of lawfulness of proposed use i.e. that what is proposed can be done without planning permission taking into account the existing permitted use and that no material change of use would be involved appears elsewhere on the agenda.

3.2 This application is not an application for planning permission – it is purely to determine whether or not the proposed operation would be lawful on the site taking into account existing permissions. Determination of the application does not involve any judgment of the planning merits of the activity, but purely an assessment whether the processes involved in the activity are within the current planning permission. This is a matter for the Local Planning Authority to determine without reference to issues such as impact on the environment, residents, traffic etc. Accordingly, the relative planning merits of the development are not for consideration in this case and the advertisement and consultation procedures applicable to an application for planning permission do not apply.

3.3 The process involved concerns the manufacture of concrete caissons. The applicant has a provisional contract for TERRC dry dock to be used for the construction of four concrete caissons for the proposed new Tyne Tunnel. The caissons, when assembled on site, would form the shell of the tunnel. Each caisson will be 89 metres in length, 14.3 metres wide, 8.75 metres high and weighing approximately 10,000 tonnes. Each caisson will be constructed from concrete utilising a concrete batching plant at TERRC. Each will be taken away by sea.

Planning permission background

3.4 Planning permission was granted on 1 October 1997 for the development of the site for, amongst other things, the dismantling and/or refurbishment of redundant marine structures; the construction of a concrete batching plant; and as a fabrication yard for offshore structures including structures for oil and gas exploration. On 5 August 2002 planning permission was granted for the continuance of the use of the TERRC facility without complying with conditions 9 and 10 of the 1997 permission

referred to previously. The development authorised by the latter permission is the same as authorised by the former.

Publicity

3.5 There is no requirement within the regulations to publicise or consult on an application for certificate of lawfulness. The absence of any requirement for publicity and consultation reflects the nature of the application as described in para 3.2 above, Friends of Hartlepool have objected to this application stating that they wish to present the group's objections to the Planning Committee, but, having regard to the nature of the application, it is not considered to be necessary or appropriate to extend the facility for public participation to this matter.

Consultations

3.6 The Chief Solicitor has been consulted. He has advised that the details provided with the application are insufficient to enable a proper comparison to be made of the processes permitted and those in respect of which the application is made.

Planning Considerations

3.7 The planning permissions granted in 1997 and 2002 referred to earlier in this report were accompanied by an Environmental Statement (ES). Condition 3 of the planning permissions stated that the development was to be carried out in strict accordance with the application and ES as varied by subsequent letters and plans dated 19 September 1996 and 2 December 1996. In other words the process proposed needs to be sufficiently similar to that described and assessed in the application and environmental statement as varied.

3.8 The applicant has been requested to provide full details both of the industrial processes that are proposed to be employed in relation to the proposed activity and the relevant industrial processes that have previously been applied on the site in order to enable an assessment of the degree of similarity between the two.

RECOMMENDATION - Update report to follow

ABLE UK
H/2007/0626
H/2007/0627



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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	26/9/07
	SCALE 1:500	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 4
Number: H/2007/0626
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
 HARTLEPOOL

The Application and Site

4.1 Able UK have submitted an application for certificate of lawfulness as to whether a previously granted planning permission on their TERRC site would be sufficient to allow the company to undertake a proposed industrial process. A related application for certificate of lawfulness of existing use i.e that what is proposed can be done without planning permission taking into account the existing permitted use of the site is considered elsewhere on this agenda.

4.2 This application is purely to determine whether or not the proposed operation would be lawful on the site taking into account existing permissions and whether what is proposed would constitute a material change use. The relative merits of the development are not for consideration in this case.

4.3 The process involved concerns the manufacture of concrete caissons. The applicant has a provisional contract for TERRC dry dock to be used for the construction of four concrete caissons for the proposed new Tyne Tunnel. Each caisson will be 89 metres in length, 14.3 metres wide, 8.75 metres high and weighing approximately 10,000 tonnes. Each caisson will be constructed from concrete utilising a concrete batching plant at TERRC. Each will be taken by sea.

Planning permission background

4.4 Planning permission was granted on 1 October 2007 for the development of the site for, amongst other things, the dismantling and/or refurbishment of redundant marine structures; the construction of a concrete batching plant; and as a fabrication yard for offshore structures including structures for oil and gas exploration. On 5 August 2002 planning permission was granted for the continuance of the use of the TERRC facility without complying with conditions 9 and 10 of the 1997 permission referred to previously. The development authorised by the latter permission is the same as authorised by the former.

Publicity

4.5 There is no requirement within the regulations to publicise or consult on an application for certificate of lawfulness. The absence of any requirement for publicity and consultation reflects the nature of the application as described in para 4.2

above, Friends of Hartlepool have objected to this application stating that they wish to present the group's objections to the Planning Committee, but, having regard to the nature of the application, it is not considered to be necessary or appropriate to extend the facility for public participation to this matter.

Consultations

4.6 The Chief Solicitor has been consulted. He has advised that the details provided with the application are insufficient to enable a proper comparison to be made of the processes permitted and those in respect of which the application is made.

Planning Considerations

4.7 The planning permissions granted in 1997 and 2002 referred to earlier in this report were accompanied by an Environmental Statement (ES) Condition 3 of the planning permissions stated that the development was to be carried out in strict accordance with the application and ES as varied by subsequent letters and plans dated 19 September 1996 and 2 December 1996. In other words the process proposed needs to be sufficiently similar to that described and assessed in the application and environmental statement as varied.

1.8 The applicant has been requested to provide full details both of the industrial processes that are proposed to be employed in relation to the proposed activity and the relevant industrial processes that have previously been applied on the site in order to enable an assessment of the degree of similarity between the two.

RECOMMENDATION - Update report to follow

ABLE UK
H/2007/0626
H/2007/0627



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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	26/9/07
	SCALE 1:500	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 5
Number: H/2007/0620
Applicant: Mr Hardev Bhangu 45 Courtland Avenue Ilford Essex IG1 3DN
Agent: England & Lyle Morton House Morton Road Darlington DL1 4PT
Date valid: 09/08/2007
Development: Change of Use from Retail (Class A1) to Hot Food Takeaway (Class A5)
Location: UNIT 58 ELIZABETH WAY SHOPPING CENTRE SEATON CAREW HARTLEPOOL

The Application and Site

5.1 The application site relates to a retail unit which is part of a local shopping parade at Elizabeth Way, Seaton Carew.

5.2 There are 9 retail units within the parade which include a Spar supermarket at the northern end and a Chinese takeaway at the southern end with flats above. There are a further 2 units under construction on the northern end of the parade.

5.3 The remaining units are a newsagent, butcher, fruit shop, chemist, dental surgery and a hairdresser.

5.4 There are residential properties on three sides with community facilities and a nursery to the south.

5.5 The proposal as originally submitted sought to change the use of the premises from a hardware shop (retail A1) to a hot food takeaway (class A5). The proposal seeks consent for hours of opening from 11.00am until 00.00 (midnight) Monday to Saturday and 11.00am to 22.30pm Sunday. After discussion with the applicant's agent the scheme has been amended to preclude Sunday opening in the first instance.

Publicity

5.6 The application has been advertised by way of neighbour letters (42) and a site notice. To date, there have been 1 letter of no objection 1 letter of comments and 13 letters of objection

The concerns raised are:

- 1) Increase in noise levels
- 2) Increase risk of anti social behaviour
- 3) Youths will congregate
- 4) Disturbance to neighbours from increased traffic
- 5) Litter creation

- 6) Smells from such a use
- 7) Loss of current use of shop will have an adverse effect on local facilities
- 8) Seaton Carew has too many takeaways to be economically viable
- 9) Risk of vermin
- 10) The shopping parade is unlikely to sustain an additional hot food takeaway.

Copy letters B

The period for publicity has expired.

Consultations

5.7 The following consultation replies have been received:

Head of Traffic and Transportation – no objection

Head of Public Protection – no objection subject to hours condition restricting hours to those applied for and extract ventilation condition.

Planning Policy

5.8 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.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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

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

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

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest 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

5.9 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the character of the area, the effect upon the amenities of the occupants of nearby residential properties and highway safety.

Policy

5.10 Policy Com5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises including restaurants and cafes (A3), drinking establishments (A4) and hot food take-aways (A5) within designated local centres, providing there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties and on the highway network. Also, when determining such applications it is important that the scale, function, character and appearance of the area is maintained.

5.11 It is considered that in principle the use of the premises as a hot food takeaway is acceptable in this instance.

5.12 With regard to the function, character and appearance of the area, it is considered that although there is already a hot food takeaway within the shopping parade (Chinese) and a takeaway element within the supermarket (Spar) which sells a selection of hot pies, chicken etc, the majority of the commercial properties which make up the local centre are A1 retail. It is therefore considered unlikely that by granting planning permission in this instance that the function, character and appearance of the Elizabeth Way Local Centre would be adversely affected.

Highways

5.13 There is a large car park directly to the front of the property, which can accommodate coming and goings. The Head of Technical Services has raised no objection to the proposal.

Amenity

5.14 The area surrounding the application site is predominantly residential in character including a mixture of houses and bungalows. There are privately owned flats above the commercial units within the shopping parade which are accessed from the rear. The shopping parade has public parking to the front and side and access to the rear for servicing.

5.15 The occupants of the flats above have raised concerns with regard to odour transfer. The Council's Head of Public Protection has raised no objection to the proposal and does not consider odour transfer through the party wall is likely. Notwithstanding this, it is considered prudent in this situation to attach a planning condition, which will require investigation into any potential odour transfer and appropriate mitigation measures if required to avoid any potential conflict.

5.16 With regard to the proposed days/hours of operation as now proposed it is considered that the opening of the premises up to midnight Monday to Saturday is consistent with others in the town. Saturday trading is no longer proposed at this time. The nearest house is over 40m away separated by the car park and Elizabeth Way itself. While there are flats above, this is a local centre and some degree of disruption/disturbance is inevitable/unavoidable. The Head of Public Protection has raised no objection in this respect.

Visual Amenity

5.17 There have been no details submitted for any alterations to the appearance to the existing unit, therefore the visual aspect will be unchanged.

5.18 Should alterations to the frontage be required this would be dealt with separately.

5.19 In conclusion it is considered that for the reasons stated above and subject to restrictive planning conditions, this application 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.
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 premises shall only be open to the public between the hours of 11.00 - 00.00 Monday to Saturday and shall remain closed at all times on a Sunday.
In the interests of the amenities of the occupants of neighbouring properties.
4. Before the use hereby approved begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with manufacturer's instructions at all times while the use exists and food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. Prior to the commencement of the use hereby approved investigations shall be undertaken to establish whether measures are required to prevent odours passing through the ceiling to the first floor flats. If so, a scheme to prevent the transmission of such odours shall be submitted to and approved in writing

by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

6. Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.

58 Elizabeth Way
H/2007/0620



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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	DATE 26/9/07
	SCALE 1:1250	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 6
Number: H/2007/0598
Applicant: Mr Javeed Rasul 34 Hutton Avenue Hartlepool TS26 9PN
Agent: Business Interior Group 73 Church Street Hartlepool TS24 7DN
Date valid: 03/08/2007
Development: Proposed Change of Use to Cafeteria
Location: 12 MURRAY STREET HARTLEPOOL

The Application and Site

6.1 The site to which this application relates is an end terraced two-storey commercial property upon Murray Street. It is located upon the junction of Murray Street and Elliot Street within the designated Murray Street Local Centre.

6.2 The property adjoins a two-storey dwellinghouse to the north and is physically detached from the residential properties to the rear.

6.3 The property has been extended over time by way of a single and two-storey extension to the rear to create additional storage facilities and retail space at ground floor and staff w.c and utility room at first floor. It would appear that the internal layout of the building has been changed over time to create a residential flat at first floor.

6.4 This application seeks a change of use of the ground floor of the premises from a retail unit (A1) to a cafeteria (A3). The applicant has confirmed verbally that the hours of opening are to be restricted to daytime use (up until 6pm). Written confirmation of this is awaited.

Publicity

6.5 The application has been advertised by way of neighbour letters (16) and a site notice. To date, there has been 2 letters of objection with a 19 signature petition opposing the proposal.

6.6 The concerns raised are:

1. '...the planning process has let us down by not trying to maintain a variety of business, so much so that it is in our opinion it is over subscribed with hot food outlets offering takeaway services and does not encourage usage by the local community. We are therefore opposed to any further food service provision within or surrounding Murray Street'.
2. The site is surrounded by residential properties.
3. A flat is being created at the first floor of the property and the adjoining residential property (14 Murray St) is currently empty, so in the absence of tenants we request that the planning committee protect the rights of these potential/future residents.

4. Residents already live and suffer from the night time economies and activities of both York Road and the hot food takeaways in Murray Street and believe that an increase in litter will be created due to take out sales which is likely to be the main trade of the proposed business.
5. The residents of 14 Murray Street will experience noise nuisance by way of scraping of chairs along uncarpeted floors, raised voices, the clattering of crockery and increased door opening and closing.
6. Noise and disturbance concerns due to the planned tables positioned along the wall of 14 Murray Street.
7. The access doors from the servery/food preparation area will open onto Elliot Street and will increase associated noise levels and may lead to trading from the entrance and inappropriate individuals loitering which will cause our more vulnerable residents some concern.
8. Increase in cooking smells during daytime hours, which, along with those emissions created by the evening trades up till midnight, is unacceptable.
9. The plans submitted do not comply with the Disability Discrimination Act (DDA). Would there be sufficient space to manoeuvre a motorised chair within this proposed 30-seat area?.
10. Consultation has been poor and some residential properties in close proximity have been omitted, as have their landlords.
11. Is the stairwell serving the above flat sufficient to allow the occupant to escape in the event of a fire breaking out, as this is the only means of escape, additionally is the whole shop sufficiently fire proofed for the proposed use?.
12. What provision has been made for the storage of waste food for disposal from the proposed business? The plan is unclear where the waste bins are to be situated and will it comply with recycling policy?.
13. Has the new address been registered as a residential property yet?.
14. Parking of cars upon private spaces to the front of my and my neighbours home.
15. Would not object if it is not opened at night and it has no loud music coming from it.

Copy letters G

6.7 The period for publicity will expire after the meeting.

Consultations

6.8 The following consultation replies have been received:

Head of Public Protection – Comments awaited but informally no objections

Head of Traffic and Transportation – No objection

Planning Policy

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

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

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest 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

6.10 The main considerations in this instance are the appropriateness of the use in terms of the policies and proposals held within the Hartlepool Local Plan, the effect of the proposal upon the amenities of the occupants of the surrounding residential properties and the effect upon highway safety.

6.11 Given that written confirmation of the proposed hours of opening from the applicant's agent and the final comments of the Head of Public Protection are awaited, it is considered an update report is necessary in this instance.

RECOMMENDATION – Update report to follow.

12 Murray Street H/2007/0598



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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN

JT

DATE

26/9/07

SCALE

1:1250

DRG.NO

REV

No: 7
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

Current Position

7.1 The above application was reported to the Planning Committee on 29 August 2007 when it was deferred for further discussions. Discussions are on going and an update will be provided if possible. The original report is reproduced below.

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 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.

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:

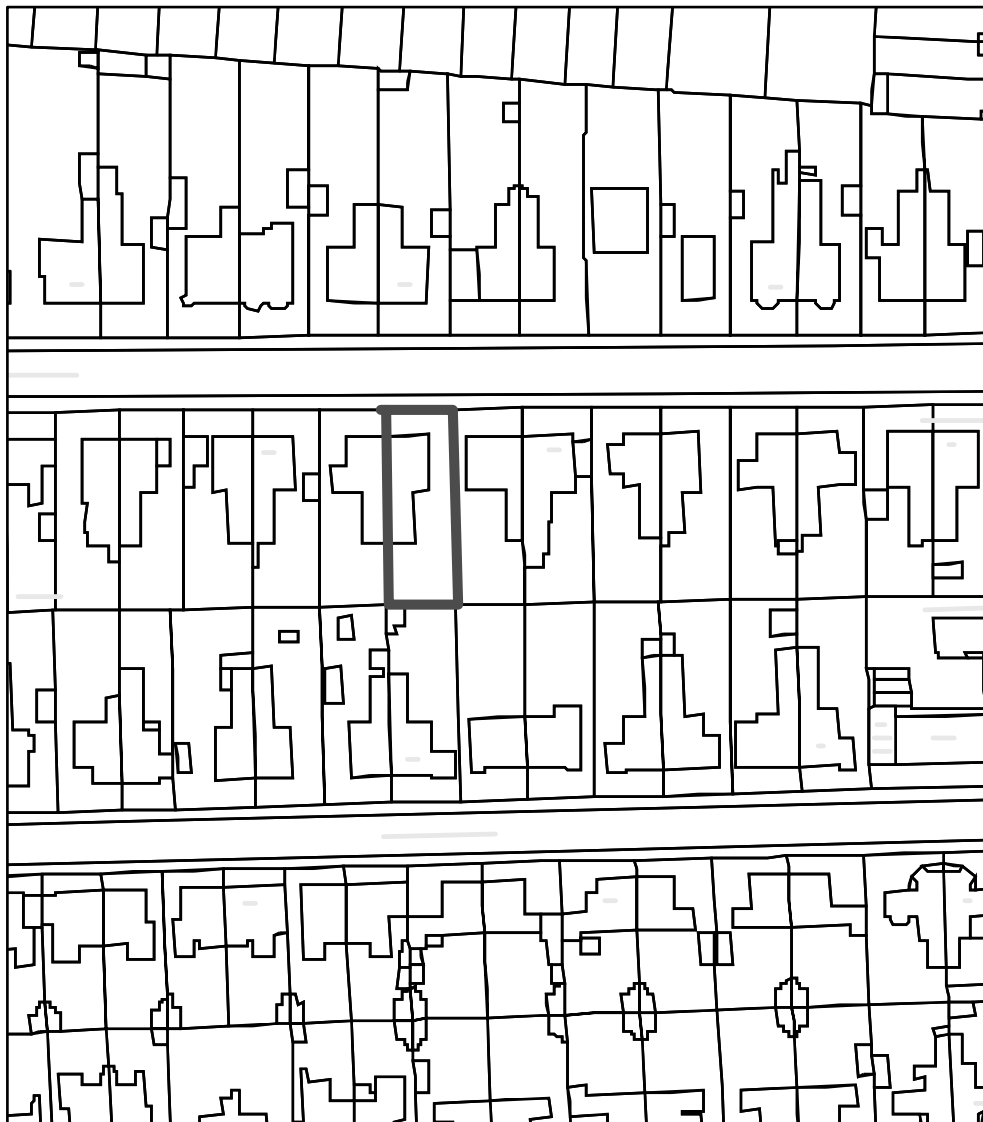
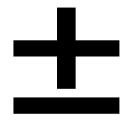
- a A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. UPVC as a material has a smoother more regular surface finish and colour and the ageing process differs significantly between UPVC and painted timber. The former retains 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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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/2007/0537	REV

No: 8
Number: H/2007/0584
Applicant: Mr A Khan Grange Road Hartlepool
Agent: 59 Grange Road Hartlepool
Date valid: 10/08/2007
Development: Change of use from shop to Indian cafe and continental cuisine 9 a.m -6 p.m
Location: 44 MURRAY STREET HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The site to which the application relates is a two and a half storey mid terrace commercial property located within the designated Murray Street Local Centre. The premises is bounded to the north and south by commercial properties and commercial properties are also located opposite. The Murray Street public car park is located nearby off Oxley Street.

8.2 The applicant seeks consent for the change of use of the premises from a shop to a Indian café and continental cuisine to open between 9am and 6pm. It is the first of two similar applications for café use in Murray Street on today's agenda.

Publicity

8.3 The application has been advertised by way of neighbour letters (5) and a site notice to the front. To date, there has been a letter of objection from the Dent/ Derwent Area Residents Association, which contained a petition of objection from 24 local residents. One additional letter of objection was received. A letter of support also accompanied the application, which contained signatures from 30 local residents.

8.4 The concerns raised are:

- 1) Litter problems from lunchtime trade and from school trade and takeaway clients later on.
- 2) Noise disturbance for properties on Lowthian Road.
- 3) Effect on residents of more evening uses in Murray Street.
- 4) Proximity of the kitchen and waste storage to residential properties on Lowthian Road.
- 5) Number of takeaways already existing on Murray Street
- 6) Fear of a congregation point for young people and increased anti-social behaviour.

8.5 The period for publicity expires after the meeting.

Consultations

8.6 The following consultation replies have been received:

Head of Public Protection- awaiting comments but informally no objections.

Head of Traffic and Transport- No objections as the property are located within an existing shopping parade.

Planning Policy

8.7 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.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest 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

8.8 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, impact upon the amenities of the occupants of surrounding properties, visual amenity and highway safety.

Policy Considerations

8.9 Policy Com5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises including restaurants and Cafés (A3), drinking establishments (A4) and hot food takeaways (A5) within designated local centres, providing that there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties and the highway network. Also, when determining such applications it is important that the scale, function, character and appearance of the area is maintained.

8.10 It is considered that in principle the use of the premises as an Indian Cafe is acceptable in this instance.

8.11 A survey undertaken in February 2007 in connection with the consideration of planning application H/2006/0906 (27 Murray Street change of use to a hot food takeaway) outlined the mix of uses within the Murray Street at that time. The mix was as follows:-

- A1 (Shops) – 35, of which approximately 9 were vacant at the time of survey.
- A2 (Financial and Professional Services) – 2
- A4 (Drinking Establishments) – 2
- A5 (Hot Food Takeaways) – 8
- D1 (Non –residential Institutions e.g. day nurseries, places of worship etc) – 8

8.12 The application for the change of use of 27 Murray Street was approved and is currently being implemented. The total number of hot food takeaways is therefore now 9 and the number of shops has reduced to 34. A review of recent planning approvals has been undertaken and there does not appear to be any change of use approvals that would affect the above statistics.

8.13 The survey indicates that there are currently no café (A3) uses within the Murray Street Local Centre.

8.14 Given this information and taking into account the nature of the proposed use and hours of operation it is not considered that the provision of a café at this location or indeed at 12 Murray Street would if approved significantly alter/detract from the existing function, character and appearance of the area. In many ways it would not be unusual to find such a use in a recognised local centre. A condition could be imposed to prevent takeaway sales if it is considered necessary by members although anything other than ancillary sales would require a separate permission.

Highway Issues

8.15 In terms of highways, the Council's traffic and transportation department do not have any objection to the application, given that there is an existing public parking area meters away (Oxely Street), on street parking bays along Murray Street and its

location within an existing shopping parade. The application site has double yellow lines directly in front of the property but has significant parking close by.

Amenity Issues

8.16 The application site is situated within a terrace block and was previously a newsagent but is currently vacant. The application site is joined from the north by a charity shop and to the south by a butchers. There seems to be residential properties above the entire terraced block. The application site has an alley way to the rear beyond which are the residential properties of 51 and 49 Lowthian Road.

8.17 Given that the properties within the Local Centre of Murray Street are predominantly commercial premises at ground floor level, that an alleyway separates the application site from the properties to the rear and given the restricted hours of operation proposed (9am-6pm) the change of use would not be expected to have a significant detrimental affect to the area or neighbouring properties on noise or disturbance grounds. However the views of the Head of Public Protection are awaited.

8.18 The hours of operation suggested (9am-6pm) are considered appropriate in policy terms given its location within the Murray Street Local Centre. With regard to concerns raised about the increasing number of evening uses along Murray Street, it is considered that a 6pm closing time would not be detrimental to residents on an evening as it does not constitute an evening use. Opening the premises till 6pm is considered acceptable subject to the comments of the Head of Public Protection.

8.19 It is considered that concerns about anti-social behaviour could not be substantiated at appeal and would not therefore be a satisfactory reason to refuse the application.

8.20 With regard to the objection on the grounds of litter creation from lunchtime trade it is considered that a Indian Café would not significantly contribute to the problem of litter on Murray Street as customers are provided with facilities including seating areas within the Café. There are also a number of litterbins along Murray Street therefore it is considered unlikely that the premises would generate a significant increase in litter.

8.21 Given that the publicity exercise is outstanding at present and that comments are awaited from the Head of Public Protection, an update report will follow.

RECOMMENDATION -

8.22 An update report will follow.

44 Murray Street H/2007/0584



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN **JT** DATE **26/9/07**
SCALE **1:1250**

DRG.NO REV

No: 9
Number: H/2007/0516
Applicant: Mrs J Shires THE SPINNEY HARTLEPOOL TS26 0AW
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 05/07/2007
Development: Erection of a rear bedroom, bathroom, kitchen/dining and bedroom with en-suite extension and a front porch and garage extension
Location: 9 THE SPINNEY HARTLEPOOL HARTLEPOOL

The Application and Site

9.1 The application site is a detached bungalow with an attached garage; the property is situated on a residential area.

9.2 The application submitted related to the erection of a rear single storey extension to the rear of the property consisting of a bedroom, bathroom, kitchen/ dining, bedroom with en-suite and at the front a porch and garage extension. There were concerns from the case officer regarding the affect of the extension on the neighbouring properties. The application has been revised to reduce the size of the rear extension. The proposal will require the demolishment of an existing rear conservatory.

9.3 The revised application proposes an extension projecting a maximum of 2.5 metres close to the boundary with the adjacent neighbours however the centre section projects 5 metres. The alterations proposed to the front of the property, a garage and porch extension, have not changed.

Publicity

9.4 The application has been advertised by way of neighbour letters (6). To date, there have been 3 letter of no objection and 3 letters of objection to the previous plan. The revised scheme has been re-advertised and to date 1 letter of objection has been carried forward.

9.5 The concerns relative to the original scheme were:

1. Loss of privacy and loss of light to front and rear of adjacent houses.
2. Noise and disturbance, disruptions due to deliveries, potential blocking of drives/ road.
3. Alteration would be inappropriate and contrary to the character of the property
4. The proposal doubles the original floor plan
5. The applicant does not reside in property and concerns regarding need for extension.
6. The objectors conservatory is not shown on plans.

- 7. Ground subsidence
- 8. Reduction of original garden
- 9. Drainage / flooding
- 10. Construction timescale
- 11. The removal of tree
- 12. Proximity to neighbouring boundaries adjacent outlook spoiled.

9.6 The concerns raised by objectors in 1 to 11 remain and an additional concern has been highlighted by one of the objectors since re-advertisement of the amended scheme.

The additional concern is:

- 13. Adverse effect on the natural conservation of 'the Spinney' and its wildlife

Copy letters C

9.7 The period for publicity expires before the meeting should any additional representations be received of these will be reported accordingly.

Planning Policy

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

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

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

Planning Considerations

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

9.10 The proposed garage extension and the addition of a front porch in the centre of the property project forward by approximately 0.8metres. The proposed front extensions are not unusual or large and are considered appropriate in terms of scale in relation to the property. It is also considered that these alterations do not have a significant detrimental affect on neighbouring properties or the streetscene in general

in terms of visual amenity. This applicant is proposing to alter front windows within the property, however this does not require planning permission.

9.11 9 The Spinney is sited between two bungalows both with conservatories adjacent to but slightly offset the boundary of the application site (approximately 1m at No.7 and approximately 2m at No.11). There is a difference in levels within this area as No.9 is lower than No. 7 by approximately 1 metre and higher than No. 11 by approximately 0.85 metres.

9.12 The revised proposal has reduced the size of the rear extension on the boundary of both neighbours to a maximum projection of 2.5 metres over a width of 4 metres (parallel to the rear of the building) with a further projection of 5 metres in the centre of the bungalow. No windows are proposed in the elevation which face onto the adjacent properties, however it is considered prudent in this instance to impose a condition to control this in the interest of preventing any overlooking of the neighbouring properties.

9.13 The proposed rear extension due to its design and size is not considered to be unduly intrusive or significantly detrimental to the amenities of the neighbouring properties in terms of outlook or visual amenity. The boundary relationships are in line with the guidelines for such extensions.

9.14 In terms of the concerns raised by neighbours regarding potential effect on the highway it should be acknowledged that although the garage would project forward the property would still retain a 5 metre drive, which is considered acceptable.

9.15 The Council's Engineering Consultancy team have no record of overland flooding problems for this property and Northumbrian Water have also confirmed that they have no record of any flooding of the property or within 200metres.

9.16 The Council's Arboricultural Officer has assessed the site in relation to the proposal and confirms that the trees which may be affected by the development are a Cordyline in the rear garden and small ornamental conifers in the front garden. It is considered by the Arboricultural Officer that they are not worthy of a tree preservation order.

9.17 The concerns about the need for the extension is not a material planning considerations.

9.18 In conclusion it is considered that the proposed extensions are not out of scale with the property or area in general and are acceptable

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 5th July, 20th August and 31st August 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 7 or 11 The Spinney without the prior written consent of the Local Planning Authority.
To prevent overlooking

9 The Spinney H/2007/0516



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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN

JT

DATE

26/9/07

SCALE

1:1250

DRG.NO

REV

No: 10
Number: H/2007/0552
Applicant: Mr Chris Roberts Bryan Hanson House Hanson Square
 Hartlepool TS24 7BT
Agent: Hartlepool Borough Council Bryan Hanson House
 Hanson Square Hartlepool TS24 7BT
Date valid: 24/07/2007
Development: Retention of a security fence with ungated pedestrian
 opening
Location: FOOTPATH BETWEEN 39 40 MOUNTSTON CLOSE
 HARTLEPOOL HARTLEPOOL

The Application and Site

10.1 The application site is a public footpath located between 39 and 40 Mountston Close.

10.2 In 2004 residents of Mountston Close area approached the Council with a request to close this footpath between 39 and 40 Mountston Close and Hart Lane due to ongoing problems with anti-social behaviour, vandalism and litter.

10.3 In June 2005 security fencing and a gate was installed under a 12 month Prohibition of Access Order closing the footpath to pedestrian traffic.

10.4 The gate was removed in 2006 as the temporary order had expired but the fencing was retained.

10.5 Subsequently it became clear that planning permission was required for the works and this had not been applied for.

10.6 The current proposal seeks the retention of security fence with an ungated pedestrian opening which allows free flow pedestrian access. Neighbourhood Management officers are monitoring the position with regard to anti social behaviour under the Council's thoroughfare policy.

Publicity

10.7 The application has been advertised by way of neighbour letters (24) and also by site notices (4). To date, there have been 66 letters of objection and 14 letters of support.

The concerns raised by the objections are:

- 1) Decrease in property value
- 2) Waste of Council tax money
- 3) Not in keeping with area
- 4) Makes area rough looking

- 5) Divides the community
- 6) No need for this monstrosity as there is no anti-social behaviour
- 7) Public safety hazard at night makes area unsafe
- 8) Serves no purpose

The concerns raised by the supporters are:

- 1) Creates a feeling of safety and security
- 2) Would prefer to have it gated
- 3) Litter and late night noise has increased since removal of gate
- 4) Helps decrease anti-social behaviour
- 5) Retention of the fence stops vehicles from cutting through from Hart Lane which has happened in passed.

Copy letter A

The period for publicity has expired.

Consultations

10.8 The following consultation replies have been received:

Head of Public Protection – No objection

Anti Social Behaviour Unit – Awaited

Traffic & Transportation – No objection

Planning Policy

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

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

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

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

Planning Considerations

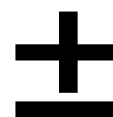
10.10 The main considerations in this instance are the appropriateness to the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the character of the area, the effect upon the amenities of the occupants of nearby residential properties and access related issues.

10.11 The design of the mesh security fence enables clear visibility through it and is coloured green to soften its appearance. It is also screened in part by mature landscaping. It appears that the fence may have also restricted unauthorised car access through this pedestrian area.

10.12 Notwithstanding this it is difficult to see what purpose the fence and gateway serve at present and its appearance could be seen by some as somewhat incongruous. However in the context of a monitoring exercise about anti social behaviour which is ongoing there could be an argument for its retention in the short term with the potential to reinstate the gate should the situation warrant this.

10.13 Comments are awaited from the Crime Prevention Officer within the Anti Social Behaviour Unit. These are anticipated prior to the Committee and will be reported accordingly.

RECOMMENDATION – UPDATE TO FOLLOW

Mountston Close

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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/2007/0552	REV

No: 3
Number: H/2007/0627
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness in respect of
existing use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Update

The additional information which was anticipated has not been received. In the circumstances it is recommended that this application be deferred.

No: 4
Number: H/2007/0626
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Update

The additional information which was anticipated has not been received. In the circumstances it is recommended that this application be deferred.

No: 6
Number: H/2007/0598
Applicant: Mr Javeed Rasul 34 Hutton Avenue Hartlepool TS26 9PN
Agent: Business Interior Group 73 Church Street Hartlepool TS24 7DN
Date valid: 03/08/2007
Development: Proposed Change of Use to Cafeteria
Location: 12 MURRAY STREET HARTLEPOOL

Update

1.1 Since the original report was created the Applicant has confirmed that the proposed opening hours are to be 8am until 6pm daily, the unit is self-contained with no access to any other parts of the building and the entrance will be ramped to conform to the Disability Discrimination Act.

1.2 The Head of Public Protection has raised no objection to the proposed use providing conditions relating to noise insulation measures, hours of opening and the requirement of extract ventilation equipment are attached to any approval.

Planning Considerations

1.3 The main considerations in this instance are the appropriateness of the use in terms of the policies and proposals held within the Hartlepool Local Plan, the effect of the proposal upon the amenities of the occupants of the surrounding residential properties and the effect upon highway safety.

Policy Considerations

1.4 Policy Com5 (Local Centres) of the Hartlepool Local Plan makes provision for a range of food and drink premises falling within use classes A3 (Restaurants, Cafes) A4 (Drinking Establishments) and A5 (Hot Food Takeaways) providing there are no significant adverse effects upon the amenities of the occupiers of adjoining or neighbouring property or the highway network.

1.5 Given the above it is considered that in principle the provision of a café within the Murray Street Local Centre is acceptable. The effect of the proposal upon amenity and highway safety will be discussed in detail below.

1.6 A number of concerns have been raised by the Dent and Derwent Street Residents Association. One of these concerns relates to the mix of uses upon Murray Street in particular they feel there are too hot food outlets which offer takeaway facilities. In determining an application of this nature it is important that the scale, function, character and appearance of the area is maintained.

1.7 A survey undertaken in February 2007 in connection with the consideration of planning application H/2006/0906 (Change of use to a hot food takeaway at 27

Murray Street) outlined the mix of uses within Murray Street at the time. The mix was as follows:-

- A1 (Shops) – 35, of which approximately 9 were vacant at the time of survey.
- A2 (Financial and Professional Services) – 2
- A4 (Drinking Establishments) – 2
- A5 (Hot Food Takeaways) – 8
- D1 (Non – residential Institutions e.g. day nurseries, places of worship etc) – 8

1.8 The application for the change of use of 27 Murray Street was approved and is currently being implemented. The total number of hot food takeaways is therefore now 9 and the number of shops has reduced to 34. A review of recent planning permissions has been undertaken and there does not appear to be any change of use approvals that would affect the above statistics. The survey indicates that there are currently no café (A3) uses within the Murray Street Local Centre.

1.9 Taking into account the above information and given the nature of the proposed use and the hours proposed it is not considered that a provision of a café in this location or indeed at 44 Murray Street, subject to the necessary planning conditions, would significantly detract from the existing function, character and appearance of Murray Street. It is considered that such a use is typical of those you would expect within a recognised local centre. A planning condition could be imposed to prevent a takeaway sales from the premises if Members consider this necessary, however it is important to note that anything apart from small scale ancillary sales would require a separate change of use planning application.

Highway Issues

1.10 As the unit to which this application relates has a retail use and that there is public parking provision within the Murray Street Local Centre it is considered unlikely that the proposed use would lead to detrimental highway safety conditions. The Head of Traffic and Transportation has raised no objection to the proposal.

Amenity Issues

1.11 It is acknowledged that the building to which this application relates has a residential unit at first floor and adjoins a two storey residential property to the north and as such the living conditions of the occupants must be protected. Given the proposed hours of use and subject to a planning condition requiring noise insulation measures to be carried out upon the shared boundary with 14 Murray Street and the ceiling of the unit to protect the occupants of no 44 Elliot Street above. The unit is physically separated from the residential properties to the rear.

1.12 The Residents Association had raised a concern regarding the existing access door upon the side elevation of the premises fronting Elliot Street and the potential for noise escape and use as a customer access. Whilst the access is separated from residential properties and is directly opposite to a commercial property (8-10 Murray Street), it is considered prudent in this instance to attached a condition requiring the door to be shut at all times apart from during the receipt of deliveries during the hours of 8am until 6pm.

1.13 Concerns have been raised regarding the potential odour emissions during the proposed daytime use in conjunction with those existing from the night time takeaway uses and the effect that it would have upon the living conditions of the occupants of the neighbouring properties. The Head of Public Protection has raised no objection to this providing adequate extract ventilation is provided. This can be required and suitably enforced through a planning condition.

1.14 As the proposed use will involve people eating and drinking within the unit it is considered unlikely that the paying customers will bring a significant amount of litter out of the café. Notwithstanding this there are a number of litterbins along Murray Street and therefore it is not considered that a refusal could be sustained upon litter generation grounds.

Other Matters

1.15 The Residents Association have raised concerns over the proposed layout plans and their compliance to the Disability Discrimination Act. The applicant has indicated that the existing access will be ramped from the existing step to the entrance door. Notwithstanding this, all issues regarding access to and use of buildings will be considered through Approved Document M of The Building Regulations 2000. Refuse storage would also be a requirement under Building Regulations. Moreover, issues relating to fire proofing and means of escape for both the ground floor and first floor units, as raised within an objection letter, will also be considered under Building Regulations.

1.16 Council records indicate that the first floor premises (44 Elliot Street) have been paying rates as a residential property since June 2007. The change of use of the first floor of the commercial property to residential would not have required planning permission as it constitutes permitted development under Part 3 Class F of the Town and Country Planning (General Permitted Development) Order 1995.

1.17 Questions have been raised regarding the consultation exercise which has been undertaken upon the nearby residential properties and criticism that the landlords of those properties had not been informed. A plan indicating the properties, which have been consulted, is attached. The consultation letters are marked for the attention of the owner/occupier of the property. The letter states clearly *If you are not the owner of the property which this letter is addressed to please tell the landlord what this letter says.*

Conclusion

1.18 It is for the reasons stated above and subject to the conditions set out below that the application is recommended for approval. As the period of publicity is outstanding any further letters of objection will be tabled at the meeting.

Recommendation – Approval, subject to the following conditions and no materially different objections being received.

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

Reason:- Clarification of Permission

2) Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.

Reason:- To ensure the access is safe and suitable for all people, including people with disabilities.

3) Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between 12 Murray Street and 14 Murray Street and 44 Elliot Street. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.

Reason:- In the interests of the amenities of the occupants of neighbouring properties.

4) The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

Reason:- In the interests of the amenities of the occupants of neighbouring properties.

5) The premises shall only be open to the public between the hours of 8am and 6pm.

Reason: - In the interests of the amenities of the occupants of neighbouring properties.

6) The ground floor access door leading onto Elliot Street as indicated on plan BIG/IC/JR/324 - 01 received on the 3 August 2007 shall remain closed at all times apart from during the receipt of deliveries which shall only take place between the hours of 8am and 6pm daily.

Reason: - In the interests of the amenities of the occupants of neighbouring properties.

Plan showing properties consulted.



No: 7
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

Update

I attach a copy of an e:mail from the agent.

Discussions are ongoing and we are seeking further advice and information from specialist window suppliers to obtain alternative prices. This information may be received in time for the meeting when an update will be presented.

Richard

further to our recent telephone conversation regarding the windows at the above

I visited Chris at Paul Berry Glazing to have a look at their units and get a budget price for the works

For the top hung units as drawn - £3000
 For sliding sash double glazed units - £10000

The UPVC sliding sash units are also 140mm in width as against 70mm for top hung opening units and I doubt that these could be seated in the existing Bay Window make-up. Also in first floor units plaster/ cills would have to be cut back to allow for extra depth of frames.

Again I state that this will be out of keeping with the neighbouring properties even if they could be accommodated and the cost is prohibitive to my Client

I ask the Planning Committee to reconsider the Application as it stands

No: 8
Number: H/2007/0584
Applicant: Mr A Khan Grange Road Hartlepool
Agent: 59 Grange Road Hartlepool
Date valid: 10/08/2007
Development: Change of use from shop to Indian cafe and continental cuisine 9 a.m -6 p.m
Location: 44 MURRAY STREET HARTLEPOOL HARTLEPOOL

Update

- 1.1 Since the original report was created two letters of support and one letter of objection have been received, they do not raise any additional issues for consideration.
- 1.2 The Head of Public Protection has raised no objections to the proposed use providing conditions relating to the requirement of extract ventilation equipment and opening hours restrictions to the hours proposed within the application.
- 1.3 While concern has been expressed about additional takeaway uses, this is not such a use. Anything other than ancillary sales on a takeaway basis would require a separate permission.
- 1.4 It is for the reasons stated above and within the report and subject to the conditions set out below that the application is recommended for approval provided that no new issues are raised before the period of consultation expires.

Recommendation

Approve subject to the following conditions and no materially different objections being received.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
Clarification of permission
2. Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.
To ensure the access is safe and suitable for all people, including people with disabilities.
3. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between 44

Murray Street and the residential properties above. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.

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

4. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

5. The premises shall not be open to the public outside the following times
9am-6pm.

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

No: 10
Number: H/2007/0552
Applicant: Mr Chris Roberts Bryan Hanson House Hanson Square
 Hartlepool TS24 7BT
Agent: Hartlepool Borough Council Bryan Hanson House
 Hanson Square Hartlepool TS24 7BT
Date valid: 24/07/2007
Development: Retention of a security fence with ungated pedestrian
 opening
Location: FOOTPATH BETWEEN 39 40 MOUNTSTON CLOSE
 HARTLEPOOL HARTLEPOOL

Update

The Councils Anti Social Behaviour Co-ordinator has indicated that she considers the development to be unwarranted. A copy of her reply is attached.

The Police Design Liaison Officer has pointed to a significant number of incidents in the area. The e;mail is attached.

As with the Barford Close case considered by Members at the last meeting there are differing views from supporters and objectors as well as from consultees.

In the circumstances and given that a monitoring exercise is ongoing it is considered that there is an argument in the short term to retain the fence and gate opening for a temporary period of 1 year to enable the monitoring exercise to be concluded.

Discussions are still taking place with the Police about their comments regarding the "sitting areas" to see if there is any control the Local Planning Authority may have. A final detailed recommendation will therefore be made at the meeting.

Copy E:mail (Anti Social Behaviour Co-ordinator)

The area has been relatively quiet- there had been only two reported incidents in the area this year; although since the application has been in I have had three reported to me-

1 I wonder if you could be so kind and add to the "anti-social record for Mountston Close" that I had to dial 999 & call out the police at 09:00a.m on Sunday morning 09/09/2007 when a group of 3 young men were seen pulling my neighbours plants out by the roots & throwing them at each other with some landing on my garden. They also threw a wine glass which smashed onto another neighbours drive. He also called the police after seeing them exposing themselves. These young vandals were all tramping on all our gardens having entered Mountston Close from the path leading to Tesco where we still need a lockable gate to prevent this anti-social behaviour which is all too frequent & getting worse regardless of what those not affected or not living here may say.

2 I wonder if you could be so kind and add to the "anti-social record" that one of the name plates for Mountston close was torn from its position by vandals more than 3 weeks ago & still has not been replaced. I noted this in my return for the planning department (H/2007/0552) in July 2007, but no action seems to have been taken.

3 .Whilst at Central police and Community Forum last week a gentleman had a word with me after the meeting. He is constantly plagued by youths congregating at the rear of his house, throwing stones at his window and just being generally horrible. He has tried to get neighbours to complain but they are reluctant to get involved. Cath Jones PCSO 7979 was also present and has promised to look at issue.

Nonetheless the area is not a " hotspot"- ie it does not have a disproportionately high incidence rate (nor did it ever)

The recent spate of complaints aimed at keeping the gates in place (three reports- one of a street sign being removed; one of street urination and one of intimidation-as above) seem to me to be misplaced- the supporters of the gates would do better to point out how quiet the area had become else one might be led to conclude that they were not keeping ASB down and may as well be removed to appease those who did not want the gates in the first place. To be dispassionate about the issue, if you tell me the date the gates were put up I can give you incidents for the year before and the year after to see if they have had any impact at all.

I have absolutely no doubt that to those who are bothered by ASB that this is a big issue. I have equally been approached by one household who assure me there is no problem; that minor event are being blown out of proportion.

My view is that the gates are a disproportionate and unwarranted response to the problems there may be in the area, and that to keep them would undermine the guidelines which indicate that pathways should only be closed off where other courses of action have failed.

Hope this helps.

Copy E:mail (Police)

With regard above a search was carried out on Police Data regard reported incidents to Police at this location this revealed 29 incidents reported since 01/08/05 with 11 incidents relating to Anti social behaviour occurring mainly on a evening time these incidents have all occurred after 13/10/06 this I believe will coincide with the gate being removed.

In order to prevent incidents of anti social behaviour the closing of the footpath would assist this choice would have to be made with regard the benefits of closure against accessibility. The security fence in its presence state does not achieve anything but I understand that the retaining of the fence would enable closure of the footpath if requested to be completed far easier.

On visiting the site of the footpath the removal of ready made sitting areas at the location may assist in reducing the problems in the location. This could be achieved by moving the close boarded fence on one side of the path to the very edge of the low boundary wall and therefore removing a potential sitting area. Also the grass area could be reduced on the other side of the footpath by low growing defensive planting which again remove ready made a sitting area which would help to deter youths gathering at the location.

Steve

39 - 40 Mountston Close H/2007/0552



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN

JT

DATE

26/9/07

SCALE

1:1250

DRG.NO

REV

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL REF APP/H0724/A/07/2039498:
H/2006/0441 AMERSTON HILL, COAL LANE,
HARTLEPOOL, TS27 3EZ. ERECTION OF A TWO-
STOREY LOUNGE, HALL, GARAGE, BATHROOM
AND BEDROOM (2) EXTENSION

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members of the outcome of a recent planning appeal at Amerston Hill, Coal Lane, Hartlepool for the erection of a two-storey lounge, hall, garage, bathroom (2) extension to a detached building to the side of the property.
- 1.2 The Planning Inspectorate dismissed the appeal. A copy of the Inspector's report is attached.

2. RECOMMENDATION

- 2.1 That Members note the decision.

	<h2 style="margin: 0;">Appeal Decision</h2> <p style="margin: 0;">Site visit made on 6 August 2007</p> <p style="margin: 0;">by A C Pickering FRTP</p> <p style="margin: 0;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p style="margin: 0; font-size: small;">The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p style="margin: 0; font-size: small;">☎ 0117 372 6372 email: enquiries@pins.gsi.gov.uk</p> <p style="margin: 0; font-size: small;">Date: 21 August 2007</p>
---	---	--

Appeal Ref: APP/H0724/A/07/2039498
Amerston Hill, Coal Lane, Hartlepool TS27 3EZ

- 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 A Cook against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0441, dated 1 June 2006, was refused by notice dated 4 December 2006.
- The development proposed is a lounge, bedroom, bathroom and garage extension.

Summary of Decision: The appeal is dismissed.

Main issue

1. The principal issue in the appeal is the effect of the development on the rural settlement policy objectives and the character and appearance of the countryside.

Reasons

2. There is a difference between the parties over the planning standing of the structure intended to be enlarged. No definitive evidence has been provided to me about how the present circumstances came to arise although it is clear that no planning permission has been granted for the works undertaken. I have not been advised of the outcome of the application for a certificate of lawful development submitted in April. In these uncertainties it seems to me that for the purposes of the appeal little weight can be given to the suggested status of Amerston Hill Cottage as an independent residential planning unit.
3. There are well documented objections, set out in national planning guidance, to new isolated dwellings in the countryside. These considerations are reflected in policy Rur12 of the Hartlepool Local Plan. If it is in due course demonstrated that the existing building cannot be regarded as a dwelling, any change of use and operational development would have to meet the criteria of policy Rur12, which the proposal does not do. In the meantime I find insufficient information to support the assertion that the development would involve the extension of an existing bungalow. Indeed, the parties have not referred me to policy Hsg10 of the plan relating to residential extensions and it would not be right for me therefore to take it into account.
4. On the basis that there is no separate residential unit I have little doubt that in this remote rural position, seen over wide tracts of countryside designated as a special landscape area, such a substantial enlargement as is proposed would conflict with the purposes of policy Rur7 of the local plan. Notwithstanding other buildings permitted by the Council in the vicinity I consider

that the increase in the developed appearance of this elevated site arising from the appeal scheme would be incompatible with the character of the rural setting and the landscape generally. I am not persuaded there would be serious amenity disadvantages for the occupation of the dwelling at Amerston Hill Farm. But in my view the harm to the rural settlement policy and the visual amenities of the countryside would create a serious breach of the general environmental principles detailed in policy GEP1 of the local plan.

5. For these reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Formal Decision

6. I dismiss the appeal.

A C Pickering

Inspector

Report of: Assistant Director (Planning & Economic Development)

Subject: Appeal by Alab Environmental Services, Land at Brenda Road, Hartlepool

1 PURPOSE OF REPORT

- 1.1 The Local Planning Authority has received notice of the Inspector's decision in relation to a planning appeal at the above site. The proposal was for the Installation of a treatment plant for the solidification / stabilisation of liquid wastes. A copy of the decision letter is attached.
- 1.2 The appeal has been allowed. The Inspector concluded that the development would not cause significant harm to the living conditions of existing residential occupiers in Seaton Carew and other locations in the vicinity of the site, or to the amenities of people in nearby employment premises. The Inspector decided however to impose a number of conditions to control dust, odours and the types of waste that can be accepted into the tanks and storage bays.
- 1.3 The Inspector awarded costs against the Council for withdrawing its second reason for refusal (i.e that the development would be harmful to the image of the town with consequences for the tourism industry) at a late stage in the appeal process.

2 RECOMMENDATION

- 2.1 That the report be noted



The Planning Inspectorate

Room: 3/04
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-6116
Switchboard: 0117-372-8000
Fax No: 0117-372-8443
GTN: 1374-6116

<http://www.planning-inspectorate.gov.uk>

Mr R Teece
Hartlepool Borough Council
Department Of Regeneration &
Planning
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Your Ref: H/2006/0460
Our Ref: APP/H0724/A/06/2028377/NWF
Date: 3 September 2007

DEPT OF REGEN & PLANNING
BRYAN HANSON HOUSE, HANSON SQUARE

10 SEP 2007

HANDED TO REPLY
FILE No

Dear Mr Teece

Town and Country Planning Act 1990
Appeal by ALAB Environmental Services
Site at Seaton Meadows, Brenda Road, Seaton Carew, TS25

I enclose a copy of our Inspector's decision on the above appeal together with a copy of the decision on an application for an award of costs.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

Please note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.qsi.gov.uk

Yours sincerely


Stephen Adgey

SCANNED

- 6 SEP 2007



COVERDL2

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/caserearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

Challenging the Decision in the High Court

Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

Different appeal types

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

Challenges to planning appeal decisions

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions and advertisement appeals.). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

Challenges to enforcement appeal decisions

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

Frequently asked questions

"Who can make a challenge?" - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

"How much is it likely to cost me?" - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further Information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

Contacting us

High Court Section
The Planning Inspectorate
4/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Phone: 0117 372 8962

Website

www.planning-inspectorate.gov.uk

General Enquiries

Phone: 0117 372 6372

E-mail: enquiries@pins.gsi.gov.uk

Complaints

Phone: 0117 372 8252

E-mail: complaints@pins.gsi.gov.uk

Cardiff Office

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ
Phone: 0292 082 3866
E-mail: wales@pins.gsi.gov.uk

The Parliamentary Ombudsman

Office of the Parliamentary
Commissioner for Administration
Millbank Tower, Millbank
London, SW1P 4QP

Helpline: 0845 0154033

Website: www.ombudsman.org.uk

E-mail:

phso.enquiries@ombudsman.org.uk

Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: www.courtservice.gov.uk

Council on tribunals

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.



The Planning Inspectorate

An Executive Agency in the Department for Communities and Local Government and the National Assembly for Wales

Our Complaints Procedures

Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

How we investigate complaints

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

What we will do if we have made a mistake

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

Who checks our work?

The Government has said that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report on our performance. APOS regularly examines the way we deal with complaints and we must satisfy it that our procedures are fair, thorough and prompt.

Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

Frequently asked questions

"Can the decision be reviewed if a mistake has happened?" – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

"If you cannot change a decision, what is the point of complaining?" – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

"Why did an appeal succeed when local residents were all against it?" – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

"How can Inspectors know about local feeling or issues if they don't live in the area?" – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

"I wrote to you with my views, why didn't the Inspector mention this?" – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

"Why did my appeal fail when similar appeals nearby succeeded?" – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

"I've just lost my appeal, is there anything else I can do to get my permission?" – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

"What can I do if someone is ignoring a planning condition?" – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. It can investigate and has discretionary powers to take action if a condition is being ignored.

Further information

Every year we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with and how we plan to meet the targets which Ministers set for us. At the end of each financial year we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - www.odpm.gov.uk/

Contacting us

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Website

www.planning-inspectorate.gov.uk

Enquiries

Phone: 0117 372 6372
E-mail: enquiries@pins.gsi.gov.uk

Complaints

Phone: 0117 372 8252
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Cardiff Office

The Planning Inspectorate
Room 1-004
Cathays Park
Cardiff CF1 3NQ
Phone: 0292 082 3866
E-mail: wales@pins.gsi.gov.uk

The Parliamentary Ombudsman

Office of the Parliamentary
Commissioner for Administration
Millbank Tower, Millbank
London, SW1P 4QP

Helpline: 0845 0154033
Website: www.ombudsman.org.uk
E-mail: phso.enquiries@ombudsman.org.uk

<<Have costs been awarded?~**The Planning Inspectorate**

Award of appeal costs:

Local Government Act 1972 – section 250(5)

How to apply for a detailed and independent assessment when the amount of an award of costs is disputed

This note is for general guidance only. If you are in any doubt about how to proceed in a particular case, you should seek professional advice.

If the parties cannot agree on the amount of costs to be recovered either party can refer the disputed costs to a Costs Officer or Costs Judge for detailed assessment¹. This is handled by:

The Supreme Court Costs Office
Cliffords Inn
Fetter Lane
London EC4A 1DQ
DX 44454 Strand
(Tel: 020 7947 7128/6423)

But before this can happen you must arrange to have the costs award made what is called an order of the High Court². This is done by writing to:

The Crown Office
Royal Courts of Justice
Strand
London WC2A 2LL

You should refer to section 250(5) of the Local Government Act 1972, and enclose the original of the order of the Secretary of State, or his Inspector, awarding costs. A prepaid return envelope should be enclosed. The High Court order will be returned with guidance about the next steps to be taken in the detailed assessment process.

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¹ The detailed assessment process is governed by Part 47 of the Civil Procedure Rules that came into effect on 26 April 1999. You can buy these Rules from Stationery Office bookshops (formerly HMSO) or look at copies in your local library or council offices.

² Please note that no interest can be claimed on the costs claimed unless and until a High Court order has been made. Interest will only run from the date of that order.

|>>



Appeal Decision

Inquiry held on 17, 18 and 19 July 2007

Site visit made on 20 July 2007

by **J Chance** BSc DipTP 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
email: enquiries@pins.gov.uk
ov.uk

Date: 3 September 2007

Appeal Ref: APP/H0724/A/06/2028377

Land at Brenda Road, Seaton Carew, Hartlepool TS25 (Seaton Meadows)

- 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 Alab Environmental Services Ltd against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0460, dated 12 June 2006, was refused by notice dated 8 August 2006.
- The development proposed is described as "installation of a treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme - H/FUL/0043/03)".

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

Procedural Matters

1. Prior to the Inquiry, the Council gave written confirmation that it no longer wished to support the second reason for refusal and withdrew its objection to the proposal on grounds of the impact on the image of the town and the consequences for the tourism economy.
2. At the Inquiry, an amended drawing (Drawing No. SM-05022 B) was submitted as a correction for Drawing No. SM-05022 A in order to show the same tank layout as on the Site Layout drawing, Drawing No. SM-05024 A, which shows 6 large tanks and 2 small ones. As the revised drawing corrects an erroneous situation and does not introduce additional plant or equipment which has not already been identified on other plans, I consider that the amendment does not represent a material change to the proposal and that no one would be disadvantaged by my accepting the revised drawing as a substitute for the previously submitted drawing. In the interests of accuracy and correctness I have therefore taken account of the substituted drawing in my determination of the appeal.

Application for Costs

3. At the Inquiry an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of existing residential occupiers in Seaton Carew and other locations

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in the vicinity of the site, and the effect on people working in the nearby employment premises, paying particular attention to dust, fumes and noise.

Planning Policy

5. The development plan includes the Hartlepool Local Plan (LP) (adopted 2006). Policy GEP1 deals with general environmental principles. It indicates that the effect on the amenities of occupiers of adjoining or nearby properties should be taken into account when determining planning applications for development. It also makes reference to the need, amongst other matters, for such development to be located within the limits to development and on previously developed land, for the relevant planning requirements of consultees such as the Health and Safety Executive, the Environment Agency and Natural England/English Nature to be satisfied, and for control by planning conditions, where necessary.

Reasons

6. The appeal site lies within the overall boundary of the Seaton Meadows Landfill Site towards the south western edge of the main site roughly between the present weighbridge and the site fence which is set back from the carriageway of Brenda Road behind a grassed area. Included within the appeal site is an existing garage currently being used for drum storage, washing out of drums and as a quarantine area, and a concrete area, which is in part being used for storing drums and industrial bulk containers.
7. The proposed development comprises the stabilisation and/or solidification of liquid wastes into granular or solid form through mixing with pulverised fly ash (PFA) and cement powder prior to disposal in the adjacent landfill site. To aid binding of the liquid wastes, solid waste would also be added as part of the mixing process, which would help to reduce the amount of PFA required. The granular or bulk product would be put into drums prior to disposal in an engineered cell within the landfill site. The proposed treatment plant is required because liquid wastes, whether hazardous or non-hazardous, can no longer be disposed of at landfill sites under present legislation.
8. The proposed process and overall method of operations are essentially the same as those for which the Council granted planning permission in June 2003 (ref. H/FUL/0043/03). The current proposal seeks to provide the plant and equipment on a larger site, albeit one that encompasses the area of the permitted scheme, as well as proposing the addition and enclosure of various storage units and an increase in the number of liquid storage tanks. These changes from the permitted scheme are proposed in order to achieve improvements in terms of health and safety considerations and they would also achieve environmental improvements and so assist in the application of Best Available Techniques (BAT) within the Pollution Prevention and Control (PPC) permitting regime.
9. The garage refurbishment and a section of the concrete base referred to above were provided as part of the 2003 permitted scheme which, in any event, has a 5 year commencement condition. Both main parties agree that the 2003 planning permission is extant and that the already started permitted scheme is capable of being fully implemented, and I have no reason to disagree with those views.

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10. At the Inquiry the Council withdrew its opposition to the proposal in terms of the first reason for refusal following discussions with the appellant around detailed clarification of the transfer/transportation arrangements for the various wastes within the appeal site; design of the proposed waste storage bays, particularly that of the solid waste storage bay; and intended capacity of the treatment plant and overall scale of development. That withdrawal of opposition is subject to the imposition of suitable planning conditions. However, notwithstanding the clarifications presented to the Inquiry regarding those matters, including proposed dust suppression systems on the solid waste storage bay outlet and the hopper loading mouth of the consolidation plant, local residents and local environmental organisations were still clearly concerned regarding potential detrimental impacts on the health and amenities of people living or working in the vicinity, using the nearby nature conservation areas and recreational facilities, or cycling or walking past the appeal site. Those interested parties also consider that the proposed treatment plant would discourage visitors and tourists from using the local nature reserves and leisure facilities, to the detriment of the development of the area for tourism.
11. From the written submissions prior to the Inquiry and the clarifications explained at the Inquiry the appeal proposal differs from the 2003 permitted scheme in the following ways. The site area would be increased from about 0.33ha to about 0.95ha. There would be 8 liquid storage tanks in place of the previously proposed 4. The 2003 permission did not include specific separate storage bays. The current scheme proposes covering of the waste storage bays, the addition of plastic curtains on 3 sides, roller shutters on the fronts and a dust suppression scheme on the solid waste storage bay probably in the form of a misting system. The appeal proposal also allows for a similar misting system on the hopper loading inlet to the consolidation plant, whereas this was not included in the 2003 permission. Other features within the current proposal but not the 2003 scheme include filtered extraction units on the liquid holding tanks and air filters on the consolidation plant silos and the cement weigh hopper.
12. In addition, it was confirmed at the Inquiry that the consolidation plant would be a sealed unit within an outer housing. Clarification was also provided that surface water and any spillages or contamination outside bunded areas would be directed to a single collection sump for removal to the liquid holding tanks or tankering off site as appropriate. Further distinctions from the permitted scheme are that a separate covered drum storage area would be provided and the powder storage silos would be reduced in height. The oil/water separator would be above ground in the proposed scheme as opposed to below ground in the 2003 scheme. The tank that was to have been used to store acids in the permitted scheme has been deleted from the current proposal. The appeal proposal also allows for a drum and vehicle washing bay that was not included in the earlier permission.
13. Overall, when compared with the previously approved scheme, I consider that the current proposal would give greater room for safer and more efficient vehicle movements; greater separation between the liquid storage tanks and the mixing/consolidation process which would be beneficial in terms of safety and logistics under both normal operations and instances of spillage; and better security for the storage of liquids in the event of consolidation plant

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stoppages. In addition, there would be significantly reduced opportunities for the escape of dust, fumes and smells and no increased risk of unacceptable noise transmission compared with the permitted scheme.

14. While I accept that the proposed waste storage bays would be seen above the grass bund, the powder storage silos would be reduced in height and the overall visual impact would not be significantly greater than with the permitted scheme. Although concerns have been raised about the capacity of the sump, I find that it would be to acceptable design standards, given that transfer to holding tanks and/or off-site tankering would be undertaken if necessary.
15. Many of the matters which were clarified at the Inquiry were already included within the documentation for the planning application which has led to this appeal. Even though the proposed inclusion of plastic curtains within the waste storage bays and the installation of dust suppression systems on the outlet from the solid waste storage bay and inlet hopper to the mixing plant were not evident on the submitted application plans, and appear to be additions to the scheme, these do not, in my view, materially alter the substance of the overall proposal. Furthermore, these are items which could be secured by means of planning conditions and I see no reason why their incorporation into the scheme as proposed should prevent my determining the appeal on this basis.
16. Since I have no doubt that the 2003 planning permission is extant and would be implemented if I were to dismiss this appeal, it is clearly a material consideration in this case. In my opinion, the appeal proposal as clarified at the Inquiry and reinforced by appropriate conditions to support those clarifications, represents an improved solution over the 2003 approved scheme in that it would have a reduced impact in terms of dust, fumes, smells and noise on the occupiers of nearby residential and non-residential properties and on people passing by the site, and on the surrounding environment.
17. Moreover, the nearest main area of housing is about 1km away to the north. Notwithstanding that one dwelling at the Mayfair centre and various places of employment are closer than that, I nevertheless find that with the proposed treatment plant design and the separation distances involved, it would be unlikely that occupiers of residential or non-residential properties, or children attending local schools, would be adversely affected by dust, fumes, smells or noise from the proposal. Furthermore, as any effects would be significantly lower with the appeal proposal than the already permitted scheme for dealing with liquid wastes at this site, I consider that, in this regard, there would be no serious conflict with LP Policy GE1.
18. At the Inquiry local residents and action groups indicated their primary concern to be the impact on health. However, Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) says that the detailed consideration of a waste management process and the implications, if any, for human health are the responsibility of the pollution control authorities. While PPS10 indicates that health can be material to planning decisions about the acceptability of a location for a proposed waste management facility, no specific evidence was put forward at the Inquiry to demonstrate how or why this proposed treatment plant would be harmful to human health.

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19. Although general evidence was presented at the Inquiry about the high mortality rates, including from cancer, strokes and heart disease, within the Hartlepool and Seaton Carew communities compared with national average figures, this information did not directly relate to the existing waste disposal or proposed waste treatment activities. Similarly, no information was put forward to suggest that the appeal scheme, as opposed to the permitted scheme, would be more injurious to the health of neighbouring occupiers or passers-by.
20. PPS10 states that the planning and pollution control regimes are separate but complementary and it strongly supports the parallel determination of planning and pollution control applications. Although the appellant has submitted a PPC permit application for the proposed plant, I understand that no decision has yet been made. However, as previously indicated, the Environment Agency would, when determining the permit application, consider the implications for human health and impose restrictions on the types of liquid wastes that would be permitted.
21. Although local residents have serious concerns about the "novel" nature of the process and the lack of remoteness from housing, the appellant indicated at the Inquiry that there are existing operational treatment plants using the same type of process in other EU countries. In any event, the matter of the control of processes in terms of their effect on human health and the environment is a matter for the pollution control authorities. Furthermore, despite local residents' reservations about the Environment Agency's record relating to enforcement on the landfill site, PPS10 advises that when making planning decisions it should be assumed that the relevant pollution control regime will be properly applied and enforced.
22. I have taken account of the numerous references made by local people at the Inquiry to the history of alleged failings of the previous landfill operator with regard to the prevention of nuisance and operation within the terms of the licence/permit. I have also had regard to the serious concerns raised by interested parties regarding perceived deficiencies in the current operation of the site. Matters such as fires within the tipped area, the transfer of potentially contaminated material onto Brenda Road and inadequate collection facilities for the present wheelwash are clearly of concern.
23. However, the appeal proposal would still, in my view, be preferable to the permitted scheme in terms of the impact on the living conditions and amenities of nearby occupiers and, because of the more specific nature of the planning conditions that could be imposed, should be subject to more stringent planning enforcement controls than with the permitted scheme. Overall, I find that there is no overriding reason in this case to set aside current Government policy advice in PPS10 regarding health considerations and, consequently, I have to assume that the proposed facility would be well-run and well-regulated and so would pose little risk to human health.
24. LP Policy GEP1 requires that the relevant planning requirements of key consultees should be satisfied. The Environment Agency, English Nature, Health and Safety Executive Hazardous Substances Division, Health and Safety Executive Nuclear Safety Directorate and the Council's Public Protection section had no objections when consulted at the application stage. As such, in this regard, there would be no conflict with Policy GEP1 of the LP.

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25. In addition, Policy GEP1 seeks to ensure that development proposals are within the limits to development and on previously-developed land. Notwithstanding the views of some local residents about the greenfield nature of the appeal site, the site is clearly within the boundary of the main landfill site and encompasses an existing concrete pad and refurbished garage building. Consequently, I find that in this respect there would be no conflict with Policy GEP1 of the LP.
26. I have also had regard to the proximity of the appeal site to disposal facilities within the adjacent Seaton Meadows Landfill Site for the product from the proposed consolidation plant. PPS10 encourages the co-location of facilities and the location of the proposed liquid waste treatment plant within the overall boundary for the landfill site would be in line with that national guidance. Although local residents make reference to the cumulative effect of the existing and proposed waste management facilities on the well-being of the local community, the lack of significant potential harm from dust, fumes, odours and noise which I have found, together with the relatively modest additional traffic movements associated with this proposal would not, in my view, lead to such cumulative harm as to cause me to dismiss this appeal. Furthermore, the life of the treatment plant could be linked to that of the landfill site through the imposition of a planning condition, in order to prevent the plant remaining beyond restoration of the overall site.
27. Although concerns were raised about corrosion of the containment drums and the long term stability of the product when landfilled, since it would be contained within a specially engineered cell, no evidence was presented at the Inquiry to suggest that this would result in harmful dust, fumes, odours or noise emissions for nearby occupiers.
28. I therefore conclude that the proposed development would not cause significant harm to the living conditions of existing residential occupiers in Seaton Carew and other locations in the vicinity of the site, or to the amenities of people in the nearby employment premises. I further conclude that there would be no serious conflict with Policy GEP1 of the LP.

Other Matters

29. Notwithstanding the Council's decision prior to the Inquiry not to support the second reason for refusal, local people argued at the Inquiry that the proposed treatment plant would have an adverse impact on the image of the local area and deter visitors and tourists from using local leisure facilities and enjoying the coastline and nature conservation areas. However, I disagree that the proposed development would have any significant adverse impact on the tourism economy, as the majority of the nature conservation and recreational areas are some distance from the site and from the more local facilities the proposed liquid waste treatment plant would be screened from view by the main landfill feature and the perimeter bund along the Tees Road boundary.
30. Furthermore, although local people would like to see a buffer zone between the housing and the existing nuclear power station, there are existing heavy industrial premises within that area, as well as lighter industrial uses. I consider that even if local residents and visitors were aware of the presence of the liquid waste treatment plant, because of the lack of nuisance from dust,

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fumes, odours and noise from it, the use of leisure, tourist and nature conservation facilities would be unlikely to be affected.

31. I have had regard to matters raised concerning the relationship between Able UK Ltd and Alab Environmental Services Ltd, the impartiality of W A Fairhurst & Partners, susceptibility to flooding, contamination of the ditch along the edge of the landfill site, presence of a geological fault, future capacity of the main landfill site when compared with the timescale in the planning permission for tipping and restoration, and any link between the appeal proposal and the "Ghost ships". I have taken account of other points made concerning the effect on house prices, traffic routes through built up areas by vehicles carrying waste and loss of significant numbers of the names on the petition. However, these matters do not affect my conclusions on the main issue.
32. I have had regard to local people's views relating to the behaviour of the Council during the application and appeal processes. However, this is a matter between them and the Council.

Conditions

33. I have considered the conditions suggested by the Council, having regard to the advice in Circular 11/95. In addition to the standard commencement condition, measures relating to site investigations for contamination and any necessary remedial works to deal with any contamination found would be required prior to any commencement of development, in the interests of health and safety and protection of the environment. In view of the historical use of the site for military purposes, a site investigation into the presence of underground workings would be required prior to any commencement of development, in the interests of the structural stability and safety of any future building, structure or plant. Details of any above-ground and underground pipework within the application site boundary and any connections to systems outside the application site boundary would be necessary, in the interests of the protection of the amenity of the area.
34. Any PPC permit for the proposed activity would be subject to detailed controls over the actual liquid wastes, sludges and solid wastes which would be accepted on the site. Although the 2003 planning permission for the process made reference to various types/groups of wastes which should be precluded from the site, PPS10 advises that it should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where a permit is required. However, in order to protect the living conditions, amenities and safety of people living and working in the general area and passers-by, I consider it necessary to include a condition to restrict the acceptance into any of the waste storage bays or tanks of broad types of waste, which because of their characteristics and/or reactive properties would lead to the escape of unacceptable amounts of dust, other air emissions including fumes and odours, and noise from the site. A restriction on the storage of asbestos within any of the waste storage bays, for the protection of health, should also be included.
35. A condition would be necessary to limit the life of the plant to that of the landfill site and to ensure that the plant is removed prior to restoration of the entire Seaton Meadows site, or prior to any extraction of clay preceding

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restoration, in order to ensure the satisfactory restoration of the area in the interests of the amenity of the area. A condition concerning the colour of the external finish to the cladding on the waste storage bays and drum storage bay enclosures would be necessary, in order to protect visual amenity. A condition placing a restriction on the external storage of empty or full storage containers and requiring details of the location and arrangements for storing cleaned storage containers would be necessary, in the interests of visual amenity.

36. A set of conditions relating to the fitting of doors and a curtain wall system to the waste storage bays, a scheme for designating the individual waste storage bays and a dust suppression system to the solid waste storage bay would be necessary, in order to protect the amenities of residents and other occupiers. Similarly, a condition would be required to ensure the installation of a dust suppression system to the hopper loading mouth of the consolidation plant. In order to prevent the liquid treatment facility from operating as an independent waste transfer station, a condition restricting the movement of waste material off the site would be necessary, to protect residential amenity. A condition regarding the restriction of noise from the site would be necessary, in order to protect the amenity of property occupiers in the area.
37. In order to protect the amenity of the area, details of the dedicated quarantine arrangements to be provided for the liquid treatment plant would be required for prior approval before the commencement of any development. In order to prevent nuisance and in the interests of highway safety, a condition requiring details of a scheme to prevent the transfer of mud or other material from the liquid treatment plant site onto Brenda Road would be necessary. A condition would be required to ensure the control and minimisation of any potentially offensive odour nuisance, in order to protect the amenity of nearby occupiers and passers-by. A condition restricting the hours of operation to weekday daytime hours and Saturday mornings would be necessary, in order to protect the amenity of the area.
38. As I have already referred in paragraph 2 to the substitution of the elevational tank drawing by a revised corrected drawing, I see no need to include the suggested condition requiring the development to proceed only in accordance with the plans as submitted except where amended. As it was made clear at the Inquiry that it would be inappropriate to direct all HGV traffic from the liquid waste treatment site to exit from the site in a southerly direction, and vehicles from the main landfill site could not be covered by such a requirement, I shall not impose the suggested traffic routeing condition. Furthermore, the condition relating to the prevention of mud transferring onto the highway would be more appropriate to control this particular problem.
39. There was discussion at the Inquiry over the need for a further condition to control the future scale of development and prevent open areas from being used for additional storage. Although I could impose requirements for the amounts and volumes of materials brought onto the site to not exceed an identified daily or annual limit and for records to be provided to the Council on demand and/or records of the number of vehicles coming onto the site per day to be similarly made available, the future PPC permit would more appropriately cover throughput of the plant. As another condition would deal with external storage arrangements, I consider that no further condition is necessary.

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Conclusion

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

Formal Decision

41. I allow the appeal, and grant planning permission for the installation of a treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme – H/FUL/0043/03) at land at Brenda Road, Seaton Carew, Hartlepool TS25 (Seaton Meadows) in accordance with the terms of the application, Ref H/2006/0460, dated 12 June 2006, and the plans submitted with it, identified as Drawings: Location, SM-05018 A, 05019 A, 05021 A, 05022 B, 05023 A and 05024 A, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) Development shall not begin until a scheme to investigate and record contamination of the site has been submitted to and approved in writing by the local planning authority
 - 3) The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed. Proposals for the removal, containment or otherwise rendering harmless of any contamination shall be presented in the form of a Reclamation Method Statement for the written approval of the local planning authority.
 - 4) Development shall not begin until the measures approved in the Reclamation Method Statement have been implemented.
 - 5) If during the reclamation or development works any contamination is identified that has not been considered in the Reclamation Method Statement, remediation proposals for this additional material should be agreed with the local planning authority.
 - 6) Before the development hereby permitted begins, a site investigation shall be undertaken looking for the presence of underground former military workings which could affect the structural stability of any building, structure or plant and the results, together with any necessary remediation measures, shall be submitted for the written approval of the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. Any required measures shall be implemented prior to the commencement of development.
 - 7) Details of any above-ground and underground pipework within the application site boundary and any connections to systems outside the application site boundary shall be submitted for the written approval of the local planning authority. The pipework shall be installed in accordance with the approved details.
 - 8) The following types of materials shall not be accepted into the waste storage bays or tanks:

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- substances which on their own or in combination with other wastes would give rise to odours which would be potentially offensive at or beyond the boundary of the landfill site;
- substances which may cause fire or explosion on their own or in combination with other substances, or when in contact with water or damp air, or when subsequently landfilled following stabilisation;
- materials which liberate toxic gases when in contact with water or acids; and
- substances which are radioactive.
- 9) There shall be no storage of asbestos within any of the waste storage bays.
- 10) The use and operation of the treatment plant hereby permitted shall only continue during the lifetime of the Seaton Meadows landfill planning permission (ref. H/FUL/0683/97). The use shall cease and all buildings, structures and plant shall be removed prior to any extraction of clay from the site or if no clay is to be extracted not later than 6 months prior to the final cessation of landfill. The site shall be restored in accordance with the existing approved restoration scheme for the Seaton Meadows site, or such other restoration scheme as may be subsequently approved for the application site.
- 11) No development shall take place until details of the colour of the external finish to the cladding on the waste storage bays and drum storage bay enclosures, and on the consolidation plant housing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) There shall be no external storage of full storage containers. Empty storage containers shall be stored only in the "Cleaned Storage Area". Details of the location and arrangements for the storing of cleaned storage containers shall be submitted for the written approval of the local planning authority prior to development commencing and the development shall be implemented in accordance with the approved details.
- 13) Prior to the commencement of the development hereby approved, details of a scheme for the designation of the individual waste storage bays for the reception of solid waste and sludge shall be submitted to and approved in writing by the local planning authority. The approved regime shall be implemented prior to any wastes first arriving on the liquid wastes treatment plant site.
- 14) Prior to the commencement of the development hereby approved, schemes for the provision of close shutting vertical rising doors and a curtain wall system to enclose the gap between the metal cladding and the bases of the waste storage bays shall be submitted for the written approval of the local planning authority. Implementation shall be in accordance with the approved schemes. Thereafter the doors shall remain closed except when the bays are being loaded/unloaded and the curtain walling shall remain closed except when the storage bays are empty and being cleaned.

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- 15) The designated solid waste storage bay shall be fitted with a dust suppression system, the details of which shall be submitted for the written approval of the local planning authority prior to this development commencing. The approved system shall be installed prior to the acceptance of any waste on site and thereafter deployed during the transfer of materials from the solid waste storage bay to the consolidation plant. The approved scheme shall be operated so as to prevent fugitive dust emissions beyond the site boundary.
- 16) Prior to the commencement of the development hereby approved, details of a dust suppression system to be fitted around the hopper loading mouth of the consolidation plant shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed prior to the acceptance of any waste on site and thereafter shall be deployed at all times during the transfer of solid waste into the consolidation plant.
- 17) Only waste material which has failed its waste acceptance criteria shall be permitted to leave the site. Records detailing the quantities, nature and dates of transfer off site of such materials shall be made available to the local planning authority, as required.
- 18) The plant shall be operated so that the noise levels from the site shall at no times cause the background noise level when measured at the nearest noise sensitive receptor to increase by more than 5 dB measured as 8hr L_{eq} dB(A) during operational hours.
- 19) The development hereby approved shall not commence until details of a scheme to provide a quarantine bay at the entrance to the site, suitable for parking a single heavy goods vehicle, have been submitted to the local planning authority for written approval. The approved facility shall be provided prior to any waste being accepted on the application site.
- 20) A scheme to prevent the transfer of mud and other materials from the application site onto the public highway shall be submitted for the written approval of the local planning authority before this development commences. The approved scheme shall be implemented prior to any wastes being accepted on the application site.
- 21) A scheme to ensure the control and minimisation of any potentially offensive odour nuisance shall be submitted for the written approval of the local planning authority prior to the commencement of this development. The scheme shall be implemented prior to the acceptance of any waste on the application site.
- 22) The liquid waste treatment plant hereby approved shall not operate outside the hours of 07.00hrs to 17.00hrs Monday to Friday and 07.00hrs to 13.00hrs on Saturdays except in connection with unscheduled or emergency maintenance operations. The plant shall not operate at all on Sundays or Bank Holidays unless otherwise agreed in writing with the local planning authority.

J Chance

INSPECTOR

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APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Shadarevian	Of Counsel, instructed by the Council's Solicitor
He called	
Mr M Walker DipTP, MRTPI	W A Fairhurst & Partners, 1 Arngrove Court, Barrack Road, Newcastle upon Tyne NE4 6DB

FOR THE APPELLANT:

Mr G Byrne	Of Counsel, instructed by Mr G Sharpe, Hammonds
He called	
Mr I Fenny BSc, Cotc, Mciwm, Mism, Iod	Alab Environmental Services Ltd, Able House, Billingham Reach Industrial Estate, Billingham, Teesside TS23 1PX
Mr S Barker BSc, MRTPI, DMS	Blackett Hart & Pratt LLP, Westgate House, Faverdale, Darlington, Co. Durham DL3 0PZ
Dr G Doubleday BSc(Hons), PhD	c/o Alab Environmental Services Ltd, Able House, Billingham Reach Industrial Estate, Billingham, Teesside TS23 1PX
Mr T Gillanders TD, BSc(Eng), MSc, FFOH, CFIOSH	TGA Consultants, Hillcrest, Leazes Lane, Hexham, Northumberland NE46 3BA

INTERESTED PERSONS:

Mr P Tweddle Admin Coordinator Hartlepool & North Tees Friends of the Earth	91 Elizabeth Way, Seaton Carew, Hartlepool TS25 2AY
Mr M Young Technical Coordinator Friends of Hartlepool	31 Ventnor Avenue, Hartlepool TS25 5LZ
Ms J Kennedy Friends of Hartlepool	31 Waldon Street, Hartlepool TS24 7QA
Ms I Ryder Green Party & Friends of Hartlepool	Seaton Carew, Hartlepool TS25 1XD (details withheld)
Mr P West	1 Sandwich Grove, Hartlepool TS27 3PR
Mr H Whittaker Hartlepool & North Tees Friends of the Earth	58 Castleton Road, Seaton Carew, Hartlepool TS25 1DZ
Mr I Campbell	19 Hylton Road, Hartlepool
Ms E Leck Hartlepool & North Tees Friends of the Earth	18 Stockton Road, Hartlepool TS25 1RL
Mr N Robertson	44 Millston Close, Hartlepool TS26 0PX
Cllr M A Plant	35 Woodstock Way, Hartlepool TS27 3QB
Cllr G Lilley	68 Fens Crescent, Hartlepool TS25 2QN

DOCUMENTS

Document 1 Council's letter of notification of the inquiry and list of those notified

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- Document 2 Letters received in response to the notification letter
- Document 3 Statement of Common Ground
- Document 4 Summary Proof of Evidence of Stephen Graham Barker
- Document 5 Draft Summary Proof of Evidence of G P Doubleday
- Document 6 Executive Summary to the Report of Thomas G E Gillanders
- Document 7 Summary Proof of Evidence of Richard Spencer
- Document 8 Statement from P West dated 18 July 2007
- Document 9 Statement from Mr P Tweddle, Hartlepool & North Tees FoE
- Document 10 Statement from Iris Ryder
- Document 11 Statement from Mrs Evelyn Leck dated 16 July 2007
- Document 12 Memos from Roger Robinson to Ian Fenny dated 19 July 2007
- Document 13 Suggested Conditions
- Document 14 Extract from Environmental Statement Appendix 11
- Document 15 Appendix B – Permitted Waste List for Seaton Meadows HWTF
- Document 16 Council's closing submissions
- Document 17 Appellant's closing submissions
- Document 18 Post-Inquiry submission from Peter Tweddle

PLANS

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|--------|-----------------|---------------------------------------|
| Plan A | Location 1:5000 | |
| Plan B | SM-05018 A | Consolidation Plant Elevations |
| Plan C | SM-05019 A | Waste Storage Bay Elevations |
| Plan D | SM-05021 A | Untreated Drum Storage Bay Elevations |
| Plan E | SM-05022 B | Tank Farm Elevations |
| Plan F | SM-05023 A | Drum & Vehicle Wash Bay Elevations |
| Plan G | SM-05024 A | Site Layout |

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Superseded Plan

SM-05022 A Tank Farm Elevations



Costs Decision

Inquiry held on 17, 18 and 19 July 2007

Site visit made on 20 July 2007

by J Chance BSc DipTP MRTPI

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

The Planning Inspectorate
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ov.uk

Date: 3 September 2007

Costs application in relation to Appeal Ref: APP/H0724/A/06/2028377 Land at Brenda Road, Seaton Carew, Hartlepool TS25 (Seaton Meadows)

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Alab Environmental Services Ltd for a partial award of costs against Hartlepool Borough Council.
- The inquiry was in connection with an appeal against the refusal of the Council to grant planning permission for the installation of a treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme – H/FUL/0043/03).

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Appellant

1. In support of the application for a partial award of costs, the Appellant made reference to paragraphs 1 and 7 of Annex 5 to Circular 8/93. The Council has behaved unreasonably and caused the Appellant to incur unnecessary expense by abandoning its objection based on the second reason for refusal at a very late stage.
2. The Council gave notification in a letter dated 3 July 2007 that it no longer proposed to support its objection on grounds of detrimental impact on the image of the town and its tourism economy. This was after submission and exchange of the pre-Inquiry Statements of Case and after the Appellant had instructed a tourism expert to review the tourism reason for refusal and present evidence on this matter. In addition, the Appellant's main planning witness had to consider tourism aspects within his consideration of the planning matters relating to the case.
3. By withdrawing its support for the second reason for refusal at such a late stage, the Council has behaved unreasonably and caused the Appellant to incur unnecessary costs in respect of that matter in preparing for the Inquiry.

The Response by the Council

4. The Council did not oppose the application for a partial award of costs. It was clear that Council Members had resolved not to oppose the proposal on grounds relating to the effect on the tourism economy at a late stage in the proceedings, after the Appellant had been put to the expense of preparing evidence to deal with that specific matter.

Costs Decision APP/H0724/A/06/2028377

Conclusions

5. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
6. In the circumstances it is difficult to conclude other than that the Council acted unreasonably. A partial award of costs in respect of expenses incurred by the Appellant in connection with the part of the case dealing with the tourism economy reason for refusal is therefore justified.

Formal Decision and Costs Order

7. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that the Hartlepool Borough Council will pay to Alab Environmental Services Ltd, the costs of the appeal proceedings limited to those costs incurred in refuting the tourism economy reason for refusal, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 as amended against the refusal of planning permission for the installation of a treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme - H/FUL/0043/03) on land at Brenda Road, Seaton Carew, Hartlepool TS25 (Seaton Meadows).
8. The applicant is now invited to submit to the Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

J Chance

INSPECTOR

Costs Decision APP/H0724/A/06/2028377

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J Chance

INSPECTOR

No:
Number: H/2007/0200
Applicant: Four Winds Residential Home
Agent: Stephenson Johnson & Riley Suite 101 The Innovation
Centre Venture Court Queens Meadow Business Park
HARTLEPOOL TS25 5TG
Date valid: 08/03/2007
Development: Erection of a single storey extension to form 4 bedrooms
and conservatory with associated ramps (AMENDED
PLANS)
Location: FOUR WINDS RESIDENTIAL HOME ELWICK ROAD
HARTLEPOOL HARTLEPOOL

The Application and Site

1. The application site is a residential care home located within the Park Conservation Area.
2. The building is detached and of an unusual design incorporating crows feet gables and a relatively steep roof pitch. It has previously been extended on its north west side through the addition of a single storey flat roofed extension. There is a current approval (HFUL/2005/0068) for the erection of two storey extension to provide kitchen and additional bedrooms and separate homeowner accommodation in the roofspace. This will replace the single storey modern flat roofed extension. To date this development has not taken place and is still extant.
3. There is a car parking area to the north side with a garden to the south side. It has access from Elwick Road which passes to the north and from Park Drive to the south.
4. To the west and south west is the modern apartment development of Four Winds Court set within landscaped gardens. To the east and south are modern detached dwellinghouses. To the north is Elwick Road on the other side of which is a large detached dwellinghouse set within substantial landscaped grounds.
5. It is proposed to erect a single storey extension to the front east elevation of the property to provide 4 additional bedrooms with ensuite toilet facilities, with a conservatory extension to the rear east elevation.

Publicity

6. The application has been advertised by way of neighbour letters (10) site notice (1) and advertised in the Hartlepool Mail. There have been no objections.

The period for publicity has expired.

Consultations

The following consultation replies have been received:

Head of Traffic and Transportation – no objection

Planning Policy

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.

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.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Planning Considerations

8. The main planning considerations in this case are design/impact of the development on the character and appearance of the Conservation Area, the impact of the development on the amenity of the neighbouring properties and highway safety issues.

9. The site is fairly substantial and covers approx 0.2 hectares in area. There are high fences and trees along the front boundary facing Elwick Road. The trees along

this frontage are covered by TPO 56. There are no objections from the arborist in relation to these trees.

10. The property to the west of the site 7 Park Drive, is set within a dip and is therefore lower than the application site. There is a boundary fencing and trees, which obscure part of the application site. This neighbour has no objections and relationships are considered satisfactory.

11. There will be a loss of car parking spaces from the front of the property, but this has been compensated with additional car parking to the rear of the site which can be accessed from Park Drive. This is the subject of a separate application which is to be considered under the scheme of delegation. There have been no objections to this application.

12. It is unlikely that the proposed single storey front extension will create any significant effect upon the neighbouring property or the street scene in general as it is relatively well screened. It is considered that the design will not detract from the character and appearance of the conservation area.

13. It is acknowledged that the proposed development has been designed to be in keeping with the main building and follow some of the detailing found on the main property. This is an amended scheme that took into account comments received from the Landscape and Conservation Manager. There remains one issue, that of the combined effect of the previously approved two storey development and new proposed development in terms of appearance and a possible perception of overdevelopment of the site. Four Winds is a large property, the approved two storey extension will certainly increase its bulk and massing. The site is well screened and this is an approved extension. The proposed single storey extension while increasing the footprint of the building will not be widely seen from behind the high boundary fence and trees. Further the site itself is large and it is not considered that the building if extended at both single and two storey will appear unduly large and out of keeping or disproportionate on the site.

14. The proposed rear conservatory will have an impact on three trees in that area protected by TPO 56. The arborist does not object to the removal of these trees due to new development work taking place along Park Drive and the trees are not a dominant feature from outside the site. There has also been recent new planting at the bottom of the driveway leading up to Four Winds.

15. The proposed conservatory is unlikely to have any significant effect upon the neighbouring properties at Park Drive in particular number 3. An obscure glazing condition has been added so to prevent any overlooking issues. The properties in Park Drive are set in a 'dip' and are therefore lower than the application site. The boundaries around the rear of the site have mature shrubs/trees.

16. It is for the above reasons that the application 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.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 June 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The proposed window(s) of the single storey extension and the side and rear windows of the conservatory facing 7 and 3 Park Drive respectively shall be glazed with obscure glass which shall be installed before the development is brought into use and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking

ANY OTHER BUSINESS

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. A complaint about an alleged unauthorised fence on Raby Road.
2. A neighbour complaint about the alleged unauthorised use of farm buildings at Elwick.
3. A neighbour complaint about an alleged change of use at a domestic residence on Watercress Close.
4. A neighbour complaint about an alleged unauthorised satellite dish on Gledstone.
5. A neighbour complaint about an alleged unauthorised development on Saddlestone Close.
6. A neighbour complaint about an alleged unauthorised wall on Westbourne Road
7. A neighbour complaint about an alleged unauthorised fence on Tristram Avenue.
8. A neighbour complaint about an alleged unauthorised balcony on Hart Lane.
9. A neighbour complaint about an alleged unauthorised development on Murray Street.
10. A neighbour complaint about an alleged unauthorised development to the rear of a property on Campbell Road.

ANY OTHER BUSINESS

11. A neighbour complaint about an alleged unauthorised conservatory to the rear of a property on Fordyce Road.
12. An investigation has commenced following officer concerns of unauthorised works to a Listed Building on Park Avenue.
13. An investigation has commenced following officer concerns of non-compliance with conditions attached to an existing planning permission on Seaton Lane.
14. An investigation has commenced following officer concerns of an untidy property on Raby Gardens.
15. A neighbour complaint about an alleged unauthorised development on Front Street (Hart).
16. An investigation has commenced following officer concerns of non-compliance with conditions attached to an existing planning permission on Owton Manor Lane.
17. A neighbour complaint about an alleged unauthorised change of use on Ormesby Road.
18. A neighbour complaint about an alleged unauthorised change of use on Woodstock Way.
19. A neighbour complaint about an alleged unauthorised development on Hart Pastures.
20. A neighbour complaint about alleged unauthorised works to a Listed Building on the Green.
21. A neighbour complaint about an alleged non-compliance with the approved plans of an existing planning permission on Hart Lane.
22. A neighbour complaint about alleged unauthorised works to a commercial property on Catcote Road.
23. A neighbour complaint about an alleged non-compliance with the approved plans of an existing planning permission on Studland Drive.
24. A neighbour complaint about an alleged non-compliance with the approved plans of an existing planning permission on Brierton Lane.
25. An investigation has commenced following officer concerns of an untidy property on Murray Street.

ANY OTHER BUSINESS

- 26. A neighbour complaint about an alleged non-compliance with the approved plans of an existing planning permission on Elwick Road.
- 27. A neighbour complaint about an alleged unauthorised change of use on Powlett Road
- 28. An investigation has commenced following officer concerns of an untidy property on Raby Road.

3. RECOMMENDATION

Members note this report.