

PLEASE NOTE VENUE

PLANNING COMMITTEE AGENDA



Wednesday 20 February 2008

at 10.00 am

**in the Council Chamber,
Civic Centre, 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 meetings held on 23 January 2008 *(to follow)*

4. ITEMS REQUIRING DECISION

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

1. H/2007/0559 White Cottage, Front Street, Hart
2. H/2007/0842 166 Park Road
3. H/2007/0823 15 Pinewood Close
4. H/2007/0883 Land at Surtees Street
5. H/2007/0621 Land West Side of Coronation Drive
6. H/2007/0757 Heerema Fabrication, Greenland Road
7. H/2007/0904 16 Hutton Avenue
8. H/2007/0908 Land between 29-31, 41-43 and 53-55 Pine Grove
9. H/2007/0860 Land adjacent to Gardner House, Brierton Lane
10. H/2007/0031 Manor Residents' Association, Kilmamock Road
11. H/2007/0914 Land in Ivy Grove
12. H/2007/0862 Eldon Grove Sports Centre, Eldon Grove

PLEASE NOTE VENUE

- 4.2 Adjournment of Planning Committee Meetings – *Chief Solicitor (To follow)*
- 4.3 Appeal - Site at 53 Applewood Close Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal - Site at 14 Owton Manor Lane – *Assistant Director (Planning and Economic Development)*
- 4.5 Update on Current Complaints - *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 – 204 Raby Road Hartlepool – *Assistant Director (Planning and Economic Development) (Para 12)*
- 7.2 Enforcement Action – 8 Duke Street Hartlepool – *Assistant Director (Planning and Economic Development) (Para 12)*
- 7.3 Seaton Meadows Update – *Assistant Director (Planning and Economic Development) (To follow) (Para 12)*

8. FOR INFORMATION

Next Scheduled Meeting – Wednesday 19 March 2008 in the Council Chamber, Civic Centre at 10.00am.

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 19 March 2008 at 9.00am.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

23 January 2008

The meeting commenced at 10.30 am in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Jonathan Brash, Shaun Cook, Bob Flintoff, Stan Kaiser, Pauline Laffey, Geoff Lilley, Dr George Morris, Carl Richardson, Chris Simmons, Gladys Worthy and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii) Councillor Alison Lilley attended as a substitute for Councillor Stephen Allison.

Officers: Tony Brown, Chief Solicitor
Stuart Green, Assistant Director (Economic Development and Planning)
Roy Merrett, Principal Planning Officer
Chris Scaife,
Angela Hunter, Principal Democratic Services Officer

110. Planning Working Group

At Constitution Working Group (CWG), the issue of time limiting lengthy committee meetings, in particular Planning Committee meetings was discussed. The CWG proposed that a Planning Working Group be formed comprising five Members of the Planning Committee to discuss the issue in relation to Planning Committee further and submit a proposal to CWG on 7 March 2008. The following nominations were made:

Labour – Councillors Rob Cook (Chairman), Dr George Morris (Vice Chairman) and Chris Simmons
Liberal Democrat – Bob Flintoff
Administrative Group – Geoff Lilley

Members were informed that the first meeting of the Planning Working Group was arranged for the afternoon of 4 February 2008, the time to be confirmed.

111. Apologies for Absence

Apologies for absence were received from Councillors Stephen Allison,

John Marshall and Robbie Payne.

112. Declarations of interest by Members

None.

112. Confirmation of the minutes of the meeting held on 19 December 2007.

Confirmed.

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

Number:	H/2007/0627
Applicant:	Able UK
Agent:	Cobbetts LLP, 1 Whitehall, Riverside, Leeds
Date received:	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
Decision:	Application Withdrawn prior to the meeting
Number:	H/2007/0842
Applicant:	Mr S Allen PARK ROAD, HARTLEPOOL
Agent:	Mr S Allen, 166 PARK ROAD, HARTLEPOOL
Date received:	08/11/2007
Development:	Retention of front boundary wall and gates
Location:	166 PARK ROAD, HARTLEPOOL
Decision:	Deferred to enable applicant to attend and address committee

Number: H/2007/0663

Applicant: Mr J Odgers
Beachfield Drive, Hartlepool

Agent: Mr J Odgers, 21 Beachfield Drive, Hartlepool

Date received: 26/09/2007

Development: Change of use to provide livery service including the erection of 2 stable blocks, 1 arena and the siting of a static caravan

Location: FERN BECK, BRIERTON MOORHOUSE FARM, DALTON PIERCY ROAD, HARTLEPOOL

Representations: Mr and Mrs Odgers (applicant) were present and Mrs Odgers addressed the Committee

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. A detailed scheme of tree planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types, species and location of the planting, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Unless otherwise agreed in writing with the Local Planning Authority the scheme must include the planting of 'standard' trees around the south and east sides of the site of the caravan.
In the interests of visual amenity.
2. The stables hereby approved shall be used only for livery purposes, or for the keeping of horses in the applicant's ownership and not for any other use, including any other business use unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt and in the interests of the amenity of the area.
3. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site and building operates in a way which will not be detrimental to the amenities of the area.
4. Notwithstanding the submitted details, the final siting, size and construction details of the parking area shall be agreed in writing by the Local Planning Authority. The scheme shall include provision for the parking of trailers and/or horse boxes. The parking area shall thereafter be constructed in accordance with the approved details.
To ensure a satisfactory form of development in the interests of the visual amenities of the area.
5. There shall be no burning of materials or waste at the site.

- In interests of the amenities of the area
6. No fixed jumps shall be erected at the site.
In the interests of the amenities of the area.
7. No floodlight(s) or tannoy system(s) of any type shall be used or erected at the site.
In the interests of the amenities of the area.
8. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
To prevent pollution of the water environment.
9. The caravan/mobile home shall only be brought onto the site when there has been a material start on the construction of the stables hereby approved.
To ensure the caravan/mobile home is only on site to support the development of the business.
10. The permission for the caravan/mobile home is valid for three years from the date a material start is made on the stables hereby approved. On the expiry of the three year period the caravan/mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period. The applicant shall advise the Local Planning Authority in writing of the date of the material start on the stables hereby approved within 14 days of the start date.
To ensure the caravan/mobile home is on site to support the development of the business and to enable the Local Planning Authority to monitor/review the situation to ensure that there is a need for the caravan mobile home. The caravan/mobile home is not considered suitable for permanent retention on the site.
11. Prior to the caravan/mobile home being sited on the site details of its precise location shall be agreed on site with the Local Planning Authority. The caravan/mobile home shall be sited in the location agreed.
In order to ensure that the caravan/mobile home is sited to minimise any visual intrusion.
12. The occupation of the caravan/mobile home shall be limited to a person solely or mainly employed in the livery business operating from the unit (Fern Beck Farm) together with any resident dependents.
To ensure that the caravan/mobile home is not used as general residential accommodation.
13. Unless otherwise agreed with the Local Planning Authority the landscaping scheme hereby approved shall be implemented in full between January 2008 and March 2008
In the interests of visual amenity.
14. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- In the interests of visual amenity.
15. Unless otherwise agreed in writing with the Local Planning Authority prior to the siting of the caravan/mobile home on site full details of the proposed means of disposal of foul sewage arising from 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 scheme at the time of development unless otherwise agreed in writing with the Local Planning Authority.
In order to avoid pollution of the environment.
 16. 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.
 17. Notwithstanding information on the planning application drawings 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.

The Committee considered representations in relation to this matter.

Number: H/2007/0783

Applicant: Mr Sean McNicholas
McNicholas Estates Limited, McNicholas Estates,
Usworth Road, Hartlepool

Agent: The Design Gap Limited, Mr Graeme Pearson, 1
Scarborough Street, Hartlepool

Date received: 19/10/2007

Development: Erection of four ground floor lock up commercial units
with four two bed and four one bed apartments to first &
second floor with parking to rear.

Location: LAND BETWEEN 204 AND 212 YORK ROAD,
HARTLEPOOL

Decision: **Planning Permission Approved subject to a
planning agreement in accordance with S.106 of the
Town and Country Planning Act to secure a financial
contribution towards play facilities and street
lighting and to dedicate land in front of the building
as adopted highway and subject to the following
conditions:**

CONDITIONS AND REASONS

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

- To clarify the period for which the permission is valid.
2. 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 hereby approved shop front shall be painted in a colour to be agreed with the Local Planning Authority within 3 months from the date of completion of works to the shop front, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
5. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 3rd December 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
6. The ground floor units shall be retained as four separate units at all times, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
7. Notwithstanding the provisions within the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any statutory instrument revoking or re-enacting that Order with or without modification the ground floor hereby approved premises shall only be used for uses within classes A1 and B1.
In the interests of the amenities of the occupants of neighbouring properties.
8. The development hereby approved shall not be brought into use until the parking spaces at the rear of the site have been provided.
In the interests of highway safety.

9. Notwithstanding the submitted plans, a scheme to prevent the build up of litter between the hereby approved property and the neighbouring properties shall be submitted to and agreed in writing prior to the commencements of works on site. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity and street hygiene.
10. The proposed first and second floor stairwell window(s) facing Kilwick Street shall be glazed with obscure glass which shall be installed before the apartments are occupied and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking.

The Committee considered representations in relation to this matter.

Number: H/2007/0637

Applicant: Mr Paul Rayner
30 Stockton Road, Hartlepool

Agent: SJR Architects & Interior Designers, Mr David Johnson,
Suite 101, The Innovation Centre, Venture Court,
Queens Meadow Business Park, Hartlepool

Date received: 24/08/2007

Development: Erection of 18 two bedroom apartments (3 storey) with associated car parking (outline application)

Location: 30 STOCKTON ROAD, HARTLEPOOL

Representations : Mr John Beddow (applicant's representative) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved subject to a planning agreement in accordance with S.106 of the Town and Country Planning Act 1990 requiring provision of or if not possible a financial contribution to affordable housing and a financial contribution to the provision of off site play facilities and the following conditions:**

CONDITIONS AND REASONS

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

- To clarify the period for which the permission is valid.

2. Approval of the details of the external appearance of the building (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To clarify the period for which the permission is valid.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29th September and 5th November 2007, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt
4. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. Following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.
5. 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.
6. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.
7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
9. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
10. Notwithstanding the submitted details hereby approved a final scheme for the refuse storage shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the doors for the refuse storage area shall not open out onto the highway.
In the interests of visual amenity and highway safety.
11. Notwithstanding the submitted details hereby approved a final scheme for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of visual amenity.
12. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to commencement of use.
In the interest of crime prevention.
13. The proposed building shall not exceed 3 storeys in height.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2007/0762

Applicant: MR ALFIO DELL'AQUILA
6 GARFORTH CLOSE, STOCKTON

Agent: MR ALFIO DELL'AQUILA, 6 GARFORTH CLOSE
STOCKTON

Date received: 12/10/2007

Development: Change of use from retail (A1) to (hot food takeaway (A5)

Location: 127 RABY ROAD, HARTLEPOOL

Representations : Mr Dell'Aquila (applicant) was in attendance and addressed the Committee.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall not open to the public outside the hours of 7am to 11pm Mondays to Saturdays and at no time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. 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.
4. No vehicle deliveries shall be received or issued in connection with the business between the hours of 8pm and 8am on any day of the week.
In the interests of the amenities of the occupants of neighbouring properties.
5. The rear of the property shall not be open at any time to visiting members of the public for purposes of collecting prepared food.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2007/0559

Applicant: Miss D Anderson
FRONT STREET, (HART), HARTLEPOOL

Agent: Derek Stephens, 17 Lowthian Road, HARTLEPOOL

Date received: 20/07/2007

Development: Demolition of existing cottage and outbuildings and erection of a two bedroom detached dormer dwelling with integral garage (amended application)
AMENDED PLANS RECEIVED

Location: WHITE COTTAGE, FRONT STREET, HART, HARTLEPOOL

Representations : Mrs Deborah Anderson (applicant) and Mr F Lancaster (objector) were in attendance and addressed the Committee.

Decision: **Deferred for a site visit**

Number: H/2007/0662

Applicant: Mr Demi Chervak
High Point Estates Limited, High Point House, 7 Victoria Avenue, Harrogate

Agent: England & Lyle, Dr John England, Morton House, Morton Road, Darlington

Date received: 29/08/2007

Development: Variation of Condition 5 of planning permission H/OUT/2004/0080 to allow the retail sale of footwear, bags, sportswear, hosiery, shoe care products, insoles and ancillary products

Location: UNIT 3, HIGHPOINT PARK, MARINA WAY, HARTLEPOOL

Representations: Mr England (agent) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved. Members considered that the proposed development would help to diversify the range and choice of shops available within the town and that permission was justified in this case. However Members agreed to restrict the permission to the proposed uses to enable any further redevelopment of the unit to be controlled and reconsidered in light of the circumstances at the time.**

CONDITIONS AND REASONS

1. This variation is restricted to allow the retail sale of footwear, bags, sportswear, hosiery, shoe care products, insoles and ancillary products only. When this use ceases the previous condition (no 5 of H/OUT/0080/04 and H/FUL/0012/05) restricting the range of goods that can be sold from the unit which this permission serves to vary shall come back into force. To enable the Local Planning Authority to consider any further proposed uses of the site in the interests of protecting the vitality and viability of the town centre.

Number: H/2007/0823

Applicant: Mr S Edmundson,
PINWOOD CLOSE, HARTLEPOOL

Agent: Mr S Edmundson, 15 PINWOOD CLOSE,
HARTLEPOOL

Date received: 31/10/2007

Development: Use of agricultural land as garden

Location: 15 PINWOOD CLOSE, HARTLEPOOL

Representations: Mr Dickson (agent's representative) was in attendance and addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. It is considered that the proposed development would extend the urban area into the surrounding countryside contrary to Policies Gep1 and Rur1 of the adopted Hartlepool Local Plan 2006 and Env 15 of the Tees Valley Structure Plan adopted 2004. It is considered that the proposed development would establish a precedent that would make it difficult to resist similar proposals.

Number: H/2007/0887

Applicant: Mr A Griffiths
Oakland Avenue, Hartlepool

Agent: Mr A Griffiths, 35 Oakland Avenue, Hartlepool

Date received: 12/12/2007

Development: Change of use to hot food takeaway shop

Location: 38A CATCOTE ROAD, HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed development would attract social gathering which would lead to increased anti-social behaviour in the locality to the detriment of the amenities of local residents contrary to policies GEP1, GEP3, Com5 and Com12 of the Hartlepool Local Plan.
2. In the opinion of the Local Planning Authority the proposed development would add to existing parking congestion in the locality to the detriment of highway safety contrary to policies GEP1, Com5 and Com12 of the Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

Number: H/2007/0601

Applicant: Paul Jeffers,
Roberts Road, Balby

Agent: Paul Jeffers, Jarvis M and E, Roberts Road, Balby

Date received: 02/10/2007

Development: Installation of stainless steel kiosk to provide new power supply to railway infrastructure (amended location)

Location: LAND AT FRONT AND SIDE OF 27 HARVESTER CLOSE 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 development hereby approved shall be carried out in accordance with the amended site plan received on 5 November 2007 and plan S3493G5/1 received on the 19 September 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
3. Details of all external finishing materials including the colour of the kiosk 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.
4. Notwithstanding the submitted plans exact details of the siting of the kiosk hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to any works being undertaken.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2007/0626

Applicant: Able UK
TEES ROAD, HARTLEPOOL

Agent: Cobbetts LLP, 1 Whitehall Riverside, Leeds

Date received: 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

Decision: **Approved**

The Chief Solicitor outlined the principles involved in determining an application of this type, namely a consideration only whether the activities proposed were materially different from the activities for which permission already existed. This did not involve consideration of planning merits and did not necessitate publicity for or advertisement of the application. For similar reasons the facility for public participation in the committee did not extend to such an application.

REASONS FOR APPROVAL

1. It is considered taking into account the similarity between the process involved in the fabrication of offshore structures and the construction of concrete caissons that the proposed use of the site for the manufacture of concrete caissons would not constitute a material change of use of the site and would therefore be lawful.

The Committee considered representations in relation to this matter.

Number: H/2007/0854

Applicant: Baker Hughes,
BRENDA ROAD, HARTLEPOOL

Agent: Baker Hughes, TOFTS FARM INDUSTRIAL ESTATE
WEST, BRENDA ROAD, HARTLEPOOL

Date received: 15/11/2007

Development: Application for hazardous substances consent for storage of 40 tonnes of acrolein

Location: BAKER PETROLITE, TOFTS FARM INDUSTRIAL
ESTATE WEST, BRENDA ROAD, HARTLEPOOL

Decision: **Hazardous Substances Consent Approved**

CONDITIONS AND REASONS

1. The permission for the increased storage of acrolein on site to which this application relates is valid for a period of no more than 12 months starting from the date of first receipt of the increased amount of acrolein unless the prior consent of the Local Planning Authority has been obtained in writing to an extension of this period.

To enable the Local Planning Authority to assess the impact if any of the additional quantity of acrolein approved on developments outside the application site

2. The storage of acrolein upon the site must be in pressure containers of 1.1 tonne capacity. The containers must be IMO type 1 tanks rated at 150 psig unless otherwise agreed in writing by the Local Planning Authority.
In the interests of safety.
3. The containers used for the storage of the chemical shall only be stored outside.
In the interests of safety.

114. Wildlife and Countryside Act 1981 – Appeal under paragraph 4(1) of the Schedule 14 by Mr D McDonald against the decision of Hartlepool Borough Council not to modify the definitive map and statement by the addition of a footpath between Manor Road and Elwick Road, Hartlepool
(Director of Adult and Community Services)

The purpose of this report was to update Members of the outcome of a recent appeal against the decision of Hartlepool Borough Council not to modify the definitive map and statement by the addition of a footpath between Manor Road and Elwick Road, Hartlepool. The Planning Inspectorate upheld the appeal. A copy of the Inspector's letter was submitted for the Committee's information.

Members were informed that the Order would be published in the near future to enable representations to be submitted. Any objections received and not withdrawn would be submitted to the Secretary of State who would either give objectors an opportunity to be heard, or hold a public inquiry.

115. Appeal by Harcharan Singh Nijjar – Site at 152 Raby Road *(Assistant Director (Planning and Economic Development))*

The purpose of this report was to update Members of the outcome of a recent planning appeal against the refusal of Hartlepool Borough Council to grant planning permission for the change of use of the above property from a TV repair shop to a hot food takeaway. The Planning Inspectorate dismissed the appeal. A copy of the Inspector's letter was submitted for the Committee's information.

116. Appeal by Mr T Braham, 1 Swalebrooke Avenue, Hartlepool *(Assistant Director (Planning and Economic Development))*

The purpose of this report was to update Members of the outcome of a recent planning appeal against the refusal of Hartlepool Borough Council to allow the erection of a detached bungalow to the rear garden of 1 Swalebooke Avenue. The appeal was decided by written representations and dismissed by the Planning Inspectorate. A copy of the Inspector's letter was submitted for the Committee's information.

117. Appeal by Mr M Ashton, Ashfield Farm, Dalton Piercy, Hartlepool *(Assistant Director (Planning and Economic Development))*

The purpose of this report was to update Members of the outcome of a recent planning appeal against the refusal of Hartlepool Borough Council to allow the variation of the original approval (H/2006/0333) to provide licensed clubhouse to the caravan site at Ashfield Farm, Dalton Piercy Road. The appeal was decided by written representations and allowed by the Planning Inspectorate. A copy of the Inspector's letter was submitted for the Committee's information.

118. Victoria Harbour Redevelopment: S106 Agreement *(Assistant Director (Planning and Economic Development))*

The Victoria Harbour proposal included the potential provision of 3430 dwellings over the duration of the project and endorsement was sought for the inclusion of affordable housing provisions within the S106 Agreement for the Victoria Harbour project. Members were informed that discussions with PD Ports on this matter were ongoing and it was proposed that the S106 Agreement should require a minimum of 10% affordable housing within each of the four development phases identified in the planning application.

Decision

The Committee endorsed the inclusion of affordable housing requirements within the Victoria Harbour S106 Agreement.

119. Proposed Conservation Area in Hart *(Assistant Director (Planning and Economic Development))*

Members were informed that a resident of Hart had recently approached the Mayor regarding the potential to designate Hart Village as a conservation area. The background to this proposal was provided within the report and it was highlighted by the Assistant Director (Planning and Economic Development) that the majority of important buildings in Hart Village were already listed and details of these were provided in the report.

Consultation had been undertaken with English Heritage, Hart Parish Council, the Conservation Area Advisory Committee and council officers and the results of this were included within the report. Members had previously considered this proposal in 2001 as part of a review of conservation through the scrutiny process and at that time, Members decided not to resolve to consider the area for designation as a conservation area.

An alternative option of a Village Design Statement had been suggested which would bring together the views, needs and opinions of the whole community. This document would eventually be incorporated into the Local Development Framework as Supplementary Design Guidance.

Members were informed that the Portfolio Holder for Regeneration and Liveability at his meeting on 18 January 2008 had recommended that the Parish Council pursue the development of a Village Design Statement. Clarification was sought on how the Design Statement would be drawn up. The Assistant Director (Economic Development and Planning) indicated that the Design Statement would be drawn up by residents of Hart Village with support from Council officers and there may be some financial support available to help with this process. The Design Statement would then be submitted to the Portfolio Holder and Planning Committee for their endorsement.

Decision

The report was noted.

120. Consultation Paper by Department of Communities and Local Government, 'Tree Preservation Orders: Improving Procedures' *(Assistant Director (Planning and Economic Development))*

The report provided Members with information regarding the consultation paper by the Department of Communities and Local

Government (DCLG), Tree Preservation Orders: Improving Procedures and details of the responses by officers of the Council. The main changes proposed were detailed in the report. The DCLG had produced a consultation paper and a copy of the officer responses to the questions posed in this paper were attached at Appendix 1.

In summary, officers supported the proposed changes, but suggested the inclusion of a definition of a 'tree professional' in the standard application form guidance note, and that it be made clear in the guidance that decisions on applications to fell or prune trees, along with any subsequent appeals would be made on the basis of the information contained on the application form.

Members were concerned about the definition of a 'tree professional' and how can the Council ensure that any work is carried out to British Standards. The Assistant Director (Planning and Economic Development) indicated that the Council had two arboricultural officers who would give advice to any applicants wishing to prune or fell trees and the requirement for professional advice would be reiterated.

A Member referred to the fact that copies of TPOs would be sent only to the owners and occupiers of the land where the trees were situated and requested that local Parish Councils also receive these. The Assistant Director (Planning and Economic Development) confirmed that the local Parish Council would be informed as a matter of good practice.

In response to a Member's request to increase the number of TPOs in the town, the Assistant Director (Planning and Economic Development) indicated that TPOs were identified through liaison with officers and tree specialists, but if any Members did recognise a case for a TPO to be applied for, this should be reported to officers to be investigated further.

Decision

That the report be noted.

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

The Principal Planning Officer drew Members attention to 11 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

122. Any Other Items the Chairman Considers Urgent - Planning Application H/2007/543, 544 and 545 – Able UK Ltd, TERRC Facility, Tees Road, Graythorp, Hartlepool *(Chief Solicitor)*

The Chief Solicitor presented a report which notified Members of a letter received from an objector to the above development which requests the Committee reconsider the applications to withdraw the permissions granted on 25 October 2007. Members were advised that the issues raised in this letter were not to be considered valid as there was no factual, evidential basis for considering that the information provided in support of the granting of permission was erroneous to any significant degree at all.

Furthermore, there was no basis in law for the Committee to reconsider the application. The Chief Solicitor made reference to the powers of the Local Planning Authority to revoke a planning permission, but expressed the view that it would be inappropriate to consider this process as any objection to a revocation would be referred to the Secretary of State who was currently considering the development through the recently held local inquiry.

Decision

That the report and attached letter be noted and no action be taken.

123. Local Government (Access to Information) Act 1985.

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

Minute 124 – 63 Derwent Street (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Minute 125 – Enforcement Action – Untidy Sites (Para 12) This item contains exempt information under Schedule 12A Local Government Act

1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council.

124. 63 Derwent Street (*Assistant Director (Planning and Economic Development)*)

The report informed Members of an apparent breach of planning control at 63 Derwent Street, Hartlepool. Details of the report and subsequent discussion were included within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

125. Enforcement Action – Untidy Sites (*Assistant Director (Planning and Economic Development)*)

The report informed Members of a number of untidy sites and recommended that enforcement action be agreed by way of issuing a section 215 notice. Details of the report and subsequent discussions were included within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

126. Any Other Business

It was noted by Members that several of the photographs included within the documentation submitted at today's meetings were very dark. The Principal Planning Officer informed Members that this would be looked into with the aim of providing better quality copies for future meetings.

CHAIRMAN

No: 1
Number: H/2007/0559
Applicant: Miss D Anderson FRONT STREET (HART)
 HARTLEPOOL TS27 3AW
Agent: Derek Stephens 17 Lowthian Road HARTLEPOOL
 TS24 8BH
Date valid: 20/07/2007
Development: Demolition of existing cottage and outbuildings and
 erection of a two bedroom detached dormer dwelling with
 integral garage (amended application)
Location: WHITE COTTAGE FRONT STREET HART
 HARTLEPOOL

Background

1.1 This application was reported to the January meeting of the Planning Committee when it was deferred to allow Members the opportunity to visit the site.

1.2 In September 2006 an application for the demolition of White Cottage and outbuildings and the erection of a two bedroom detached dwelling with detached garage with storage above was submitted (H/2006/0689). This application was withdrawn at the applicant's request in October 2006. An amended application is now before Members for consideration.

The application and the site

1.3 Full planning permission is sought for the demolition of White Cottage and the erection of a replacement dwellinghouse with an attached garage. Following negotiations the originally submitted plans have been amended. The replacement dwelling house will extend to two stories. The first floor will be accommodated within the roofspace which will be served by four dormers to the front and rooflights to the rear. It will accommodate a lounge, hall, utility, shower room, family room, w c, store, dining kitchen, porch and double garage at ground floor. At first floor a master bedroom with dressing area and en-suite, a second bedroom, a bathroom, storage area and landing will be accommodated. The main portion of the building runs parallel to main street it extends to some 7.2m high to the ridge and 3m to the eaves it is some 7.6m wide back to front. The front elevation of this portion is some 13.4m long. Attached to the east side of this portion is a garage which incorporates a bedroom above. The garage is set back from the front of the property and has a lower ridge at some 6.4m high. The front elevation of the garage is some 5.3m long and its front to back width is some 6.5m. Finally to the rear of the main portion of the dwellinghouse a single storey projection some 4.4m by 5.1m by 5.6m high to ridge will be accommodated. Access will be taken from the north west corner of the site as per the current arrangement and a vehicular turning area accommodated in front of the garage. The submitted plans indicate that a new sewerage connection will be sought to Hart Pastures.

1.4 The site is prominently located on the south side of Front Street in the centre of Hart Village. It consists of a cottage with a range of outbuildings to the side. The

cottage has been extended/alter ed and stone cladding has been added to its external walls. Vehicular access to the cottage is from Hart Pastures to the west, in part via a public footpath. A hard standing to the front accommodates parking. To the rear of the cottage is a garden area. The site is largely enclosed by low stone walls. It is elevated in relation to Front Street, which passes to the north of the site. Between the site and the road on this side is a public footpath. Beyond again is a public footpath and relatively modern terraced housing (Mill View). The street continues to climb to the west and falls away to the east. To the north west is The White Hart Inn, a Public House, and a terrace of cottages all of older construction. To the west of the site is a car park which serves the Public House. Beyond the car park is the access to Hart Pastures beyond which, set well back from the road, is Hart Farm, a traditional farm house. To the east set at a lower level than the site is a modern bungalow which also has accommodation in the roofspace. To the south is the modern housing development of Hart Pastures.

1.5 The building is not listed and is not located within a Conservation Area. It is understood however that a request to designate a Conservation Area was considered by the Portfolio Holder on 18th January 2007. The Portfolio Holder noted the report and proposed that officers work with residents on a Village Design Statement with a view to considering a Conservation Area at a later date.

Publicity

1.6 The original proposals were advertised by site notice and neighbour notification (49).

The following representations were received.

Three letters of support. One of those writing in support of the application raises the following issues

- i) The Cottage is of no historical interest and since being stone clad has lost its original character.
- ii) The proposal is in keeping with other properties in the high street though there is some concern over the proposed vehicular access.

Three letters of no objection. Two of those advising they have no objections raise the following issues:

- i) One objection being put forth is driving on the public footpath, however people are parking on the footpaths throughout Hart with no action being taken by Hartlepool Borough Council (HBC) and therefore to oppose it on these grounds would be double standards.
- ii) The council have already approved houses which are not in keeping with the surrounding buildings or village.

Seventy three letters of objection were received. Four of these letters were anonymous. Those objecting to the proposal raise the following issues:

- i) The site is a prominent site at the top of a bank at the very heart of the village. The Cottage forms an essential part of the village character fabric and local heritage. It is one of the oldest buildings in Hart and occupies a key site on the main street. It should be preserved for future generations. Its loss would be detrimental to the character of the central area of the village with its agricultural and older residential properties. It provides the continuity between the Raby Arms and Home Farm. The owners of the Cottage should have been prevented from putting stone cladding on the outside.
- ii) Past extensions and stone cladding may be unlawful.
- iii) Cottage has already been defaced by the addition of the stone cladding and the removal of two mature trees.
- iv) An extension would be acceptable.
- v) Restoration not demolition is the answer.
- vi) The owners should purchase a larger property elsewhere.
- vii) The development is unduly large and being of substantially greater height, bulk, volume and massing than the already extended cottage it is proposed to replace.
- viii) The development is out of keeping with the surrounding bungalows to the east and stone built agricultural buildings to the west.
- ix) The development will dominate its site and neighbouring properties, impacting on their daylight.
- x) The development provides garaging, hardstanding and a turning circle for two vehicles and only has access by driving along a public footpath creating a health and safety hazard.
- xi) The proposal adversely affects the setting of nearby Listed Buildings.
- xii) The proposal is contrary to Local Plan Policies Hsg9 and objectives A6, C1, C3, C4, C6.
- xiii) The proposal reduces the available affordable housing stock in the village
- xiv) Loss of Privacy.
- xv) The access is unlawful and its illegal use should be prevented.
- xvi) The access is narrow and is also a busy public footpath. The retaining wall may not support construction traffic or heavy use by family traffic and may collapse. Hartlepool BC has a duty of care to residents and may be subject to claims. The development should not be allowed unless a safe access is found and an adequate risk assessment should be carried out and kept on file regarding the existing due to the sharing of the access and footpath.
- xvii) Concerns at impact on bats.
- xviii) Calls for the designation of a Conservation Area in Hart and for local councillors, the Planning Department and the Conservation Officer to do much more to protect the trees, old buildings, structures and character of Hart Village.
- xiv) The large modern out of character house approved opposite the post office was a mistake and another should not be allowed.
- xx) Overdevelopment
- xxi) Precedent.
- xxii) TPO on all village trees.

In addition to the above three other representations were received.

- i) One letter from a neighbour neither objecting or supporting the application but raising concerns regarding drainage.

- ii) Two letters from individuals supporting the demolition of White Cottage but opposing the new building on grounds of its size, design, dominance loss of light to neighbours and highway safety concerns.

Following negotiations amended plans were received and were re-advertised by neighbour notification (96). The time period for representations has expired.

Four letters of no objection were received. One writer raises the following issues.

- i) Hart has been extensively redeveloped in recent years, including council house properties immediately opposite the proposed development. I can see no reason to object to further residential development.
- ii) White Cottage is of no historical interest and since being stone clad has lost its original character.
- iii) The proposed design is in keeping with other properties in the high street although there is some cause for concern over the proposed vehicular access.

Sixty Two letters of objection were received. Two of these objections were anonymous. The writers raise the following issues.

- i) The Cottage forms an essential part of the village character, fabric and local heritage. It should be preserved for future generations. Its loss would be detrimental to the character of the central area of the village with its agricultural and older residential properties.
- ii) The Cottage should be retained and restored with the cladding removed and the tree(s) removed from the site replanted.
- iii) Hundreds of large modern detached buildings nearby. Why spoil character of village.
- iv) If objections are not successful then a small bungalow would be more in keeping with other building and old bungalows on that side, we do not want a large house.
- v) The building is old and very interesting. The pretty part of the village. Too much of old village gone.
- vi) No planning should be accepted for any property on main street as it is the main view of the village.
- vii) We still object to the proposed demolition/destruction of a fundamental part of the built heritage that Hart contributes to the local area as it will have a detrimental affect not only on Hart Village but also on Hartlepool. Too many country dwellings have already been destroyed either by demolition or alteration. It would be far better if the applicant could be persuaded to bring the cottage back to its original state. It would then compliment the restoration already carried out at Old Holme Farm, Hart Farm, and Home Farm.
- viii) The amended application is still unduly large and being of substantially greater height, bulk, volume and massing than the already extended cottage it is proposed to replace.
- ix) The amended application is still out of keeping with the surrounding bungalows to the east and stone built agricultural buildings to the west. Design Inadequate for this key site in village.
- x) The amended application will still dominate its site and neighbouring properties, impacting on their daylight and outlook.

- xi) The amended application still provides garaging, hardstanding and a turning circle for two vehicles and only has access by driving along a public footpath creating a health and safety hazard.
- xii) Access is unsuitable for additional development.
- xiii) Access involves driving on the path is this lawful?
- xiv) The access is narrow and is also a busy public footpath. The retaining wall may not support construction traffic or heavy use by family traffic and may collapse. HBC has a duty of care to residents and may be subject to claims. The development should not be allowed unless a safe access is found and an adequate risk assessment should be carried out and kept on file regarding the existing due to the sharing of the access and footpath.
- xv) Access to the garage would probably require the demolition of the front wall which is of historic interest and should be retained.
- xvi) Imperative Hart Village designated a Conservation Area and all buildings of sufficient merit listed.
- xvii) Concerns in relation to drains serving Hart Pastures
- xviii) Concerns in relation to disruption to village from redevelopment large lorries and deliveries. Hart pastures already congested and concerns expressed by public house regarding use of car park
- xix) Owner has shown disregard for positional importance of site by cutting down two beautiful trees much to the disgust of villagers.
- xx) Land between site and road in Hart Pastures is owned by Hart Pastures residents. (One of which has advised the land would not be available for the storage of materials, or parking of construction traffic or berthing of cranes)
- xxi) If new drainage is routed through Hart Pastures this will disturb land which has been cultivated and maintained to a high standard for a number of years.
- xxii) Precedent. Approval would open the floodgates.
- xxiii) Development much larger than required for a two bedroom property, if the height of the garage was reduced to single storey it would have less impact on daylight to Southlands.
- xxiv) Please refer to previous comments. (Previous Comments are listed above).
- xxv) Would property remain two bed?
- xxvi) Support Hart Parish Councils bid for Conservation Area status for the old centre of Hart to help protect the ancient buildings, structures, mature trees and character of Hart Village. Site lies within the proposed Hart Conservation Area currently under consideration.
- xxvii) Where would the materials and vehicles be located for demolition and rebuild?
- xxviii) Minimal change to the original application is an insult to objectors.
- xxix) End of what used to be main housing in the village.
- xxx) Inaccuracies in the application.
- xxxi) Detrimental impact on nearby listed buildings.
- xxxii) Contrary to Local Plan policies and objectives.
- xxxiii) Inadequate amenity space.

One letter was received which whilst not objecting to the demolition of the cottage raised the following objections/concerns in relation to the development proposed.

- i) Latest amendment very minor.
- ii) Parking inadequate.
- iii) The replacement dwelling will dominate the area and be overbearing.

- iv) Access inadequate and dangerous and along a substantial length of public footpath. HBC have a duty of care? Who maintains the footpath? Will HBC be subject to litigation should an accident occur?
- v) A risk assessment should be included in any method statement
- vi) Will conditions and method statement be open to public view?

Copy Letters F

Consultations

1.7 The following consultation replies have been received:

Parish Council - The amended plans show a very small reduction in size compared to the previous application, and so is virtually the same application being submitted again. Accordingly, the objections raised by the Parish Council and residents to the previous application remain and apply as before to this so called amended application and have not been addressed in the slightest by the developer.

The comparison to be considered by the residents of the village, the Parish Council, the Local Council and the Planning Department remains what is on site now and what is proposed.

The reality of the application is: a proposed dwelling hugely in excess of the original footprint and massively greater in volume – the garages and outbuildings the developer is attempting to claim as existing footprint are not designated for residential use - and the loss of a very old and valuable building in the historic heart of the village.

The developer continues to compare the proposal to 5 Hart Pastures on the application plans – this of course is not adjacent to White Cottage but is a large two storey semi-detached property some considerable distance away on the Persimmon development across two sets of gardens and the road behind the White Cottage site. White Cottage is adjacent to a bungalow on Front Street, which the developer's architects have tactfully failed to use as a comparison, as it is totally dwarfed by this proposal. In fact the application fails to compare the proposal to any of the nearby buildings in Front Street where White Cottage is actually located – because they are all single storey bungalows or the historic listed structures at Home Farm.

The proposal again fails to address the serious public safety concerns over access to and from the site and continues to propose use of the pedestrian footpath for all vehicular access - a situation that will be worsened by the proposal. By increasing the size of the property and number of rooms it contains, it is felt that this will lead to an increase in vehicle trips generated to and from the property along the public footpath to gain access, so increasing the danger to the members of the public who correctly use the footpath for its original purpose.

The Parish Council continues to object to the proposed demolition as it will result in the destruction of an integral part of the village's fabric and heritage; objects to the dominating size and huge overdevelopment in this key setting in the heart of the

semi-rural village of Hart and the proposed schemes detrimental effect on nearby Listed Buildings and the appearance and character of the village as a whole.

White Cottage remains a locally important building and an integral part of the street scene on the Front Street, being of some antiquity, and forms part of a traditional mixed group of former and still in use agricultural buildings that make up the central area of the village including the Grade II Listed Old Holme Farm, Hart Farm, and Home Farm. Overall, the minor amendments to the proposal to demolish White Cottage and replace it with a still inappropriately large detached property of poor design that does not respect its surroundings or make any attempt to improve and fit into its prominent village location is contrary to the Hartlepool Local Plan on numerous counts. In addition, White Cottage is included in the proposed Hart Conservation Area, currently under consideration by the Local and Parish Councils, for the central area of Hart, which is designed to protect the ancient villages buildings and unique rural character. Accordingly, this application is recommended for refusal.

In the letter from Derek Stephens Associates dated 4th December 2007, which *“passes to you two copies of the latest drawings”* it states that they are *‘trying to establish the ownership of the land to the rear of our development’* This should not be a problem at this stage, there having been sufficient time at their disposal to determine this by a simple request to the Durham Land Registry Office, information which we were advised to be held by HBC anyway on another subject area. It is the understanding of the Parish Council that the various associated houses in Hart Pastures own this strip of land.

Head of Public Protection - No objections.

Engineering Consultancy - The above application will require a section 80 notice under the Building Act 1984 to be submitted to the Council covering the demolition of the building.

Traffic & Transportation - The property is a one bedroom house with a garage and shed and could have the potential for at least 5 vehicles parked within its boundary. There is a Traffic regulation order outside the property on the Front Street, which starts from the entrance of Hart Pastures to White Cottage and no parking is allowed at any time.

Vehicle access to the property is via the entrance of the car park of the White Hart Inn, along a part of adopted footway then onto a private drive belonging to White Cottage. This access arrangement is not ideal however it was part of the agreement, which allowed Hart Pastures development to go ahead in the early 1990s.

The applicant is proposing to demolish the property and replace it with a two bedroom house with a double garage and use the existing access arrangement. There is potential that there could more vehicle movements due to the extra bedroom. However the number of vehicles, which will be allowed to park within the boundary of the property, would be reduced.

Two properties to the south of White Cottage have vehicle access onto Front

Street. This would be difficult to achieve at White Cottage due to the height differences between the road and the property. There would be also implications for pedestrians using the footpath if a driveway was constructed for White Cottage onto Front Street.

Given that the existing access arrangement is already in place and there have been no reported injury accidents to pedestrians, it would be very difficult to sustain an objection on highway grounds due to the increase in the number of bedrooms.

Tees Archaeology - I have a number of comments to make: -

Hart is a medieval settlement, with Front Street being the main thoroughfare. The plots of land on either side of this road were laid out following the Norman Conquest in the 11th century and will have seen continuous occupation since then. In this case the site already has standing buildings which occupy a similar footprint to the proposal. Given the disturbance from the existing structures I am happy to recommend an archaeological watching brief during development in this case.

The watching brief can be secured by means of a condition. This would allow a member of Tees Archaeology to be present during excavation and being allowed to record any features of interest and finds. This is a purely precautionary measure and would entail no financial cost to the developer and the minimum of delay. Any finds would remain the property of the landowner unless otherwise directed by national law.

My second comment relates to the front boundary wall to the property. This has some interesting features. At one end an Iron Age beehive quern (used for milling grain) is built into the wall. There is also another fragment within the wall which may be a cross-base. I would therefore recommend a condition requiring the retention of the existing boundary wall.

My final comment relates to the impact of the new build on the character of the village. Although Hart is not a Conservation Area it has a 'village' feel and I recommend that the design of the replacement dwelling is in keeping with the character of the area.

Northumbrian Water - No objections

Ecologist - This proposal is accompanied by a report of a bat survey conducted by Gerry White who is an experienced and appropriately licensed ecological consultant. The survey examined all areas of the building, both internally and externally, where bats might potentially be found and conducted two surveys at dusk to see if any bats emerged and to assess how bats were using the immediately surrounding area. No evidence was found that bats roost in any of the buildings affected by this proposal. The report concludes that no loss of bat roosts is likely to occur and that there would be no loss of foraging habitat for bats or birds and no loss of flight commuting routes.

Although no bats are likely to be affected by this proposal, bats are highly mobile and may enter buildings that were previously unused by them. Consequently the report outlines a robust method statement to be adhered to in carrying out the work.

proposed, which will reduce the risk of harming bats as far as is practically possible. I would like to see this method statement made a condition, should permission be granted.

In addition to the method statement in section E, Part IV, of the bats survey report it states: Notwithstanding the low risk assessment for bats a precautionary start date for the demolition of the buildings is not before 15th August 2007. Although not stated, the rationale behind this statement is to avoid any possibility of disturbing young bats during the birth to weaning period as, even though no bats were found during this survey, bats are highly mobile and can change roosts frequently. As the above date is no longer relevant it would be appropriate to give generic dates to avoid this period in the demolition of the buildings. Therefore I would advise a condition stating that commencement of the demolition of the buildings is not to take place during the period late May to mid-August inclusive, unless a qualified ecologist has surveyed the building again immediately prior to demolition and confirms to this planning authority that no bats are present.

Conservation Officer - This property is not located in a conservation area and it is not a listed building.

The site lies within the centre of the village. The predominant character of the village is residential properties. Few original buildings remain and those of any age have been altered, the predominant building age is post war. Some six listed buildings and two Scheduled Ancient Monuments are found in the area however they are some distance from this site.

As mentioned in previous consultations the existing building on the plot appears to have been constructed as a single undivided room or space with a gabled pitched roof. Three later additions consisting of smaller extensions with pitched roofs have been added on the south and west sides of the property to provide additional residential space with a smaller flat roof extension to the rear.

In addition to the extensions the building has been altered to accommodate modern windows, a door and clad in stonework.

Given the substantial changes which have occurred to this building it would be difficult to justify retaining it in its current form.

The existing proposal for a replacement building is much improved on previous submissions and it goes some way to reflect the character of the older properties within the area. No objections.

Planning Policy

1.8 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 w edges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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.

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.

HE14: States that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

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

PLANNING CONSIDERATIONS

1.9 The main issues relevant to the determination of this application are considered to be policy, design/impact on the street scene/character of the village, highway safety, impact on the setting of listed buildings, impact on the amenity of neighbours, bats, drainage and archaeology.

POLICY

1.10 The site lies in the centre of the village, within the village envelope in an area where residential development including the redevelopment of existing housing sites is acceptable in principle. The proposal involves the demolition of a small cottage and concerns have been raised that the proposal will reduce the affordable housing stock available in the village. It is not considered however that the loss of a single dwelling would have a significant impact on the availability of affordable housing in the village. Policy Hsg 9, New Residential Layout – design and other requirements sets out the other detailed considerations to be taken into account when assessing applications for residential development. The detailed considerations relevant to this site are discussed below.

DESIGN/IMPACT ON THE STREETSCENE/CHARACTER OF THE VILLAGE

1.11 Following negotiations the design of the proposed replacement dwellinghouse has been amended in order to reduce its height, mass and bulk. Whilst it remains very much a modern building traditional design features have also been incorporated to attempt to reflect its village setting. The external finish of the walls of the building will be painted render with a stone porch. The windows will be UPVC with sliding sash effect and the window openings will incorporate stone heads and cills. The roof covering will be of slate effect, stone tiling and chimneys will be incorporated at the roof margins. Roof lights will be conservation rooflights. The development incorporates an appropriate level of off street parking and a rear garden in excess of 120 square metres which is considered acceptable. The site is located in a part of the village which is dominated by modern development, with modern bungalows to the east, modern housing to the south, and former council housing directly opposite to the north, whilst there are older more traditional buildings to the west, and north west the overwhelming character of the village in this area is modern. In this context the design of the proposed dwellinghouse is considered acceptable.

1.12 The site is prominently located on the main street and is elevated in approaches from the east. The existing cottage is relatively small extending to some 5.2m to the ridge and 2.4m to the eaves. Whilst it is proposed to set the proposed house slightly down in the site in comparison with the existing cottage, it is acknowledged that the replacement dwellinghouse is larger than the small one bedroom cottage it replaces in terms of its height, footprint and volume.

1.13 It compares more favourably with the modern buildings in the vicinity of the site. The main façade of the new building will be set back some 4 to 5m from the back of the footpath, on a similar line to the existing cottage and the adjacent bungalows. The main part of the proposed dwellinghouse (excluding the subordinate garage and rear projection) extends to some 7.2m high to the ridge and 3m to the eaves. It is some 13.4m long and some 7.6m wide. In comparison the dwellinghouses on Hart Pastures whilst narrower are some 8.2m high to ridge, the adjacent modern bungalow, Southlands, (which does not have a garage) is some 5.5m high to the ridge, some 2.7m to the eaves, and is some 12m long and 9.4m wide. The drawings submitted show the proposed building in the context of its closest neighbour, Southlands, and in the context of the modern housing which makes up Hart Pastures. It is acknowledged that the proposed dwelling will be 1.7m higher to the ridge, and as it is further up the slope, will be at a higher level than Southlands. However the amended design shows the garage element stepped down with a ridge height of 6.4m which allows for a more gradual stepping in height between the main buildings. Whilst the new building will clearly have more presence in the street scene than the existing cottage, it is not considered that it will appear unduly large, prominent or overbearing.

1.14 White Cottage is a familiar landmark in the village. It is clearly valued and held in a good deal of affection by many local residents, the Parish Council and Hartlepool Civic Society who regard it as an important part of the historic fabric of the village, and its character. This strength of feeling is reflected in the many objections received.

1.15 The building appears to have been extended at various times, its window openings enlarged to accommodate modern windows and has been stone clad. The building has been examined by Officers of the Landscape & Conservation Section, who have concluded “It is unlikely that the building is of a suitable quality to be Listed. There is no conservation area status at Hart Village which would require protection from demolition to be considered. Given the changes which have occurred to the property it would be difficult to justify retaining it in its current form. Given this conclusion the loss of the building in this case is considered difficult to resist”.

1.16 Whilst it might be argued the building retains some degree of rustic charm, its original character has clearly been undermined by the various alterations. The owner is unwilling to restore White Cottage and it is considered that in its current state it has little architectural merit. The building is not Listed, or in a conservation area, whilst it might be considered as a candidate for consideration for inclusion in a local list, which could afford a degree of protection, at present there is no such list and so little weight can be given to this. In light of the above, whilst acknowledging the strength of affection toward the building, it is considered difficult to resist its loss, or to sustain an argument that its loss would significantly affect the character of this part of the village.

1.17 In conclusion the design of the proposed replacement house is considered acceptable. It is not considered that the loss of White Cottage and the erection of the replacement dwellinghouse will have a detrimental affect on the street scene or the character of this part of Hart Village.

HIGHWAY SAFETY

1.18 The vehicular access to White Cottage is narrow and in part is along a public footpath. Objectors have raised concerns at the legality of this arrangement, that the additional traffic associated with the larger house will have a detrimental impact on the safety of pedestrians using the footpath and that the footway might be damaged by construction traffic or excessive use. The current access arrangements were approved as part of the Hart Pastures development (H/FUL/0528/94). It is anticipated that a larger house might attract additional traffic movement. The arrangement is not ideal however it is existing and there have been no reported accidents to pedestrians from its use to date. Traffic & Transportation have concluded that it would be difficult to sustain an argument for refusal on highway grounds. They have advised that the applicant would be responsible for any damage caused to the footway as a result of the construction traffic and that should the application be approved a condition should be imposed requiring the submission and approval of a method statement relating to construction traffic. In highway terms the proposal is considered acceptable.

IMPACT ON THE SETTING OF LISTED BUILDINGS

1.19 The closest listed building to the site is Home Farmhouse and Farm Cottage a mid/late 18th Century Farmhouse. This building is located some 60m to the west of the site and it is not considered that the proposal will affect the setting of this listed building.

IMPACT ON THE AMENITY OF NEIGHBOURS

1.20 The site is separated from housing to the north, south and west by intervening land including public roads. The separation distances between the proposed dwellinghouse and the closest property on Mill View (some 28m), on Hart Pastures (some 26m) and to Hart Farm (some 38m) are far in excess of Local Plan guidelines which recommend a separation distance of 20m is maintained between principle elevations and 10m between a principle elevation and a gable. It is not considered therefore that the proposal will unduly affect the amenity of the occupiers of these properties in terms of loss of light, privacy, outlook or in terms of any possible overbearing effect.

1.21 The closest neighbour to the site is the occupier of the adjacent bungalow located to the east, Southlands, this property is set at a lower level than the proposed dwellinghouse. The main elevations of Southlands are oriented with views to the NW(front) and SE(rear) and so the views from the main windows in the property should not be significantly affected. The neighbour however does have a ground floor and first floor bedroom window, and a patio door serving a kitchen/dining room, in the gable which faces the site. It is understood these rooms are served by other windows in the main elevations which do not face towards the site. The building has been sited so that where it approaches these windows, at the closest point, it does not directly oppose them and has a blank gable facing. Whilst the windows in the single storey offshoot will face the neighbours gable windows the separation distance is in excess of 20m. The proposal will intrude in views from the neighbours gable windows, as do the existing buildings on the site, however given the relative orientation of the properties and the secondary nature of the neighbours facing windows, it is not considered that the proposal will unduly affect the existing amenity of this neighbour in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.22 In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

BATS

1.23 The application was accompanied by a bat survey. The bat survey found no evidence that bats roost in any of the buildings on the site. It concludes that no loss of bat roost is likely to occur and that there would be no loss of foraging habitats for bats or birds and no loss of flight commuting routes. Given the recognised mobility of bats the survey outlines a robust method statement to be adhered to in carrying out the works. In light of this the Ecologist has raised no objection to the proposal and has recommended appropriate conditions should the planning application be approved.

DRAINAGE

1.24 White Cottage is currently served by a drain which is connected to a manhole located within the garden of the neighbouring cottage, Southlands. The neighbour has advised that there have been problems with the drains overflowing and has

expressed concern at this arrangement given the fact that a larger dwelling house with potentially greater outflows is proposed. This concern was raised with the applicant who was encouraged to explore a dedicated connection to the public sewer. The applicant has discussed the matter with Northumbrian Water and they have indicated that connection could be made to the existing public sewers in Hart Pastures. This would involve crossing a verge, which is in separate ownership, to the public sewers located in the adopted highway. The applicant has contacted the owner of the land affected who has indicated that they would consent to the crossing of their land. Separate permission would also be required for any related works in the highway. Any disruption would need to be made good. Northumbrian Water have raised no objection to the proposal. Should the application be approved it is considered prudent to condition the drainage details, this will ensure that the details of the proposed new connection are acceptable, or, if for whatever reason a new connection proves unachievable that the adequacy of the existing arrangement is demonstrated.

ARCHAEOLOGY

1.25 Given the historic origins of the village Tees Archaeology have requested that, should planning permission be granted for the proposal, a condition be imposed allowing for a archaeological watching brief. This will require the applicant to give notice to Tees Archaeology and to afford them access at all reasonable times to observe excavation and record item of interests and finds. Tees Archaeology have also advised that the front boundary wall contains archaeological features and has recommended that a condition should be imposed requiring the retention of the wall should planning permission be approved.

OTHER MATTERS

1.26 A number of objectors have raised the issue of the removal of a tree, or trees, from the site a number of years ago. It is understood that the tree(s) in question was not protected and therefore its removal is not a material consideration in relation to the consideration of this application.

CONCLUSION

1.27 The proposal is considered acceptable and is recommended for approval.

RECOMMENDATION – APPROVE subject to the following conditions:-

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

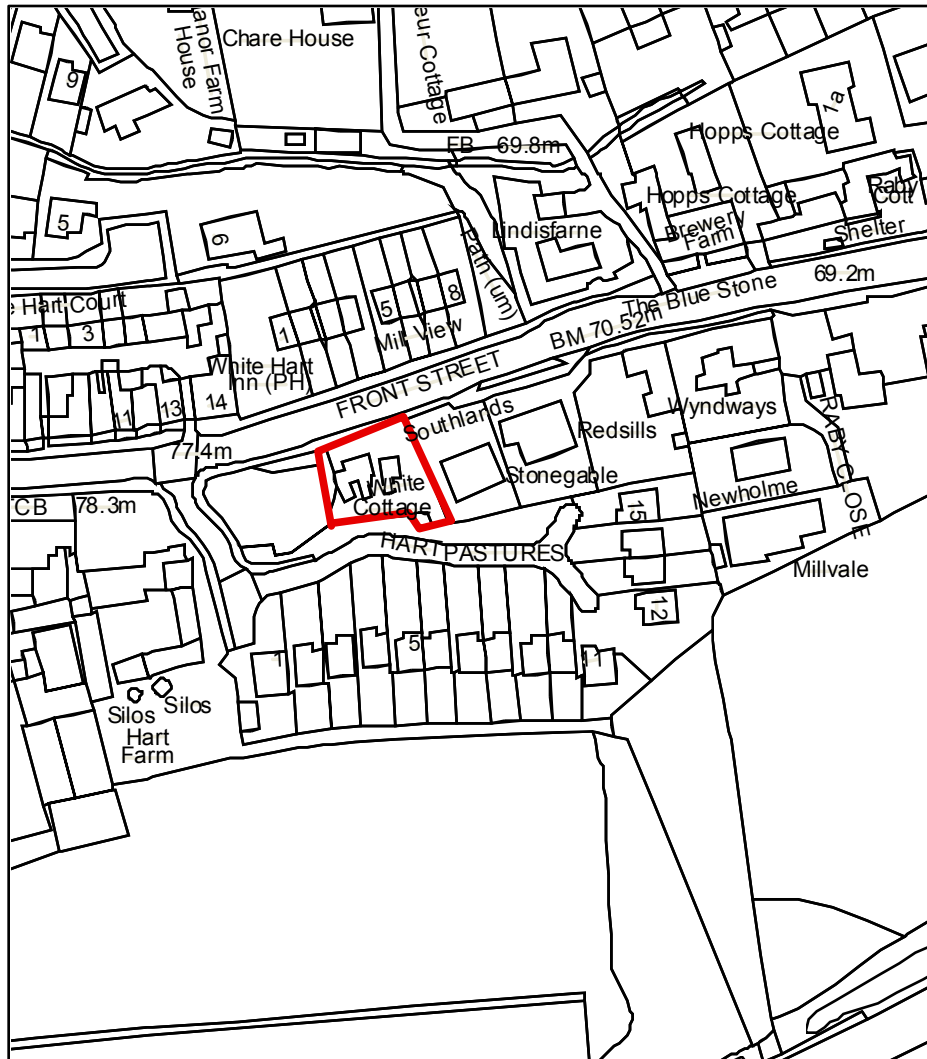
3. The development hereby approved shall be carried out in accordance with the amended site location plan and amended plan(s) no(s) N4112/06F and N4112/07E received at the Local Planning Authority on 5th December 2007 and the amended plan no N4112/5G received at the Local Planning Authority on 10th January 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. Unless otherwise agreed in writing with the Local Planning Authority the existing stone boundary walls shall be retained on site. The walls shall be protected from accidental damage during development in accordance with a scheme of protection first submitted to and approved in writing by the Local Planning Authority.
In order to ensure that the archaeological interest of these features is retained and in the interests of the visual amenity of the area.
5. Prior to the commencement of development, including any demolition, a method statement shall be submitted detailing how the development including any demolition will be undertaken. The statement shall include details as to how access to, and egress from, the site for construction and demolition traffic will be achieved. It shall also detail where construction materials, and materials arising from demolition works, shall be stored before use or collection and the proposed location for the siting of any skips. Once agreed the method statement shall be strictly adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.
In the interests of amenity and highway safety.
6. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest
7. Unless otherwise agreed in writing with the Local Planning Authority the development, including any demolition, shall be carried out strictly in accordance with the Method Statement, as amended by condition 8 below, contained at G in the Consultancy Survey compiled by G White dated May-June 2007 and submitted in support of the application.
In order to ensure the risk to bats is minimised.
8. Unless otherwise agreed in writing with the Local Planning Authority no demolition works shall take place between 14th May and 14th August inclusive in any year unless a suitably qualified ecologist has surveyed the building immediately prior to demolition, confirmed that no bats are present, and confirmed this in writing to the Local Planning Authority.
In order to ensure any bats are protected.
9. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the

development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.

10. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
11. Prior to the commencement of development details of the proposed method of disposal of foul and surface water arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In order to ensure that appropriate provision is made in the interest of the amenity of the area.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and the visual amenity of the area.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and the visual amenity of the area.
14. 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 window(s) shall be inserted in the elevation of the building facing Southlands without the prior written consent of the Local Planning Authority.
To prevent overlooking
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of the dwellinghouse forward of

any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the area.

White Cottage, Front Street, Hart



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/01/08
	SCALE 1:1.250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0559	REV

No: 2
Number: H/2007/0842
Applicant: Mr S Allen PARK ROAD HARTLEPOOL TS26 9LW
Agent: Mr S Allen 166 PARK ROAD HARTLEPOOL TS26 9LW
Date valid: 08/11/2007
Development: Retention of front boundary wall and gates
Location: 166 PARK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

This application was deferred at the previous meeting to enable the applicant to attend and address the committee.

2.1 The property is a traditional Victorian semi-detached house situated on the north side of Park Road within the Grange Conservation Area.

2.2 This application is for the retention of a front boundary wall incorporating decorative iron railings and gates. Photographs of the structure will be displayed at the meeting.

2.3 Planning permission is required as the boundary treatment and the gates exceed 1 metre in height and are adjacent to the public highway. Additionally the property is subject to an Article 4 (2) Direction, which removes permitted development rights for the erection or demolition of a gate, fence, wall or other means of enclosure.

Publicity

2.4 The application has been advertised by way of neighbour letters (4) and in the press. The time period for representations expired on 6th December 2007. To date, there have been 2 letters of objection received.

2.5 The concerns raised are:

- 1 The alterations do not fit in a conservation area. The wall is higher than the wall it has replaced.
- 2 The wrought iron gates are 2 feet higher than the wooden gates they replace.
- 3 The view of the completed works is one of a very imposing nature and the only one on the block like this and dwarfs adjoining houses.
- 4 It is not in keeping with others around it. It is too high.

The period for publicity has expired.

Copy letters J

Planning Policy

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

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

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

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

Planning Considerations

2.7 The main planning consideration in this case is considered to be the impact of the proposal on the character and appearance of the Grange Conservation Area.

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

2.9 The Townscape Heritage Initiative Manager has expressed concern for the following reasons:

- i) The wall and railing / gates as constructed are inappropriate to the character of the Grange Conservation Area. The wall should be a relatively low wall (about 0.5m in height) of the same height throughout, topped with a half round saddle back or chamfered coping usually in stone. The railings would have been cast iron panels about a metre in length (about 0.5m in height) with cast iron decorative uprights. The gates would also be in cast iron to a design to match the railing panels.

- ii) The wall, railing and gates as erected do not enhance the Conservation Area. The development also sets an inappropriate precedent to other property owners in the treatment of the boundaries to their properties.
- iii) An added consideration is the visual impact on Park Road, which is a busy access to the town centre where a design of wall and railings based on one appropriate to the Conservation Area could achieve a positive enhancement especially if adopted by other adjoining owners on Park Road.

2.10 It is accepted that this is a marginal case in light of the recent planning permission granted for a boundary wall, rail and gate at 196 Park Road, however the scale and proportions of the development at 166 Park Road are a more obvious departure from the traditional appearance of the Grange Conservation Area. The wall, rail and gates at 166 Park Road are considered to nominate the neighbouring boundary treatments at 168 and 164 Park Road.

2.11 Members will appreciate that the ongoing review of policy in conservation areas makes it difficult for officers to provide consistent and clear advice on applications on residential properties within conservation areas. However in this instance given the size and scale of the development and the obvious departure from the traditional appearance of the Grange Conservation Area refusal is recommended.

RECOMMENDATION – REFUSE for the following reason

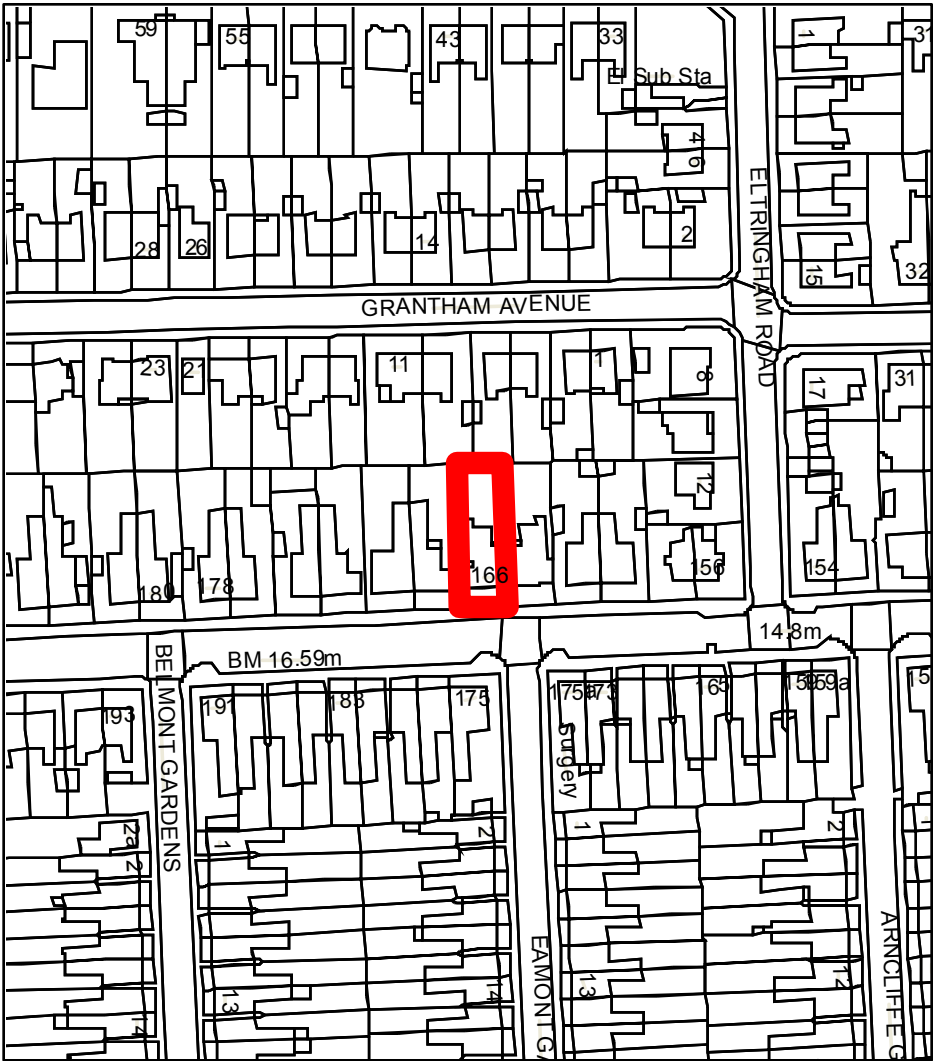
1. In the opinion of the Local Planning Authority the design, size and scale of the boundary wall would be detrimental to the character and appearance of the Grange Conservation Area contrary to policies GE1 and HE1 of the Hartlepool Local Plan.

It is further recommended that the Development Control Manager, in consultation with the Chief Solicitor be authorised to issue an enforcement notice requiring the removal of the unauthorised wall, railings and gates at 166 Park Road, Hartlepool.

It is recommended that a time period of 2 months from the date the notice takes effect be given for compliance with the steps specified.

■

166 Park Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY		
HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/02/08
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0842	REV

No: 3
Number: H/2007/0823
Applicant: Mr S Edmundson PINWOOD CLOSE HARTLEPOOL
 TS27 3QU
Agent: Mr S Edmundson 15 PINWOOD CLOSE
 HARTLEPOOL TS27 3QU
Date valid: 31/10/2007
Development: Use of agricultural land as garden
Location: 15 PINWOOD CLOSE HARTLEPOOL

Background

3.1 This planning application was considered at the previous Planning Committee, where Members resolved to refuse the application, agreeing with the officer recommendation. A representative of the applicant was intending to speak however had misunderstood the date of the last committee. In this instance there appears to have been a genuine mistake and therefore in the interests of fairness the application is being presented again to allow the representative to speak for the application.

The Application and Site

3.2 The application site is a piece of agricultural land, which has been fenced and grass seeded. The application is retrospective for the change of use to incorporate this land into curtilage to form a garden extension.

3.3 The land in question is outside the limits of development as prescribed in the adopted Hartlepool Local Plan 2006 and therefore represents a departure.

Publicity

3.4 The application has been advertised by way of neighbour letters (4), site notice and press notice. To date, there have been no responses.

The period for publicity has expired.

Consultations

3.5 The following consultation replies have been received:

Head of Traffic and Transportation – there are no major highway implications with this application.

Hart Parish Council – object on the grounds that it expands beyond the urban fence.

Tees Forest – object; although it is appreciated there have been other incursions into the land designated for community woodland established in the November 2000 Tees Forest Strategy Plan, in the vicinity of this application. However, as a matter of policy, Tees Forest would oppose the conversion of this particular piece of agricultural land for private use, as it will reduce the potential for the creation of community woodland within Hartlepool.

Planning Policy

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

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

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Planning Considerations

3.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact the proposed development would have in relation to encroaching beyond the urban fence.

3.8 The application is contrary to policy Rur1 of the adopted Hartlepool Local Plan 2006 and would represent a departure in terms of being an encroachment into the strategic gap between the built up area of Hartlepool and Hart Village. Regional policy under saved policy Env15 of the Tees Valley Structure Plan demonstrates the importance of maintaining these strategic gaps.

3.9 In determining this application it should be acknowledged that there is the issue of precedent in relation to other properties in Pinewood Close which have previously extended their gardens into the agricultural land, two having received planning permission to do this with five having been carried out without consent. All the properties which have extended their garden have maintained a regular line. However the current application proposes to extend the line by a further 9 metres into the agricultural land.

3.10 Discussions have taken place with the applicant to reduce the site area and move the western boundary fence 9 metres back to bring the development in line

with the garden extensions carried out elsewhere in Pinewood Close. Although this would still be an encroachment beyond the urban fence it is considered that given the precedent set in the late 1990's regarding 22 and 23 Pinewood Close where the Planning Committee resolved not to take action against these properties and approved retrospective planning permission, it would be difficult to resist this reduced development. However as the applicant has already fenced off the site and seeded the area he would like the application to be considered in its present form.

3.11 The wider area is well screened from public vantage points and is irregular in shape given the previously extended gardens. Therefore should the applicant reduce the area applied for it is considered taking into account the above factors, that reluctantly the scheme would be recommended for approval.

3.12 In terms of setting a precedent elsewhere in Hartlepool there have been appeals won by the Council at Tavistock Close and Nine Acres in relation to extending gardens into the countryside. It should be noted that these cases are considered to be distinct from the current application site.

3.13 The scheme for 42-52 Tavistock Close, which was refused in 2003 and dismissed at appeal in 2004, proposed to extend gardens into an area, which forms part of the Community Woodland. The Inspector concluded that the development would detract from the rural character of the Community Woodland, and if allowed the Council would have difficulty resisting similar proposals to extend residential gardens at the expense of the surrounding countryside. This scheme would also extend a regular boundary and be seen from public vantage points, as there is a public right of way to the south of the area proposed for development.

3.14 The scheme to extend the gardens of all the properties at Nine Acres into the surrounding agricultural land was refused in 2005 and dismissed at appeal in 2006. The Inspector concluded that the garden extensions would result in a harmful incursion into an attractive and prominent area of countryside and would result in an extremely unpleasant change to the character and appearance of the group of dwellings. This agricultural land is also classified as higher grade agricultural land compared to that of the application site and is very prominent in terms of visual amenity.

3.15 In respect of the properties, which have extended their gardens without the benefit of planning permission, they will be contacted and advised to submit a planning application to regularise their developments.

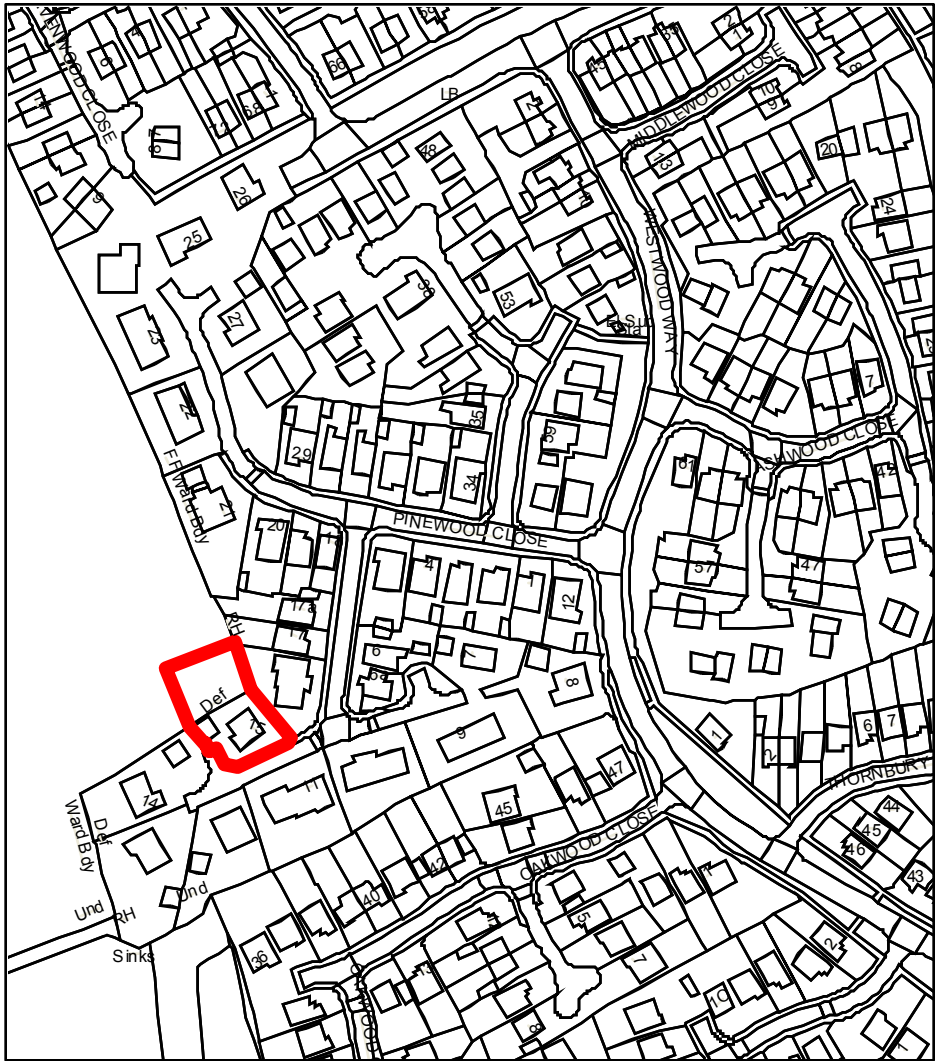
3.16 It is considered that allowing the larger extended garden as proposed by the applicant would establish a further precedent. Previous appeal and court decisions have shown that precedent creation is a material consideration to be given weight in the decision making process. It is generally accepted that for precedent to be an influential factor there would have to be a likelihood of similar future proposals in closely parallel situations. In this instance it is considered that there is potential for the proposed development to be replicated at the surrounding properties in Pinewood Close and also at various locations bounding onto the Urban Fence.

3.17 It is therefore recommended that this application should be refused.

RECOMMENDATION: REFUSE for the following reason:

1. It is considered that the proposed development would extend the urban area into the surrounding countryside contrary to Policies Gep1 and Rur1 of the adopted Hartlepool Local Plan 2006 and Env 15 of the Tees Valley Structure Plan adopted 2004. It is considered that the proposed development would establish a precedent that would make it difficult to resist similar proposals.

15 Pinewood Close



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0823	REV

No: 4
Number: H/2007/0883
Applicant: Mr Alain Bechkok Three Rivers House Abbeywood
 Business park Durham Durham DH1 5TG
Agent: Mackellar Architecture Ltd Mr Alain Bechkok 77-87
 Thorne House West Road Newcastle upon Tyne NE15
 6RB
Date valid: 03/12/2007
Development: Erection of a supported living scheme for adults
 comprising 10 no flats with shared communal facilities and
 offices with associated parking for cars and cycles
Location: LAND AT SURTEES STREET HARTLEPOOL

The Application and Site

4.1 The application site is an area of Council owned land situated between Surtees Street, Lynn Street and Charles Street.

4.2 The site which has been vacant for many years is mainly grassed over and mounded. To the north of the site is Bryan Hanson House, to the east is the vacant Mas Agraa Palace Restaurant (formerly the Market Hotel), to the south further council owned vacant land and to the west, the Drug Rehabilitation Unit on Whitby Street. The nearest housing is to the south of Hucklehoven Way.

4.3 The proposal involves the erection of a new building to provide 10 self contained flats and studios together with communal facilities, office and staff accommodation, car parking and walled courtyard.

4.4 The building, which is roughly u-shaped, is 2 storey along the Surtees Street elevation providing 8 no, 1 bedroom flats. The remainder is single storey and provides 2 studio flats with communal and staff facilities. There is parking provision for 8 cars, cycle and bin storage to the east of the site with an internal walled courtyard, kitchen, dining room, laundry, lounge, interview room and staff overnight sleep-in facilities.

4.5 The scheme is intended for people who are at risk of homelessness and want to move on to independent accommodation. Tenants will be male or female, aged over 25, who wish to stabilise their lives and learn new skills to help them to sustain a tenancy when they move on. The Council will have 100% nomination rights for tenants. It is intended that residents will stay up to two years with the project.

4.6 Staff will be present throughout the day and night, with a local manager, five full time staff and approximately six part time staff. Cover will comprise of up to 3 staff members during the day and two overnight. All staff will be police checked and trained.

4.7 Staff members will provide two roles – managing the project and offering a support service to the tenants.

Publicity

4.8 The application has been advertised by way of neighbour letters (75), site notice and press advert. To date, there have been 7 letters of no objection, and 2 letters of objection.

4.9 The main issues raised by objection(s) include:

- a) too close to drug rehabilitation centre
- b) too close to pubs/clubs – area for violent crime
- c) will put vulnerable adults in unsafe location.

Copy Letter C

The period for publicity has expired.

Consultations

4.10 The following consultation replies have been received:

Head of Public Protection – No objection

Northumbria Water – The development may be within the zone of influence of Northumbria Water's apparatus. Northumbria Water will not permit a building close to or over its apparatus.

Traffic & Transport – No objections but comments that improvements need to be made to both sides of the junction radii. A section 278 agreement will be required. Type of road construction and materials must be agreed by the Council's highway engineer. The width of footpath to Lynn Street should be increased to 1.8m. Alterations should be made to the parking stands to improve security. Arrangements may need to be made to accommodate bins for restaurant which have been sited on adopted back street.

Engineering Consultancy – Requires condition to remediate contaminated land if found to be present.

Safer Hartlepool Partnership – Agrees that these facilities are needed in the town. Has concerns regarding boundary between new development and drug rehabilitation centre. Also concerned that the new building will compromise existing CCTV camera coverage located on Bryan Hanson House.

Head of Community Safety & Prevention – Supports the proposal.

Property Services – Comments Awaited

Cleveland Police – States that the development should be ‘Secured by Design’.

Economic Development – Comments Awaited

Adult & Community Services – Comments Awaited

Planning Policy

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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

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.

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.

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

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

Planning Considerations

4.12 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, the impact of the development on the amenities of the existing businesses, uses and residential properties and on highway safety.

4.13 Although the site is in an area allocated for office, business, education, leisure and entertainment uses, Local Plan policy states that uses not specified will be considered on their own merits.

4.14 The proposed development, which includes a mixture of residential, office and educational uses, seeks to meet an identified priority housing need. The Hartlepool Housing Strategy recognises the need to offer a choice of suitable accommodation for vulnerable people and to pursue measures to prevent homelessness; the Strategy specifically recognises the need for the form of accommodation and support proposed in this application. Additionally, Hartlepool's Homelessness Strategy recognised the need for permanent accommodation and ongoing coordinated support for people at risk of homelessness, with a priority on single people. The supporting People Strategy also prioritises this type of accommodation and support and is considered an acceptable alternative use in this fringe town centre area. Proximity to town centre facilities was one of the main criteria in identifying a location for this proposal.

4.15 The development, which has domestic proportions not unlike a row of terraced houses facing onto Surtees Street with a single storey element facing south onto Charles Street, should have little effect on the visual amenities of the area. The main outlook for residents would be towards Bryan Hanson House and across open space to Huckelhoven Way. The Surtees Street elevation would meet minimum building separation standards as specified in Local Plan guidelines in relation to Bryan Hanson House. Windows serving habitable rooms in the proposed building and the rear of the adjacent MAS Agra Palace building are considered to be sufficiently separated/offset from one another not to cause an adverse effect on privacy.

4.16 The main objections to the proposal appear to revolve around the proximity of the development to the drug rehabilitation centre and late night uses in Church Street and the effect they could have on vulnerable people.

4.17 Members may recall the previous application (H/2006/0723) at Reed Street which was refused on the grounds that the area was predominantly industrial/commercial and would not be conducive to a good living environment for the occupants of the sheltered living scheme. The new site is now 60m

approximately to the north west and is considered to be far enough away from the aforementioned industrial uses.

4.18 This development would be located within walking distance of the Town Centre, close to public transport routes and other public services.

4.19 Whilst Church Street has been identified for late night uses within the Hartlepool Local Plan, it is not considered that activities associated with these pubs, clubs and restaurants would have a direct influence on the occupants of the scheme.

4.20 Crime and the fear of crime are material planning considerations. The proposed development includes a number of provisions and procedures to monitor and prevent anti-social or criminal behaviour.

4.21 The building will be supervised 24 hours a day by trained staff. Appropriate lighting will be provided at the entrance and in the parking area. There will be CCTV throughout the external and interior communal areas. The building is to 'Secured by Design' standards. The detailed treatment of the boundary with the adjacent Drug Rehabilitation Unit can be dealt with via a condition, to minimise any community safety risks.

RECOMMENDATION – APPROVE subject to the following conditions

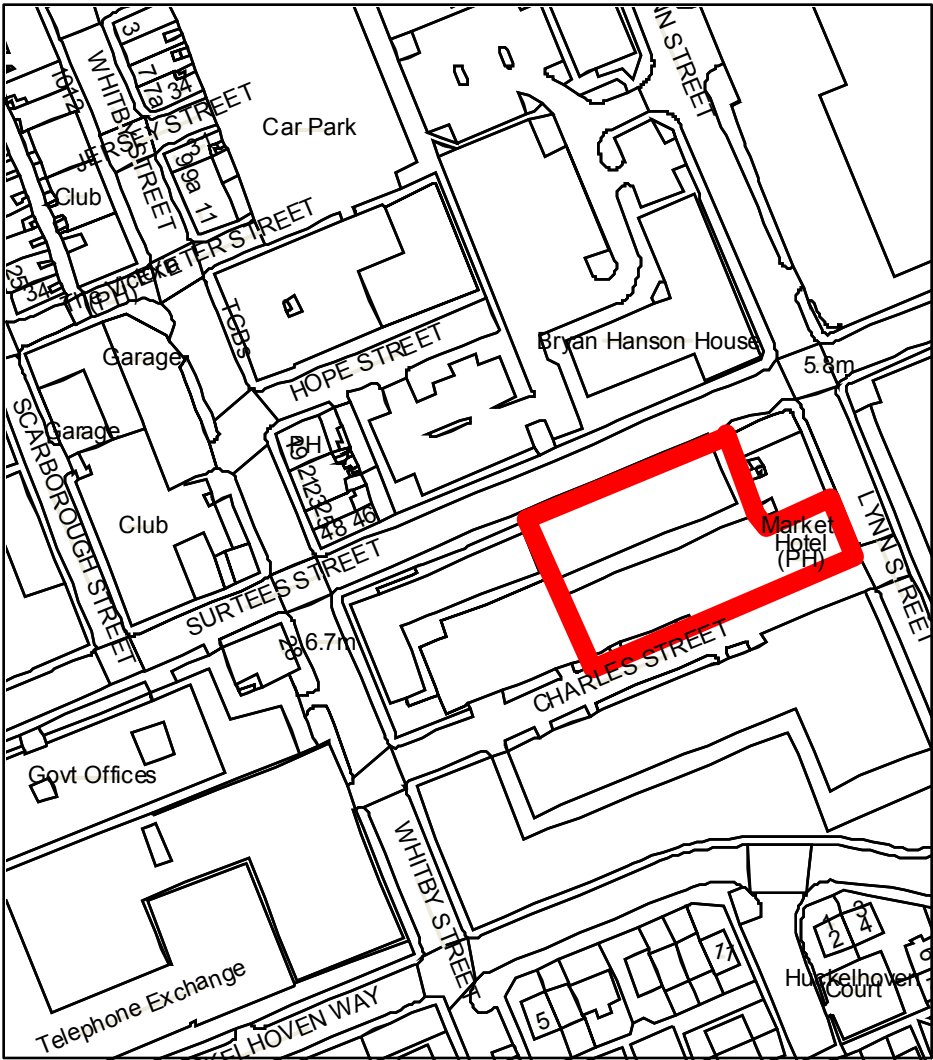
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Before the development hereby approved is commenced, the development shall be pegged out on site and its exact location agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
3. 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.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
5. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c)

Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) f) 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.

6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. 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.
8. The development hereby approved shall relate to a supported living scheme for adults as referred to in the supporting information provided within this application and for no other use in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Amendment (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
To enable the Local Planning Authority to control the future use of the premises in the interests of the amenities of the area and the occupants of nearby housing.
9. Prior to the development hereby approved being brought into use the width of the new footpath link to Lynn Street shall be increased to 1.8M in accordance with a scheme to be previously agreed by the Local Planning Authority.
In the interests of highway safety.
10. Notwithstanding the approved plans, a scheme for secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Thereafter the approved scheme shall be implemented prior to the development being brought into use.
In the interests of highway safety.
11. Unless otherwise agreed in writing, prior to the development hereby approved being brought into use a new bay, to accommodate the restaurants refuse bin, shall be provided and maintained for the life of the development in accordance with a scheme to be previously agreed with the Local Planning Authority.
In the interests of highway safety.

12. Unless otherwise agreed in writing with the Local Planning Authority a CCTV scheme shall be installed and retained for the duration of the development in accordance with details to be previously agreed by the Local Planning Authority.
In the interests of security.
13. Unless otherwise agreed in writing with the Local Planning Authority prior to the development hereby approved being brought into use the access road to the site shall be altered/improved in accordance with details to the previously agreed by the Local Planning Authority.
In the interests of highway safety.

Land in Surtees Street



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0883	REV

No: 5
Number: H/2006/0621
Applicant: R Newcomb And Sons C/O Agents
Agent: Blackett Hart & Pratt Westgate House Faverdale
 Darlington
Date valid: 08/08/2006
Development: Reclamation of land and remodelling of landform via infill and tipping of inert construction and demolition waste (continuation of use) to provide recreational events arena facility (AMENDED PLANS RECEIVED)
Location: LAND ON THE WEST SIDE OF CORONATION DRIVE
 HARTLEPOOL

The Application and Site

5.1 In November 1998 the Planning Committee granted planning permission for the excavation of ash deposits and erection of screening, recycling and crushing plant and infill of site on land known as Newburn sidings off Coronation Drive. For various reasons this permission lapsed in 2003.

5.2 This application is to renew permission for part of this site to infill the land with inert demolition and construction waste with the objective of providing an end use comprising of 2 no. recreation event arenas. These facilities would be served by a car park at the northern end of the site. There are no plans for any specific events to be held within arena areas. They would simply take the form of large expanses of open space that would potentially be available for informal recreation or occasional spectator events should the need for the space arise and the proposed use be deemed suitable. A footpath 1 metre in width is also proposed along the eastern side of the restored ridgeline. The arenas would be bunded along their western boundary and graded to prevent the accumulation of standing water.

5.3 The overall site would be reclaimed to a mounded landform with a 1 vertical to 3 horizontal gradient towards the western boundary and shallower slopes of 1 in 4.5 towards the northern, eastern and southern boundaries.

5.4 The site is some 6.89 hectares in area and lies some 200-300 metres from the coastal foreshore. It is bounded to the west by the Middlebrough – New castle railway beyond which is the SWS landfill site, a similar landform to the application site. To the south are residential properties accessed from Warrior Drive. The site is bounded to the east by a Council owned and reclaimed former landfill site and to the north by a waste transfer station also operated by the applicant.

5.5 The waste transfer station to the north of the site is now operated under a separate planning permission granted in 2001. The inert wastes entering the application site would either be brought there directly or having first been through the waste transfer process on the adjoining site.

5.6 Under the previous 1998 permission which has now lapsed a considerable amount of infill has already been undertaken. The applicant estimates that it will take between 2-2.5 years to complete the reclamation and remodelling of the site depending on market conditions and that this will require around 130,000 cubic metres of material. The site would continue to be accessed from the Coronation Drive junction. It is projected that there will be some 68 HGV movements per week bringing material to the site.

5.7 It is proposed to phase tipping operations in a general south to north direction as far as a current 'stand-off' bund on the western side of the site which provides a buffer between the site and the railway boundary.

5.8 It is proposed to turf the arena areas and install an appropriate drainage layer to prevent the accumulation of standing water.

5.9 A separate permit / licence will be required from the Environment Agency for the proposed operations unless the applicant is able to demonstrate that it would be exempt from such controls. These considerations are, however outside the scope of this application.

Publicity

5.10 The application has been advertised by way of neighbour letters (16). To date, there have been 2 letters of no objection and 6 letters of objections raising the following points:-

- i) Tipper trucks on the site cause noise disturbance
- ii) The discarding of materials on the site is hazardous and unsightly
- iii) Inadequate fencing on the site leads to trespass, anti-social behaviour and security problems. There has been unauthorised access to the site for recovery of materials. There could be risks to public safety
- iv) Concerns about effectiveness of the wheel washing facility.
- v) Concern that tipping heights will adversely affect light to property
- vi) Impact on wildlife
- vii) Loss of greenery and view.

The period for publicity has expired.

Copy letters I

Consultations

5.11 The following consultation replies have been received:

Environment Agency – Refer to the need for a permit or exemption for the proposed activity. Recommend that the applicant regrade the wastes already deposited at the site to provide sufficient surface area for recreational arenas and car park.

Natural England – Raise no objections. State that the proposal would be unlikely to cause damage to or disturb nearby S.S.S.I's.

Network Rail – Note that there is a private dispute between the applicant and the company over the position of access road for maintenance purposes. Recommend a number of conditions to protect access, drainage and to avoid obstruction to and avoid trespass onto the railway line.

Northumbrian Water - No objection

Head of Community Services – Welcomes the proposed end-use of recreational events arena. Would have no desire to have responsibility for maintaining the site but would welcome the use of the site for events should the need arise.

Head of Public Protection – No objections subject to provision of suitable wheel washing facility, suitable dust suppression measures, no burning on site and hours of operation restriction.

Head of Traffic and Transportation – Cites the need for wheel washing facilities to serve the site.

Engineering Consultancy – Refers to the need for a drainage strategy for the site and the need for a scheme to monitor landfill gas.

Planning Policy

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

Doc1: States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

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

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

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

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

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.

Rec5: Identifies this location for the development and improvement of sports pitches.

Rec7: Identifies this site for outdoor recreational and sporting development requiring few built facilities.

Planning Considerations

5.13 The main issues for consideration in this case are the principle of the development and proposed after use, impact in terms of noise and visual effects, dust and ground stability, highway safety implications, drainage and site security.

Principle of the development

5.14 The site has been previously subject to the tipping of inert demolition wastes. Tipping within the southern portion of the site has been substantially completed with something in the order of 1-2 metres of material to be added there to achieve the final landform. The northern and western areas of the site would be subject to greater quantities of tipping in order to achieve the proposed finished levels. At present the site appears barren and unsightly and being situated in a highly prominent location along the railway corridor, does nothing to enhance the image of town in what is a key gateway location.

5.15 It is considered essential that a greener and more attractive landform is achieved here. The principle of allowing tipping operations on the site to be completed to allow the after use to be realised is therefore considered acceptable.

5.16 The application site is allocated in the Local Plan for recreational use. The proposed end use of the site for informal recreation incorporating the events arenas is therefore considered to be compatible with this policy. It is proposed to grass the surface of the site and to incorporate pockets of shrub planting to help improve its appearance. The Council's ecologist has commented that some tree planting along the top of the gradient on the south west of the site would be beneficial from a visual point of view together with providing some shelter. He also advocates using a wildflower and grass mix which would be better for wildlife. These measures could be secured through a condition and would be compatible with the Council's efforts to improve and 'green' the appearance of the railway corridor through the town.

Visual Impact

5.17 The benefits of reclaiming the site to achieve better views from the railway have been referred to above. Seen from the east it is considered that the proposed landform would appear in keeping with the adjacent reclaimed Council landfill site. The southern part of the site has already been substantially completed and as such

the additional visual impact on residential properties to the south will be minimal. The site is to the north of nearby residential properties and so any additional impact on light currently enjoyed by these properties is expected to be negligible.

5.18 The coastal views that will be available from this site following its restoration is considered to be an important planning gain. Mounding would be introduced along eastern boundary of the site to help screen activities on the site. Furthermore the progression of operations in a generally south to north direction will ensure that the restoration of the part of the site closest to residential property is completed at the earliest stage.

Noise impact

5.19 The Head of Public Protection raises no objection to the development on noise grounds subject to the imposition of controls over hours of operation on the site. Such controls will ensure that no activities take place on the site during more sensitive night time hours and that they are restricted at weekends to just Saturday mornings.

Highway safety

5.20 There are no objections on highway safety grounds. However if members are minded to grant planning permission a condition should be imposed requiring that effective wheel washing facilities are in place to overcome the problems associated with mud being deposited on the road.

Site security

5.21 If Members are minded to grant planning permission a condition should be imposed requiring effective security fencing.

Relationship to adjacent railway line

5.22 The concerns expressed with regard to protection of access and the need to avoid obstructing and trespassing onto the railway line are private matters beyond the scope of this application. However, the concerns raised by Network Rail will be passed on to the applicant as informatives. The Engineering Consultancy have referred to the potential for surface water to run off the finished landform towards the railway. It is considered that surface and foul drainage can be controlled through the imposition of a planning condition. However the principles of the drainage scheme for the site remain under consideration at this time.

Ground stability

5.23 The stability of the gradients of the proposed landform have been considered by the Council's structural engineer. He raises no objection to the proposals.

Landfill gas

5.24 Given the inert nature of waste with which it is proposed to infill the site landfill gas would not be expected to be a significant problem. The existing mounds on Coronation Drive are however formed as a result of previous waste disposal operations and are known to be actively gassing. If members are minded to grant planning permission it is recommended that a condition be imposed to monitor and if necessary treat any landfill gas arising.

Drainage

5.25 The supporting statement to the application states that the constructed land form will be sloped to prevent areas of standing water by promoting surface water running after rainfall. It is proposed that water discharging from the lateral drains beneath the arenas would be directed to the local surface water sewer. The statement indicates that water percolating through the remainder of the constructed landform will drain through the underlying superficial deposits into the water table. It is intended that any surface water collecting across the hardsurfaced car park area can be discharged via on-site grass swales, filter trenches or soakaway to groundwater. The drainage strategy remains under consideration at this stage and will be covered in an update report.

Litter, mud and debris

5.26 The supporting statement notes that the potential for litter arising from the site is considered low. Additionally the adjacent waste transfer station will permit the site operator to remove litter from incoming materials.

5.27 A condition should be imposed requiring the installation of an effective wheel wash facility that would enable vehicles to be cleaned down prior to leaving the site.

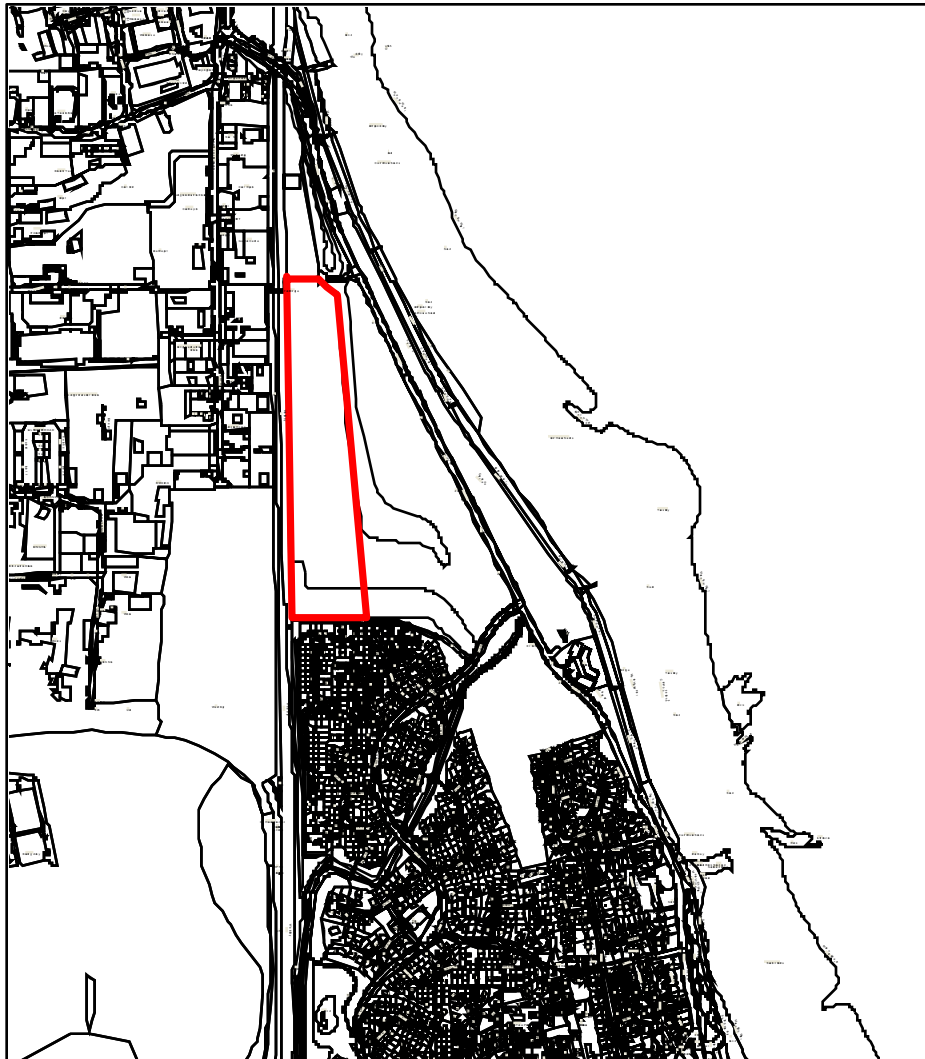
Maintenance and aftercare

5.28 The question of the long term responsibility for the maintenance of the site once it has been fully restored remains under consideration at this time and will be dealt with in an update report.

RECOMMENDATION – UPDATE to follow

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Land west of Coronation Drive



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0621	REV

No: 6
Number: H/2007/0757
Applicant: Heerema Hartlepool Greenland Road Hartlepool TS24 0RQ
Agent: Heerema Hartlepool Greenland Road Hartlepool TS24 0RQ
Date valid: 15/11/2007
Development: Erection of 2 new buildings, one for cutting and preparing steel plate and sections and the other for a blast and paint facility and associated car parking
Location: HEEREMA FABRICATION GREENLAND ROAD
 HARTLEPOOL HARTLEPOOL

The Application and Site

6.1 Detailed planning permission is sought for the erection of 2 buildings to accommodate industrial processes comprising the cutting and preparation of steel plate and a blasting / painting facility. These processes are currently undertaken on site however the essence of this proposal is to ensure that sufficient space is made available in specific buildings to accommodate dedicated industrial processes in the interests of efficiency. An extended car parking area associated with the development is also proposed.

6.2 The site, which measures some 2.8 hectares in area is situated immediately to the east of the Marina Way/Powlett Road roundabout junction and to the south of the railway spur leading from the Middlesbrough – New castle line into the Victoria Harbour site. It is a relatively flat and unused area characterised by rough grassland. The site would be accessed from Greenland Road. The site forms part of the wider Victoria Harbour Master plan area.

6.3 The proposed buildings which would be situated in the northern part of the site are both rectangular in form with an east-west orientation. An existing car parking area to the south of the proposed buildings would be extended westwards to provide some 435 spaces in total.

6.4 The northern most building immediately south of the railway embankment would measure some 116 metres by 31 metres in area. It would have a maximum height of 15 metres. This building would be used for the cutting and preparation processes. The second building, situated immediately to the south, would measure some 80 metres by 38 metres with a height of 11 metres. Both buildings would be constructed with plastic coated steel cladding.

6.5 The following studies have been submitted in support of the application:-

- a) Design and access statement which seeks to highlight the marine industrial characteristics of the surrounding area including the existing large scale works in the locality.

- b) Noise assessment including anticipated noise levels in the surrounding area.
- c) Flood risk assessment which states that the floor levels are to be set at around 4.2 metres in keeping with the existing buildings.
- d) Transport statement. This states that because this proposal is to relocate existing facilities that are already undertaken on site additional demand for staff car parking would not be expected to arise. There would however be increased vehicular movements within the site. The proposal to extend the level of parking provision is to address current problems of overspill parking at times of peak demand.
- e) Drainage assessment

CONSULTATION

6.6 The following consultation responses have been received:-

North East Assembly - Recognise the principle of allowing an existing employer to reorganise their operation to enable the more efficient running of the site. The site however falls within the wider Victoria Masterplan area which is recognised under regional policy as a regionally significant mixed use development opportunity. The Council should ensure that if this development is permitted it does not jeopardise future proposals to regenerate the Victoria Harbour site. Would advocate the use of renewable energy sources within the project.

One North East – No objections but urges the Local Planning Authority to consider the implications of the development on the Victoria Harbour project. Request the developer is encouraged to use the highest standards of design and use of renewable energy sources.

Environment Agency – Require further information to justify the proposed drainage strategy.

Tees Valley Joint Strategy Unit - Comments awaited

Headland Town Council – Comments awaited

Northumbrian Water – No objections

Head of Public Protection – No objections subject to imposition of conditions to control noise levels at certain distances from the building, to ensure all operations are carried out inside and piling operations during construction to be undertaken only during the day. Satisfied that daytime noise levels will not have an impact on the nearest residential properties.

Highway Engineer – There is an existing footpath on the south side of the access road from Powlett Road to the site. There is no footpath on the north side of the access road. The nearest bus stop is more than 400 metres away. It would be beneficial to add a footpath link on the north side of the road and to require cycle parking facilities in order to encourage non – car access to the site. A travel plan would be beneficial.

Engineering consultancy – No objections subject to conditions to secure ground remediation works if required. Refer to the need for an acceptable drainage strategy.

Tees Archaeology – No objections

Network Rail - No comments or objections

Economic Development Manager – Fully supports proposals. Heerema is a key business in the local economy and represents a major economic driver for the continued development of the town.

PUBLICITY

6.7 The application has been advertised by way of a site notice and press notice. To date, no objections have been received but two interested parties have raised the following comments.

6.8 Tees Valley Regeneration raises no objection but comments that the site forms part of the Victoria Harbour Masterplan. It advocates that if permission is granted this should be limited to a 10 year permission so that the development does not constrain the latter phases of the masterplan for this strategic project. It states that the building design should be unobtrusive, that landscaping is an important consideration and urges that the Council's Public Protection officer should be satisfied from a noise assessment perspective.

6.9 England and Lyle as agents for the developer of a prospective residential development on land at the former Creosote Works on Greenland Road, a scheme which is still under consideration, advocate a planning condition to control maximum noise levels emitted from the proposed development at their own development site.

They would concur with the comments received from Tees Valley Regeneration in respect of a temporary permission.

The period for publicity expires before the meeting.

Planning Policy

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

Com15: States that proposals for business, office, hotel, tourism, leisure and residential development will be permitted within this area where they meet the criteria set out in the policy and take account of the site's unique potential including its water front location and its links to the Marina and the Headland. A high quality of design and substantial landscaping will be required on main road frontages and development will need to take account of the need for flood risk assessment. Port, port related and general industrial development will also be allowed subject to the criteria set out in policy GEP1.

Deco2: 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 edges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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.

Planning Considerations

6.11 The main matters for consideration in this case are the suitability of the development in policy terms, including the relationship to the Victoria Harbour project, visual amenity, highway safety, the production of industrial noise and flood risk and drainage.

Policy Issues

6.12 The application site is located between Greenland Road and the existing Heerema 2 shed and is within part of the area covered by the Victoria Harbour Masterplan. The site is zoned within the Victoria Harbour Masterplan for mixed use purposes, however the Masterplan granted outline planning permission (subject to a s106 agreement) envisaged that the development of this site would not occur until Phase 4 of the project, some 15 years from the commencement of the initial phase.

6.13 Policy Com 15 of the Local Plan recognises that proposals for port related or general industrial development might be acceptable in this location subject to no adverse impacts on amenity or highway safety.

Potential constraining effect of the development

6.14 The most significant concern is the constraint that such development could potentially pose for the future progression of the Victoria Harbour project, not only in terms of a physical obstruction but also given that a general industrial use might not be the most suitable neighbour to other noise sensitive uses such as residential development.

6.15 It is therefore considered appropriate in this case, if Members are minded to grant planning permission, that this should be temporary in nature to allow the development to be reassessed in light of the latter phases of the Victoria Harbour project. A temporary permission of 12 years in duration is therefore recommended.

Highway Issues

6.16 There is no objection to the applicant's proposal to extend car parking provision. It is considered to be unreasonable to require that a footpath be provided on the north side of the access road given that there is already a footpath on the south side and also given that if planning permission is recommended that this is likely to be for a temporary period. Cycle parking provision and travel plan requirements with a view to reducing dependency on cars can be made the subject of a condition.

Visual amenity

6.17 The proposed sheds are sizeable structures and would be functional in appearance. However they would be situated some 185 metres from the nearest existing residential properties (which are those on the recent Broseley Homes development off Lancaster Road) and at such distance would not be expected to adversely affect the amenities of residents in visual terms. It should be noted that between the two development sites is the railway line leading into the port area. The railway line is routed along a raised embankment which will help to screen the site.

6.18 The scale of the buildings means that they would inevitably be very prominent seen from the Powlett Road/Marina Way junction. A landscaping scheme would go some way to help mitigate the visual impact. The development is considered to be satisfactory in visual terms taking into account that any recommendation for approval is likely to be on a temporary basis.

Industrial Noise

6.19 The applicant has submitted a noise assessment study which seeks to demonstrate the effects of activities including cutting, grinding and hammering at the site. The Head of Public Protection has raised no objection to the development subject to conditions requiring that maximum noise emission levels do not exceed specified levels at various sensitive locations, that all industrial operations are undertaken inside the buildings, and restrictions on hours of construction piling. The only openings to the building would be on the eastern elevations facing towards the existing long established port related activities and away from the residential areas to the north and west.

6.20 In the event that members are minded to approve the application it is considered that a condition should be imposed requiring that no additional openings be formed in either building in the interests of amenity and indeed that all operations are carried out inside.

6.21 With respect to the interests of the developer proposing to redevelop the former creosote works site, this development remains under consideration and will therefore need to be considered on its own merits

Flood risk and drainage

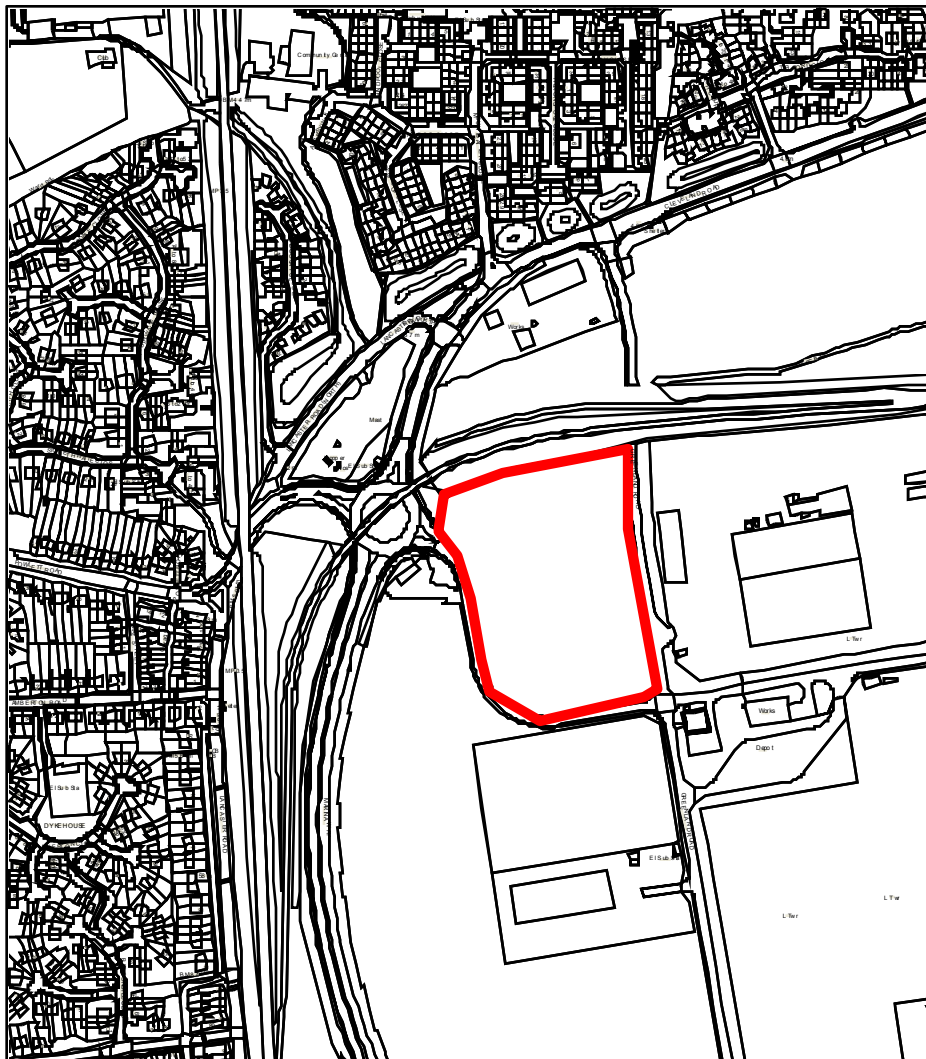
6.22 It is proposed that the development be constructed at levels in keeping with the existing factory buildings on the site in the interests of accessibility ie 4.2 metres AOD. The development proposes a septic tank to deal with foul drainage. Measures to alleviate surface water flows from the site are also proposed. These matters currently remain under consideration by the Environment Agency. As such an update report is to be provided.

Nature Conservation

6.23 There are no ecologically significant habitats on the site. The Council's Ecologist recommends a condition stipulating no construction or commencement works during the bird breeding season ie March – July unless a survey is carried out demonstrating that no breeding birds are present. He also recommends that a landscaping condition be imposed.

RECOMMENDATION – UPDATE report to follow

Heerema, Greenland Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:4,500	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0757	REV

No: 7
Number: H/2007/0904
Applicant: Mr Jonathon Pattison Usworth Park Usworth Road
 Hartlepool TS25 1PD
Agent: The Design Gap Limited Mr Graeme Pearson 1
 Scarborough Street Hartlepool TS24 7DA
Date valid: 12/12/2007
Development: Change of use, first floor rear extension and alterations
 including demolition of rear single storey extension to
 provide 7 apartments and erection of a rear single storey
 extension to provide an additional 2 apartments
Location: 16 HUTTON AVENUE HARTLEPOOL

The Application and Site

7.1 The application site is a vacant property formerly known as Mount Oswald Residential Care Home for the Elderly located on the north side of Hutton Avenue. The property is a large Victorian House, which was converted to a care home some time ago; there is currently a large single storey extension at the rear. Current access to the property can be gained via 2 entrances off Hutton Avenue and the site can also be accessed via the rear alley (which has alley gates). The property lies within the Grange Conservation Area and there are trees to the front of the site, some of which are protected by a tree preservation order.

7.2 The application proposes the conversion of the main house into 7 apartments, which would involve extensions above the two single storey offshoots/extensions connected to the main house at the rear, and the alterations and insertion of some doors/windows at the rear and side of property. The application also proposes the demolition of the large rear single storey extension and erection of a smaller single storey extension in its place to provide 2 additional apartments. The only alteration proposed to the front of the property is the removal of the lower front step at the entrance to the main house and resurfacing.

7.3 Nine car parking spaces are proposed within the site, 3 to the front and 6 to the rear.

Publicity

7.4 The application has been advertised by way of neighbour letters (17), site notice and press notice. To date, there have been 8 letters of objection

The concerns raised are:

- i) The project will cause stress, anxiety and disruption to adjacent occupiers and obstruction to their homes.
- ii) Noise, dust, dirt during construction process.
- iii) Traffic congestion as there are ongoing traffic and parking problems.

- iv) Excessive timescales involves in the conversion.
- v) The development may be out of keeping with the conservation area.
- vi) Excessive noise levels, vehicles and unsocial hours another 9 homes will bring.
- vii) Are the properties to be leasehold or freehold, and concerns regarding types of residents they may have to endure as neighbours.
- viii) Insertion of window will overlook rear garden of objector's property, therefore invading their privacy.
- ix) Raising the roofline over the rear single storey offshoot will cause overshadowing of neighbouring property
- x) The bungalows may be an improvement but they seem very close to the boundary wall.
- xi) Blocking sunlight to the rear of Grange Road rear garden.
- xii) Extra traffic in the back alley and concerns because children play in this alley.
- xiii) Security issues with regard to the access to the alley whilst building.
- xiv) That the parking area proposed at the rear will not be used.
- xv) Several apartments may have more than one car and also visitors causing increase demands on limited street parking spaces.
- xvi) Regarding noise, airborne pollution and construction traffic, and wants control over construction times, limitations on airborne pollution during construction, limitation on access for demolition/rebuilding of the rear annex to the back lane imposed if application is successful.
- xvii) Other properties in the street are in multiple occupation and this will increase parking problems.
- xviii) The new extension would start beyond the objectors building line although it is an improvement on the present extension.
- xiv) There are enough houses converted into flats and apartments in this area already. Such developments have contributed to the social decline of what was, not long ago a decent residential area.

Copy letters A

The period for publicity has expired.

Consultations

7.5 The following consultation replies have been received:

Northumbrian Water – no objection

Head of Public Protection – no objection

Traffic and Transportation – no objection

Planning Policy

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

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

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.

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.

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

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

Planning Considerations

7.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance,

appearance, overshadowing, privacy and in terms of noise and disturbance and the appearance of the development in the streetscene and on the character of the conservation area in general. The Impact on trees and highway safety issues also need to be considered.

Local & National Guidance

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

7.10 The proposed scheme should be considered in relation to policy Hsg 7 of the adopted Hartlepool Local Plan 2006 - Conversion for residential uses. It is considered that the conversion of buildings formerly in other uses can provide appropriate accommodation for smaller households and for the increasing number of young people living on their own. Again the proposal is in line with the principles of these policies.

Effects on neighbouring properties

7.11 The main building is to be maintained with little alteration. The proposed first floor extensions above the existing off shoots are considered to be subservient to the main house. The proposed extension adjacent No. 18 Hutton Avenue does project further down the site at 1st floor level however it is similar to others within close vicinity, and therefore is not out of keeping with the dwelling or area in general. There are no side windows proposed in this extension. Furthermore there is considered to be a trade off between this and the reduction in the extent of development along the side boundary due to the redevelopment of the rear ground floor extension.

7.12 The scheme does include the insertion of an additional first floor window in the rear elevation of the main house, and the movement of 2 existing windows. The scheme also includes windows in the rear elevations of the first floor extensions, however it is considered that the location of the proposed window would not be detrimental to the amenities of the adjacent residents in terms of overlooking and loss of privacy.

7.13 There are existing windows which are proposed to be incorporated into the conversion, however first floor gable windows which are proposed to serve a different type of room compared to the existing layout which might lead to a greater potential for overlooking are proposed to have the lower half obscured. This is to restrict overlooking whilst retaining natural light. It is considered that the development would not have a detrimental affect on the neighbouring properties in terms of overlooking or loss of privacy.

7.14 The single storey extension to the rear although large is substantially smaller than the existing extension and is considered to be a more appropriate design. It will provide for greater separation with the rear of properties on Grange Road. The

removal of the single storey extension will release a substantial area to the rear, which is proposed to accommodate the new single storey extension, 9 car parking spaces and a small garden area.

7.15 In terms of the affect the conversion and extensions may have on adjacent neighbouring properties it is considered that the development is of a scale and design which would not be detrimental to the neighbouring properties in terms of overshadowing, overlooking, appearance, dominance or loss of privacy as highlighted above. There is an existing screen wall along the side boundary with no 18 Hutton Avenue.

7.16 The change of use from residential home to flats may generate additional comings and goings to the property however it is considered that the proposed conversion would be unlikely to give rise to any significant noise and disturbance issues. The Head of Public Protection has no objection to the scheme.

Conservation

7.17 The property is located within the Grange Conservation Area and is subject to an Article 4(2) direction, which restricts development to the front of the building. The proposal suggests a minor external alteration to the front of the property which comprises removal of the bottom step on the entrance porch and grading of the land to ensure that there is no conflict between pedestrians and the car parking spaces provided within the front of the site. It is considered that the principle of this is acceptable and a condition requiring final details can be imposed.

7.18 With regard to the scale and nature of the proposed extensions at the rear it is considered that this scheme is designed to remove a large unsympathetic extension to the rear of the property. It is considered that the proposed demolition of the existing extensions would improve the building.

7.19 The first floor extensions at the rear are in keeping with the scale of the main house. The proposed single storey extension is large however it is of a scale, which would not adversely affect the character of the conservation area.

7.20 The Landscape and Conservation Manager has not formally objected to the development although there were some initial reservations regarding the design of the rear single storey extension. However after conducting a site visit and given that the original house has been altered to a large degree with the loss of original windows and roofing materials, the Landscape and Conservation Manager is satisfied and has suggested conditions should the application be approved. These have been incorporated below.

Trees

7.21 There are trees situated to the front of the property, one of which is afforded legal protection by virtue of it being located within a conservation area and 5 of which are covered by a Tree Preservation Order. These trees will be unaffected by the proposed development. There are no objections to the scheme from the Council's Arboricultural Officer.

Highway Issues

7.22 Hutton Avenue is included within the Council's residential parking scheme. The property is less than 400 metres away from the Main Bus Priority route, which has very good transport links to the rest of the town.

7.23 The maximum parking requirements for this development would be 14 off-street parking spaces. The applicant has provided 9 off-street spaces, 1 space per apartment. This is considered acceptable due to the very good transport links at York Road and also the fact that occupiers of the proposed development could apply for visitor permits under the Council's parking scheme.

7.24 The applicant should provide 5 cycle parking spaces, which are safe, secure and covered, this can be controlled via condition.

7.25 It is considered that the development would lead to an increase in usage of the back lane due to 6 parking spaces being proposed within the rear of the application site, the Head of Traffic and Transportation does not object to this.

Other Issues

7.26 The type of occupiers is not a material planning consideration.

7.27 Concerns have been raised regarding the stress and anxiety the proposed development could have on adjacent occupiers. It is anticipated that there would be some level of disruption associated with the conversion and extension to the building however this is inevitable on any development site. Concerns have been raised relating to the timescales, hours of the construction work and dust generated by the development. It is considered that the concerns raised about construction hours and dust levels should they be realised in this case would most appropriately be addressed through nuisance legislation administered by the Public Protection Division.

7.28 A neighbour has stated that limitations should be imposed if the application is successful requiring a time limit on the completion of the build. It is considered that it would be unreasonable to impose such a condition.

7.29 In relation to the concerns raised regarding the security of the rear alley during the construction works it should be noted that the functioning of the alley gates is left to individuals in the area to open and close as necessary and is not within the control of the Council.

7.30 An objection has been received from the Hartlepool Civic Society stating that there are enough houses converted into flats and apartments in this area already and that such developments have contributed to the social decline of what was, not long ago a decent residential area. There are no objections however in policy terms to this proposal.

Conclusion

7.31 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties and in terms its relation to the existing dwellinghouse, streetscene and conservation area in general the development is considered satisfactory.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) in terms of size, colour, bonding pattern and mortar.
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 31st January 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The guttering used for this development shall match that of the existing building(s).
In the interests of visual amenity.
5. The detail of the projecting eaves brick corbel to support the guttering shall be repeated on the proposed first floor extension(s).
In the interests of visual amenity.
6. Notwithstanding the submitted plans a scheme for the location and design of the refuse storage and cycle storage shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved details prior to the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
7. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
9. 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.

10. The window (s) facing 18 Hutton Avenue shown on the approved plan as installed with obscure glass in the lower panes shall be installed before the apartment is occupied and shall thereafter be retained at all times while the window (s) exist(s).

To prevent overlooking

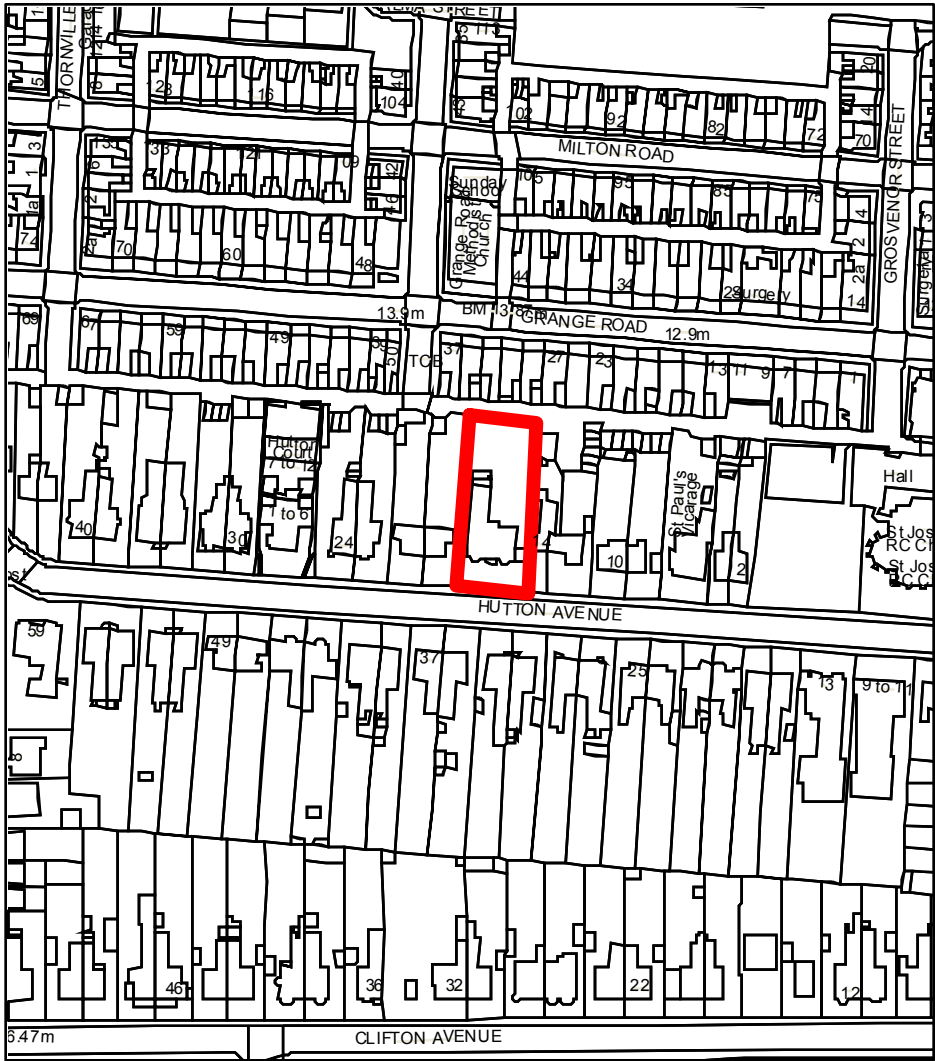
11. Notwithstanding the submitted plans final details of the electric entrance gate to the rear shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

12. Notwithstanding the submitted plans final details (including sections) for the resurfacing of the area in front of the porch 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.

16 Hutton Avenue



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0904	REV

No: 8
Number: H/2007/0908
Applicant: Housing Hartlepool Hartlepool TS24 7QS
Agent: Browne Smith Baker Morton House Morton Road
 Darlington DL1 4PT
Date valid: 11/12/2007
Development: Erection of 3, 3 bedroom terraced houses and 4, 2
 bedroom semi-detached bungalows
Location: LAND BETWEEN 29-31, 41-43 and 53-55 PINE GROVE
 HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 There are 3 sites associated with this application all lie between existing properties in Pine Grove. The sites are within a residential area and there is a mixture of bungalows, houses and some flats within the street.

8.2 The application proposes a pair of 2 bedroom semi-detached bungalows on two of the sites and the third site to accommodate 3 x 3 bedroom terraced houses. All dwellings would incorporate off street parking within the curtilage of the properties.

Publicity

8.3 The application has been advertised by way of site notices (3), neighbour letters (45). To date, there has been 1 letter of no objection, 1 letter of objection and 1 letter of comment

8.4 The concerns raised are:

- i) There is a very little parking spaces for cars
- ii) The road is very narrow and the sites in question are the only places residents can park cars

8.5 The letter of comment did support the application as the resident thinks the scheme would prevent youths climbing the back garden fence and using their property as a short cut to Jesmond Gardens.

Copy Letters E

8.6 Amended plans have been submitted which are currently being reconsulted on, the period for publicity expires prior to the Committee. Should any further representations be received after the writing of this report they will be reported accordingly.

Consultations

8.7 The following consultation replies have been received:

Traffic and Transportation - No objection

Property Services - No objection

Public Protection - No objection

Engineering Consultants – Remediation required if sites are found to be contaminated

Cleveland Police - No objection

Northumbrian Water - No objection

Planning Policy

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

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

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.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

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

range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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

Planning Considerations

8.9 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 outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance, appearance, overshadowing and privacy, the appearance of the development in the streetscene in general. Highway safety issues also need to be considered.

Local & National Guidance

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

8.11 There are no planning policy objections to this scheme as it is considered that it would provide good quality affordable housing in the North Central area.

Effects on neighbouring properties

8.12 The proposed bungalows lie between existing bungalows whilst the houses are proposed adjacent a bungalow and a house. The proposed dwellings are of a design which is modest and incorporates adequate amenity space as well as an off street parking bay for each dwelling.

8.13 In terms of separation distances there are staggers between the proposed properties and the adjacent dwellings. It should be noted that there is an alley which is proposed to be retained to the side and rear of each site, which gives additional separation from the adjacent properties. It is considered that these staggers are not detrimental to the amenities of the existing occupants of the adjacent dwellings in terms of dominance, outlook and appearance.

8.14 The dwellings comply with the requirements detailed in the adopted Hartlepool Local Plan in terms of the rear elevation facing the main rear elevations of the properties in Jesmond Gardens. Although it should be acknowledged that the front elevations do not comply with the required separation distances, however they follow the existing building line, therefore it is considered that this is acceptable.

8.15 In terms of the affect the development may have on adjacent neighbouring properties it is considered that the development is of a scale and design which would not be detrimental to the neighbouring properties in terms of overshadowing, overlooking, appearance, dominance or loss of privacy as highlighted above.

Highways

8.16 The proposed scheme allows for 1 parking space within the curtilage of each dwelling. The 2 bungalow sites have a drive length of 6metres which complies to the Councils guidelines for car parking standards, however the site which is proposed for the housing has 5 metre length drives. Although this does not comply with guidelines it is considered in this instance that due to lack of off-street parking available in the area it is acceptable. The parking proposed is considered acceptable for this scheme.

8.17 The Traffic and Transport Team do not have any objection to the scheme and are unaware of any parking problems currently experienced in Ivy Grove.

Other Issues

8.18 The agent has confirmed that the scheme will achieve Secured by Design Certification and Cleveland Police have no objection to the scheme.

Conclusion

8.19 Subject to no substantially different objections and having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties, highway considerations and in terms of the streetscene in general the development is considered satisfactory.

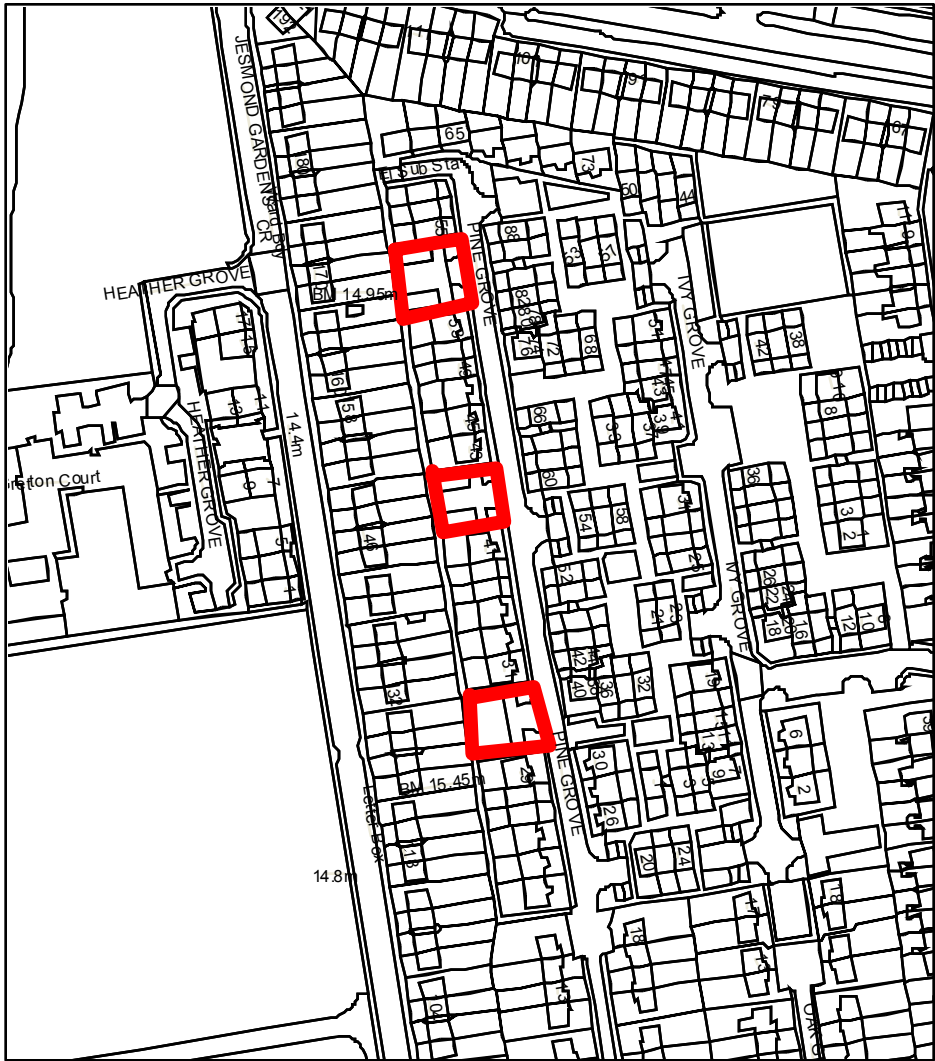
RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. 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 31st January 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The development hereby permitted shall not be commenced until: a) A desktop study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors, relevant to the site. The desktop study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if

none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. f) identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) f) during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority. To ensure that any site contamination is addressed.

5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
6. Final details of the external store(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of visual amenity.
7. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention.

Sites in Pine Grove



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0908	REV

No: 9
Number: H/2007/0860
Applicant: Mr G Wilkinson Birtex Mainsforth Terrace Hartlepool
 TS24 1AJ
Agent: Jacksonplan Limited Mr Ted Jackson 7 Amble Close
 Hartlepool TS26 0EP
Date valid: 22/11/2007
Development: Outline application for a two-storey residential/nursing
 home including new vehicular access
Location: LAND ADJACENT TO GARDNER HOUSE BRIERTON
 LANE HARTLEPOOL HARTLEPOOL

The Application and Site

9.1 The application site is located on Brierton Lane, west of the junction with Masfield Road and is a Greenfield site predominantly within the limits to development of Hartlepool, the site is currently agricultural land. To the north of the site lie residential properties on Brierton Lane, to the east Gardner House, a residential home for the elderly, south and west of the site is also agricultural land.

9.2 The application proposes that the building's footprint and car parking area would be within the limits to development whilst the access drive is outside the Urban Fence. The application is for outline consent with most of the detailed considerations reserved at this time. However means of access is to be considered at this stage.

9.3 The proposal includes the provision of 40 car parking spaces proposed to be accessed via a new vehicular entrance off Brierton Lane.

Publicity

9.4 The application has been advertised by way of neighbour letters (16), site notice and press notice. To date, there have been 2 letters of no objection and 2 letters of objection.

9.5 The concerns raised are:

- i) Impact on objectors view
- ii) Affect on children playing outside
- iii) Width of the road only being wide enough for 2 cars
- iv) Interfere with where residents can park cars
- v) During construction the amount of heavy traffic and construction workers parking cars will affect residents being able to park.
- vi) Soil and dirt that will be transferred from the site to the roads in the immediate area.

Copy letters B

The period for publicity has expired.

Consultations

9.6 The following consultation replies have been received:

Traffic and Transportation – no objection

Public Protection - no objection

Engineering Consultancy - no objection subject to a site investigation

North East Assembly - no objection would advocate use of renewable energy measures and sustainable drainage measures

Cleveland Police - no objection advises that the development should comply with secured by design principles.

Northumbrian Water - no objection

Environment Agency - no objection subject to a condition regarding a scheme for surface water drainage

Planning Policy

9.7 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 edges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

GN5: Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

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.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

Rur19: Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

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

Local & National Guidance

9.9 The North East Assembly have assessed the scheme and consider that the principle of developing a nursing home in this location is in general conformity with regional planning policy.

9.10 The developer has agreed to enter into a planning agreement to provide a substantial financial contribution of £36,000 towards the creation of 600 metres of public bridleway, and a contribution of £8400 towards woodland planting, making a total sum of £44,000.

9.11 Although the access drive into the application site is located outside the urban fence on balance it is considered that the substantial community benefit in terms of improving the green network which would be gained via the planning agreement described above would enhance the surrounding rural area rather than have a detrimental affect. Therefore the principle of the nursing home is considered acceptable.

Effect on Neighbouring Properties and the area in general

9.12 The plans do indicate the scale, layout and external appearance of the proposed two-storey nursing home however at this stage such information is provided for illustrative purposes only. These matters are reserved for future consideration in the event that the application is successful and can therefore only be viewed as illustrative to give an indication of the development. The elevations of the nursing home are large and bland, however as this is purely illustrational it is considered that this could be reconsidered at a reserved matters stage.

9.13 The plans do indicate that separation distances between the existing surrounding properties/buildings and the proposed development can be achieved.

9.14 The surrounding properties are predominantly two storey, although the application is outline and the plans illustrative it is considered prudent to impose a condition requiring the development to be limited to two storey so as not to be detrimental to the character of the area.

9.15 The site is within a predominantly residential area and adjacent to an existing residential home for elderly people (Gardner House) and as such it is considered that the erection of another nursing home would not have a detrimental affect on the character of the area or the amenities of the neighbouring residents.

Highway Considerations

9.16 The applicant has submitted a transport statement; the Council's Traffic and Transportation Team have assessed the statement and consider it covers all the main issues with regard to transport and traffic. The Traffic and Transportation team consider that the increase in the traffic generated by this development will have minimal impact on the highway network, and consider that there are no major highway implications associated with this application.

9.17 Concerns have been raised relating to soil and dust generated by the construction of the development being transferred to the road. In this instance given the site is undeveloped and near a school it is considered that there could be a build up of soil/dirt generated by the construction. Therefore it is considered appropriate to impose a condition requiring wheel-washing facilities to be implemented on site.

Other Issues

9.18 There was a concern raised that the development could restrict access to objectors off street parking; this is a civil matter beyond the remit of planning control.

9.19 A concern has been expressed regarding the need for children to have a safe place to play outside. This development is proposed on private land and would not involve the removal of any play areas or facilities. Such concerns are not therefore material in this case.

9.20 The applicant has indicated that the site will incorporate secured by design principles; this can be controlled by condition. Cleveland Police have no objection to the scheme.

Conclusion

9.21 Having regard to the policies identified in the Hartlepool Local Plan 2006 and in particular consideration of the effect on the streetscene and the town in general and in terms of highways safety the development is considered satisfactory.

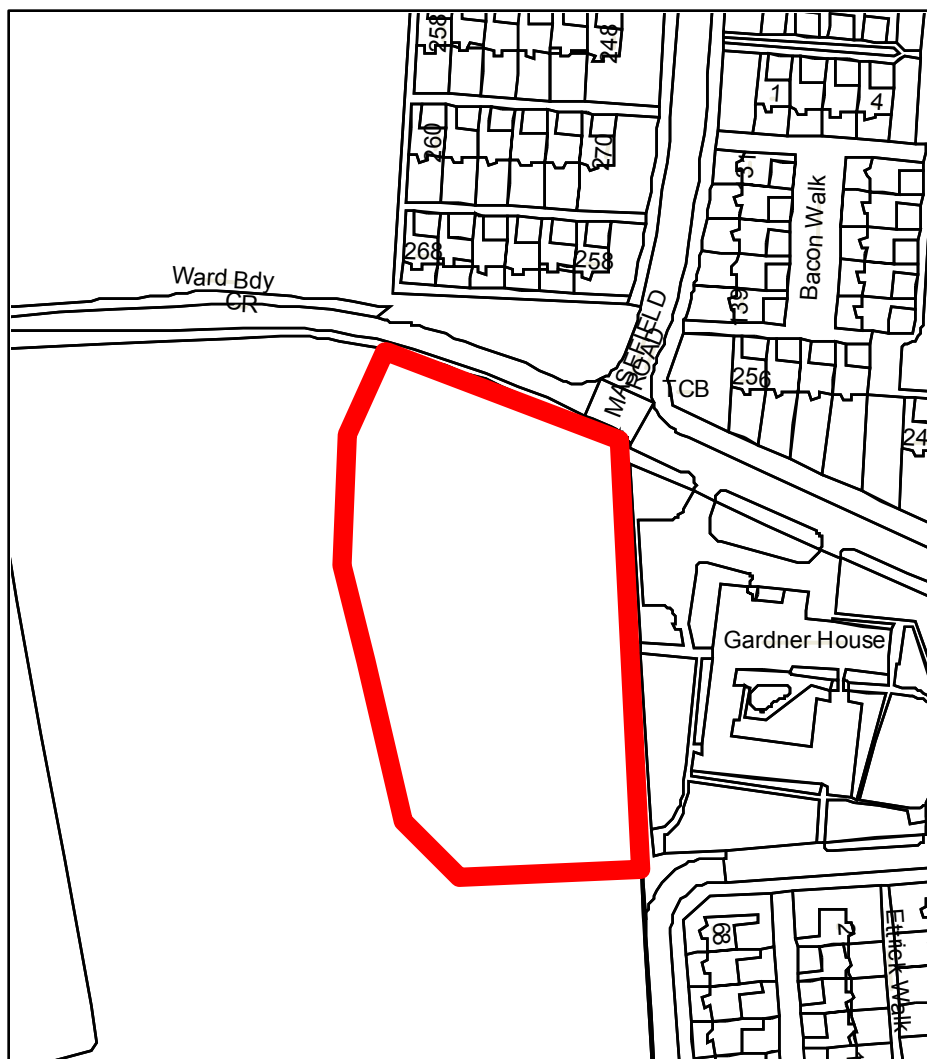
RECOMMENDATION – APPROVE subject to the completion of a legal agreement to secure a financial contribution to the community benefits described in the report and the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale, external appearance and landscaping (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been

- considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
 5. The development shall not commence until full details of the access are submitted to and approved in writing by the Local Planning Authority.
Thereafter the development shall not be brought into use until the approved access arrangements have been completed in accordance with the approved details.
In the interests of highway safety.
 6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
 7. Notwithstanding the approved plans a scheme for refuse and cycle storage 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.
In the interests of visual amenity.
 8. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interest of crime prevention.
 9. The proposed building shall not exceed 2 storeys in height.
In the interests of visual amenity.
 10. 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 approved details and timetable agreed.
To prevent the increase risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
 11. A scheme to incorporate energy efficiency measures and embedded renewable energy generation 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 details indicating existing and proposed levels, including finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall conform with the approved details.
In the interests of visual amenity.
 14. Prior to the commencement of works on site a scheme detailing a wheel washing facility for use during the construction period shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the

approved scheme shall be used during the construction period, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of amenity.

Land adjacent to Gardner House



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2007/0860	REV

No: 10
Number: H/2008/0031
Applicant: MANOR RESIDENTS ASSOCIATION KILMARNOCK
 ROAD HARTLEPOOL TS25 3NX
Agent: Mr Ron Calvert Oak Lodge Brierton Lane Billingham
 TS22 5PP
Date valid: 15/01/2008
Development: Erection of a single storey extension to provide crèche
 and entrance lobby
Location: MANOR RESIDENTS ASSOCIATION KILMARNOCK
 ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

10.1 The application site is the Manor Residents Association building located at the junction of Owton Manor Lane and Kilmarnock Road.

10.2 Neighbouring properties include housing to the north and east with a shopping parade to the west and St Patrick's Church and Grange Primary School to the south.

10.3 The property which is a typical early 1970's flat roofed building, has some parking on Kilmarnock Road and an enclosed area to the front with walls and railings.

10.4 The proposal involves the erection of a single storey extension to the front of the building to provide a crèche and new entrance lobby.

10.5 The extension which measures 16.7m by 5.2m has been designed to match the existing style and scale of the building.

Publicity

10.6 The application has been advertised by way of neighbour letters (11) and a site notice. To date, there have been 2 letters of objection.

The objections revolve around:-

- i) there will be an increase in traffic
- ii) opening times
- iii) noise and disturbance

Copy Letters G

The period for publicity has expired before the meeting.

Consultations

10.7 The following consultation replies have been received:

Public Protection – Awaited but informally no objections.

Traffic & Transport – no objection

Property Services – Awaited

Police - Awaited

Planning Policy

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

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 edges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

Planning Considerations

10.9 The main considerations in this case 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.

10.10 The building, which was originally a childrens day nursery, has been used for the provision of community facilities since 2001 when Manor Residents Association moved into the vacant building.

10.11 It is located in a mixed use area, close to the local shopping parade, schools and church and on main bus routes.

10.12 The extension, which will provide a new entrance lobby and a replacement crèche of 67 sqm, is considered to be appropriate in terms of policy. The site already has a crèche facility at present, the proposed development being part of a scheme to reorganise facilities within the building.

10.13 The extension has been designed and sited to have minimal impact on neighbouring properties and the street scene in terms of visual amenity.

10.14 Whilst concerns have been raised regarding noise and disturbance, it is unlikely that this modest extension would significantly affect noise levels in the immediate area.

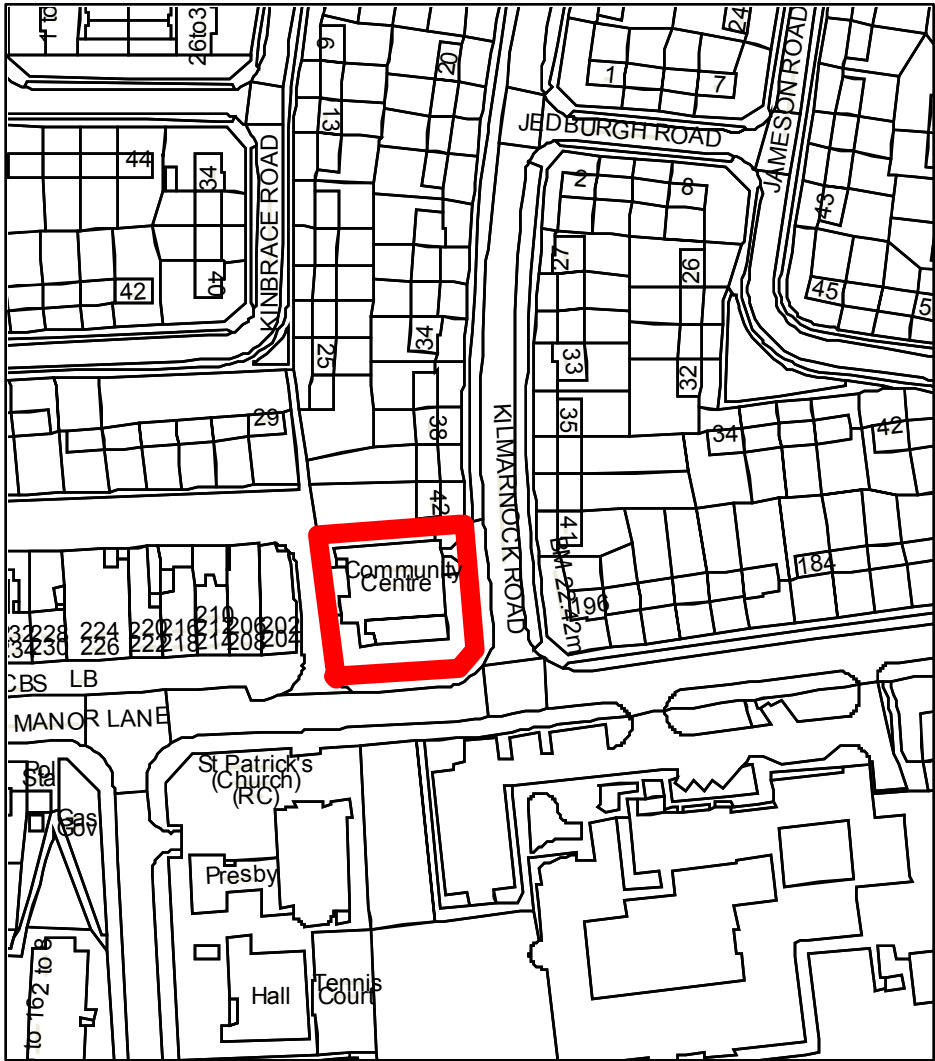
10.15 Although no additional parking spaces are available for the building, the Highway Engineer has not raised any objections to the proposal. As previously mentioned, the building is located in a busy area and is well served by public transport. Further, the Owton Manor Residents Association provides services and facilities for the local community.

10.16 In view of the above, it is unlikely that an objection could be sustained to this proposal.

RECOMMENDATION – APPROVE subject to the following conditions

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

Former Nursery, Kilarnock Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0031	REV

No: 11
Number: H/2007/0914
Applicant: Housing Hartlepool Stranton Hartlepool TS24
Agent: Browne Smith Baker Morton House Morton Road
 Darlington DL1 4PT
Date valid: 18/12/2007
Development: Erection of 3, 4 bedroom houses and 1 bungalow for a disabled person
Location: LAND IN IVY GROVE HARTLEPOOL HARTLEPOOL

The Application and Site

11.1 The application site is at the end of a road leading off the main Ivy Grove road and comprises an area which is currently a garage court (4 garages) and concrete and tarmac areas. The site is within a residential area and is a mixture of houses, bungalows and some flats.

11.2 The application proposes the demolition of the existing garage block and the erection of a bungalow suitable to accommodate a wheelchair user. The area which is currently hardstanding is proposed to accommodate 3 four bedroom two storey houses. The proposed dwellings would have one parking space within their curtilage and 2 parking bays are provided for general use.

Publicity

11.3 The application has been advertised by way of site notice, neighbour letters (26). To date, there have been 3 letters of no objection, 2 letters of comment and 3 letters of objection.

The comments raised are:

1. Are they knocking the garages down to put houses on
2. Access into rear gardens creates an alley, which could be used to access the rear gardens of Lime Crescent. This problem arose on Bakers Mead with rear gated alleys.

The concerns raised by the objectors are:

1. Housing Hartlepool should have informed residents that they would be losing garages for a bungalow
2. There are current parking problems
3. They have demolished hundreds of houses and could build new houses on vacant land
4. Unfair on tenants to lose garages whilst new houses have their own off street parking
5. Why not just build houses and not the bungalow
6. Loss of garages and off road parking spaces, where will the existing residents park?

Copy Letters D

11.4 Amended plans have been received which detail the position of the bungalow altering by 2metres. Due to the reconsultation of 2 neighbours (w hich the proposed bungalow would become closer to) the period for publicity has not yet expired how ever expires prior to the Committee. Should any further representations be received after the writing of this report they w ill be reported accordingly.

Consultations

11.5 The follow ing consultation replies have been received:

Public Protection - no objection

Property Services - no objection

Engineering Consultancy - no objection, a site investigation is required.

Cleveland Police - no objection

Traffic and Transportation - no objection

Northumbrian Water - Aw aiting for mal response, how ever informal comments suggest no objection w ith a condition could be attached to any approval regarding alterations to Northumbrian Waters apparatus.

Planning Policy

11.6 The follow ing 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 w ithin the limits to development and outside the green w edges. The policy also highlights the w ide range of matters w hich w ill be taken into account including appearance and relationship w ith surroundings, effects on amenity, highw ay safety, car parking, infrastructure, flood risk, trees, landscape features, w ildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

GEP3: States that in considering applications, regard w ill 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.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

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

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

Planning Considerations

11.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance, appearance, overshadowing and privacy, the appearance of the development in the streetscene in general. Highway safety and drainage issues also need to be considered.

Local & National Guidance

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

Effects on neighbouring properties

11.9 The 3 houses which are proposed on the vacant land adjacent to 2 bungalows in Ivy Grove are of a design which is modest and incorporates adequate amenity spaced as well as an off street parking bay for each dwelling.

11.10 In terms of separation distances although there is a stagger of 4.5m and 1.8m between the rear of the proposed houses and the adjacent existing bungalows it is considered that there is sufficient distance between the properties, 4.8m and 2.1m

respectively to ensure that this would not be detrimental to the occupiers of the bungalows in terms of dominance, outlook and appearance. The houses comply with the separation distances detailed in the adopted Hartlepool Local Plan in terms of the rear elevation facing the main rear elevations of the properties in Lime Crescent. Although it should be acknowledged that there is a 2 storey rear extension, which would be approximately 18m from the rear of one of the proposed houses, however this extension is not directly in line with the proposed house.

11.11 A bungalow to accommodate wheelchair users is proposed on the site of the garage court. The bungalow provides a bedroom within the roofspace and provides a car port within the curtilage.

11.12 In terms of separation distances the bungalow would be 16.6metres away from the front elevations of properties in Ivy Grove. Although this is less than the advised distances in the adopted Hartlepool Local Plan it is considered that given the property is a bungalow and the windows which would look onto the neighbouring properties are bedrooms and a bathroom it is considered acceptable in this instance. Furthermore there would be a screen fence separating the properties. Final details of the position of the velux window serving the upper floor bedroom could be agreed by condition in the interests of privacy.

11.13 In terms of the affect the development may have on adjacent neighbouring properties it is considered that the development is of a scale and design which would not be detrimental to the neighbouring properties in terms of overshadowing, overlooking, appearance, dominance or loss of privacy as highlighted above.

Highways

11.14 The proposed scheme details the provision of 1 parking space within the curtilage of each dwelling and the creation of 2 off street parking bays. The parking proposed is considered acceptable for this scheme.

11.15 Housing Hartlepool can demolish the garages at any time without the need for planning permission therefore it would be difficult to sustain an objection for the loss of the garages. The application does detail the creation of 2 parking bays to compensate for the loss of the parking area. The Traffic and Transport Team do not have any objection to the scheme.

11.16 The Traffic and Transportation Team are unaware of any parking problems currently experienced in Ivy Grove.

Drainage

11.17 Northumbrian Water have confirmed that the development is within the zone of influence of their apparatus as there is a pipe, which runs underneath the area where the terraced properties are proposed. However Northumbrian Water have indicated that they consider the development could still proceed subject to a condition requiring the developer to comply with the requirements of Northumbrian Water regarding alterations to the public sewer. A formal response is awaited which is

anticipated in advance of the committee and a condition could be attached accordingly.

Other Issues

11.18 Concerns have been raised regarding the alley to the rear of the proposed houses could be used to access gardens of Lime Crescent. The agent has confirmed that the scheme will achieve Secured by Design Certification and Cleveland Police have no objection to the scheme.

11.19 With regard to the concern raised that Housing Hartlepool have demolished hundreds of houses and could build new houses on vacant land, the Local Planning Authority must consider the scheme which has been submitted and in this instance the scheme is considered acceptable in terms of material planning consideration.

Conclusion

11.20 Subject to no substantially different objections and on the basis that Northumbrian Water have no objection to the scheme and having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties, highway and drainage considerations and in terms of the streetscene in general the development is considered satisfactory.

RECOMMENDATION – APPROVE subject to the following conditions and to no objections being received from Northumbrian Water or as a result of the outstanding public consultation exercise.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d)

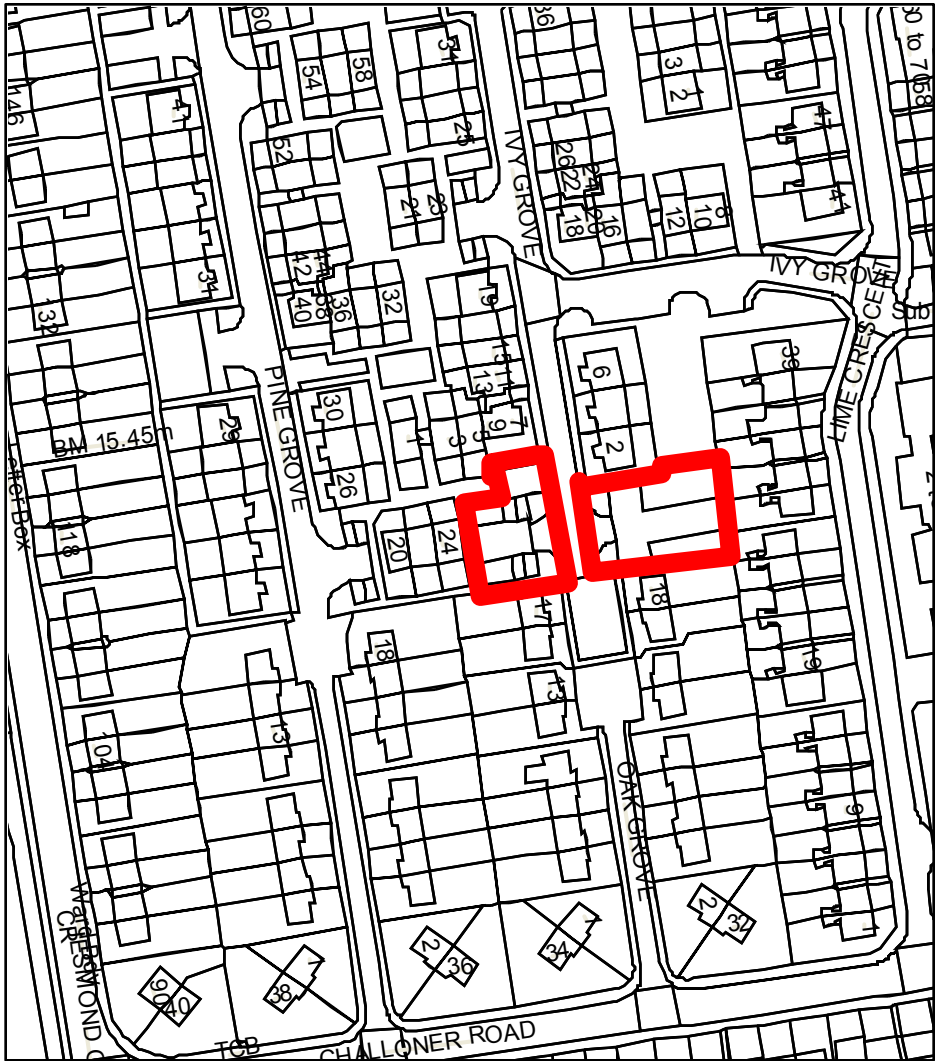
The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22nd January, 31st January and 6th February 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
5. Before the development commences the approved parking bays adjacent the hereby approved bungalow shall be provided in accordance with the approved details.
In the interests of highway safety.
6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
7. Final details of the external store(s) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be provided in accordance with the approved details.
In the interests of visual amenity.
8. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
10. A landscape management plan including management responsibilities and maintenance schedules for the landscape area adjacent the landscape area adjacent the parking spaces which are not within the curtilage of the hereby approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority before any of the dwellings are occupied. Thereafter the landscape management plan shall be carried out as approved.
In the interests of visual amenity.
11. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.

12. 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.
13. The proposed gable window serving bedroom 1 as detailed on the approved plan for the bungalow shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window exists.
To ensure the site is developed in a satisfactory manner.
14. Notwithstanding the submitted plans the final location of the proposed velux rooflight shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
To ensure the site is developed in a satisfactory manner.

Land in Ivy Grove



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0914	REV

No: 12
Number: H/2007/0862
Applicant: Mr Thomas Rayner 15 Greenbank Court Hartlepool TS26 0HH
Agent: Eldon Grove Tennis Club Mr Thomas Rayner 15 Greenbank Court Hartlepool TS26 0HH
Date valid: 21/11/2007
Development: Erection of a building to house 2 indoor tennis courts, siting of a changing room/toilet portakabin, alterations to car park and provision of security fencing
Location: ELDON GROVE SPORTS CENTRE ELDON GROVE HARTLEPOOL HARTLEPOOL

The Application and Site

12.1 The application site is a vacant sports centre, which is currently, accessed via Eldon Grove, there are existing outdoor tennis courts within the application site, which are proposed to be resurfaced. The application proposes to demolish the existing sports centre and erect a tennis facility with associated fencing.

12.2 The proposed building would be steel framed with plastic coated cladding. The proposal also includes the installation of a porta cabin to house changing facilities.

12.3 The application proposes to retain the front boundary of the site, whilst widening the existing entrance. The proposal includes the provision of 11 parking spaces, which include 2 disabled parking spaces within the existing car park.

Publicity

12.4 The application has been advertised by way of a press notice, site notice (2), neighbour letters (36). To date, there have been 3 letters of no objection, 5 letters of objection and a 1 petition of objection with 5 signatures.

12.5 The concerns raised are:

1. The proposed building is akin to a very large warehouse, is totally out of keeping with a residential area
2. Why build a place of that size there, when there are several similar buildings which are empty dotted around the town's trading estates
3. Quality of life will be affected i.e. loss of day/sunlight
4. Not happy that a community sports and social centre is to be demolished and replaced by a private club
5. The tennis club should alter their existing land over the road
6. The plans are different to the ones which were given to residents
7. The loss of car parking places, which will add to the congestion already taking place at school times
8. Potential danger to the children in the adjacent school during demolition and subsequent construction on site

9. Building proposed will be an eyesore
10. The caretakers home is within very close proximity to the school. There are concerns regarding living on a building site and concerns regarding being central to the proposed activities
11. Hours of use
12. Floodlighting is unacceptable
13. Noise nuisance
14. Traffic concerns
15. Building is out of character
16. Although the agent has stated it will be similar to the facility in Ripon, that centre is not within a residential area
17. This should be built on the outside of the town or in a trading estate, not in the middle of a housing estate
18. Parking is a serious problem, the volume of traffic in the Grove is dangerous at certain times of the day, any activity which would increase the traffic problem should be refused
19. Siting of a porta kabin is unsuitable in a residential area
20. Regarding the size of the building and its proximity to residential properties
21. The height of the proposed building is approximately twice that of the original sports centre
22. Floodlighting would be intrusive to privacy and would cause environmental pollution
23. Access problems regarding the maintenance strip between the proposed building and boundary with properties on Belmont Gardens
24. Emergency access will be restricted by the development to properties on Belmont Gardens
25. Regarding impact on quality of life
26. The loss of the existing centre would mean a loss of amenities to the area
27. The construction materials do not blend with a residential area with Victoria style properties
28. The fencing is allotment standard and unsuitable and out of character with the rest of the Grove
29. A tented structure of this size may generate significant random windage effects on the adjacent playground/gardens and may represent a personal hazard
30. The site is too small to accommodate a structure of this size
31. In isolation this proposal is unacceptable however when considered with recently approved planning applications, the loss of trees and front gardens to 2 properties opposite the site it amounts to a destruction of the amenities of the Grove, worthy of independent review
32. Regarding access to objectors boundary wall
33. Objectors property bounds the site and the current fence does not prevent balls striking his property
34. Current problems in terms of noise associated with tennis courts

Copy letters H

The period for publicity has expired.

Consultations

12.6 The following consultation replies have been received:

Engineering Consultants - No comment

Traffic and Transportation - No objection

Property Service - No objection as the Council has obtained Cabinet approval to lease the land to this applicant

Public Protection - No objection subject to an hours restriction on the use to no later than 21:00hrs

Community Services - Awaiting comments

Northumbrian Water - No objection

Cleveland Police - No objection however has concerns about the proposed location of the cycle storage

Planning Policy

12.7 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.

Planning Considerations

12.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance, appearance,

overshadowing and privacy, the appearance of the development in the streetscene in general. Highway safety issues also need to be considered.

Affect on Neighbouring Properties and Surrounding Area

12.9 The site has previously been in use as a sports and leisure facility and the indoor courts will provide a valuable all weather tennis facility. However concerns have been raised regarding the scale and visual impact of the main structure on what is a predominately residential area.

12.10 The proposed building for the 2 indoor tennis courts is large being 37m in length and 34m in width. The structure has a pitched roof which is 4.93m to the eaves and 10.95m to the ridge. The existing sports centre proposed for demolition is by comparison some 5.8m in height.

12.11 The proposed structure is 2metres from the rear boundary of properties on Belmont Gardens, however does comply with the separation distances contained within the adopted Hartlepool local Plan 2006. The design of the structure is large and not residential in character, however is of a functional design similar to others of its type elsewhere within the country. The scale and design of the building remains under consideration by Council officers and will be covered in an update report.

12.12 The proposed porta cabin is relatively small some 3m in width, 10m in length and 2.9m in height (flat roof), the agent has indicated that this building is a short term measure until funding is available to erect a permanent brick building.

12.13 It should be noted that no floodlighting is proposed with this application. In terms of noise and disturbance the Head of Public Protection has no objection to the scheme subject to usage of the tennis courts to be no later than 9pm. This can be controlled by condition.

12.14 The fencing within the site is proposed to be similar to the school boundary at a height of 2.4metres and is considered to be acceptable for the proposed use of the site and not detrimental to the amenities of the neighbouring residents or the streetscene in general. A condition for final details can be conditioned should the application be approved.

12.15 There are mature trees along the front of this site, adjoining Eldon Grove. The most significant of these is a semi-mature Ash tree in the corner adjacent to Eldon Grove Primary School.

12.16 Collectively the trees form an attractive feature along the front of the sports centre. There are no plans to remove any trees along the frontage of the site, however should the application be approved it is considered that additional trees would be welcomed along the front to offset the domineering presence of the new building.

Highways

12.17 The scheme proposes 11 parking spaces, including 2 disabled parking spaces within the existing car park and the widening of the access to that car park to allow two vehicles to pass one another. It is also proposed to relocate the footpath. It is considered that the proposed use as tennis courts will generate less vehicle movements than the previous use as a sports hall, therefore the level of car parking proposed and the widening of the access is considered acceptable. The Head of Traffic and Transportation has no objection to the scheme and is satisfied in terms of access arrangements for emergency vehicles.

Other Issues

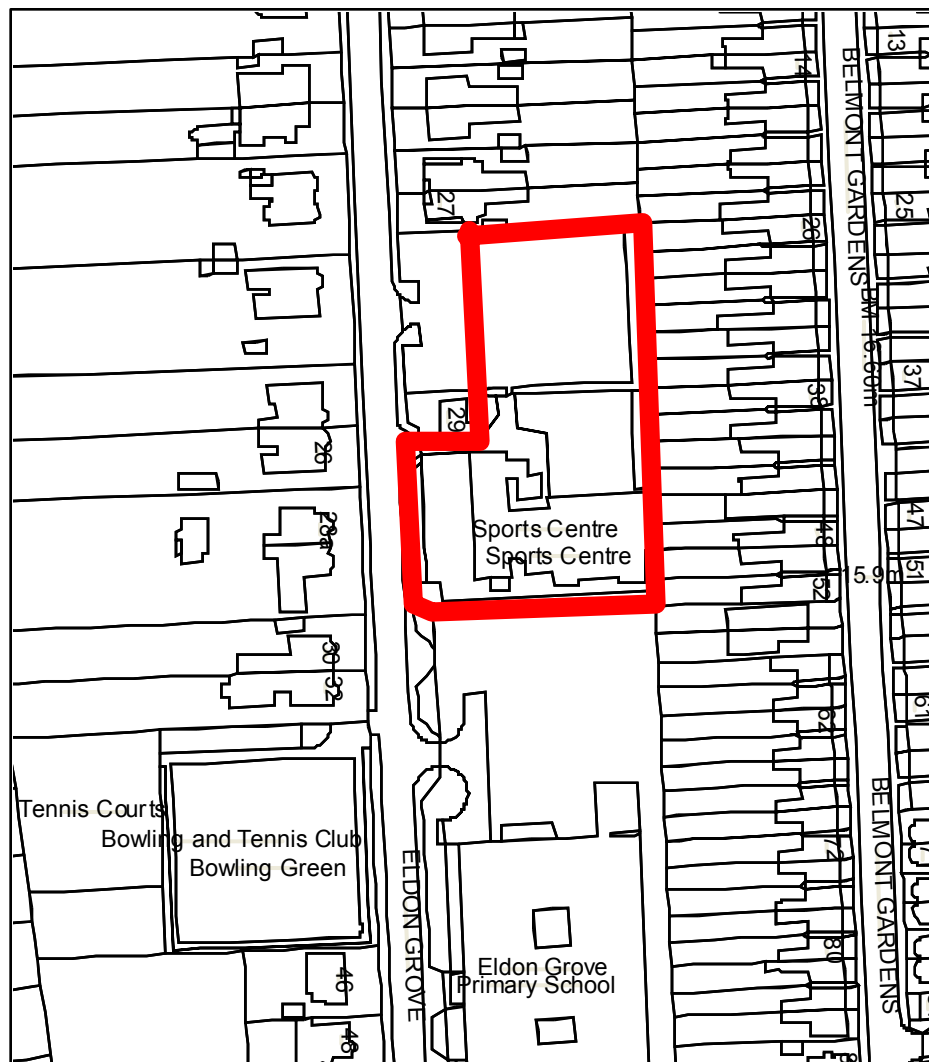
12.18 In terms security Cleveland Police have no objection to the scheme, however do have concerns regarding the location of the proposed cycle storage which is proposed to be located between the rear of the tennis centre and the boundary with Belmont Gardens. Concerns are raised as this location would have poor natural surveillance and has the potential to be misused. It is considered that security measures and the final location and design of the cycle storage could be subject to conditions should the application be approved.

12.19 In terms of the potential danger during demolition, an approved contractor would carry this out and where applicable e.g. the areas, which are adjacent to neighbouring properties, would undertake work by hand to a safe level before completing by machinery.

12.20 As there are issues outstanding in terms of clarification regarding the size of the centre and if the facility would be relevant to the Sports and Recreation Strategy an update report will be prepared prior to the Committee.

RECOMMENDATION – UPDATE to follow

Eldon Grove



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/02/08
	SCALE 1:1,200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0862	REV

No: 5
Number: H/2006/0621
Applicant: R Newcomb And Sons C/O Agents
Agent: Blackett Hart & Pratt Westgate House Faverdale
Darlington
Date valid: 08/08/2006
Development: Reclamation of land and remodelling of landform via infill and tipping of inert construction and demolition waste (continuation of use) to provide recreational events arena facility (AMENDED PLANS RECEIVED)
Location: LAND ON THE WEST SIDE OF CORONATION DRIVE
HARTLEPOOL

Update report

Further publicity

For clarification the publicity period expires after the meeting to provide the opportunity for one householder who was overlooked at the time of the original consultation to comment on the scheme. In the event that any objections to the scheme are received that raise different issues to those already considered the application would be returned to the next meeting of the planning committee for further consideration.

Further considerations

The Police have confirmed that they raise no objection to the development. The chances of metal being deposited on the site, that might otherwise be a target for crime, is considered to be low given its commercial potential as a recycled product. They consider that previous incidences of cable theft reported likely to have been associated with the railway rather than this site. They recommend a boundary fence for both security and safety reasons.

Further consideration has been given to site security. At present there are a combination of fence designs around the site boundary. These comprise chainlink security fencing to the western boundary adjacent to the railway line, wooden post and wire fencing along the southern and eastern boundaries and palisade fencing along the northern boundary. The southern and eastern boundaries of the site are visually prominent and therefore any enhancement of the fencing in these locations is likely to appear obtrusive. It should be noted that the applicant proposes to maintain a security presence on site overnight during the period of the landfill operation and also taking into the account the inert nature of the material that is to be brought there is not considered to be a justification to alter the current boundary fencing arrangements.

Furthermore once the landform has been reclaimed it is envisaged that it will blend in both visually and functionally, as an area of informal recreation, with the adjacent reclaimed landfill site. It would therefore seem to be illogical to separate these areas in the longer term.

Completion and long term maintenance of the site

Clarification has been received from the applicant regarding the anticipated time scale for the restoration of the site. The applicant envisages a timescale of some 12-18 months to complete filling the void, a further 12 months to top soil, install drainage and landscape followed by a 12 month settlement period. These timescales would be subject to the developer first being able to gain from the Environment Agency the requisite permit or agreement of exemption from licensing. From a visual amenity point of view it would be preferable for the restoration and aftercare works to be completed on a phased basis. This can be secured by an appropriate condition.

The proposed restoration of the site and its implications for long term maintenance requirements have been discussed with officers of the Council's Neighbourhood Services, Community Services and Property Services divisions. It is considered that the site, once restored, will effectively serve as an enlargement of the existing grassland on the west side of Coronation Drive thereby requiring a relatively straightforward treatment. The proposed event arenas are likely to be used only infrequently and once seeded are therefore unlikely to require regular maintenance. This is likely to consist of the grass being cut twice a year.

In addition to this occasional maintenance works to the footpath will be required. Notwithstanding the submitted details it is considered that a condition should be imposed requiring the route and specification of the proposed footpath through the site to be agreed.

There is concern that if the parking area is finished as hardstanding this could become a focus for anti-social behaviour especially if the site is used only on an infrequent basis. It is considered preferable therefore that the site's grading should provide a flat area adjacent to the site access which can be used for car parking when needed in association with events and subject to cutting as required.

Discussions over the costs of maintaining the site over a 10 year period taking into account the above considerations are currently being finalised. The Committee will be updated on this matter.

Site drainage

The drainage proposals for the site remain under consideration however it is considered that this could reasonably be the subject of a planning condition.

Recommendation – Approve subject to a planning agreement requiring a commuted sum towards the maintenance of the arena areas, footpath and parking area for the next 10 years and to the following conditions :-

1. Unless otherwise agreed in writing with the Local Planning Authority and subject to the following conditions the development hereby permitted shall cease and all restoration and aftercare works detailed within the planning

application supporting statement - October 2007 shall be completed on or before 20 February 2012. The site shall by this time have been cleared of all plant, machinery, and any other structures used in the operations. The granting of a longer permission could unnecessarily inhibit the restoration of the site to the detriment of local amenities.

2. The site shall be used only for the deposit of non-putrescible, non-hazardous construction waste and no noxious sludge, chemicals or toxic forms of waste shall be deposited thereon.
For the avoidance of doubt.
3. The deposit of waste shall cease at a height whereby the subsequent spreading of capping material and soil will result in the finished contours as indicated in the revised restoration scheme approved under drawings NTO3400/Figure 6d, NTO3400/Figure 8c, NTO3400/Figure 9c, NTO3400/Figure 10c and NTO3400/Figure 11c
To ensure the satisfactory restoration of the site.
4. Prior to the commencement of development a scheme detailing dust suppression measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be implemented to the satisfaction of the Local Planning Authority and retained during the operational life of the site.
In the interests of the amenities of the area
5. Except with the previous written consent of the Local Planning Authority, the operations authorised by this permission shall only be carried out between the hours of 0700 to 1800 hours Mondays to Fridays, 0700 to 1200 hours on Saturdays and on no time on Sundays or Bank Holidays.
In the interest of the amenities of the area.
6. Unless otherwise agreed in writing with the Local Planning Authority notwithstanding the submitted details a comprehensive scheme for handling foul sewage and surface water generated as a result of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved details shall be implemented in accordance with a timescale to be previously agreed by the Local Planning Authority prior to the commencement of development.
To ensure that proper means are provided for the disposal of foul sewage and surface water and to protect the integrity of the railway.
7. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development details of all boundary fencing and site security arrangements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all approved works shall be fully implemented prior to the commencement of any infilling works unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity and site security

8. A detailed scheme for landscaping and tree and shrub planting shall be submitted to, and approved by, the Local Planning Authority before the development hereby approved is commenced. The scheme must specify types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented to the satisfaction of the Local Planning Authority upon completion of the development.
In the interests of visual amenity.
9. Any trees or shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
10. Any restored area within the application site which is affected by surface ponding or by local settlement shall be infilled and regraded to an even contour as required by the restoration scheme or, with the prior approval of the Local Planning Authority, be rectified by additional drainage works.
In the interests of visual amenity and the maintenance of the site.
11. Prior to the commencement of development, details of all storage arrangements for all imported material shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the areas for storage, maximum storage heights and the duration of proposed storage. Thereafter no material shall be kept on site outside the agreed limitations on height, area or period of storage.
In the interests of visual amenity.
12. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development hereby approved, a scheme to provide for the monitoring and treatment of any landfill gas arising from the development shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the approved scheme shall be fully implemented throughout the life of the development and for a period of two years following the completion of landfill activities, unless otherwise agreed in writing with the Local Planning Authority.
To prevent pollution of the local water environment through the uncontrolled discharge of any landfill gas.
13. Unless otherwise agreed in writing with the Local Planning Authority no material shall be tipped within 5 metres of the railway boundary and the restored tip shall rise at a slope of no more than 1 vertical to 3 horizontal from the 5 metre stand-off.
In the interests of railway safety.
14. A wheel washing facility in a location and in accordance with details to be first submitted to and approved in writing by the Local Planning Authority shall be provided on site before the use hereby approved commences, unless otherwise

agreed in writing by the Local Planning Authority. Thereafter the wheel washing facility shall be retained operational during the life of the development and shall be available for use at all times.

To prevent waste material being carried onto the highway.

15. Unless otherwise agreed in writing with the Local Planning Authority the development shall progress in full accordance with the proposed phasing plan NTO3400/Figure 3. The site shall be progressively restored and subject to aftercare measures as each phase of the development is completed in accordance with details to be previously agreed in writing with the Local Planning Authority.
In the interests of the amenities of the area
16. Slope gradients on the site shall at no time exceed those proposed on sectional drawings NTO3400/Figure 8c, NTO3400/Figure 9c, NTO3400/Figure 10c and NTO3400/Figure 11c
In the interests of slope stability
17. Notwithstanding the submitted details, unless otherwise agreed in writing with the Local Planning Authority final details of screen bunding to the south and eastern boundaries of the site shall be submitted to and agreed by the Local Planning Authority prior to the commencement of development. The agreed details shall be implemented in accordance with a timescale to be agreed prior to the commencement of development.
18. There shall be no incineration or burning of waste materials on site.
In the interests of the amenities of the area.
19. Notwithstanding the proposed restoration scheme shown on plan NTO3400/Figure 6d final details of the specification and route for the footpath through the site shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. Unless otherwise agreed in writing with the Local Planning Authority, the approved footpath shall thereafter be implemented by 20 February 2012 .
In the interests of residential amenity.
20. Notwithstanding the proposed restoration scheme shown on plan NTO3400/Figure 6d final details of the specification for the proposed car park shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. Unless otherwise agreed in writing with the Local Planning Authority, the approved car park shall thereafter be implemented by 20 February 2012.
In the interests of residential amenity
21. If in the opinion of Local Planning Authority the working should become abandoned or the operations hereby approved should cease for a period of 6 months, the site shall be restored by the operator in accordance with an agreed restoration scheme or any other such scheme as may be submitted to and agreed in writing with the Local Planning Authority.
To ensure satisfactory restoration of the site in the interests of visual amenity

22. Prior to the development being commenced a detailed aftercare programme including species of planting and timescale for implementation shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of securing the aftercare of the site.

No: 6
Number: H/2007/0757
Applicant: Heerema Hartlepool Greenland Road Hartlepool TS24 0RQ
Agent: Heerema Hartlepool Greenland Road Hartlepool TS24 0RQ
Date valid: 15/11/2007
Development: Erection of 2 new buildings, one for cutting and preparing steel plate and sections and the other for a blast and paint facility and associated car parking
Location: HEEREMA FABRICATION GREENLAND ROAD
 HARTLEPOOL HARTLEPOOL

UPDATE

Supporting letter from applicant

The applicant has provided a letter outlining the economic justification for the proposed development. The facilities are intended to give greater capacity and remove bottlenecks in the current production capability which will provide greater continuity of work to personnel. A copy of this letter is attached to the report.

Outstanding Consultations

1. The Environment Agency objects to the scheme at the present time on the basis that it considers that further work is required to justify the proposed means of dealing with foul drainage via non-mains drainage methods.
2. With regard to flood risk the Environment Agency recommends conditions with regard to finished floor levels, raising flood sensitive equipment, surface water run-off limitation, flood warning notices, safe access and egress and a flood evacuation plan.
3. The Highway Engineer considers that the development would have an impact on the highway network when the site is operating at full capacity. He considers that it would be beneficial to put in place a travel plan.
4. There is an outstanding consultation with the car wash company located off the Powlett Road roundabout. Any comments received in the meantime will be reported to the Committee.
5. There have been no comments received from the Tees Valley J.S.U. or Headland Town Council.

In view of the above and taking into account the considerations in the main report, approval would be recommended subject to a satisfactory solution being found for foul drainage and therefore the lifting of the EA's objection and to no other objections being received.

Recommendation

It is therefore recommended that power be granted to the Assistant Director (Planning and Economic Development) to finally determine this application under the Council's scheme of delegation subject to the lifting of the Environment Agency's objection, to any conditions it would wish to impose in the interests of environmental protection and flood control, to no objection being received from the car wash operator and to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
3. 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.
4. The development being approved shall not be brought into use until the extended parking area hereby approved has been implemented.
In the interests of highway safety.
5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
6. No material or articles shall be deposited or stacked outside the building(s) except in areas and at stacking heights to be first agreed in writing with the Local Planning Authority. In the interests of visual amenity
7. 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.

8. Unless otherwise agreed in writing with the Local Planning Authority the buildings hereby approved shall be removed from the site and the land restored to its former condition on or before 20 February 2020 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.
The buildings are considered unsuitable for permanent retention on the site given its relationship to the phasing of the Victoria harbour Masterplan.
9. With the exception of the proposed doors to the eastern elevation of the buildings, and notwithstanding the provisions of the 1995 Town and Country Planning (General Permitted Development) Order there shall be no other doors windows or openings added to the building unless otherwise agreed in writing with the Local Planning Authority.
In the interest of containing noise emissions from the development.
10. All cutting, preparation, blasting, painting and fabrication work and use of plant shall take place within the buildings unless otherwise agreed in writing by the local planning authority.
In the interests of residential amenity
11. All the doors to the buildings shall be kept shut at all times during which industrial processes are being undertaken within the building
In the interests of residential amenity
12. Unless otherwise agreed in writing with the Local Planning Authority no activity shall be carried out on the site between the hours of 8:00pm and 7:00am unless the level of noise measured at points x, y and z as marked on the plan ..., by a sound level meter conforming to class 1 (precision grade) as specified by IEC 61672. with a response setting of fast, does not exceed:-

 x 37 db LAeq 5 min/47 DLA max
 y 39 db LAeq 5 min/49 DLA max
 z 42 db LAeq 5 min/52 DLA max

 In the interests of residential amenity
13. Any piling undertaken on the site associated with construction of the buildings hereby approved must only take place between the hours of 8:00am and 6:00pm. Monday to Friday. 8:00am to 1:00pm on a Saturday and at no time on a Sunday or Bank Holiday.
In the interests of residential amenity
14. Prior to the development hereby approved being brought into use cycle parking provision shall be implemented in accordance with a scheme to be previously agreed in writing with the Local Planning Authority.
In the interests of residential amenity

15. Prior to the development hereby approved being commenced a travel plan including timescale for implementation shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of encouraging access to the site by means other than the car.
16. Unless otherwise agreed in writing with the Local Planning Authority no clearance or construction works shall be commenced during the period March-July unless a survey demonstrating that no breeding birds are present on the site has been undertaken.
In the interests of nature conservation,.



Peter Scott
Director of Regeneration and Planning
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Heerema Hartlepool LTD.
Member of Heerema Fabrication Group

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England

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Fax: +44 [0]1642 - 340 208
www.heerema.com

Registration No. 1287666
VAT number: 360 56 38 54

Date 15th February 2008
Copy to
Our ref. WGF/MB L/HH/HBC/GEN/004
Your ref.
Subject ECONOMIC JUSTIFICATION FOR NEW FABRICATION
FACILITIES AT GREENLAND ROAD

Dear Peter,

During the course of a number of discussions with yourself, Stuart Green, and Roy Merrett, we have been asked to provide an economic justification for the proposed new fabrication facilities at our Greenland Road site. The justifications are both general and specific as listed below.

General Improvement in Ability to Handle Volume of Workload

The proposed new fabrication facilities at Greenland Road will give greater capacity and remove bottlenecks in our current production capability. This will result in an ability to provide greater continuity of work to our shop floor personnel than we would otherwise be able to provide. We estimate that approximately 50 shop floor personnel will be continuously employed where these are currently intermittent.

Specific Project

Specifically we are hoping to win sub-contracts from the forthcoming Aircraft Carrier contracts for the Royal Navy. This contract would provide continuous employment for up to 100 people for up to four years, depending on the scope of work secured. The contract would be additional to other work, which we hope to secure in our normal market.

A HEEREMA GROUP COMPANY

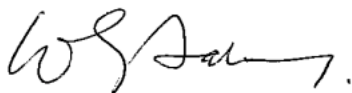


- 2 -

Our Ref: WGF/MB L/HH/HBC/GEN/004

If we are successful in winning this work, the new fabrication facility will be essential to allow us to perform the work scope.

Yours truly,
For and on behalf of:
HEEREMA HARTLEPOOL LIMITED



BILL FAHY
DIRECTOR.

c.c. Roy Merrett
Principal Planning Officer

2 of 2

No: 11
Number: H/2007/0914
Applicant: Housing Hartlepool Stranton Hartlepool TS24
Agent: Browne Smith Baker Morton House Morton Road
Darlington DL1 4PT
Date valid: 18/12/2007
Development: Erection of 3, 4 bedroom houses and 1 bungalow for a
disabled person
Location: LAND IN IVY GROVE HARTLEPOOL HARTLEPOOL

UPDATE REPORT

Northumbrian Water have confirmed that the development will be built over a surface water sewer, which is generally not acceptable practice, however the affected sewer is the head of the public sewerage system and it should be possible to abandon this section of sewer or transfer it to the developer. Northumbrian Water have highlighted that there may be an issue with the capacity of the surface water sewerage system which is currently being investigated. Depending on the results of the survey a restricted discharge to the sewer may be imposed by Northumbrian Water. Northumbrian Water consider that the scheme is achievable and subject to a condition requiring the developer to comply with the requirements of Northumbrian Water regarding alterations to the public sewer and in terms of capacity there is no objection. A condition can be attached accordingly.

The recommendation is therefore to approve the scheme subject to no substantially different objection being received as a result of the outstanding public consultation exercise, which expires prior to the Committee, and subject to the conditions outlined in the original report including the condition below:

15. Unless otherwise agreed in writing with the Local Planning Authority the development hereby approved shall not be commenced until a scheme for the alterations of the public sewer including timescale has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.

No: 12
Number: H/2007/0862
Applicant: Mr Thomas Rayner 15 Greenbank Court Hartlepool TS26 0HH
Agent: Eldon Grove Tennis Club Mr Thomas Rayner 15 Greenbank Court Hartlepool TS26 0HH
Date valid: 21/11/2007
Development: Erection of a building to house 2 indoor tennis courts, siting of a changing room/toilet portakabin, alterations to car park and provision of security fencing
Location: ELDON GROVE SPORTS CENTRE ELDON GROVE HARTLEPOOL HARTLEPOOL

UPDATE REPORT

Community Services have provided comments relating to the scheme and confirm that the provision of indoor tennis is mentioned in the Indoor Sports Strategy and is supported by the County Sports Partnership, Sport England and the Lawn Tennis Association as an excellent way of securing an Indoor Tennis development centre for Hartlepool. This facility would then feed into the superior facilities at Middlesbrough for those talented individuals who wish to go further.

The Indoor Sports Facility Strategy supports the principle of refocusing and renewing old sports facilities. Tennis development would therefore fit into this arena. The existing facilities are either private or public outdoor tennis courts with limited good weather/seasonal use. An indoor facility brings a new dimension capability for year round activity and furthermore provides a strategic role as a 'town-wide' facility.

The height of the building is dictated by the internal height required to meet Lawn Tennis Design Specifications. The Lawn Tennis Association have confirmed that the size of the building complies with their standards.

In terms of the size of the structure and its relationship to the neighbouring properties as already stated the scheme does comply with the separation distances contained within the adopted Hartlepool local Plan 2006.

Although there are reservations in terms of the design of the building in that it is not residential in character, the building is a functional design similar to others of its type elsewhere within the country and it is considered that such a facility would benefit the town. Approval is therefore recommended.

RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. 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 21st November 2007 and 16th January 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. Notwithstanding the submitted plans a scheme for design and the final number of cycle parking spaces within the site shall be submitted and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interest of sustainable transport and visual amenity
5. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
6. The porta kabin building hereby approval shall be removed from the site and the land restored to its former condition on or before 3 years from the date of this approval in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.
The building is not considered suitable for permanent retention on the site.
7. The indoor tennis courts shall only be in use between the hours of 9am and 9pm, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
8. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
9. A detailed scheme of tree planting along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
10. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall

- be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
11. Final details of security measures to be incorporated into the development shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of crime prevention
 12. The hereby approved buildings shall be painted in a colour to be agreed with the Local Planning Authority within 3 months from the date of completion of works and retained in that colour, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
 13. Notwithstanding the submitted plans a scheme for an entrance canopy/porch shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

Report of: Planning Working Group

Subject: ADJOURNMENT OF PLANNING COMMITTEE MEETINGS

1. PURPOSE OF REPORT

To inform Members of the Planning Committee of the outcomes of the discussions held at the Planning Working Group on 4 February 2008 in relation to the duration of Planning Committee meetings.

2. BACKGROUND

2.1 At Constitution Working Group on 22 November 2007, a Member raised an issue regarding the adjournment of committee meetings, after a specified length of time if all Members in attendance agree, as is the case for Council meetings. This issue was raised in light of a particularly lengthy Planning Committee. As a result of this, the Chief Solicitor prepared a briefing paper, detailed below, which was discussed at the meeting of the Constitution Working Group on 11 January 2008.

2.2 The adjournment of Council meetings occurs under Council Procedure Rule 9, which provides that a meeting of Council will terminate at a specific time unless majority of the Members present vote to continue.

Rule 25 deals with Committees and Sub-committees of the Council. In addition Rule 26.3 applies many of the rules relating to Council to committees and sub-committees. However, Rule 9 is not one of those rules which apply to committees under rule 26.3. Nonetheless, there would be nothing to prevent the Council including in rule 25 a provision to the same effect as rule 9 but specifying a duration for the meeting rather than a termination time. It may not be possible conveniently to provide a specific termination time, due to the variety of commencing times for committees. In considering whether a specified duration is appropriate, Members would no doubt wish to consider the risks of one meeting (say a morning meeting) overlapping with a later (perhaps an afternoon meeting).

A provision along the following lines would be possible –

“Unless the majority of Members present vote for the meeting to continue, any meeting of a committee or sub-committee which has lasted [specify a period] shall adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next meeting of the committee or sub-committee.”

- 2.3 Members of the Constitution Working Group were concerned that it would be difficult to apply this rule to all committee meetings and felt that this particular problem mainly affected Planning Committee. In view of this, Members referred this issue to an informal meeting of the Planning Committee to ascertain their views on the possibility of applying a specified duration for their meetings and report back to Constitution Working Group.

3. ISSUES CONSIDERED AT THE PLANNING WORKING GROUP

- 3.1 To aid Members in their consideration, the duration of the Planning Committee meetings for this municipal year are attached by way of Appendix.

A number of planning meetings recently had exceeded 3 hours and although it was noted that the Chair undertook his responsibilities well but that it must be ensured that if Members introduced immaterial matters not directly connected with the planning application then they should be vigorously directed by the Chair to remain succinct and Members should adhere to the Chair's direction and recognise the authority and reasonableness of such a request.

Members receive copies of the papers pertaining to each application prior to the meeting and then have that report delivered verbally during the meeting by Officers. It was suggested that a synopsis of the report could be delivered during the meeting to speed things up.

In addition it was noted that plans shown on the screens during the meeting were not as clear as they could be and suggestions were made that either colour plans could be distributed prior to or tabled at the meeting or in the case of large and detailed plans, these could be displayed on boards around the room.

The Chief Solicitor offered the view that some delay arose from the failure by Members to confine themselves to consideration of material planning considerations and suggested that this was a matter for member development.

In relation to the Council Procedure Rule restricting each Member to one speech, it was generally felt that this would not be consistent with the nature of the Planning Committee, but that Members who had already expressed their views should be expected to respect a requirement by the Chair to refrain from prolonging the discussion by repetition and unnecessary comment.

Some planning applications which were brought to the meeting were similar to others submitted previously, and although each application was considered on its own merits, in the interests of achieving consistency in decision making, information relating to earlier decisions by the planning committee on similar applications, could be included by the Officers in their report

Should Members be required to leave Planning Committees in order to attend another council meeting the Planning Committee could potentially become inquorate. A solution would be to ensure that no other meetings were arranged on the same day or if necessary, to guarantee that there would be sufficient time between the end of the Planning committee and the beginning of the next for a break by Members.

In relation to the appointment of substitutes, Members determining an application should have had the benefit of continued involvement in the consideration of it from the outset. However, a rigid application of that principle could give rise to practical difficulties which could seriously impact on the determination of an application. Where an application had been deferred on one or more occasion, it would necessitate an understanding of which members involved at the point of determination had been involved throughout, and other Members being excluded from the decision, with consequent concerns over quorums, fairness etc. Recognising that the granting of planning permission is in law, an administrative function, and whilst the need for substitutes should be avoided so far as possible, it is accepted that substitutes should be available. However, steps should be taken to ensure that the substitutes have available to them (and the substitute should ensure that s/he has availed him/herself of) all relevant information relating to issues raised in the previous considerations of the matter, which should be covered in the officer's report to the subsequent meeting. It was agreed that any substitute should ideally have received the necessary planning training, however it was not necessary for a Member automatically to send a substitute, this should only be necessary if the quorum of the meeting may be affected.

4. RECOMMENDATION

That the views of the Planning Working Group be noted and Members consider their response to the Constitution Working Group.

Report of: Assistant Director (Planning and Economic Development)

Subject: MR JACKSON, SITE AT 53 APPLEWOOD CLOSE
HARTLEPOOL

1. PURPOSE OF REPORT

A planning appeal was lodged against the refusal of planning consent for the erection of a detached bungalow with integral garage (H/2007/0005) at 53 Applewood Close Hartlepool. The appeal was decided at an informal hearing when the inspector allowed the appeal. The application for costs was dismissed. A copy of the decision letter is attached as an appendix.



Costs Decision

Hearing held on 4 December 2007
Site visit made on 4 December 2007

by Kevin Ward BA (Hons) MRTPI

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

The Planning Inspectorate
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Decision date:
18 January 2008

Costs application in relation to Appeal Ref: APP/H0724/A/07/2039784 53 Applewood Close, Hartlepool, Cleveland TS27 3JW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr R Jackson for a partial award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for a disabled bungalow.

Summary of Decision: The application fails and no award of costs is made.

The submissions for Mr R Jackson

1. The Council has acted unreasonably in the light of paragraph 7 of Annex 3 to Circular 8/93 in that its actions have resulted in an unacceptable delay in the implementation of development and unnecessary expenditure by the appellant in respect of this appeal.
2. In relation to the second reason for refusal, the proposal complies with the Council's design standards for such development. The Council have provided no material evidence to support its claim that the proposal would have a significant impact on a main bedroom window and the front patio area of 36 Silverwood Close, in terms of enclosure, loss of daylight/sunlight, dominance and overshadowing. The Council appear to have relied on a previous appeal decision which concerned a different development and the unsubstantiated comments from adjacent and nearby property owners. The application for costs is limited to those incurred by the appellant in relation to this second reason for refusal.

The response by Hartlepool Borough Council

3. The Council considers that the proposed development is clearly contrary to policies in the Local Plan. Whilst previous refusals and the previous appeal decision were given due consideration, the current proposal has been fully examined on its own merits without giving undue weight to these previous decisions.
4. In the absence of any significant change in circumstances since the previous appeal decision and given that the current proposal is not considered to be significantly different to the previous scheme, the Council has not acted unreasonably and an award of costs is not justified.

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Costs Decision APP/H0724/A/07/2039784

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. The Council based its decision, quite properly, on Policies GEP1 and Hsg9 of the Local Plan. Both of these policies contain subjective criteria which rely on a judgement being made about the effect of development on the living conditions of the occupiers of neighbouring properties. The Council was quite entitled to take the view that the proposed dwelling would cause unacceptable harm to the living conditions of the occupiers of 36 Silverwood Close therefore.
7. In such cases, there are limits to the amount of detailed evidence that could be provided to substantiate the decision and there is inevitably a reliance on the professional judgement of Council officers. Under the circumstances therefore I consider that the Council provided adequate evidence in support of its reason for refusal.
8. Whilst the Council has taken into account the views of the occupiers of 36 Silverwood Close and other neighbours, it has based its decision on a judgement of the planning merits of the proposal. Although there have been significant changes in circumstances since the previous appeal decision, it was appropriate to give it weight given that it related to the same site and to a broadly similar proposal, albeit in outline. Given that the issue of the effect on living conditions is largely subjective, the weight to be given to this previous decision in the light of changed circumstances is again a matter of judgement. I consider that the Council has not unduly relied on the previous appeal decision and has considered the proposal on its planning merits.
9. I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

10. I refuse the application for an award of costs.

Kevin Ward

INSPECTOR



Appeal Decision

Hearing held on 4 December 2007
Site visit made on 4 December 2007

by Kevin Ward BA (Hons) MRTPI

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

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Decision date:
18 January 2008

Appeal Ref: APP/H0724/A/07/2039784

53 Applewood Close, Hartlepool, Cleveland TS27 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr R Jackson against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0005, received by the Council on 4 January 2007, was refused by notice dated 13 February 2007.
- The development proposed is a disabled bungalow.

Decision

1. I allow the appeal and grant planning permission for the erection of a detached bungalow with integral garage at 53 Applewood Close, Hartlepool, Cleveland TS27 3JW in accordance with the terms of the application Ref. H/2007/0005, received by the Council on 4 January 2007 and the amended plans received by the Council on 5 February 2007, subject to the conditions on the schedule below.

Procedural Matters

2. The description of the proposed development set out in the heading above is taken from the application form, but it would be more accurately described as the erection of a detached bungalow with integral garage.
3. At the hearing an application for costs was made by Mr R Jackson against Hartlepool Borough Council. An application for costs was also made by Hartlepool Borough Council against Mr R Jackson. These applications are the subject of separate decisions.

Main Issues

4. The main issues are:
 - a) The potential effect of the proposed development on the living conditions of the occupiers of 53 Applewood Close and 36 Silverwood Close in terms of outlook, daylight and sunlight.
 - b) The potential effect of the proposed development on the character and appearance of the area.

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Reasons

5. A separate application (Ref. H/2007/0002) for the demolition of the existing double garage and the erection of a smaller replacement garage closer to 53 Applewood Close (the donor property) was approved by the Council on 13 February 2007.
6. Whilst the reasons for refusal do not refer to the donor property, the Council's appeal statement raises concerns in terms of the effect on the living conditions of its occupiers. The blank gable wall of the proposed dwelling would be approximately 9m from the main front elevation of the donor property which contains the front door and windows to the bathroom and a bedroom. Whilst this separation distance is less than the guideline of 10m in Supplementary Note 4 of the Hartlepool Local Plan, the difference is not significant and I consider the separation to be adequate in this case given that the proposed dwelling would be single storey and the Council have already permitted the new garage closer to the donor property and more directly in front of the bedroom window.
7. The gable wall of the proposed dwelling would only be approximately 5m from the closest point of the donor property given that the living room projects further out. However, the proposed dwelling would be set back further from the road frontage than the donor property and the integral garage would be set even further back. The plans also indicate that the living room window of the donor property would be reduced in width and an additional window would be introduced to the side of the room facing the road frontage. Given these modest alterations to the donor property, which would not harm its appearance, and the relative position of the proposed dwelling, I consider that the separation distance would be adequate in this case.
8. Whilst I note the Council's concerns, I consider that due to the limited scale and height of the proposed dwelling and its positioning on the site, it would not have an unacceptable effect on the living conditions of the occupiers of the donor property in terms of outlook, daylight and sunlight either in itself or cumulatively with the permitted replacement garage.
9. The proposed dwelling would be elevated in relation to 36 Silverwood Close due to the difference in land levels of some 0.8m. However, the rear of the proposed dwelling would be approximately 9m from the common boundary and some 10m from the blank gable wall of this neighbouring property. The windows at the front of 36 Silverwood Close face its own detached garage and would be at right angles to the proposed dwelling. Significant screening is also provided by the fence and hedging along the common boundary. The effect of the proposed single storey dwelling on the outlook from 36 Silverwood Close and its patio area would be limited therefore. It would not significantly add to the existing level of enclosure or have an oppressive or dominant effect.
10. The amount of daylight and sunlight to the front windows of 36 Silverwood Close and its patio area is already significantly affected by the fence and hedging along the boundary with the appeal site and the close proximity and relative orientation of its own large garage. Again, whilst the proposed dwelling would be in an elevated position, due to its limited height, relative

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orientation and the distance between the two properties it would not result in any significant reduction of daylight and sunlight for 36 Silverwood Close.

11. I consider that the character and appearance of this side of Applewood Close is determined more by the single storey, detached nature of the dwellings rather than their particular layout and spacing or the size of the plots concerned. The layout, spacing and size of plots already varies along the street in any case.
12. The design of the dwelling would be compatible with those on either side and whilst the dwelling and its plot would be smaller than others on the same side of the street, in particular No.53 itself and No.50, there are a number of examples of smaller dwellings and plots in the wider area. I consider that the plot size and spacing between dwellings would be adequate and would not result in a cramped or over-developed appearance, particularly given the prominent position of the donor property's existing large double garage which would be demolished. The proposed dwelling would not therefore harm the character or appearance of the immediate street scene or the wider area. It would in fact make more effective and efficient use of previously developed land in line with paragraphs 40 – 51 of Planning Policy Statement 3 on Housing (PPS3).
13. I have taken into account the previous appeal decision on the site (Ref. T/APP/H0724/A/99/1032995/P5). However, circumstances are significantly different to those that existed at that time. The previous appeal related to an outline planning application with all detailed matters reserved for later determination. The appeal before me concerns a full application and it is now clear how the proposed dwelling would relate to the donor property and 36 Silverwood Close and how it would affect the character and appearance of the area. The replacement garage for the donor property has now been permitted as part of a separate application.
14. The screening between 36 Silverwood Close and the appeal site has been increased significantly with the addition of the hedge along the common boundary. A new dwelling has been permitted and built in the garden of 41 Applewood Close intensifying the developed nature of the area. Of particular significance is the publication since the previous appeal decision of Planning Policy Guidance 3: Housing (PPG3) and more recently PPS3 and the greater emphasis on the effective and efficient use of previously developed land.

Conditions

15. The Council has suggested a number of conditions should the appeal be allowed. I agree that conditions relating to the submission and approval of details of external materials and means of enclosure are required in the interests of the character and appearance of the area. I also agree that to prevent overlooking, a condition relating to windows facing the donor property is necessary and a condition concerning permitted development rights for garages, extensions and other structures is required in the interests of the living conditions of the occupiers of neighbouring dwellings.
16. Given that there is a minor discrepancy in the plans as to the position of the proposed dwelling relative to 52 Applewood Close, I agree that a condition relating to the pegging out of the development is required in the interests of the living conditions of the occupiers of neighbouring dwellings. I have where

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appropriate however, altered the suggested wording of conditions to reflect advice in Circular 11/95: The Use of Conditions in Planning Permissions.

17. In order to protect the outlook from the donor property I also consider that a condition to avoid fencing or other boundary treatments projecting forward from the new dwelling is required, as is a condition to ensure that the proposed alterations to the living room window are carried out prior to the new dwelling being constructed, both of these matters were discussed at the hearing.

Conclusion

18. For the above reasons and taking account of other matters raised I find that the proposed development would not have an unacceptable effect on the living conditions of the occupiers of 53 Applewood Close or 36 Silverwood Close in terms of outlook, daylight and sunlight, nor would it harm the character or appearance of the area. As such I conclude that it would comply with Policies GEP1 and Hsg9 of the Hartlepool Local Plan and that the appeal should succeed.

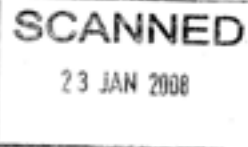
Kevin Ward

INSPECTOR

Appeal Decision APP/H0724/A/07/2039784

Schedule of Conditions for Appeal Ref: APP/H0724/A/07/2039784

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows shall be constructed on the elevation facing 53 Applewood Close.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development (as defined by section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A-E of Part 1 of Schedule 2 of the Order shall be carried out within the curtilage of the application site.
- 6) No development shall take place until the details of the exact location of the dwelling hereby permitted have been pegged out on site and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected between the elevation facing 53 Applewood Close and the road frontage.
- 8) No development shall take place until the alterations to 53 Applewood Close involving the partial blocking up of the existing living room window and the insertion of an additional window facing the road, as shown on the submitted plans (as amended), have been completed.



Appeal Decision APP/H0724/A/07/2039784

APPEARANCES

FOR THE APPELLANT:

E Jackson MRTPI	Jacksonplan Limited, 7 Amble Close, Hartlepool TS26 0EP
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R Jackson	53 Applewood Close, Hartlepool, TS27 3JW
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FOR THE LOCAL PLANNING AUTHORITY:

L Wright	Planning Officer, Hartlepool Borough Council
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Costs Decision

Hearing held on 4 December 2007
Site visit made on 4 December 2007

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date:
18 January 2008

Costs application in relation to Appeal Ref: APP/H0724/A/07/2039784 53 Applewood Close, Hartlepool, Cleveland TS27 3JW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Hartlepool Borough Council for a full award of costs against Mr R Jackson.
- The hearing was in connection with an appeal against the refusal of planning permission for a disabled bungalow.

Summary of Decision: The application fails and no award of costs is made.

The submissions for Hartlepool Borough Council

1. There have been no significant changes in circumstances since the previous appeal decision and the proposal is not significantly different to the previous scheme. The case is considered to be straightforward and could have been adequately dealt with by written representations.

The response by Mr R Jackson

2. There have been significant changes in circumstances and the hearing was necessary to discuss the issues and evidence. It is unfair to seek costs simply because the appellant requested a hearing.

Conclusions

3. 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.
4. There have been significant changes in circumstances since the previous appeal decision. The replacement garage for 53 Applewood Close has been permitted and a new dwelling has been built in the curtilage of 41 Applewood Close. New government planning policy on housing has emerged which places greater emphasis on the efficient and effective use of land. The previous appeal concerned an outline application whereas this appeal relates to a full application for planning permission. In pursuing an appeal, the appellant has not therefore acted unreasonably in the light of paragraph 1 of Annex 3 to Circular 8/93.

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5. Whilst it may be that the appeal could have been adequately dealt with by written representations, paragraph 1 of Annex 2 to Circular 8/93 makes it clear that exercising the right to a hearing is not, in itself, unreasonable.
6. I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

7. I refuse the application for an award of costs.

Kevin Ward

INSPECTOR

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MR L MASTERTON
SITE AT 14 OWTON MANOR LANE

1. PURPOSE OF REPORT

A planning appeal has been lodged against the refusal of planning consent for the erection of a detached bungalow and detached double garage (H/2007/0746) at the rear of 14 Owton Manor Lane. The appeal is to be decided by written representations and authority is requested to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

- 1 A neighbour complaint about the alleged erection of a fence at a property on New quay Close.
- 2 A neighbour complaint about alleged works to the front of a property on Verner Road
- 3 A neighbour complaint about the alleged non-compliance with conditions attached to a planning permission on Elizabeth Way
- 4 A neighbour complaint about alleged works to the front of a property on Silverwood Close
- 5 A neighbour complaint about the alleged unauthorised replacement of windows at a property on Hutton Avenue
- 6 A neighbour complaint about alleged unauthorised development at Stranton Primary School
- 7 A neighbour complaint about the alleged operation of a business from a domestic residence on Hillston Close
- 8 A neighbour complaint about the alleged erection of a summer house at a property on Elvan Grove
- 9 An investigation was commenced following officer concerns regarding the untidy condition of a building on Duke Street
- 10 A neighbour complaint about alleged unauthorised building works at a property in Dalton Piercy

- 11 A neighbour complaint about an alleged unauthorised change of use at a property on Murray Street
- 12 An investigation was commenced following officer concerns regarding the untidy condition of a property on Lamberd Road
- 13 An investigation was commenced following officer concerns regarding the alleged change of use of a property on Stockton Road
- 14 An investigation was commenced following officer concerns regarding the untidy condition of a property on Church Walk
- 15 A neighbour complaint about the alleged unauthorised erection of a conservatory at a property on Inverness Road
- 16 A neighbour complaint about the alleged unauthorised erection of a fence at a property on West View Road

3 RECOMMENDATION

- 3.1 Members note this report.