

## PLEASE NOTE VENUE

# PLANNING COMMITTEE AGENDA



**Wednesday 16 April 2008**

**at 10.00 am**

**in Committee Room B,  
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 19 March 2008.

#### 4. **ITEMS REQUIRING DECISION**

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

1. H/2008/0149 Glendalough, Park Avenue
2. H/2007/0665 Hart on the Hill, Dalton Piercy Road
3. H/2008/0055 Land opposite Navigation Point, Hartlepool Marina
4. H/2008/0110 Golden Lion, Dunston Road
5. H/2007/0140 A19 Services (Southbound), Elwick
6. H/2008/0089 38 Endeavour Close

##### 4.2 Appeal by Mr K Smart – Site at 7 Hylton Road, Hartlepool – *Assistant Director (Planning and Economic Development)*

##### 4.3 Appeal by Mr K Everett, St Francis 2000 Football Club, Rossmere Way Pitches, Rossmere Way, Hartlepool (H/2007/0592)

## PLEASE NOTE VENUE

- 4.4 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 Seaton Meadows Landfill Site – *Assistant Director (Planning and Economic Development)* (Para 5 and 6)

- 7.2 Complaint Files to be Closed – *Assistant Director (Planning and Economic Development)* (Para 6)

8. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 14 May 2008 in the 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 14 May 2008 at 9.00am or at a time to be agreed by the Committee.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

19 March 2008

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

**Present:**

Councillor Rob Cook (In the Chair)

Councillors: Stephen Allison, Jonathan Brash, Shaun Cook, Bob Flintoff, Geoff Lilley, John Marshall, Dr George Morris, Robbie Payne, 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 Stan Kaiser.

Officers: Peter Devlin, Legal Services Manager  
Richard Teece, Development Control Manager  
Chris Pipe, Planning Officer  
Sylvia Tempest, Environmental Standards Manager  
Chris Roberts, Asset Management Technician  
Angela Hunter, Principal Democratic Services Officer

### **140. Apologies for Absence**

Apologies for absence were received from Councillors Stephen Akers-Belcher, Pauline Laffey and Stan Kaiser.

### **141. Declarations of interest by Members**

None.

### **142. Confirmation of the minutes of the meeting held on 19 March 2008**

Confirmed.

### 143. **Planning Applications** (*Assistant Director (Planning and Economic Development)*)

**Number:** H/2007/0862

**Applicant:** Mr Thomas Rayner  
Eldon Grove Tennis Club, 15 Greenbank Court,  
Hartlepool

**Agent:** Eldon Grove Tennis Club, Mr Thomas Rayner, 15  
Greenbank Court, Hartlepool

**Date received:** 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

**Representations :** Mr Tony Evans (applicant) and Mrs Dawn Hewitson  
(objector) were in attendance and addressed the  
Committee.

**Decision:** **Planning Permission Refused**

#### **REASON FOR REFUSAL**

1. It is considered that the building by reason of its size, design and location would appear unduly large, dominant, out of keeping to the detriment of the visual amenities of the occupiers of houses adjoining and opposite the application site and the wider street scene contrary to Policy GEP1 of the adopted Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

**Number:** H/2007/0904

**Applicant:** Mr Jonathon Pattison  
Usworth Park, Usworth Road, Hartlepool

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

**Date received:** 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

**Representations :** Mr Graeme Pearson (Applicant's Representative) and Mrs Doreen Hewitson (objector) were in attendance and addressed the Committee.

**Decision:** **Planning Permission Refused**

#### **REASON FOR REFUSAL**

1. It is considered that proposed development would generate a significant demand for parking which cannot be fully met on site and as a consequence parking will take place on Hutton Avenue or in the rear alleyway to the detriment of highway safety, the free flow of traffic and the amenities of the occupiers of houses adjoining or near the application site contrary to policies GEPI and Hsg7 of the adopted Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

**Number:** H/2008/0027

**Applicant:** Oakdene Capital (Hartlepool)  
Challenge Way, Blackburn

**Agent:** Oakdene Capital (Hartlepool), Challenge House,  
Greenbank Business Park, Challenge Way, Blackburn

**Date received:** 11/01/2008

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

**Location:** UNIT 1 MULBERRY RISE MIDDLE WARREN

**Representations :** Dr Razak (Applicant's Representative) 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 only be open to the public between the hours of 10:00 and 23:00 Mondays to Saturdays inclusive and between the hours of 10:00 and 17:00 on Sundays and Bank Holidays. However, for a period of 1 year

from the date that the use hereby approved first commences the premises may be open to the public on Sundays and Bank Holidays until 23.00. Thereafter the hours of opening shall revert to those previously identified unless permission has been granted for the continuation of the later hours of opening.

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. For the avoidance of doubt the area for the storage of refuse identified under the planning application H/2006/0816 to the rear of the retail units shall be used in association with this unit, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and in terms of visual amenity.

5. A scheme detailing the location and design of CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.

In the interest of crime prevention

The Committee considered representations in relation to this matter.

**Number:** H/2008/0044

**Applicant:** Mr and Mrs Evans  
VALLEY CLOSE, HARTLEPOOL

**Agent:** Derek Stephens, 17 Lowthian Road, HARTLEPOOL

**Date received:** 18/01/2008

**Development:** Demolition of existing dwelling and erection of a detached dwelling with integral garage (amended scheme)

**Location:** 6 VALLEY CLOSE HARTLEPOOL

**Representations:** Mr Derek Stephens (Agent) 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 development hereby approved shall be carried out in accordance with the plans and details received at the Local Planning Authority on 18th January 2008 as amended in respect of the elevations by the drawing N4134/03D, and by the drawing entitled proposed street scene elevations both received at the Local Planning Authority on 19th February 2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. 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.
4. 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 any 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 amenities of the occupants of the adjacent residential property.
5. The drive and turning area shown on the approved plan shall be surfaced in tarmac or such other materials as may be agreed in writing with the Local Planning Authority.  
In the interests of highway safety.
6. Unless otherwise agreed in writing with the Local Planning Authority details of all walls, fences and other means of boundary enclosure, including screen planting, shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. The enclosures so approved shall be erected prior to the first occupation of the dwellinghouse. Any agreed screen planting shall be planted in the first planting season following the occupation of the dwellinghouse.  
In the interests of visual amenity and the privacy of neighbouring properties.
7. 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.
8. 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.

9. 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 elevations of the dwellinghouse facing 5 or 7 Valley Close without the prior written consent of the Local Planning Authority.  
To prevent overlooking
10. Before any construction works begins on the new dwelling house, including any excavations for foundations, it shall be pegged out on the site and its exact location agreed in writing by the Local Planning Authority. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

**Number:** H/2007/0803

**Applicant:** Northumbrian Water Ltd  
Abbey Road, Pity Me, Durham

**Agent:** Mott MacDonald, St Anns Wharf, 112 Quayside,  
Newcastle Upon Tyne

**Date received:** 22/11/2007

**Development:** Installation of a control kiosk, vent stack and fencing to serve an underground storage tank and pumps as part of flood relief scheme

**Location:** REAR OF 29-35 STANMORE GROVE 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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 24th October 2007 and 28th February 2008, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. Notwithstanding the submitted plans the colour of the vent stack, kiosk and fencing shall be agreed in writing by the Local Planning Authority.  
Thereafter the colour shall be retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.



The Committee considered representations in relation to this matter.

**Number:** H/2007/0872

**Applicant:** Mr A IAnson  
Dunbar Road, Hartlepool

**Agent:** Mr A IAnson, 70 Dunbar Road, Hartlepool

**Date received:** 10/12/2007

**Development:** Change of use to use as haulage depot and erection of a detached storage building

**Location:** LAND NEXT TO CLEVELAND RECLAMATION  
BRENDA ROAD HARTLEPOOL

**Decision:** **Minded to approve subject to the following conditions but as the application represents a departure from the adopted Hartlepool Local Plan the application be referred to GONE for consideration in the first instance.**

#### 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. 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 hereby approved shall not be brought into use until an industrial crossing incorporating a 12 metre radius has been constructed in accordance with details to be previously agreed by the Local Planning Authority. The approved crossing shall be retained for the lifetime of the development.

- In the interests of highway safety.
5. No development shall be commenced until a scheme for highway improvements to provide right hand turn markings at the entrance to the site from Brenda Road has been submitted to and approved in writing by the Local Planning Authority. The approved right hand turn markings shall be retained for the lifetime of the development.  
In the interests of highway safety.
  6. The scheme for highway improvements to provide right hand turn markings at the entrance to the site from Brenda Road shall be carried out in accordance with the approved details before any part of the development is brought into use.  
In the interests of highway safety.

**144. Appeal – Rear of 1 and 2 Wisbech Close and 16-22 (evens) Barford Close** *(Assistant Director (Planning and Economic Development))*

The purpose of this report was to inform Members of the outcome of a planning appeal which had been lodged against the refusal of planning consent for the incorporation of public open space land into the curtilages of properties for use as domestic gardens at the above site. The appeal was decided by written representations and the Inspector subsequently allowed the appeal. A copy of the decision letter was attached as an Appendix.

**145. 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.

**146. Any Other Business – Duration of Planning Committee Meetings**

At the last meeting of the Planning Committee a report examining the duration of Planning Committee meetings was submitted by the Planning Working Party which was held in February 2008. This report was subsequently approved for submission to the Constitution Committee for any necessary amendments to be made to the Constitution. Upon consideration of the report, Members of the Constitution Committee suggested an additional recommendation be included to state that during debate, Members had one opportunity to speak only and for a maximum duration of four minutes. It was hoped

that this would help with the duration of Planning Committee meetings but that this issue be reviewed in six months' time.

### Decision

- (i) That the additional recommendation as suggested by the Constitution Committee be noted.
- (ii) That duration of Planning Committee meetings be reviewed in six months' time.

## 147. 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 148 – Seaton Meadows Landfill Site (Para 5 and 6) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person (para 6).

Minute 149 – Any Other Business – Enforcement Action - Morison Hall (Para 6 - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 150 – Any Other Business – Able UK Ltd (Para 5 – This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

## 148. Seaton Meadows Landfill Site *(Assistant Director (Planning and Economic Development))* (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person (para 6).)

The report outlined the current planning position in relation to Seaton Meadow's landfill site.

**Decision**

Details were included within the exempt section of the minutes.

- 149. Any Other Business - Morison Hall** (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.)

The Development Control Manager updated Members on the above, details of which were included within the exempt section of the minutes.

**Decision**

Details were included within the exempt section of the minutes.

- 150. Any Other Business – Able UK Ltd** (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

The Development Control Manager updated Members on the above, details of which were included within the exempt section of the minutes.

**Decision**

Details were included within the exempt section of the minutes.

CHAIRMAN

**No:** 1  
**Number:** H/2008/0149  
**Applicant:** Mr Dale Duncan PARK AVENUE HARTLEPOOL TS26 0DZ  
**Agent:** Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR  
**Date valid:** 06/03/2008  
**Development:** Retention of games room  
**Location:** GLENDALOUGH PARK AVENUE HARTLEPOOL

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## The Application and Site

1.1 The application site is a modern detached bungalow set within relatively large grounds. It is currently undergoing alterations approved as part of an earlier approval (H/2007/0604). It was originally constructed in artificial stone bricks and wood panelling with a modern concrete tiled roof. The approved alterations include the re-cladding of the roof in artificial slate and the rendering of the walls. In the garden a new garage has recently been erected this was approved again as part of the same recent permission. Behind the garage a games room has been erected and an area of conifer hedge has been removed to accommodate it. Whilst planning permission was also granted for a games room/cloaks, the building erected on site, which is largely complete save for its render, has not been erected in accordance with the approved plans. It is the same size as previously approved but sits closer to the Elwick Road boundary..

1.2 The current application seeks retrospective permission for the retention of the games room/cloaks as built.

1.3 The site is located at the junction of Park Avenue and Elwick Road. It is located within the Park Conservation Area. Access is taken from Park Avenue to the west of the site. The site is enclosed by a gated brick wall 5.5ft high and in part by a conifer hedge (8ft) on its southern boundary. There are a number of mature trees at the entrance on the western side of the site which are protected.

1.4 To the north the northern boundary of the site is formed by a 6ft fence, the boundary immediately adjacent to Glendalough is well screened by a high conifer hedge. Beyond is the garden of a substantial residential property (Brantwood). This property is set well back from the boundary some 18m and its floor level is set slightly higher than the applicant's property (some one metre). It has a number of windows in its southern elevation facing the application site. To the east the boundary is formed partly by a 8ft hedge and a 5ft fence beyond is the garden of a bungalow (Parkgates). The gable of Parkgates is some 6m off the common boundary. It has two windows in the facing gable one serves a bedroom the other serves a lounge, both rooms are also served by windows in the rear and front elevations.

## Planning History

1.5 In December 2006 planning permission was granted for the demolition of an existing kitchen/garage and dormer extension to side to form kitchen, hall, utility, bedrooms and bathrooms extension, to raise the bungalow roof and for the erection of a detached double garage/garden store and games room (H/2006/0792). It is understood that due to the issue of a legal covenant, in favour of the then owner of Brantwood, the applicant resolved to amend his proposal. A further application was therefore submitted.

1.6 In October 2007 planning permission was approved to extend and alter the bungalow and to raise the roof level. The permission allowed for the rendering of the building and the cladding of the roof with a blue black artificial slate. In the curtilage to the southeast and southwest of the house a games room and garage/store with similar finishes to the main house were approved (H/2007/0604). The applicant is in the process of implementing this permission.

## Publicity

1.7 The application has been advertised by press advert site notice and neighbour notification (6). Three responses were received all objections. The time period for representations has expired.

The objectors raise the following issues:

- 1) Games room not built in correct position, if built as approved it would still be obtrusive but less so.
- 2) Not in keeping with Conservation Area.
- 3) Why should plans be passed and ignored.
- 4) The number buildings now on site and their relationship does not reflect the serenity of the Conservation Area.
- 5) The removal of the hedge has exposed the site to view.
- 6) Roof covering should be similar to house not shiny artificial grey slate.
- 7) The building is too white.
- 8) The site is an eyesore
- 9) The building is visible from the road.
- 10) Site congested/overdeveloped.
- 11) Site prominently located in Conservation Area and opposite Ward Jackson Park which has recently been refurbished.

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## 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.

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.

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

### **Planning Considerations**

1.9 The main issues are considered to be the impact of the development on the amenity of the neighbours, the impact on the character and appearance of the Conservation Area and trees.

#### **IMPACT OF THE DEVELOPMENT ON THE AMENITY OF THE NEIGHBOURS**

1.9 Given the height of and location of the proposed gamesroom it is not considered that it will unduly affect the amenity of the neighbours in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

#### **THE IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA**

1.10 The property is a modern bungalow located in the Conservation Area. The building finishes will ultimately match the approved finishes of the bungalow and garage and are considered acceptable given the use of render, coloured or otherwise, elsewhere in the Conservation Area and the modern finishes of the original bungalow. The site is prominent and it is undoubtedly the case that had the games room been erected in the approved position and the screening hedge retained it would have been less prominent. However it is not considered that the relatively small building will detract to such an extent from the character and

appearance of the Conservation Area as to warrant refusal of the application and consequent enforcement action to secure removal of the building.

#### TREES

1.11 In order to accommodate the development works parts of the conifer hedge have been removed and that whilst they offered screening to the site it is considered that these trees in themselves are of limited amenity value.

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

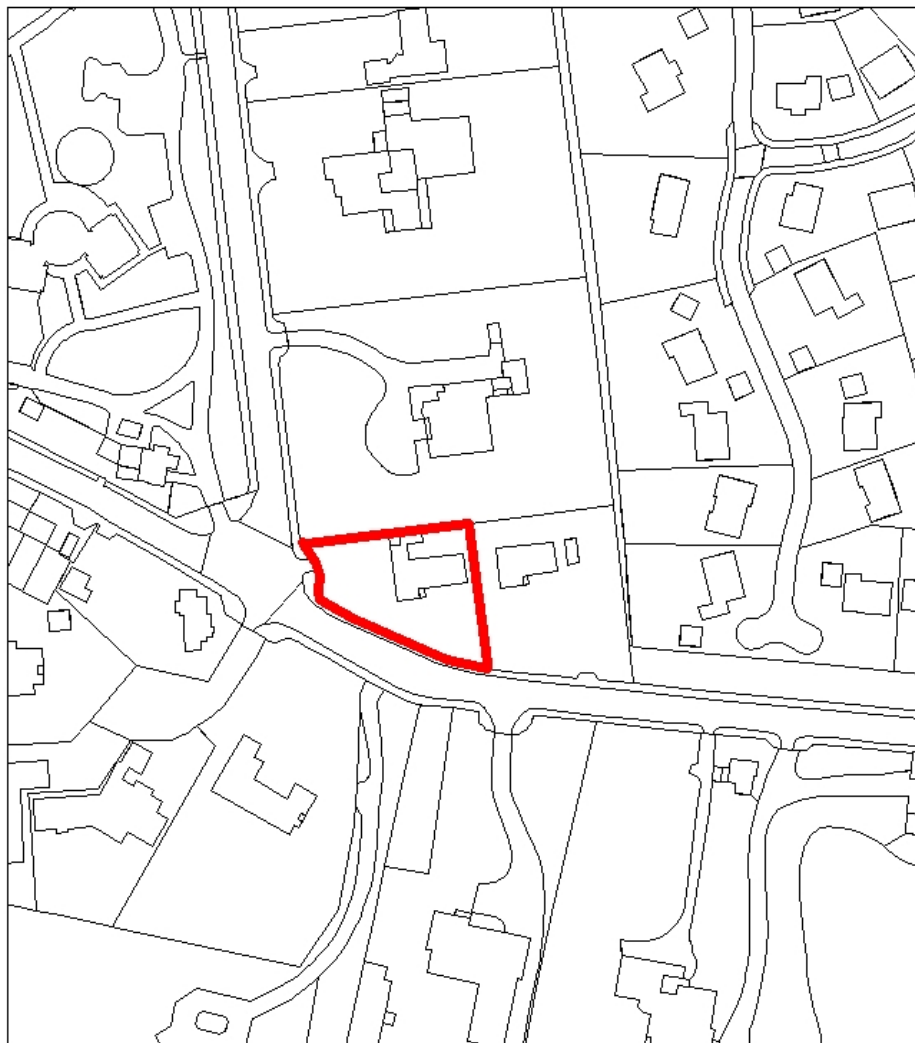
#### **RECOMMENDATION** - APPROVE - subject to the following conditions.

1. Unless otherwise agreed in writing the external walls of the building shall be rendered to match the render previously approved by the Local Planning Authority for use on the existing dwellinghouse.  
In the interests of visual amenity.
2. The games room hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.  
In the interests of the amenities of the occupants of neighbouring properties.





## Glendalough, Park Avenue



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2007/0149</b>	REV

**No:** 2  
**Number:** H/2007/0665  
**Applicant:** Mr/Mrs K Byers Hart on the Hill Dalton Piercy Hartlepool TS27 3HY  
**Agent:** SJR Architects & Interior Designers Mr David Johnson Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park Hartlepool TS25 5TG  
**Date valid:** 14/09/2007  
**Development:** Erection of 2 holiday cottages in two double storey blocks with associated access, car parking and landscaping works  
**Location:** (AMENDED DESCRIPTION)  
 HART ON THE HILL DALTON PIERCY ROAD  
 HARTLEPOOL

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### The Application and Site

2.1 Detailed planning permission is sought for the erection 2 no.' woodland' holiday cottages on land to the east of Hart on the Hill, a detached property close to the village of Dalton Piercy on the road known as Dalton Back Lane.

2.2 The site which is roughly triangular in shape measuring some 0.25 hectares, is densely planted with mature trees. The southern boundary of the site is particularly densely planted. To the north of the site is a private access road leading from Dalton Back Lane to Sparrow Hall, a former agricultural outbuilding that was converted to residential use following planning permission in 2000. The proposed holiday cottages would take access from this private access road.

2.3 The application is accompanied by a design and access statement which suggests there is currently a shortage of self catering accommodation in Hartlepool. The cottages proposed would be double storey height and accommodate 2 holiday units in each building. The external materials for the units would be a combination of red brick with cedar ship lap boarding. There is parking provision for 8 vehicles proposed within the site.

2.4 It is proposed to service the development with a replacement septic tank located within the site this would have an increased capacity than the existing tank and would discharge into a soakaway system. The applicant states that the site is too remote to allow connection to a mains sewer.

2.5 The applicant has submitted a tree survey which identifies a number of trees that would need to be removed to accommodate this application along with those that can be retained.

2.6 A tourism and planning supporting statement has also been provided in relation to this site. It states that the site is located at the heart of the Tees Valley sub-region

and at the local level can contribute toward the economic and social well being of local communities.

2.7 The application has been revised to reduce the number of holiday cottages from 4 originally proposed to 2 as per the revised plans as there were concerns regarding the intensity of the development.

### **Publicity**

2.8 The application has been advertised by way of a site notice and neighbour notifications (2). One letter of objection and one letter of comment were received regarding the original scheme as a result of the publicity exercise. In relation to the revised application there has been one letter of objection. The following points are raised :-

1. Increase in traffic levels on small rural road. Site is too close to a dangerous blind corner on the brow of a hill.
2. Design of buildings not appropriate to this rural setting and not in keeping with the character of Hart on the Hill. Building style should be sympathetic to its surroundings.
3. Concern that the reference to holiday homes is just a device to secure permanent residential accommodation on the site.

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### **Consultation**

2.9

**Environment Agency** - No objections

**Northumbrian Water** - No objections

**Dalton Piercy Parish Council** – Raise objections. Concerns about the standard of road access to the site. The proposed use of ship lap boarding would be out of keeping. Enquire whether any TPOs are present on the site as some trees will need to be cleared. There are concerns regarding the scale of the holiday lets and suggests that a covenant be entered into to ensure they remain holiday accommodation and do not become residential.

**Highway Engineer** - There are no major highway implications with this application.

**Head of Public Protection** – No objections

**Engineering Consultancy** – check for presence of landfill gas or precautionary measures to be incorporated in design. Calculations should be provided to show that the capacity of the existing tank and soakaway is sufficient for the development. Storm drainage should go to soakaway.

## Planning Policy

2.10 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.

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

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

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

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

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.

Rur3: States that expansion beyond the village limit will not be permitted.

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.

Rur11: States that farm diversification schemes will be permitted where any adverse effects on the best and most versatile agricultural land are minimised, existing farm buildings are reused, there is no significant detrimental effect on amenity, they do not generate significant additional traffic onto rural roads and where they are consistent in their scale with their rural location.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

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.

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

### **Planning Considerations**

2.11 The main planning consideration in this case are as follows:-

1. Policy issues
2. Economic development and tourism issues
3. Planning history of the site
4. Access and highway safety
5. The scale and form of development
6. Drainage
7. Nature conservation issues

### **Policy Issues**

2.12 The Hartlepool Local Plan defines the limits of the urban fence of Hartlepool and also the village envelopes. Policy Rur 1 seeks to strictly control the spread of the urban area into the surrounding countryside. The policy exists so as to retain open areas between Hartlepool and Billingham and between Hartlepool and the villages of Greatham, Elwick, Hart and Dalton Piercy.

2.13 Similarly the Local Plan, within Policy Rur 3, defines village envelopes seeking to restrict the limits beyond which they are able to expand in order to maintain their attractiveness as small communities. The Policy states that expansion beyond the defined village envelopes will not be permitted.

2.14 The application site lies outside the defined urban fence and outside any village envelopes. It is located within the open countryside.

2.15 The Government's Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas. In considering planning policies and development proposals for static holiday and touring caravan parks and holiday chalet developments, planning authorities should:

- (i) carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally sensitive sites, and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas, or for re-locating away from sites prone to flooding or coastal erosion;
- (ii) where appropriate (e.g. in popular holiday areas), set out policies in LDDs on the provision of new holiday and touring caravan sites and chalet developments, and on the expansion and improvement of existing sites and development (e.g. to improve layouts and provide better landscaping); and
- (iii) ensure that new or expanded sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening.

Policy Rur 12 of the adopted Local Plan states that new dwellings will not be permitted in the open countryside unless they can demonstrate that:

- a) they are essential for the efficient functioning of the agricultural, forestry or other approved or established uses in the countryside;
- b) the enterprise for which they are required is economically viable;
- c) they are of a size commensurate with the established functional requirement;
- d) the siting, design, scale and materials will not be significantly detrimental to the rural environment. These provisos reflect the approach taken in the Government's PPS7.

Policy To9 of the adopted Hartlepool Local Plan 2006 seeks to promote the development of tourist accommodation within the key tourist areas of the Borough i.e. town centre, marina, Victoria Harbour, Headland and Seaton Carew areas of the town. There is no statement about the need to promote tourist accommodation within rural areas.

Whilst there are reservations about residential development in the open countryside at this prominent location it is appreciated that the two units now proposed will help in broadening the supply of tourism accommodation notwithstanding that the location is outside those noted in policy To9 albeit close to 2 existing dwellings.

There are no overall objection to the two units provided that the permission is subject to a very strict control on the permanent occupation of the properties. In addition it is suggested that additional woodland planting should be provided to strengthen the visual screening.

## **Economic Development and Tourism**

2.16 There are currently only 2 self catering properties within HBC area, one of those is at Seaton Carew and the other on Hartlepool Marina (both urban locations). The limited number of self catering establishments was identified as a weakness within the Hartlepool Tourism Strategy. Hartlepool's Accommodation Strategy also identifies that there is a lack of self catering provision.

2.17 The lack of self catering establishments is not only an issue in Hartlepool but also within the wider sub-region (TeesValley) and this again is referred to in the Accommodation Strategy. There are currently only approximately 25-30 inspected self catering establishments across the TeesValley (inspected refers to the national Quality in Tourism scheme).

2.18 The Council's Tourism liaison officer has contacted the Tourist Information Centre in Hartlepool, they advised that they regularly receive requests from potential visitors for information on self catering establishments in Hartlepool and that requests are increasing year on year (particularly from families).

2.19 The scheme proposed offers self catering accommodation in the form of 3 x 2 bedroom units sleeping up to 6 people (one being accessible for people with disabilities) and a 3 bedroom unit capable of sleeping up to 8 people (this is classified on plan as a family let).

2.20 It is considered that this proposal would enhance Hartlepool's accommodation product which is limited in the degree of variety the town can offer a visitor.

## **Planning History**

2.21 Planning permission was granted in 2000 for the change of use of an agricultural outbuilding to residential accommodation on land immediately to the north of Hart on the Hill. This permission was subject to a planning agreement which involved giving up the right to develop any additional dwellings within the current application site. The effect of this was to remove any uncertainty that existed as to whether the applicant was able to rely on an original planning permission to further develop the site.

2.22 In the event that planning permission is granted it would be necessary for the applicant to vary the terms of the planning agreement in order for the development to proceed. It would also be considered prudent to ensure that a legal agreement included the requirement for these units to remain as holiday accommodation rather than become independent residential dwellings.

## **Access and highway safety**

2.23 The proposed access arrangements are considered acceptable in principle. The access is proposed to be taken from the private access (to the north of the site) leading from Dalton Back Lane to Sparrow Hall. The access road through the application site has as far as practical taken the route of areas with limited tree

coverage. 8 parking bays are proposed within the site, this is considered an acceptable level of parking.

2.24 The Head of Traffic and Transportation does not consider there to be any major highway implications associated with this application and therefore there is no objection to the scheme.

### **The scale and form of development**

2.25 The proposed woodland cottages are proposed to be sited within open areas with groups of trees retained around the site (this is covered further in the section titled Nature conservation issues).

2.26 As already stated the scheme proposes 3 x 2 bedroom units sleeping up to 6 people (one being accessible for people with disabilities) and a 3 bedroom unit capable of sleeping up to 8 people (a family let). The scale of the proposed cottages are considered to be acceptable and would be capable of broadening the supply of self catering accommodation with Hartlepool.

2.27 The external appearance of the cottages will be part constructed in farmhouse red brick with the majority made up of cedar ship lap boarding to complement the existing surrounding trees with grey concrete tiles to the roof. It is considered that although the materials are different to the traditional materials used on Hart on the Hill that in the context of their wooded surroundings the materials and design are considered acceptable. Each unit proposes either an external terrace or balcony.

2.28 The scheme proposes to incorporate secured by design principles such as an alarm system linked to a monitoring centre and dusk till dawn external lighting.

### **Drainage**

2.29 In terms of the proposed drainage the agent has confirmed that there is no mains drainage near to the site or surrounding areas and there is an existing septic tank on the site taking waste from Hart on the Hill. It is proposed that the foul drainage for the development is to be served by a replacement septic tank with an increased capacity which would discharge into a soakaway system.

2.30 In terms of storm drainage there appears to be only one feasible method, a soakaway. The Council's Engineering Consultancy Team have assessed the scheme and consider that uncontrolled increased storm run-off could potentially effect the adjacent property and highway, therefore ground percolation tests and soakaway design is provided before the application is determined. These details have been requested and it is anticipated that these will be considered prior to the Committee meeting, therefore an update will be provided accordingly.

### **Nature conservation issues**

2.31 In terms of nature conservation the Council's Ecologist has assessed the scheme and initially objected on the grounds of insufficient information, however an arboricultural implication assessment and a statement regarding a pond which has



been infilled (therefore negating the need for a Great Crested Newt Survey) at the site has been submitted. The Ecologist has no objection to the scheme in light of this information.

2.32 An arboricultural implication assessment, produced in accordance with BS5837: 2005 - Trees in relation to construction 'Recommendations', has been submitted in support of the application. The assessment includes a total of 111 trees, 73 of which are shown to be retained and protected during the course of the development, and 38 trees that are recommended for removal. Of those recommended for removal, 2 are for reasons relating to their condition and the others in order to facilitate the development.

2.33 A tree protection plan has also been included, which shows the locations for the erection of protective barriers to form construction exclusion zones around the retained trees at the site. These barriers should serve to prevent damage being caused to the retained trees by operations in their vicinity.

2.34 The report also includes details of a 'tree friendly' construction method for areas where roadways or parking bays encroach within the root protection areas of retained trees. This method should ensure that, where encroachment into root protection areas is necessary, damage to retained trees is avoided.

2.35 The proposed new buildings are, in general, shown to be located within the open areas of the site, with the groups of trees around the perimeter and within a central portion of the site shown to be retained. The overall impact of the proposed development upon visual amenity in terms of the trees at the site would not be considered unacceptable, and the site should largely retain its woodland appearance. Additional landscaping is also proposed within the site, this can be controlled through planning condition.

2.36 It is therefore considered that in terms of Nature Conservation that the scheme is considered acceptable.

## **Conclusion**

2.37 The proposal is considered acceptable in principle subject to satisfactory details regarding drainage and legal safeguards (S106 agreement) to ensure the units can only be occupied as holiday accommodation. It is anticipated that drainage information will be submitted and assessed prior to the Committee therefore an update report will be provided accordingly.

**RECOMMENDATION** - Update report to follow.



## Hart on the Hill



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:3000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2007/0665</b>	REV

**No:** 3  
**Number:** H/2008/0055  
**Applicant:** Mr Alan Henderson Slake Terrace Hartlepool TS24 0RU  
**Agent:** England & Lyle Mr Gary Swarbrick Morton House Morton Road Darlington DL1 4PT  
**Date valid:** 25/01/2008  
**Development:** Erection of a cafe unit (resubmitted application)  
**Location:** LAND OPPOSITE NAVIGATION POINT HARTLEPOOL MARINA HARTLEPOOL

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### The Application and Site

3.1 The site to which this application relates constitutes an area of hard standing to the west of Slake Terrace and directly to the north of the single storey pitched roofed Fastso's takeaway. The site is located within the main car parking area serving the surrounding Navigation Point mixed use development.

3.2 The application seeks consent for the erection of a single storey café unit with external eating bar.

3.3 The proposed structure is semi-circular in shape with an almost fully glazed curved northern elevation. The proposed structure consists of flat metal roof with a render mast and curved render wall detail above. Plans will be displayed at the meeting. The southern elevation of the unit, which is to face Fatso's takeaway, will consist of a solid brick wall with rear access door and proposed bin store adjoining it.

3.4 The structure is to be sited approximately 2m from the northern elevation of Fatso's takeaway and is to measure 22m in width at its widest point with a depth of 10.58m from the front elevation to the rear to create 110m<sup>2</sup> of internal floorspace. The structure is to measure 4m in height to the top of the flat roof. The proposed render mast is to measure a maximum height of 8m from ground level with a maximum width of 1.4m. The proposed curved wall detail upon the roof is to vary in height from 4.8m above ground level to a maximum of 7.4m.

3.5 The applicant seeks hours of operation of the café from 11:00am until 12 midnight every day of the week.

### Publicity

3.6 The application has been advertised by way of neighbour letters (31) and site notice. To date there have been 2 letters of objection received.

The objections raise the following concerns:-

1. Design of the unit is completely out of keeping with the historic quay and any other building in the area and feel that it would be detrimental.

2. The new building has been sited in an area that was in the original marina plans as a coach/bus park and has been used as such up until recently when it was mono-blocked. The marina receives large numbers of coach and bus trips that come from all over the country. Since the coach parking area has been removed there have been a number of incidents and accidents. With coaches being unable to get parked up, gain access, traffic jams etc.
3. The proposed building is sited directly to the front of Fatso's and due to its sheer size will block out all the natural sunlight putting our current unit in a big shadow.
4. Navigation Point already has more than adequate number of food outlets and this will jeopardise numerous businesses and jobs etc.
5. Objections on the grounds of competition – highlights three outlets within 30m radius along with others in the area all retailing very similar products – how can this be of benefit to anyone but the landlord?
6. Disruption during the build, which will lead to loss of trade, limit car parking and reduce the amount of public to the marina area.
7. The area currently under construction under Jo Mast developments will bring further units to the marina for new businesses.
8. The area needs public toilets.
9. Feel this will overcrowd the existing area and take away the already established feel and look of the marina.

Copy Letters D

The period for publicity has expired.

### Consultations

3.7 The following consultation replies have been received:

**Head of Public Protection and Housing** – No objection subject to planning conditions which restricts hours of operation until midnight and requires a extract ventilation system.

**Northumbrian Water** – No objection

**Engineering Consultancy** – Have requested a planning condition is attached to any approval to ensure that a contamination survey is carried out prior to commencement of development on site.

**Environment Agency** – Final comments awaited. Objected initially due to the height of the finished floor level and the potential flood risk. Amended plans have been submitted following discussions between the applicant and the Environment Agency.

**Head of Traffic and Transportation** – No objection subject to a design statement to confirm and agree the collection of refuse from the unit.

**Tees Valley Regeneration** – No comments received

## Planning Policy

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

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

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.

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

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

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.

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

## **Planning Considerations**

3.9 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan and in particular the effect of the proposal upon the character of the existing Marina development, the effect upon the streetscene and the visual amenity of the area. The effect upon amenity of the occupants of the surrounding residential properties by way of noise and disturbance, consideration of flood risk and the effect of the development upon highway safety must also be considered.

## **Principle of Development**

3.10 Policy Com4/10 (Edge of Town Centre Areas) makes provision for a number of uses including A3 (Restaurants and Cafes) and A5 (Hot Food Take Aways) within the Marina area providing that they do not adversely affect the character (appearance/function) and amenity of the area. Consideration of the effect of the proposed development upon the character and amenity of the area in line with this policy and policy Com12 (Food and Drink) will be discussed in detail further in the report.

3.11 Given the scope of policy Com4/10 it must be accepted that the provision of a café unit in the proposed location is in accordance with the Hartlepool Local Plan and as such the principle of the development is acceptable.

3.12 Objections relating to potential competition resulting from the proposed development upon the surrounding businesses are not material to the determination of this application.

## **Character/Streetscene**

3.13 Whilst the proposed development will be clearly visible from the surrounding views and vistas it is considered that given the subordinate scale of the proposed unit in relation to the adjacent 3 and 4 storey Navigation Point development it is unlikely that the development would appear unduly large or incongruous upon the streetscene.

3.14 The proposed development constitutes a very contemporary design within modern surroundings. It is considered that the design of the development, although bold, will constitute an acceptable addition to this location.

3.15 Given the nature of the surrounding uses at ground floor and the scope for development set out in policy Com 4/10 (Edge of Town Centre Areas) and To1 (Tourism Development in the Marina) it is not considered that the addition of a further café unit within the marina would have an adverse effect upon both its character or function.

## **Amenity**

3.16 It is acknowledged that the upper floors of the adjacent Navigation Point development consist of residential apartments and as such the amenity/living

conditions of those occupying the properties must be taken into consideration and protected where necessary when determining this application.

3.17 Given the amount of existing late night drinking establishments and restaurants/cafes directly below the residential properties upon Navigation Point which was specifically allowed for when the development was first approved it is considered unlikely that noise and disturbance issues would be created as a result of the development in excess of those that are already experienced. The Head of Public Protection and Housing has raised no objection to the proposed use subject to a planning condition which restricts the hours of operation to those sought within the application which are similar to those operated by other establishments on Navigation Point. Such a condition is suggested below.

3.18 A planning condition has also been suggested that will require an extract ventilation system to be provided upon the unit prior to the café becoming operation. It is considered that subject to such a system it is unlikely that the proposed use would lead to disturbance issues by way of odours.

3.19 A letter of objection has been submitted regarding the effect of the scale of the proposed development upon the adjacent Fatso's unit. The objector is concerned that the development will block out all natural sunlight which will put the unit in a shadow. Given the physical relationship of the proposed unit with Fatso's and the orientation of the properties (Fatso's is directly to the south) it is considered very unlikely, notwithstanding the size of the structure and associated roof details, that the development would lead to detrimental overshadowing issues.

3.20 It is acknowledged that the siting of the proposed café unit will significantly hinder public views upon the north elevation of Fatso's takeaway, which has a substantial advertisement upon it along with an access door and window serving the unit. It should be noted however that the Fatso's building currently has all four elevations in clear public view with two substantial windows in the west elevation, a staff access door in the east elevation and a public access door, serving hatch and a window in the south elevation. On balance it is not considered that the siting of the proposed café unit, which will obscure views of only one elevation of Fatso's takeaway, would lead to a significant detrimental constraining effect upon the business, which would warrant a refusal in this instance. There is potential for further advertisements upon the other elevations if necessary, subject to satisfactory details.

3.21 As stated previously commercial competition is not a material land use planning consideration and it is not the function of the planning system to inhibit competition amongst retailers or among methods of retailing, nor to preserve existing commercial interests as such.

3.22 It is not considered that the siting of the café will obstruct public access into the door on the northern elevation of the Fatso's takeaway.

### **Flood Risk**

3.23 A Flood Risk Assessment forms part of the application in this instance. The Environment Agency initially objected to the proposal on the grounds that the

proposed finished floor level of the unit was not high enough to avoid any adverse effect any potential flooding in the area. Discussions have been undertaken between the applicant and the Environment Agency to address this concern. An amended plan has been submitted to increase the height of the finished floor level within the proposed unit. The Environment Agency have been re-consulted on this matter and a formal response is awaited. Members will be updated of the Environment Agency response.

### **Highway Safety**

3.24 The Head of Traffic and Transportation has highlighted that the Marina currently has poor transport links and as such the main users for the development will be car borne, he considers however that the proposed development would have little impact upon the current parking situation at Navigation Point. He has highlighted concerns over the collection of refuse from the site. It is considered that these concerns can be alleviated and as such a suitably worded planning condition has been suggested to attach to any approval to agree exact siting of the refuse bins.

3.25 A letter of objection has highlighted the recent loss of the coach parking area upon the site. However, having reviewed the planning history it would appear that the area in question that has been changed from a coach parking area to an area of blockwork hard standing would not have required the benefit of planning permission.

### **Contamination**

3.26 Given the historic heavy industrial use of the site, the Council's Engineering Consultancy have requested that a contamination survey is carried out to identify any potential contaminants and to ensure remediation is necessary prior to development commencing on site.

### **Conclusion**

3.27 In conclusion it is considered that the proposed café unit will constitute an appropriate development within a mixed use area. The proposed use conforms to policy Com4/10 (Edge of Town Centre Areas) of the Hartlepool Local Plan.

3.28 The contemporary design of the building appears appropriate to the setting, and whilst it is a bold design, it is considered that it will complement the character of the existing surrounding Navigation Point development.

3.29 The proposed site is prominent upon the streetscene and will be clearly visible from the surrounding views and vistas, however given its predominantly single storey nature and orientation it is considered that it will sit within the surroundings without appearing unduly large or incongruous upon the streetscene. The scale of the massing of the structure appears substantial in size in relation to the adjacent Fatso's development, however it is considered appropriate to the overall setting of the Marina.



3.30 Subject to no objection from the Environment Agency, It is for the reasons discussed above and subject to the conditions set out below that this application is recommended for approval.

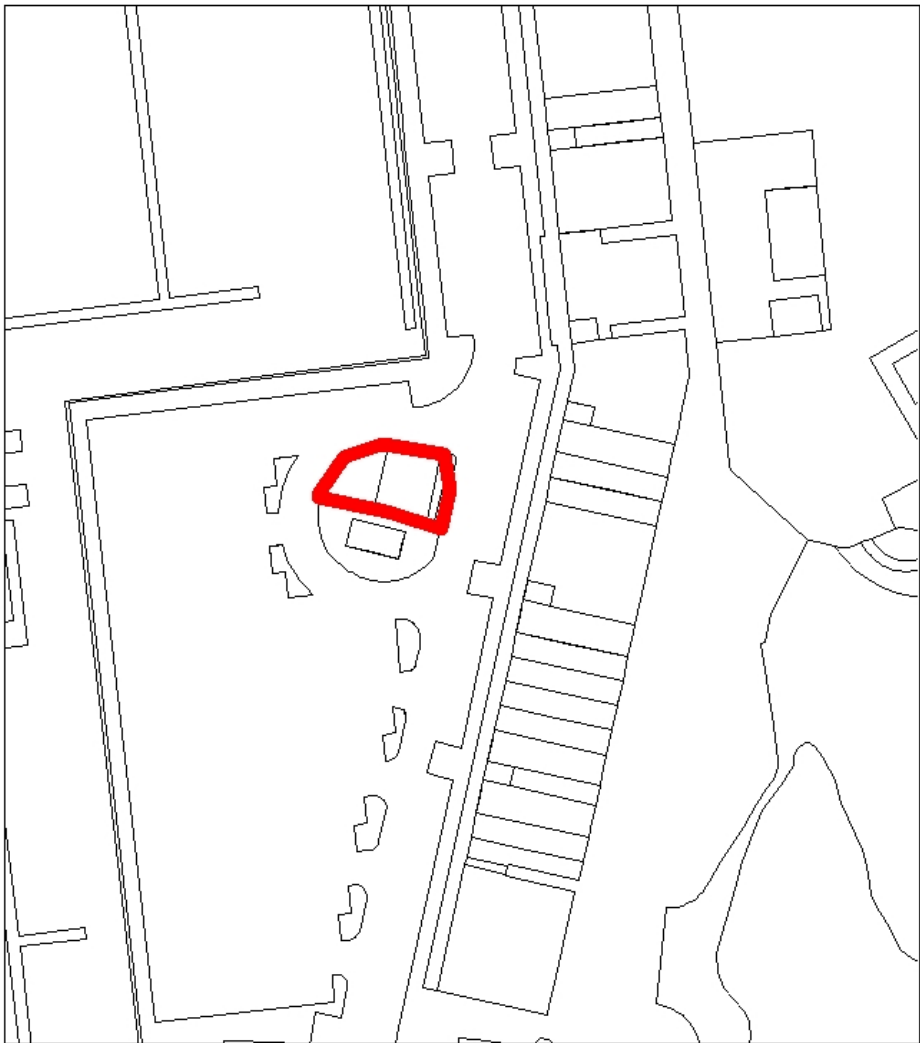
**RECOMMENDATION – Approval** subject to the conditions set out below and no objection from the Environment Agency:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. Notwithstanding the submitted details the use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority once agreed the storage of refuse shall be carried out in accordance with the agreed details throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 1153/200 Rev A and 1153/201 Rev A received on 31 March 2008, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
5. The premises shall only be open to the public between the hours of 11:00 and 24:00 daily .  
In the interests of the amenities of the occupants of neighbouring properties.
6. 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.



Navigation Point



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:1000</b>	
	DRG.NO <b>H/2008/0055</b>	REV
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT		

**No:** 4  
**Number:** H/2008/0110  
**Applicant:** The Dunston Partnership Wynyard Road Hartlepool  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 19/02/2008  
**Development:** Removal of planning condition to provide external eating  
 and drinking area  
**Location:** GOLDEN LION DUNSTON ROAD HARTLEPOOL

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### The Application and Site

4.1 Permission is sought to vary planning permission to allow for the creation of an external drinking area on part of the premises. Permission was originally granted for the development of the pub in July 1996 notwithstanding considerable opposition to the proposal from local residents. The proposed external drinking area is located in the southwestern corner of the site adjacent to Dunston Road. The area has already been enclosed and is currently being used as a beer garden. The application is therefore retrospective.

4.2 Planning permission was refused in 2006 under application H/2006/0391 for a similar proposal, however it should be noted that the area proposed for an external eating and drinking area has reduced in size from this application.

4.3 The external area is sited to the north of the existing boundary wall and fence, which fronts onto Dunston Road. There is a strip of land approximately 3.5 metres in width between the front boundary and the area proposed for external eating and drinking. This area comprises grass and 8 fruit trees, which were planted some 18 months ago. The grassed area continues around the area in question to the west and additional landscaping is proposed. Beyond this there is an area of mature landscaping which separates the site from the neighbouring properties in Bushton Close, which are approximately between 27 and 35 metres away from the area identified for external eating and drinking.

4.4 The area is accessed via external doors from the public house and it is surrounded on its northern and eastern side by the public house itself, the southern and western boundaries are enclosed by a 1.58 metre high close boarded fence with a tiled canopy taking the overall height of the enclosure to 1.8 metres. There is a small open area on the northern boundary which is proposed to be closed off with a timber close boarded fence, this is to contain activities within the external eating and drinking area only.

### Publicity

4.5 The application has been advertised by way of neighbour letters (18) and site notice. To date, there have been 8 letters of objection.

The concerns raised are:

1. Noise and disturbance.
2. Foul language.
3. Affect on sleeping for neighbouring residents.
4. Neighbours must close windows to block noise.
5. Since the no smoking ban rules were introduced customers have been congregating and noise generated, concerns that this will be exacerbated by allowing eating and drinking outside.
6. Disturbance to neighbouring properties rear gardens.
7. Police have been called to the site due to a disturbance last year in the garden, concerns this will be repeated.
8. If planning permission were granted a time restriction of 9pm should be imposed, this would eliminate any excessive noise late at night.
9. Smells from cooking.
10. Children live in close proximity to the site and this would be a terrible example.
11. Noise still heard through double glazing.
12. If neighbouring residents caused noisy drinking parties they would be prosecuted by the Council for Anti-Social Behaviour problems.
13. Nothing has changed since the original permission.
14. Bushton Close is a highly rated area and it is devastating news that the application is to be considered.
15. This is to cater for smokers.
16. Devaluation of houses.
17. Already subjected to noise from bottles etc being disposed of.
18. Residents were told that activities were to be contained within the public house this would violate this.

Copy Letters B

4.6 The period for publicity has expired.

### **Consultations**

4.7 The following consultation replies have been received:

**Head of Traffic and Transportation** - There are no major highway implication, no objection

**Head of Public Protection** - When the Golden Lion opened a number of complaints were received by the licensing section concerning drinking outside and the disturbance this caused to neighbouring residents. This was quickly dealt with at the time and the Public Protection Division has not received any noise complaints concerning the Golden Lion since then. Should this application be approved it is advised that it should only be for a temporary period to enable the impact to be monitored and assessed. It is also recommended that a condition that no food or drink shall be allowed to be taken outside or consumed in the external drinking/eating areas after 9:00pm.

**Cleveland Police** - No objection. To minimise any potential impact in relation to noise and other issues of anti social behaviour, which could be associated with this proposal, it is recommended that this area should be appropriately supervised and covered by CCTV. A time restriction on use of the area up to 9.00pm would also help to reduce the impact on nearby residents and a temporary period would allow the area to be monitored.

## Planning Policy

4.8 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.

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

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

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

## Planning Considerations

4.9 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 whether provision for external eating and drinking would cause an adverse affect on the amenities of nearby residents by virtue of noise and antisocial behaviour.

4.10 The proposed area is a relatively small portion of the site. The nearest properties are situated on Dunston Road and Bushton Close some 32 meters and 27 meters away respectively. The area is contained behind an external close boarded fence with canopy which is limited in terms of visibility from Dunston Road as it is screened by the boundary wall/fencing fronting Dunston Road. It is also considered that the once the trees which were planted some 18 months ago mature they will provide additional screening. In terms of its relationship to the properties in Bushton Close, again the area is enclosed, has a grassed area proposed to incorporate additional landscaping and also a mature landscaped area between the it and the neighbouring properties.

4.11 It is considered that the area of the premises in question is restricted in size and is fairly well separated from existing residential properties. It is proposed to be totally enclosed to contain clients and prevent encroachment elsewhere on the premises.

4.12 The Head of Public Protection has stated that complaints were made by local residents with respect to disturbance when the public house first opened however these were dealt with quickly and no complaints have been received since. The external eating and drinking area has been in operation in its current form for some 7 months with no complaints for neighbouring residents.

4.13 It is therefore considered that the enclosures along with the landscaping existing and proposed are considered sufficient to not have a significant detrimental affect on the neighbouring properties in terms of noise and disturbance. However given the public concern expressed and on the recommendation of both Public Protection and Cleveland Police it would be prudent to impose a short term temporary permission condition to allow the arrangement to be monitored and reviewed. A condition can also be imposed in order to safeguard against extended external drinking and eating, a 9 pm restriction is considered appropriate in this instance. It should be acknowledged that this restriction would not take into account users of the public house to use the area to smoke.

4.14 In terms of the time restriction proposed the applicant has raised concerns and is of the opinion that similar developments do not have such restrictions, citing the example of the recently built 'Tall Ships' public house, sited within Middle Warren. It should be acknowledged that all applications are considered on their own merits and in that particular case the beer garden area is sited to the front of the public house, separated from the nearest residential properties by a significant separation distance or the public house building itself. The properties currently being built to the rear of the 'Tall Ships' also have a landscape strip incorporated into their gardens and soundproofing to windows in order to minimise any potential affects in terms of noise

and disturbance. It is considered that the conditions proposed given the relationship of the site with the surrounding residential area are acceptable in this instance.

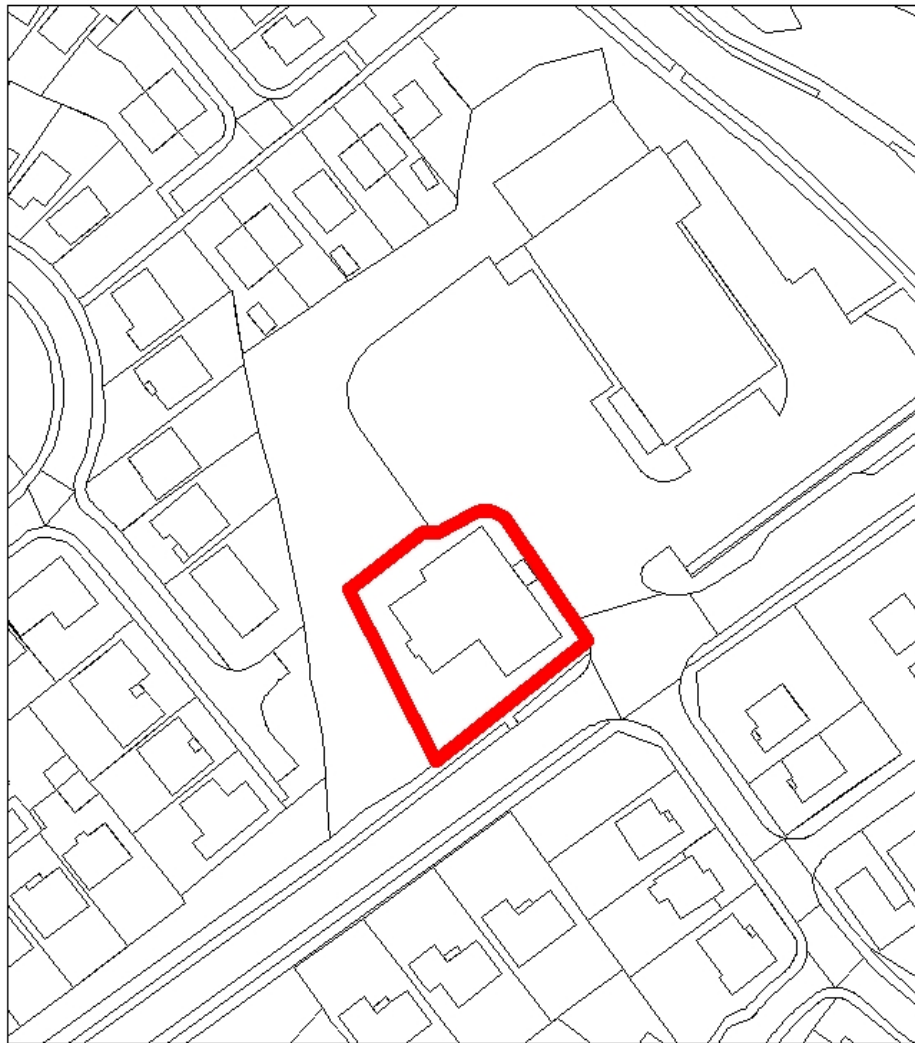
**RECOMMENDATION** – Approve subject to conditions:

1. The variation hereby approved to allow for an external eating and drinking area shall be discontinued and land restored to its former condition on or before 16th April 2009 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.  
To enable the Local Planning Authority to assess the use in the light of experience.
2. Final details of the additional close-boarded fence shall be submitted and agreed in writing by the Local Planning Authority, therefore the scheme shall be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The external eating and drinking area shall remain enclosed as hereby approved throughout the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
4. A detailed scheme of landscaping and tree and shrub planting for the western boundary 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.
5. The area hereby approved shall not be open as an external eating and drinking area after 9pm.  
In the interests of the amenities of the occupants of neighbouring properties.
6. For the avoidance of doubt access to the external eating and drinking area shall only be via the public house, no external access shall be formed, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
7. A scheme to incorporate CCTV to cover the external eating and drinking area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented within 1 month of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention.
8. Notwithstanding this permission all other conditions attached when the public house was first approved under application number H/FUL/0166/96 shall still apply.  
For the avoidance of doubt.





## Golden Lion, Dunston Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0110</b>	REV

**No:** 5  
**Number:** H/2007/0140  
**Applicant:** MR RON PERRY A19 SERVICES ELWICK  
 HARTLEPOOL TEESIDE TS27 3HH  
**Agent:** PLAN.IT DESIGNS LTD MR NIGEL COCKSHOT 28A  
 NEWMARKET STREET SKIPTON BD23 2JD  
**Date valid:** 16/10/2007  
**Development:** Outline application for the erection of a 120 bed lodge  
**Location:** A19 Services (Southbound) Elwick Hartlepool

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### The Application and Site

5.1 The application site is an area of grassed land directly to the north of the Ron Perry Services on the south bound carriageway on the A19 (T) between the A689 in the south and A179 in the north.

5.2 The proposed development is a u-shaped building comprising a 120 bedroomed hotel. It would be accessed by an extension to the existing slip road which serves the OK diner restaurant to the north of the petrol service station and would form a further component of the roadside facilities on this site.

5.3 The development would be served by 121 car parking spaces plus a further 15 spaces for staff.

5.4 The application is in outline with details of siting and means of access subject to approval as part of this application. Details of the scale, external appearance and landscaping of the site are reserved for later consideration.

5.5 The site was previously the subject of an application for a 40 bed hotel which was approved.

### Publicity

5.6 The application has been advertised by way of neighbour letter (1) and site notice and press notice. To date, there has been 1 letter of objection received.

5.7 The concerns raised are:

- 1) Concerned that the existing drainage system will not be adequate to cope with the new development
- 2) Drainage is served by an open stream, which has a very poor flow rate.

Copy Letter F

5.8 The period for publicity has expired.

## Consultations

5.9 The following consultation replies have been received:

**Northumbrian Water** – No objection

**Environment Agency** – No objection subject to condition to control and regulate surface water drainage.

**Elwick Parish Council** – No comments received

**Highways Agency** – No objection

**Engineering Consultancy** – Recommend condition to remediate site if found to be contaminated.

**Public Protection** – No objection

**Traffic and Transportation** – No objections

## Planning Policy

5.10 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.

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.

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.

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.

Rur18: States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

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.

To9: Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

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

WL4: States that development which would directly or indirectly harm species protected by law and their habitats will not be permitted unless effective steps are taken to secure the protection of such species and their habitats.

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

## Planning Considerations

5.11 The main issues for consideration in this case are the visual impact of the development, highway safety and drainage matters. The principle of a hotel development on this site was previously established by the consent for a 40 bedroom development.

5.12 Whilst the scale and external appearance of the proposed building are reserved matters the proposed layout and number of rooms suggests that this would be a 2 storey development.

5.13 Whilst this would be a large building in a prominent location alongside the A19 dual carriageway, it is considered that if limited to 2 storeys in height and given the scope for perimeter screen mounding and tree planting, that the structure could be satisfactorily assimilated into within the surrounding landscape.

5.14 Notwithstanding this the site remains prominent, it was considered appropriate in this case to seek a planning agreement with the developer in this case to improve pedestrian access to open countryside in the locality, by way of compensation for placing a building in an open area.

5.15 The developer has therefore agreed to pay a sum of £40,000 towards the development and enhancement of the public right of way network. This has been discussed with the Council's public right of way officer who has identified a stretch of land to the west of the A19 corridor which could be linked into the local rural footpath network in order to enhance pedestrian accessibility in this countryside location.

5.16 There are no objections from either the Highway Authority or the Highways Agency in respect of the level of parking provision and highway safety in general.

5.17 Concerns have been raised by the occupier of an adjoining farm with respect to drainage capacity. The applicant has provided a flood risk assessment which has been considered by the Environment Agency. The Agency raise no objection to the development subject to a condition requiring details of the means of regulating surface water drainage from the site to be submitted and agreed.

5.18 The development is therefore recommended for approval subject to the following conditions and a planning agreement.

**RECOMMENDATION** - APPROVE subject to a Section 106 planning agreement to secure a financial contribution to the Public Rights of Way network in the locality 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 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. 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.
4. 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.
5. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing levels together with the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.  
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. 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.
8. 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 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.

9. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 502\103 C, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage and regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.  
To prevent the increased risk of flooding.

**No:** 6  
**Number:** H/2008/0089  
**Applicant:** Mr P Mason 38 Endeavour Close Hartlepool Cleveland TS25 1EY  
**Agent:** David Stovell & Milwater Mr David Stovell 5 Brentnall Centre Brentnall Street Middlesbrough TS1 5AP  
**Date valid:** 25/02/2008  
**Development:** Erection of a two storey side extension providing bedroom and garage  
**Location:** 38 ENDEAVOUR CLOSE HARTLEPOOL

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### The Application and Site

6.1 The site to which this application relates is a detached two-storey property with an attached one and a half storey garage to the side. The property has gardens to the front and rear and is located in a predominantly residential area. The property has been the subject of previous extensions.

6.2 The application seeks permission for the erection of a two-storey side extension to provide a bedroom and garage. Following negotiations the originally submitted plans have been amended moving the proposal away from the party boundary prevent any overhanging.

6.3 The two-storey extension (as proposed) is to project 3.6m from the side of the main dwelling house at a depth of 5.55m. The roof is of a gable end design measuring 5m at the eaves with a maximum height of approximately 7.8m.

### Publicity

6.4 The application has been advertised by way of neighbour letters (10). To date, there have been 6 letters of objection and 2 letters of no objection.

The concerns raised are:

- 1) The proposal is contrary to the original design brief for the estate
- 2) Feeling of over-development
- 3) Negative effect on house prices
- 4) Would set a precedent for future development
- 5) Increased risk of fire spreading between properties
- 6) Contrary to estate covenant
- 7) Relationship to neighbouring properties
- 8) Effect on the character and appearance of the area
- 9) Reduction in amount of sunlight entering rear garden
- 10) Overbearing
- 11) Scaffolding will limit access to neighbouring garden
- 12) Issues of safety during construction
- 13) Loss of light



#### 14) Construction noise

Copy letters E

The period for publicity has expired.

### Planning Policy

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

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

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

### Planning Considerations

6.6 The main issues for consideration when assessing this application is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular, the potential for loss of amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposal in relation to the existing dwellinghouse and, more generally the character of the streetscene.

6.7 The application follows a recent approval in 2006 (H/2006/0888) for the erection of a single storey garage extension in the same location.

6.8 In relation to this application, 6 letters of objection have now been received, including one from the neighbouring property of 39 Endeavour Close. Many of the concerns raised are not material planning considerations. Material considerations relating to the development are discussed below.

6.9 Several of the objection letters make reference to the potential loss of light, relationship and overbearing issues, which could be created upon the surrounding residential properties.

6.10 Separation distances to properties on Saffron Walk associated with the proposed development are similar to those existing at present. Saffron Walk lies to the east of the application site. Given these relationships it is considered unlikely that any additional overshadowing or overlooking created as a result of the development would lead to a significant detrimental effect upon the living conditions

of the occupants of those properties. The extension is set back from the front so the effect on the house opposite on Saffron Walk should be minimal.

6.11 The relationship between the application site and the neighbouring property of 39 Endeavour Close is of significant interest in the consideration of this application. The owner/occupier of 39 Endeavour Close has objected to the proposal, and raised material concerns regarding overshadowing and overbearing (dominance) issues. It is acknowledged that there would be an affect on the amount of light entering the side windows of 39 Endeavour Close. 39 Endeavour Close is set off about 1 metre from the boundary with the application site. In the gable facing that site there is a small utility room window and doorway providing access to the rear garden and an area where bins are stored at ground floor and a small window to an ensuite and a secondary bedroom window at first floor. A rear garden room also has windows facing the application site. However, the majority of windows do not appear to serve primary rooms. The bedroom window is secondary in its nature and sits forward of the proposed extension. The garden room windows are not the sole windows to that room. Given the orientation of the house the amount of sunlight reaching these windows and the rear garden is limited. In these circumstances it is considered difficult to substantiate this as a reason for refusal.

6.12 The main door to the rear garden of 39 Endeavour Close is located in the side of the property and is of a 'stable type' design. Whilst it is accepted the proposal will appear imposing upon the existing side door of number 39 the relationship proposed is not uncommon in the Borough. It must be remembered that permission has already been granted for a garage here and that there is another access to the rear garden.

6.13 An objection has also been received regarding a potential precedent being set. It is considered that, whilst this is a planning consideration every application is judged on its own merits.

6.14. With regard to scale of the property when extended it is considered, given the mix of house types in the surrounding area (single storey, dormer and two-storey) and that many occupy the majority of their plots it is unlikely the extended house would appear out of keeping or out of character with the surrounding area. Further the extension itself is set well back and will not be widely seen. Given this and the fact that 39 is set approximately 1m from the shared boundary it is unlikely that a detrimental terracing effect will be created in this instance.

## Summary

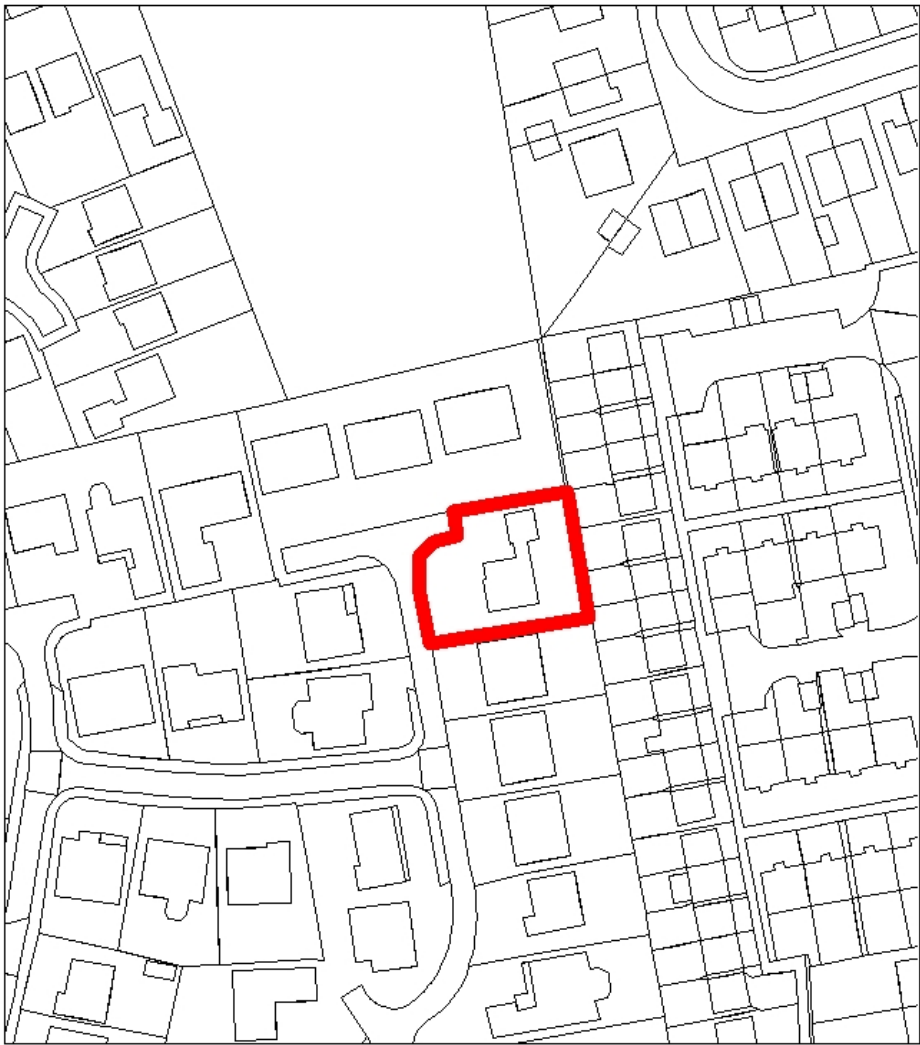
6.13 Having regard to the policies identified in the Hartlepool local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing, outlook and its appearance in relation to the existing dwellinghouse and streetscene in general the development is 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. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no window(s) shall be inserted in the elevation of the extension facing 39 Endeavour Close and 18 Saffron Walk without the prior written consent of the Local Planning Authority.  
To prevent overlooking
4. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) HL/07/004/45b received on 02/04/2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt



**38 Endeavour Close**



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:1000</b>	
	DRG.NO <b>H/2008/0089</b>	REV
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT		

**No:** 1  
**Number:** H/2008/0149  
**Applicant:** Mr Dale Duncan PARK AVENUE HARTLEPOOL TS26 0DZ  
**Agent:** Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR  
**Date valid:** 06/03/2008  
**Development:** Retention of games room  
**Location:** GLENDALOUGH PARK AVENUE HARTLEPOOL

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### **UPDATE**

This application appears on the main agenda at item 1.

### **ADDITIONAL REPRESENTATIONS**

Two additional representations have been received.

One writer advises that they have no objections but expresses the view that the site looks overdeveloped.

Another writer advises that the structure together with the removal of Conifer hedging adversely impacts on the street scene and the Conservation Area. The hedge should have been protected. Together with the extensive extensions to the property itself the development as a whole gives the impression of a grossly overdeveloped site. The proposal should be resisted and steps taken to secure the removal of the building (copy attached).

### **PLANNING MATTERS**

The removal of parts of the conifer hedge did not require consent. The applicant has agreed to undertake replanting as part of a general landscaping of the site which he will undertake once building works are completed. The additional conditions below are therefore proposed.

### **RECOMMENDATION**

The recommendation remains that the application should be approved subject to the conditions outlined in the original report and the additional conditions referred to below.

1. A detailed scheme of treeplanting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The scheme must specify sizes, types and species, 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.

2. 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.

Comments on application Ref No H/2008/0149

Retention of games room at Glendalough, Park Avenue., Hartlepool, TS26 0DZ

This application is in reality an amendment to that development initially approved, planning application Ref No H/2007/0604.

The initial application's design and access statement stated that;

*the 'Games Room' would be surrounded by conifers and high garden wall and should not be able to be seen from neighbouring property/road.*

Given that this 'games room', in its approved location was considered acceptable by officers, it can only be assumed that their decision to approve resulted from an assessment of this statement and the officers on-site assessment of the proposal as a whole. It is clear from the formal report on the initial application that both the Case Officer and the Conservation Officer were satisfied that the games room structure would not adversely impact on the 'street scene' or the wider Conservation Area. Unfortunately the number of comments I have received as a Resident Representative for the Park Ward would suggest that in its built position, this structure, together with the removal of sections of the existing conifer hedge detail, adversely impacts on the street scene and the wider Conservation Area.

As a consequence, this application, and the fact that development as a whole, adversely impacts on the street scene and the Conservation Area, also raises the question, why didn't officers take the opportunity to protect the existing conifer hedge at the initial consideration stage?. While I am fully aware that it would have been unusual for an Authority to do so, but having regard to the applicant's initial statement, it would have been extremely difficult for the applicant to refuse to give such an undertaking and sign a planning agreement and thereby ensure its long term retention. If the applicant had refused to sign such an agreement to safeguard the existing conifers at that time, it would have given officers a clear indication of the applicant's real intention in respect of the conifers. Such information may well have raised officers concerns about the impact of the development as a whole.

As a result of the removal of sections of the existing conifer hedge, the development now has an immediate and adverse impact on the street scene and the Conservation Area. Due to the property's high profile location on the corner Park Avenue, and at a slight bend on Elwick Road, the development now shouts out to both passing pedestrian and vehicular traffic. Both the garage and the games room elements are so close to the property boundary that at first sight they appear to overhang the boundary wall, and in doing so, emphasise their presence. Together with the extensive extensions to the dwelling itself, the development as a whole now gives the impression of a grossly over-developed site.

In an attempt to limit the adverse impact of this development on the street scene and the Conservation Area, I would request that the current proposal be resisted and measures taken for its removal.

Ted Jackson MRTPI,  
Resident Representative, Park Ward

**No:** 2  
**Number:** H/2007/0665  
**Applicant:** Mr/Mrs K Byers Hart on the Hill Dalton Piercy Hartlepool  
TS27 3HY  
**Agent:** SJR Architects & Interior Designers Mr David Johnson  
Suite 101 The Innovation Centre Venture Court Queens  
Meadow Business Park Hartlepool TS25 5TG  
**Date valid:** 14/09/2007  
**Development:** Erection of 2 holiday cottages in two double storey blocks  
with associated access, car parking and landscaping  
works  
(AMENDED DESCRIPTION)  
**Location:** HART ON THE HILL DALTON PIERCY ROAD  
HARTLEPOOL

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1. Drainage information is still awaited. An update will be presented at the meeting.



**No:** 4  
**Number:** H/2008/0110  
**Applicant:** The Dunston Partnership Wynyard Road Hartlepool  
**Agent:** Business Interiors Group 73 Church Street  
HARTLEPOOL TS24 7DN  
**Date valid:** 19/02/2008  
**Development:** Removal of planning condition to provide external eating  
and drinking area  
**Location:** GOLDEN LION DUNSTON ROAD HARTLEPOOL

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## UPDATE REPORT

Since the writing of the committee report a letter (attached) has been received from the applicant regarding the condition relating to the restriction of use of the outside eating and drinking area to no later than 9pm. The applicant claims that the Council is favouring large chains above local companies. However this is not substantiated, and Members will appreciate every application is determined on its own merits. The public house could be sold tomorrow. It should be noted that the Golden Lion has been erected after the neighbouring houses were built and a condition imposed to restrict outside drinking was imposed at the outset as there has always been concerns over the potential conflict between outside drinking and the neighbouring residents.

In terms of the comparisons raised in the applicant's letter it should be noted outside drinking at the White House was established over a period of time with a trial period at one stage in the early 1990's. The outside drinking area for the Tall Ships is actually at the front of the public house (facing the A179 roundabout), which is a considerable distance away from residential properties. The properties which are closest to the area in question have the relief of the public house itself between their back gardens and the outside drinking area; again this is a different scenario to the Golden Lion.

As detailed in the previous committee report in this instance it is considered prudent to impose a short term temporary permission to allow the arrangement to be monitored and reviewed.

On reflection a further condition is considered prudent in this instance, to restrict music being played/relayed to the outside area. It is considered that the recommendation to approve with conditions as proposed in the previous committee report is still relevant along with an additional condition:

9. For the avoidance of doubt no music shall be played in, or piped/relayed to, the outside seating area.

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

Mr P Walker  
Chief Executive  
Hartlepool Borough Council  
Civic centre  
Hartlepool

4<sup>th</sup> April 2008

Dear „

The Dunston Partnership currently has a planning application for an outside drinking area at The Golden Lion in Dunston Road lodged with Hartlepool Borough Council.

I understand that the officers are going to recommend a 9p.m. curfew, after which customers are not permitted to use the outside drinking area, for the application. Such a curfew will create a situation which will be very difficult to manage and which will damage trading. The reasons for this are as follows.

The main trading period for the Golden Lion in the summer months is between 7pm and 10pm. Requiring our customers to take their drinks in from the outside drinking areas for the remaining hour as the sun sets is unreasonable. The proposed outside drinking area will still be used for smoking, as currently happens, as there is no other area for smoking. Therefore, a 9pm curfew would mean that till 9pm smokers can drink outside, but from 9.01pm they can smoke but not drink. In addition, the Golden Lion is a female friendly business and very much female led. The current national policy guidance to females is not leave drinks unattended as they could be spiked with narcotic substances. This creates a ludicrous situation for our staff to have to tell people that if they wish to keep an eye on their drink after 9pm they can take their drinks out but are not allowed to drink them!

A 9pm curfew is unfair to our business. The White House has a 12.30am licence with outside drinking; the Tall Ships has a 1am licence with outside drinking. These businesses are our competition in the locality. We feel that the suggested imposition of a 9pm curfew means that the Dunston Partnership, a local Hartlepool business, will be disadvantaged by being subject to a different set of rules to a national chain. In effect we are being offered half a planning condition for our business in comparison with out of town competitors.

It is hard enough for a local firm to run a business in a deprived area such as Hartlepool when trading against national, well resourced businesses who have an upper hand with their overall profitability and who appear to be given more advantageous treatment by the local Council. We have found ourselves in a detrimental situation in being hampered in our trading position. We employ over 300 people in Hartlepool and there is duty of the local authority to allow an even trading ground.

You will no doubt know that five local families have sold their businesses recently. Quite frankly if the Council does not exercise fairness in its dealings with our

business, than I have no interest in further investment in Hartlepool; there is a history of outside companies being given preferential treatment going back to City Challenge.

I would like you to raise my comments with your planning officials. The proposed outside drinking area at The Golden Lion is less than half the size of our competitors and is fully enclosed. Adrian Hirst has told us that the guidelines for proximity to housing do not apply since the area is outside the guidance distances. The only time that there has been any comment about outside drinking at The Golden Lion was at our opening weekend, when Hartlepool experienced freak hot weather of over 80 degrees fahrenheit. As responsible licencees we had to take a decision that to try and force an exceptional amount of customers into the building would create a public order offence. The proposed outside drinking area is licensed. The outlet has run for nearly 3 years without any complaints from residents, other than falsehoods stated in letters associated with the planning application. Officers have told us that there have been no complaints about the Golden Lion.

The recommendation is for a trial period of 1 year we request a reasonable full trial, not half a trial.

I hope that you will give this matter your attention before the planning meeting on 16<sup>th</sup> April 2008.

Kind regards,

Leo Gillen  
The Dunston Partnership.

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

**Subject:** APPEAL BY MR K SMART SITE AT 7 HYLTON ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To advise members of the outcome of an appeal against the refusal of planning permission for the demolition of the existing property and the erection of two detached house and one detached garage.
- 1.2 The appeal was dismissed the Inspector concluding that the proposed extension would not harm the character and appearance of the area, nor significantly harm the living conditions of occupiers of neighbouring properties, and that the loss of the bungalow would not adversely affect the balance of housing stock in the area.
- 1.3 Costs were claimed by the applicant and the Inspector also allowed a full award of costs.
- 1.4 A copy of the appeal and costs decision are **attached**.

**2. RECOMMENDATION**

- 2.1 Members note the outcome of the appeal.



## Appeal Decision

Hearing held on 22 January 2008  
Site visit made on 22 January 2008

by Kevin Ward BA (Hons) MRTPI

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

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

☎ 0117 372 6372  
email: enquiries@pins.gov.uk  
ov.uk

Decision date:  
5 March 2008

**Appeal Ref: APP/H0724/A/07/2043696**

**7 Hylton Road, West Park, Hartlepool, Cleveland TS26 0AD**

- 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 Wilson Smart Homes against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0891, received by the Council on 2 January 2007, was refused by notice dated 30 March 2007.
- The development proposed is the demolition of the existing property and erection of two detached houses and one detached garage.

### Decision

- I allow the appeal and grant planning permission for the demolition of the existing property and erection of two detached houses and one detached garage at 7 Hylton Road, West Park, Hartlepool, Cleveland TS26 0AD in accordance with the terms of the application Ref H/2006/0891 as amended and plans 06/20/004 Rev A, 06/20/005 Rev A, 06/20/006, 06/20/007 Rev A, 06/20/008, 06/20/009 and RSL/003 Rev B, subject to the conditions on the schedule below.

### Procedural Matters

- The application was amended prior to its determination by the Council. I have determined the appeal on the basis of these amendments which included the removal of the proposed detached garage from House Type B. The description of the proposed development set out above differs slightly from that given on the planning application form. However, in the light of the amendments made it was agreed by the parties that it describes the proposed development accurately.
- Concerns were raised as to the accuracy of the dimensions referred to in Plan RSL/003 Rev B insofar as they related to the separation distances between the proposed dwellings and the main rear elevations of 15 and 16 The Vale. When measured from the plan, the separation distance appears to be approximately 19.5m rather than the 20m referred to. At the hearing, the Council accepted that this could be due to minor errors in scale when reproducing the plan. Subject to clarification, it agreed that the proposed distance between the new dwellings and the main rear elevations of 15 and 16 The Vale was a minimum of 20m. The parties agreed that this matter could be clarified by a condition

Appeal Decision APP/H0724/A/07/2043696

and I consider that it would not make the development substantially different from that shown on the plans.

4. At the hearing an application for costs was made by Wilson Smart Homes against Hartlepool Borough Council. This application is the subject of a separate decision.

#### **Main Issues**

5. The main issues are the potential effects of the proposed development on:
  - a) The character and appearance of the area.
  - b) The living conditions of the occupiers of neighbouring properties in terms of outlook, privacy and sunlight.
  - c) The balance of the housing stock in the area in terms of the loss of an existing bungalow.

#### **Reasons**

##### *The character and appearance of the area*

6. There are a number of bungalows in the locality, including 9 Hylton Road which adjoins the appeal site. However, the area also contains a significant proportion of two storey houses. The proposed dwellings would be seen in the immediate context of a group of such houses at this end of the street (1 to 5 Hylton Road). The scale and height of the proposed dwellings would be typical of two storey dwellings in the area and comparable with 1 to 5 Hylton Road.
7. Whilst the proposed dwellings would be set further forward than the existing bungalow on the site, this difference would not be significant even if they were 0.5m further forward than shown on the plan to ensure a 20m separation distance at the rear. There is also some variation in the position of other dwellings along Hylton Road relative to the road frontage. The width of dwelling plots in the area also varies and those for the proposed dwellings would be comparable in width to those for 1 to 5 Hylton Road. The design of the dwellings would be sympathetic to others in the area. I consider therefore that the scale, height and design of the proposed dwellings, their positioning on the site and the width of their plots would be appropriate in the street scene. They would not appear cramped or be dominant or obtrusive. The proposed development would not therefore harm the character or appearance of the area.
8. There is a protected sycamore tree within the rear garden of 15 The Vale. I agree with the Council that, as the foundations of the proposed dwellings would not encroach closer to the tree than those of the existing bungalow, the tree would not be harmed by the proposed development.

##### *Living conditions*

9. The Council clarified that it was concerned with the effects of the proposed dwellings on the living conditions of the occupiers of 5 Hylton Road and 15 and 16 The Vale. The interested parties at the hearing confirmed this view.

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10. In relation to 5 Hylton Road, the primary concern lay with the effect on sunlight to the rear garden and conservatory which is set away from the common boundary with the appeal site. The occupier of the property also raised concerns over the effect on the outlook from the garden and conservatory. Due to the positioning of the proposed dwellings and the orientation of No.5, the potential for a loss of sunlight would be limited to the afternoon and early evening. The sunlight to the rear garden and conservatory is already likely to be affected at these times by the position of No.5 itself and to some extent the fence along the common boundary. Although the proposed dwellings would clearly be higher than the existing bungalow on the appeal site, I consider that the additional loss of sunlight to the garden and conservatory would be limited.
11. Although the view from the rear garden and conservatory looking at an angle over the appeal site would change with the introduction of two storey dwellings, the main outlook directly from the rear of the property would be largely unaffected. The closest of the new dwellings would not project beyond the rear elevation of No.5 and the distance between the dwellings would be sufficient to avoid a dominating effect. The proposed detached garage would be close to the boundary with No.5. However, due to its limited scale and height and the existing fence along the boundary it would not significantly affect outlook or sunlight. I consider therefore that whilst the proposed development would have some effects on outlook and sunlight, these would be limited and would not result in significant harm to the living conditions of the occupiers of No.5.
12. For 15 and 16 The Vale, the concerns of the Council and the occupiers of those properties related to the effects on outlook, privacy and sunlight. Guideline 7 of Supplementary Note 4 to the Hartlepool Local Plan sets out a minimum separation distance of 20m between the principal elevations of dwellings. At the hearing the Council confirmed that it would typically accept a 20m separation distance between the principal rear elevations of two storey dwellings as being sufficient to avoid significant effects on living conditions.
13. The occupiers of Nos.15 and 16 currently enjoy a relatively open outlook from the rear of their properties and their rear gardens given the single storey nature of the existing dwelling on the appeal site. Likewise they are not currently affected by direct overlooking, although there is some potential for indirect views from the first floor windows of 5 Hylton Road in the case of No.16 and at the time of the site visit the fence between the appeal site and No.15 The Vale was low enough to enable views between the two properties to be concerned.
14. The new two storey dwellings would inevitably change the outlook from the rear of the properties and introduce a degree of overlooking into their rear gardens, windows and conservatories. However, subject to appropriate conditions to clarify the position of the new dwellings, the minimum separation distance of 20m between the principal rear elevations would be achieved. This distance is commonly applied by the Council and there are no particular circumstances to justify a different approach in this case. I consider that whilst the new dwellings would introduce a change to the outlook and the potential for overlooking this would not be to the extent that they would cause significant harm to the living conditions of the occupiers of Nos.15 and 16. The

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proposed separation distance of 20m would not be unreasonable in a suburban location such as this.

15. The potential for a loss of sunlight would be limited to the late afternoon and early evening due to the positioning of the proposed dwellings and the orientation of Nos.15 and 16. The large protected tree in the garden of No.15 already reduces the amount of sunlight to the rear of No.16, its conservatory and garden. The fence along the common boundary between No.16 and the appeal site is also likely to cast a shadow over some of the garden late in the day.
16. Although the new dwellings would be higher than the existing bungalow, the distance between them and Nos.15 and 16 would limit the additional loss of sunlight to these existing properties and their rear gardens. I consider therefore that any additional loss of sunlight that might occur as a result of the proposed dwellings would not cause significant harm to the living conditions of the occupiers of Nos.15 and 16. Again, whilst the proposed detached garage would be close to the boundary with No.16, it would not significantly affect outlook or sunlight due to its limited scale and height and the existing fence along the boundary.
17. The conservatory at the rear of No.16 would be within some 16-17m of the rear of the closest proposed dwelling and I appreciate the value that the occupiers of that property place on its contribution to their living space. However, the Council accepted at the hearing that conservatories are not normally included in the definition of a principal elevation when considering separation distances. Given the nature of conservatories and their use and the fact that they are often, as in this case, added after the original construction of the dwelling, I consider that it would not be appropriate to apply the same minimum separation distances as those for principal elevations. Moreover, because of these factors, I consider that the distance between the proposed dwellings and the conservatory at No.16 would be adequate to avoid significant harm to living conditions.
18. There would be sufficient distance between the front of the new dwellings and those on the opposite side of Hylton Road to avoid harm to living conditions even if the new dwellings were 0.5m further forward than shown on the plan to ensure a 20m separation distance at the rear.

*The loss of the bungalow*

19. Planning for a mix of housing types to meet the wide range of needs and aspirations of different household groups is a fundamental aspect of government policy on planning for housing, as is the creation of mixed communities. This approach is reflected in Policy Hsg5 of the Local Plan. The most recent research on the nature of the housing market in the Borough is the Hartlepool Strategic Housing Market Assessment published in June 2007 (SHMA). The appeal site is within the Park Ward. Table ES3 of the SHMA indicates that within the Park Ward demand for bungalows exceeds supply and there is some pressure on stock. It also indicates that the demand for detached houses in the ward is likely to be met by supply.
20. The Council accepted that housing markets were not self contained within ward boundaries. The SHMA refers to three general market areas within the



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relatively self contained Borough-wide housing market and recognises that there are interrelationships with neighbouring areas, particularly Easington, Sunderland and Sedgfield. I consider therefore that a Borough wide view of the housing market is more appropriate when assessing the balance between demand and supply for different housing types. For the Borough as a whole, Table ES3 indicates that there is an unmet demand for bungalows and detached houses, although the gap between demand and supply for bungalows is more pronounced.

21. I appreciate the concerns of the Council and local residents over the loss of the bungalow and the fact that such properties can provide suitable accommodation for elderly or disabled people. I also note that the proportion of elderly people in the Borough is expected to increase. However, the SHMA is a strategic level document and whilst it identifies pressure on the existing stock of bungalows, it does not provide any evidence that the loss of a single bungalow would be significant in terms of the balance of the housing stock. I consider therefore that the very minor change in the housing stock and the balance of housing types that would occur as a result of the proposed development would not be significant in the context of the wider housing market. There are a number of other bungalows in the local area and I note that the existing bungalow on the appeal site was available on the open market for a number of months before the appellant purchased it. The replacement of the single bungalow with two dwellings would in fact make more efficient use of previously developed land within the urban area.
22. I have considered the Council's argument that the proposed development would set an undesirable precedent. However, I have found that the loss of a single bungalow would not significantly harm the balance of the housing stock and in any case each application and appeal must be determined on its own merits.

#### Other matters

23. Whilst I note the concerns of some residents as to the proposed access and parking provision and the impact on drainage, I agree with the Council that satisfactory provision for access, parking and drainage would be made.
24. I also appreciate the strength of opposition to the proposed development from a number of local residents and the robust views put forward in writing and at the hearing. However, this does not outweigh my consideration of the merits on its planning merits.

#### Conditions

25. The Council suggested a number of conditions should the appeal be allowed. Given the amended description of the development and specific reference to plans in my decision, there is no need for conditions to clarify the nature of amendments and the lack of a garage for one of the proposed dwellings. I agree that there is a need to control extensions to the dwellings and buildings and structures in their curtilage in the interests of safeguarding the protected tree within the garden of 15 The Vale. Given that I consider that the separation between the proposed dwellings and those neighbouring properties to the rear is adequate and there are limitations in terms of permitted development rights in any case, the suggested conditions relating to controls

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over the use of the roof space and balconies, roof lights and dormer windows are unreasonable and unnecessary.

26. I agree that conditions relating to the details of external materials and boundary treatments along with the details and implementation of a landscaping scheme are required in the interests of the character and appearance of the area and the living conditions of the occupiers of the existing and proposed dwellings. Given the concerns over the dimensions shown on the plans, a condition relating to the pegging out of the development is required in the interests of clarity and the living conditions of the occupiers of nearby dwellings.

27. A condition relating to obscure glazing in the first floor window of the north elevation of House Type A is required in the interests of the living conditions of the occupiers of that property and 5 Hylton Road. Given the blank southern elevation of House Type A, there is no need for such a condition to also apply to House Type B. Although a condition relating to the hours of working during construction was also suggested, I consider that this would be unnecessary given the limited scale of the development. I have combined suggested conditions where appropriate and altered their wording to reflect advice in Circular 11/95: The Use of Conditions in Planning Permissions.

#### Conclusions

28. For the above reasons and taking account of other matters raised I find that the proposed development would not harm the character or appearance of the area nor would it significantly harm the living conditions of the occupiers of neighbouring properties in terms of outlook, privacy and sunlight. I also find that the loss of the bungalow would not adversely affect the balance of the housing stock in the area. As such I conclude that the proposed development would comply with Policies GE1, Hsg5 and Hsg9 of the Hartlepool Local Plan and that the appeal should succeed.

*Kevin Ward*

INSPECTOR

Appeal Decision APP/H0724/A/07/2043696

**Schedule of Conditions for Appeal Ref: APP/H0724/A/07/2043696**

- 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 details of the materials to be used in the construction of the hard surfacing and the external surfaces of the buildings 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 details of the boundary treatments to be erected have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of landscaping have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 6) 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 and E of Part 1 of Schedule 2 of the Order shall be carried out within the curtilage of the application site.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the first floor window in the northern elevation of House Type A shall be glazed with obscure glass and thus retained thereafter.
- 8) The dwellings hereby permitted shall be sited at least 20m from the main rear elevations of 15 and 16 The Vale. No development shall take place until the details of the exact location of the dwellings 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.

Appeal Decision APP/H0724/A/07/2043696

#### APPEARANCES

##### FOR THE APPELLANT:

T Jackson	Jacksonplan Limited, 7 Amble Close, Hartlepool TS26 0EP
S Wilson	Tunstall Hall, Elwick Road, Hartlepool TS26 0BH

##### FOR THE LOCAL PLANNING AUTHORITY:

J Ferguson	Senior Planning Officer, Hartlepool Borough Council
R Waldmeyer	Principal Planning Officer, Hartlepool Borough Council
A Waters	Planning Officer, Hartlepool Borough Council

##### INTERESTED PERSONS:

G Scarratt	16 The Vale, Hartlepool TS26 0AA
J Scarratt	16 The Vale, Hartlepool TS26 0AA
J McDonald	15 The Vale, Hartlepool TS26 0AA
C McDonald	15 The Vale, Hartlepool TS26 0AA
J McDonald	15 The Vale, Hartlepool TS26 0AA
J Roach	5 Hylton Road, Hartlepool TS26 0AD
E Carroll	White Eaves, 2 Egerton Road, Hartlepool TS26 0BL
B Loynes	38 Mountston Close, Hartlepool TS26 0LR
J Grayson	17 The Vale, Hartlepool TS26 0AA
D Grayson	17 The Vale, Hartlepool TS26 0AA
K Bainbridge	9 Hylton Road, Hartlepool TS26 0AD
M Cairns	1A Carisbrooke Road, Hartlepool TS26 0AB
F Short	14 The Vale, Hartlepool TS26 0AA
I Campbell	19 Hylton Road, Hartlepool TS26 0AG
T Jones	6 West Park, Hartlepool TS26 0BP
G Morris	15 West Park, Hartlepool TS26 0DM
P Laffey	64 Four Winds Court, West Park Hartlepool TS26 0LP
J Allan	5 Valley Close, Hartlepool TS26 0AU

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DOCUMENTS

- 1 Hartlepool Strategic Housing Market Assessment- Executive Summary June 2007
- 2 Letter from Mr and Mrs Karstad dated 19 January 2008

DEPT. OF REGENERATION & PLANNING  
BRYAN HANSON HOUSE HANSON SQUARE  
- 6 MAR 2008  
HANDLED TO REPLY  
FILE NO



## Costs Decision

Hearing held on 22 January 2008  
Site visit made on 22 January 2008

by Kevin Ward BA (Hons) MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Tel: 0117 372 6372  
email: enquiries@pins.gov.uk

Decision date:  
5 March 2008

### Costs application in relation to Appeal Ref: APP/H0724/A/07/2043696 7 Hylton Road, West Park, Hartlepool, Cleveland TS26 0AD

- 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 Wilson Smart Homes for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for the demolition of the existing property and erection of two detached houses and one detached garage.

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

#### The submissions for Wilson Smart Homes

- The Council has acted unreasonably in the light of paragraph 7 of Annex 3 to Circular 8/93. While the reasons for refusal addressed sound planning issues, the Council has subsequently failed to provide any material evidence in support of its reasons for refusal.
- The proposal would not be out of keeping with or detrimental to the visual amenities of the area and the Council has produced no material evidence to support refusal reason No.1. The proposal was designed to fully comply with the Council's design guidance for such development and would not adversely impact upon occupiers of adjoining property as asserted in reason for refusal No.2. The proposed dwellings would be further away from adjacent properties in The Vale than those properties are from the existing bungalow. The latest Hartlepool Strategic Housing Market Assessment (SHMA) suggests there is roughly equal demand for detached houses and bungalows within the urban area as a whole. The approval of the appeal proposal would not set an undesirable precedent as each planning application must be judged on its individual merits and relevant planning policy.
- The proposal accords with existing and proposed statutory planning policy. The Council's reasoning ignored all professional advice from its officers, and gave preference to the unsubstantiated arguments of nearby residents. The Council has resulted in an unacceptable delay in the implementation of the development and unnecessary expenditure by the appellant in respect of the appeal.

#### The response by Hartlepool Borough Council

- The Council has not acted unreasonably in refusing the planning application. Members are entitled to come to a different decision from that recommended by

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officers. The reasons for refusal are material considerations based on Policies GE1, Hsg5 and Hsg9 of the Local Plan. The Council's case and the comments of residents offered a robust defence of the Council's position.

5. The relevant policies contain subjective criteria in relation to the impact on living conditions and the character and appearance of the area. Members of the Council visited the site and neighbouring properties and came to a reasonable conclusion using experience and expertise. The Council has provided up to date evidence from the SHMA of 2007 which shows that demand for bungalows exceeds supply and there is pressure on the stock. The loss of the bungalow would exacerbate the problem and be counter to government policy on housing choice and mixed, inclusive communities.

#### Conclusions

6. 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.
7. The Council's reasons for refusal in relation to the character and appearance of the area and the living conditions of the occupiers of neighbouring properties (Nos.1 and 2) were based, quite properly, on Policies GE1 and Hsg9 of the Hartlepool Local Plan. Both of these policies contain criteria which rely on a judgement being made about the impact of development. The Council was therefore quite entitled to make such a judgement and take the view that the proposed development would be contrary to these policies. However, this judgement needs to be substantiated by evidence.
8. In relation to the effect on the character and appearance of the area, the Council's case was largely based on setting out the difference in the appearance of the new dwellings compared with the existing bungalow. It accepted that the immediate area was mixed in terms of dwelling types, styles and plot sizes and that the height and scale of the new dwellings would be in keeping with others in the locality. I consider that the Council did not demonstrate that the existing context for the proposed development had been properly taken into account. It did not provide adequate evidence to justify the view that the change that would occur would be harmful to the character and appearance of the area. Reason for refusal No.1 was not substantiated therefore.
9. In terms of the living conditions of the occupiers of neighbouring properties, the Council's case was again largely based on highlighting the change that would occur. The Council accepted that the scale and height of the new dwellings and their position in relation to neighbouring properties would be reasonably typical. It also accepted that subject to clarification by an appropriate condition, the separation distances between the principal elevations of the new dwellings and 15 and 16 The Vale would achieve the guidelines set out in Supplementary Note 4 of the Local Plan. Whilst these are guidelines and relate to minimum separation distances, the Council conceded that such distances were usually accepted in similar situations elsewhere. No substantive evidence was provided to justify why such distances were not adequate in this case. In respect of sunlight in particular, the Council failed to take proper account of the orientation

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of the neighbouring properties and their gardens and the effect that this already has on access to direct sunlight. It did not provide adequate evidence to support the view that the change brought about by the proposed development would cause significant harm to the living conditions of the occupiers of neighbouring properties. Reason for refusal No.2 was not substantiated therefore.

10. In terms of reason for refusal No.3, the Council set out clearly the need for a mix of housing types with appropriate reference to national and local policy on the issue. It provided up to date evidence in the form of the SHMA that indicated a shortage of bungalows in the Park Ward and particularly the Borough as a whole. However, the SHMA does not provide any evidence to support the view that the loss of one bungalow would be material in terms of the balance of the housing stock. No substantive evidence was provided to support the Council's assertion that a precedent would be set and that cumulatively the loss of single bungalows would cause significant harm to the balance of the housing stock. Reason for refusal No.3 was not substantiated therefore.
11. The Council is expected to take account of the opposition to a planning application from local residents but it is their duty to decide a case on its planning merits (paragraph 15 of Annex 3 to Circular 8/93). Likewise, whilst the Council is entitled to make decisions contrary to the advice of its officers, it is expected to demonstrate reasonable planning grounds for doing so, and produce evidence in support of its decision (paragraph 9 of Annex 3 to Circular 8/93). The Council has not done so in this case. It failed to produce definite evidence to substantiate any of the reasons for refusal (paragraph 8 of Annex 3 to Circular 8/93). As a result the appellant was put to the unnecessary costs involved in pursuing the appeal. I conclude therefore that the Council acted unreasonably and the appellant incurred unnecessary expense as a result. A full award of costs is justified.

#### Formal Decision and Costs Order

12. In exercise of my powers under section 250(5) of the Local Government Act 1972 and schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Hartlepool Borough Council shall pay to Wilson Smart Homes, the costs of the appeal proceedings, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for the demolition of the existing property and erection of two detached houses and one detached garage at 7 Hylton Road, West Park, Hartlepool, Cleveland TS26 0AD.
13. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

*Kevin Ward*

INSPECTOR

DEPT OF REGENERATION & PLANNING  
BRYAN HANSON HOUSE HANSON SQUARE

MAR 2008

HANDLED TO	REPLY
	FILE NO



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

**Subject:** APPEAL BY MR K SMART SITE AT 7 HYLTON ROAD, HARTLEPOOL

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UPDATE

1. Para 1.2 of this report suggests the appeal was dismissed. This is an error for which I apologise. The appeal was in fact allowed.

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

**Subject:** APPEAL BY MR K EVERETT, ST FRANCIS 2000 FOOTBALL CLUB, ROSSMERE WAY PITCHES, ROSSMERE WAY (H/2007/0592)

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the change of use from public open space to football pitches, erection of 2.2m high perimeter fencing and re-siting of 3 existing site cabins at Rossmere Way Pitches, Rossmere Way.
- 1.2 The appeal is to be decided by written representations and authority is therefore requested to contest the appeal.

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

**Subject** UPDATE ON CURRENT COMPLAINTS

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**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:
- 1.2 A neighbour complaint about an alleged unauthorised car park on land at Dalton Street.
- 1.3 A neighbour complaint about the alleged erection of a conservatory at a property on Duncan Road.
- 1.4 A neighbour complaint about untidy land adjacent to Nine Acres, Hart Village.
- 1.5 An anonymous complaint about the alleged erection of a fence at a property on Whinchat Close.
- 1.6 An officer complaint about the untidy condition of a property on Miers Avenue.
- 1.7 A neighbour complaint about the unauthorised conversion from a single dwelling to flats at a property on Victoria Place.
- 1.8 A neighbour complaint about the untidy condition of the former Shakespeare PH, Catcote Road.
- 1.9 Concerns regarding the non-compliance with a planning condition at premises on Stanley Road.
- 1.10 A neighbour complaint about an alleged unauthorised advertisement at a property on Brougham Terrace.
- 1.11 A neighbour complaint about the siting of a satellite dish at a property on Grange Road. This was allowed as permitted development.
- 1.12 A neighbour complaint about the erection of a wall and the siting of a caravan at a property on Applewood Close.
- 1.13 A neighbour complaint about the erection of a wall at a property on The Links.

- 1.14 A neighbour complaint about the dumping of waste materials at a property on Dalton Back Lane.
- 1.15 A Neighbour complaint about the erection of a shed at a property on Millston Close.

**3. RECOMMENDATION**

Members note this report.