

PLANNING COMMITTEE AGENDA



Wednesday 17 December 2008

at 1.00 pm

**in the Council Chamber
Civic Centre, Hartlepool**

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, R Cook, S Cook, Fleet, Flintoff, Kaiser, Laffey, G Lilley, Morris, Payne, Plant, Richardson, Simmons, Sutheran and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 Minutes of the meeting held on 26 November 2008.

4. ITEMS REQUIRING DECISION

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

- | | | |
|-----|-------------|---|
| 1. | H/2008/0616 | 132 Oxford Road |
| 2. | H/2008/0593 | Tesco Super market Ltd, Burn Road |
| 3. | H/2008/0577 | 2 Delamere, Billingham |
| 4. | H/2008/0558 | Ashfield Farm Dalton Piercy Road |
| 5. | H/2008/0525 | Able UK Ltd, Tees Road |
| 6. | H/2008/0495 | Teesbay Retail Park, Brenda Road |
| 7. | H/2008/0629 | 80 Clifton Avenue |
| 8. | H/2008/0669 | 19A Low thian Road |
| 9. | H/2008/0640 | Warren Road, Davison Drive and Jones Road |
| 10. | H/2008/0661 | 27 Murray Street |
| 11. | H/2008/0638 | 1-22 Smyth Place and 8,10 Bruce Crescent |
| 12. | H/2008/0645 | Land in Chesterton Road |
| 13. | H/2008/0634 | 16 Egerton Road |

- 4.2 Appeal Ref APP/H0724/A/08 H/2008/0159 Erection of a bedrooms extension above garage and alterations to existing rear conservatory including provision of a tiled pitched roof – 16 Pinewood Close – *Assistant Director (Planning and Economic Development)*
- 4.3 Update on Current Complaints - Assistant Director (Planning and Economic Development)
- 4.4 Seaton Meadows Landfill Site - *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. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
- 8. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 28 January 2009 in the Civic Centre at 1.00pm.

Site Visits – Any site visits requested by the Committee at this meeting will take place on Wednesday 28 January 2009 at 12 noon or at a time to be agreed by the Committee.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

26 November 2008

The meeting commenced at 2.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors Stephen Akers-Belcher, Stephen Allison, Shaun Cook, Mary Fleet, Stan Kaiser, Pauline Laffey, Geoff Lilley, George Morris, Michelle Plant, Carl Richardson, Chris Simmons and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Sheila Griffin attended as a substitute for Councillor Lilian Sutheran.

Officers Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Richard Smith, Solicitor
Linda Wright, Senior Planning Officer
Chris Scaife, Countryside Access Officer
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Angela Hunter, Principal Democratic Services Officer

92. Apologies for Absence

Apologies for absence were received from Councillor Bob Flintoff, Robbie Payne and Lilian Sutheran.

93. Declarations of interest by Members

None.

94. Confirmation of the minutes of the meeting held on 29 October 2008

Confirmed subject to the inclusion of apologies received from Councillor Michelle Plant and the following amendment:

Minute 83 – Change in decision to indicate that delegated authority be granted to the Countryside Access Officer to prepare the Council's Statement of Case in consultation with the Chair.

95. Request to defer Planning Applications *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that there had been an error in relation to the advertising of the following planning applications and Members were informed that they would be withdrawn from the agenda to allow the full publicity process to be undertaken:

- Item 2) H/2008/0953 – Tesco Burn Road
- Item 3) H/2008/0525 – Able UK, Tees Road
- Item 4) H/2008/0558 – Ashfield Farm, Dalton Piercy Road

In addition to this, the Development Control Manager withdrew the following items from the agenda:

Item 4) H/2008/0495 – Tees Bay Retail Park, Brenda Road – awaiting further legal advice.

Item 5) – H/2008/0577 – 2 Delamere, Billingham – awaiting amended plans and appropriate consultation process to be undertaken.

Decision

That the above planning applications be deferred to the next meeting of the Planning Committee scheduled for 17 December 2008 at 1.00pm.

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

Number:	H/2008/0552
Applicant:	Hartlepool College of Further Education Stockton Street, Hartlepool
Agent:	Bond Bryan Architects, Mr A Jones, Church Studio, Springvale Road, Sheffield
Date received:	30/09/2008
Development:	Demolition of existing College and erection of new college with associated car parking
Location:	COLLEGE OF FURTHER EDUCATION AND CAR PARK ADJOINING STOCKTON STREET HARTLEPOOL
Representation:	Representatives of the applicant were 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. 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. 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. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
5. No development shall take place until the following matters have been addressed
 - A. Initial Conceptual Model
The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.
 - B. Site Characterisation
An investigation and risk assessment, in addition to any assessment

provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An

investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan 2006.

6. Prior to the commencement of the development hereby approved, a scheme of security measures for buildings and car park incorporating 'Secured by Design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security.

7. Notwithstanding the submitted plans, final details of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

8. No development shall take place until further details of the new access onto Tower Street have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

9. Prior to the new access on to Tower Street being brought into use, a scheme for parking restrictions for 30m on either side of the new entrance, funded by the developer, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
10. Prior to the new access onto Brunswick Street being brought into use, a scheme for parking restrictions on either side, for the full length of the road, funded by the developer, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
11. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS 25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
12. 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.

The Committee considered representations in relation to this matter.

Number: H/2008/0616

Applicant: Mr Adel Atfi
OXFORD ROAD, HARTLEPOOL

Agent: Mr Adel Atfi, 132 OXFORD ROAD, HARTLEPOOL

Date received: 13/10/2008

Development: Variation of condition 2 of planning permission H/2006/0839 to allow opening on a Sunday between the hours of 10am and 11pm

Location: 132 OXFORD ROAD, HARTLEPOOL

Decision: **Deferred for additional information**

Number: H/2008/0583

Applicant: Mr Matt Holmes
Wilson Holmes, The Vale, Hartlepool

Agent: Cadlink Architectural Services Ltd, 26 Mountston Close, HARTLEPOOL

Date received: 23/10/2008

Development: Erection of a detached garage to rear

Location: 7B HYLTON ROAD, HARTLEPOOL
Members took the view that the development would affect the TPO'd tree in the neighbour's property to an extent that it would affect its amenity value. This would be contrary to policies in the Hartlepool Plan. They also considered the roof pitch of the garage to be too high and that given its location in the rear garden would therefore affect light to the neighbouring property again contrary to the provisions of the Hartlepool Local Plan.

Representation: Mr McDonald (objector) was in attendance and addressed the Committee.

Decision: **Refused.**

REASONS FOR REFUSAL

1. It is considered that as the proposed garage lies within the root plate of a tree which is protected by a tree preservation order the development would have an adverse effect on that tree to the detriment of its health and well being and as a consequence its visual amenity would be compromised contrary to Policies GEP1 and GEP12 of the Hartlepool Local Plan 2006.
2. It is considered that the garage proposed would by reason of its height and siting, appear unduly large and affect daylight reaching the garden/bungalow at 15 The Vale to the detriment of the amenities of the occupiers of that property contrary to Policy GEP1 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Number: H/2008/0604

Applicant: Mr Graham Frankland
Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool

Agent: SMC Parr, Mr Hardip Chana, 133 Newhall Stree, Birmingham

Date received: 09/10/2008

Development: Outline application for remodelling of school

Location: DYKE HOUSE COMPREHENSIVE SCHOOL, MAPLETON ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. Any proposed building shall not exceed 3 storeys in height, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. Any alterations to the car parking arrangements shall include details of acoustic barriers and landscaped buffer zone(s), unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
5. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
6. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of crime prevention.

7. Prior to the commencement of the use of the refurbished school a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.

To secure community use on the site.

8. For the avoidance of doubt construction access should be taken from Milbank Road only, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

9. 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

10. No development which would adversely affect bats in the bat roost at the site shall take place unless a scheme identifying the works, their impacts and mitigation for any effects on the bats has been submitted to and approved in writing by the Local Planning Authority. Thereafter that development shall not take place unless the Local Planning Authority is satisfied that bats will not be adversely affected or a scheme of appropriate mitigation has been agreed. Any scheme of mitigation shall be implemented as approved.
- In the interests of the protection of bats

97. Elwick Road Definitive Map Order (*Director of Adult and Community Services*)

Members were referred to a letter received from Mr D McDonald in relation to the Elwick Road Definitive Map Order which was tabled for information only. The Council's Solicitor advised Members that if they had any further queries in relation to this issue to contact the Countryside Access Officer.

Decision

The letter was noted.

98. Concurrent Public Path Extinguishment and Creation Orders – Hartlepool Public Footpath No 19 Seaton Lane and Creation of Hartlepool Public Footpath No 42 (*Director of Adult and Community Services*)

The Countryside Access Officer presented a report which sought approval for the making and subsequent confirmation of concurrent extinguishment and creation orders to extinguish Public Footpath no 19 and create in its place Public Footpath no 42 as indicated on Appendix 1 and 2.

Clarification was sought on where the footpath would end on Seaton Lane and whether any objections had been received. The Countryside Access Officer informed Members that the path would end near to the entrance of the Seaton walkway and that no objections had been received to date.

Members were informed that the formal process of consultation with the Ramblers Association necessitated that they submit an objection to the extinguishing of the footpath which would then be subsequently withdrawn in view of the new created path.

Decision

- (i) The making of concurrent Extinguishment and Creation Orders to implement the proposal shown in Appendix 1 was approved.
- (ii) If no objections were received, or if any objections which were received and were subsequently withdrawn, the Orders be confirmed.
- (iii) If any objections were received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

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

The Assistant Director (Planning and Economic Development) drew Members attention to fifteen ongoing issues, which were being investigated

Decision

That the report be noted.

100. Seaton Meadows Landfill Site *(Assistant Director (Planning and Economic Development))*

The Development Control Manager updated Members on the situation at the Seaton Meadows Landfill site. Additional information including a topographical survey and the results of thermal imaging would be submitted to the next meeting of this Committee on 17 December 2008. A representative from Alab was in attendance at the meeting and confirmed that a Fire Management Plan was in place and work was continuing in relation to monitoring the site and providing the relevant technical information.

A Member raised concerns with the level of flooding on Tees Road and sought clarification on how this issue was being dealt with. The representative from Alab indicated that they were currently working alongside the Council's drainage engineers with a view reducing the flooding problems around this particular area if possible.

Decision

The update was noted.

101. Appeal Ref APP/H0724/A/08/2079769 H/2007/0839 – Change of Use to a Hot Food Takeaway, 60 Oxford Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that an appeal had been lodged against the refusal of the Local Planning Authority to allow the change of use of 60 Oxford Road to a hot food takeaway shop. The appeal had been decided by written representation and was allowed by the Planning Inspectorate.

A copy of the Inspector's decision letter was appended to the report.

Decision

The decision was noted.

102. Any other items which the Chairman considers are urgent

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

Relocation of Hospital – Consultation Process

132 Oxford Road - This item contains exempt information under Schedule 12A Local Government Act 1972, namely 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; or to make an order or direction under any enactment (para 6).

103. Any Other Business – Relocation of Hospital *(Assistant Director (Planning and Economic Development))*

The Development Control Manager referred to the recent decision re the relocation of the hospitals serving the Hartlepool and North Tees area to the Wynyard Site. Members were informed that the Health Authority were undertaking pre-application publicity under the Statement of Community Involvement. This included among other things a number of public meetings as the distribution of leaflets to engage with the public prior to the submission of the planning application. It was currently envisaged that this application would be submitted to the local authority for decision around April 2009.

Decision

That the consultation process in relation to the new hospital was noted.

104. 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 105 – Enforcement Action – 31 Ventnor Avenue - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12).

Minute 106 – Enforcement Action – 8 Hylton Road – This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12).

Minute 107 – Potential Enforcement Cases - This item contains exempt information under Schedule 12A Local Government Act 1972, namely 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; or to make an order or direction under any enactment (para 6).

Minute 108 - 132 Oxford Road - This item contains exempt information under Schedule 12A Local Government Act 1972, namely 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; or to make an order or direction under any enactment (para 6)

105. Enforcement Action – 31 Ventnor Avenue (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12).

Details of the request for enforcement action were included within the exempt section of the minutes.

Decision

Details of the decision were included within the exempt section of the minutes.

- 106. Enforcement Action – 8 Hylton Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council (para 12).

Details of the request for enforcement action were included within the exempt section of the minutes.

Decision

Details of the decision were included within the exempt section of the minutes.

- 107. Potential Enforcement Cases** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972, namely 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; or to make an order or direction under any enactment (para 6)

Members were aware that a motion was raised by Councillor Stephen Allison at the meeting of Council on 30 October in relation to enforcement action in conservation areas. Details of the potential enforcement cases were included within the exempt section of the minutes.

Decision

Details of the decision were included within the exempt section of the minutes.

- 108. 132 Oxford Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972, namely 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; or to make an order or direction under any enactment (para 6)

Details of the enforcement action requested were included within the

exempt section of the minutes.

Decision

Details of the decision were included within the exempt section of the minutes.

The meeting concluded at 3.35pm.

CHAIRMAN

No: 1
Number: H/2008/0616
Applicant: Mr Adel Atfi OXFORD ROAD HARTLEPOOL TS25 5RH
Agent: Mr Adel Atfi 132 OXFORD ROAD HARTLEPOOL TS25 5RH
Date valid: 13/10/2008
Development: Variation of condition 2 of planning permission H/2006/0839 to allow opening on a Sunday between the hours of 10am and 11pm
Location: 132 OXFORD ROAD HARTLEPOOL HARTLEPOOL

Further Update

1.1 This application was deferred by Members at the previous meeting so that further information could be collected through additional monitoring of the use of the premises.

1.2 The original report in so far as it relates to the application and site, relevant planning history, publicity and the relevant policies, is reproduced below.

1.3 Given that the monitoring exercise is ongoing a comprehensive update report will be created before the meeting.

The Application and Site

1.4 The site to which this application relates is a single storey hot food takeaway unit at the western end of a terrace of two storey commercial properties upon Oxford Road close to the designated Oxford Road Local Centre. The rear yard of the unit adjoins the south elevation of an end terraced residential property on Marlborough Street.

1.5 The area is predominantly characterised by terraced two storey residential properties with a mix of residential and commercial properties fronting Oxford Road. To the front of the terrace of commercial properties, within which the application site is located, is a parking bay which is unrestricted in terms of a Traffic Regulation Order.

1.6 This application seeks consent under Section 73 of the Town and Country Planning Act 1990 to vary condition 2 of the above mentioned planning permission to allow opening on a Sunday between the hours of 10am and 11pm.

1.7 The applicant has also questioned whether, in the terms of the planning permission, he can operate a delivery service from the premises, including Sundays without the need for planning permission.

1.8 The planning history of the site relating to the use of the premises as a hot food takeaway and recent complaints regarding the premises are set out below.

Planning History

1.9 The application site was granted planning permission by the Planning Inspectorate in July 2007 for the change of use of the premises to a hot food takeaway on appeal (APP/H0724/A07/2039548) following the refusal of application H/2006/0839 by the Planning Committee.

1.10 The application was refused by the Council for the following reasons:-

- i) The application site lies outside the defined Oxford Road local centre identified under Policy Com5 of the adopted Hartlepool Local Plan. It is considered that uses of this type should be located within the local centre to ensure the vitality and viability of the centre is retained and to ensure that related car parking does not spill over to affect housing adjoining the centre.
- ii) It is considered that vehicles visiting the proposed use could park in adjoining streets which are predominantly residential in character or outside houses on the opposite side of Oxford Road and that noise and general disturbance from the comings and goings of the users of those vehicles could be detrimental to the amenities of the occupiers of those houses particularly at times of the day when they could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan.
- iii) Oxford Road is a heavily trafficked bus route. It is considered that the regular comings and goings of vehicles using the proposed takeaway could be detrimental to highway safety and the free flow of traffic contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan.
- iv) It is considered that the proposed development could in itself and in conjunction with other developments of this type recently approved on appeal (143 Oxford Road application H/2006/0502) and currently the subject of appeal (122 Oxford Road application H/2006/0565) should they proceed lead to a proliferation of such uses, encourage youths to congregate, and result in additional litter and general disturbance to the detriment of the amenities of the occupiers of houses on the opposite side of Oxford Road and nearby streets contrary to policies GEP1 and Com12 of adopted Hartlepool Local Plan.

1.11 The Inspector took the view that the proposed use would not adversely affect the vitality and viability of the Oxford Road Centre. He considered that the re-use of the vacant retail outlet would only reinforce the viability of the centre as a local destination and would not create an unacceptable concentration of takeaway uses in the area. A copy of the Inspectors decision letter is attached below.

1.12 The Inspector also concluded that the proposal would lead to parking congestion or any other conditions likely to give rise to detrimental highway safety issues.

1.13 In making his decision the Inspector considered that a closing time of 23:00 hours, which could be suitably controlled by a planning condition, would prevent any undue level of disturbance at unsocial hours. Condition 2 of the approval reads:-

The use hereby permitted shall not open to customers outside the hours of 8:00 to 23:00 Mondays to Saturdays and at no other time on Sundays. Bank or Public Holidays.

1.14 The Inspector makes specific reference to the condition restricting Sunday opening, after discussing the closing times on the condition he states:-

‘Whilst, I am less convinced of the need to prevent opening on Sundays, as suggested by the Council, I note that the recent appeal decision in respect of a similar use at 143 Oxford Road imposes such a restriction. In the interests of consistency, I have done the same.’

1.15 Complaints have been received through the ward Councillor regarding the current hours of operation of the premises outside those hours approved by the Planning Inspector in particular opening on a Sunday and operating after 11pm during the week.

1.16 This matter has been investigated by officer’s of the Council who have visited the property a number of times on a Saturday and Sunday. The visits have confirmed that on at least two occasions the premises has been open to the public on Sunday and that at least one occasion the premises has been open to the public past 11pm. The manager of the hot food takeaway has been informed of these breaches of planning condition both verbally and in writing. The Ward Councillor has been informed of this.

1.17 Members will be aware of a number of recent planning appeal decisions relating to hot food takeaway uses along Oxford Road. For information the decisions, including hours of operation are set out below.

- 60 Oxford Road – H/2007/0839 - Allowed 12pm – 7pm (as applied for) any day of the week.
- 122 Oxford Road – H/2006/0565 – Allowed – 11 am – 10pm any day of week.
- 132 Oxford Road – H/2006/0839 – Allowed – 8am – 11pm Mondays to Saturdays. No Sundays, Bank or Public Holidays.
- 143 Oxford Road – H/2006/0502 – Allowed – 8am – 11pm Mondays to Saturdays and at no other time on Sundays, Bank or Public Holidays. This was subsequently amended by planning application H/2007/0732 which granted a temporary 1 year consent for Sunday and Bank Holiday opening and opening up to 12 midnight on a Friday and Saturday (from the previously approved 11pm).

Publicity

1.18 The application has been advertised by way of neighbour letters (43) and a site notice. To date, there have been 8 letters of objection received from 7 households.

1.19 The concerns raised are:

- 1 *'I live opposite and get a lot of litter in my garden from shops and this wont help matters.'*
- 2 *'It makes another gathering place for teenagers to congregate as other shops seem to attract gangs'*
- 3 *'I don't see why I have to put up with litter, car doors slamming late at night and the general noise and disturbance that goes with the shop who think they can open and close when they feel like it.'*
- 4 *'They have gone back with the agreement with the Council, Planners' 'Sunday is a day of rest'*
- 5 *'Kids outside all night in gangs'*
- 6 *'When open noise from gangs at the end of the street and anti-social behaviour'*
- 7 *'My wife and myself object to this proposal because of the litter, noise elements (car doors slamming, engines revving, rowdy behaviour at unsociable hours) it is bad enough having to put up with the shop opening beyond its permitted hours six days a week, let alone seven days.'*
- 8 *'We originally objected to it being open as it is directly across the road (Oxford) from Peebles Avenue (Already similar pizza shop 20m down road). Groups already hang around the shop through the week, don't want this issue on a Sunday, litter from shops increased and appears in front garden (although no proof of origin, increased since opening). P.S. Shop sign is an eyesore and does not match with surrounding area. Complained about this on two occasions and was promised call backs, which need happened'.*

1.20 The period for publicity expires before the meeting.

Copy Letters B

Consultations

1.21 The following consultation replies has been received:

Head of Traffic and Transportation - Given the hours the premises already has it is very difficult to sustain an objection on highway grounds. There would also be less vehicle movements on a Sunday.

Head of Public Protection – To date the Head of Public Protection has not received any complaints regarding the operation of 143 Oxford Road as a hot food takeaway including the opening on a Sunday and Bank Holiday. In addition the Officer has confirmed that his section have not received any complaints regarding the use of 132 Oxford Road in terms of noise and disturbance.

Planning Policy

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

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

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

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

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

Planning Considerations

1.23 The main considerations in this instance is the appropriateness of the proposed extension to the hours of opening to the policies and proposals held within the Hartlepool Local Plan, in particular the effect upon the character of the area, highway safety and the effect upon the amenity of the residents of the surrounding residential properties.

1.24 As stated above, as further monitoring of the premises is being carried out and a comprehensive update report will follow.

Recommendation – Update report to follow

132 Oxford Road




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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO .	REV

Copy of Inspector's decision letter for appeal APP/H0724/A/07/2039548 for the change of use of 132 Oxford Road to a hot food takeaway.

	<h2>Appeal Decision</h2>	<p>The Planning Inspectorate A11 Eagle Way Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN ☎ 0117 372 6372 e-mail: enquiries@ planning-inspectorate. gov.uk Date: 5 July 2007</p>								
<p>Site visit made on 3 July 2007</p>										
<p>by Graham E Snowden BA BPhil DipMgmt MRTPI</p>										
<p>an Inspector appointed by the Secretary of State for Communities and Local Government</p>										
<p>Appeal Ref: APP/H0724/A/07/2039548 132 Oxford Road, Hartlepool TS25 5RH</p>										
<ul style="list-style-type: none"> • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. • The appeal is made by Mr Hassan Ali Alfaham against the decision of Hartlepool Borough Council. • The application ref: H/2006/0839 dated 10 November 2006, was refused by notice dated 26 January 2007. • The development proposed is the change of use to hot food takeaway. 										
<p>Decision</p>										
<p>1. The appeal is allowed and planning permission is granted for the change of use to hot food takeaway at 132 Oxford Road, Hartlepool TS25 5RH, in accordance with the planning application ref: H/2006/0839, dated 10 November 2006 and the plans submitted therewith, subject to the following conditions:</p> <ul style="list-style-type: none"> (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision. (ii) The use hereby permitted shall not be open to customers outside the hours of 08.00 to 23.00 Mondays to Saturdays and at no other time on Sundays, Bank or Public Holidays. (iii) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the local planning authority. The scheme, as approved shall be implemented before the use commences and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. 										
<p>Reasons</p>										
<p>2. The appeal property is located in a small parade of commercial properties, lying on the north side of Oxford Road, just to the east of the area designated in the Hartlepool Local Plan (Local Plan) as the Oxford Road Local Centre. Provision is made under Local Plan Policy Com5 for Class A5 uses to be located in such centres, but does not prohibit such uses outside these centres. There is no evidence before me to suggest that allowing the present proposal would adversely affect the vitality and viability of the Oxford Road Centre. The centre, itself, which is of limited extent, is fully occupied and includes a post office, small supermarket and several retail outlets. The appeal property is immediately adjacent and, in my view, the re-use of a vacant retail outlet here could</p>										
<table border="1"> <tr> <td colspan="2">DEPT. OF REGENERATION & PLANNING</td> </tr> <tr> <td colspan="2">BRYAN HANSON HOUSE, HANSON SQUARE</td> </tr> <tr> <td colspan="2" style="text-align: center;">- 9 JUL 2007</td> </tr> <tr> <td>FORWARDED TO</td> <td>REPLY</td> </tr> </table>			DEPT. OF REGENERATION & PLANNING		BRYAN HANSON HOUSE, HANSON SQUARE		- 9 JUL 2007		FORWARDED TO	REPLY
DEPT. OF REGENERATION & PLANNING										
BRYAN HANSON HOUSE, HANSON SQUARE										
- 9 JUL 2007										
FORWARDED TO	REPLY									

Appeal Decision APP/H0724/A/07/2039548

only reinforce the viability of the centre as a local destination.

3. There is a lay-by within the carriageway immediately outside the parade in which the appeal property is located and the adjacent commercial outlets are unlikely, in my view, to generate parking at a time when the proposed takeaway would be at its busiest. I do not consider, therefore, that the proposal would lead to parking congestion or any other conditions likely to give rise to problems of safety for users of the highway.
4. For the same reasons, I consider it unlikely that the use would give rise to levels of parking on Marlborough Street, which would cause noise and disturbance to residents. On this matter, I note that the appellant intends a closing time of 23.00 hours and I believe that this, which can be ensured through the imposition of a condition, would prevent any undue level of disturbance at unsocial hours. Whilst, I am less convinced of the need to prevent opening on Sundays, as suggested by the Council, I note that the recent appeal decision in respect of a similar use at 143 Oxford Road imposes such a restriction. In the interests of consistency, I have done the same.
5. I have also imposed a condition requiring the approval of details and subsequent installation of measures to control the emission of fumes and odours from the premises. Whilst the Council suggests two conditions to cover this matter, I consider that the one condition, I have imposed, is adequate. The appeal property is single storey, whilst the adjacent premises are of two storeys, with a residential flat at first floor level. I am, nevertheless, satisfied that, although challenging, it should be possible to install a ventilation and extraction system, with a discharge point at a high level, which would not only be visually acceptable, but, if operated and maintained in a proper manner, would also minimise any odour nuisance to a satisfactory level.
6. In the light of the above, I consider that the proposal would not have an adverse effect on the living conditions of neighbours and, in this respect, would not conflict with the requirements of Local Plan Policies GEP1 or Com12. I, therefore, conclude that the appeal should be allowed. In reaching this decision, I have taken into account all other matters raised, including local concerns relating to litter and anti-social behaviour. I am, however, not convinced that the proposal would exacerbate any such problems. I also do not consider that the proposed use would adversely affect the success of adjacent businesses nor, despite the other successful appeals at 122 and 143 Oxford Road, to which my attention is drawn, that it would lead to an unacceptable concentration of takeaway uses in the area.

G. E. Snowden

INSPECTOR

No: 2
Number: H/2008/0593
Applicant: Tesco Stores Ltd
Agent: Development Planning Partnership LLP 5-13 The Side
Newcastle upon Tyne NE1 3JE
Date valid: 02/10/2008
Development: Relocation of Petrol Filling Station
Location: TESCO SUPERMARKET LTD BURN ROAD
HARTLEPOOL

UPDATE

2.1 Members may recall that this application was deferred at the last committee for further consultations to be carried out. This has now been done and the updated report has been reproduced below.

The Application and Site

2.2 The application site is the Tesco supermarket located on the south east corner of the Burn Road/Belle Vue Way roundabout. Planning consent has recently been granted for a large extension to the store. This involved the incorporation of the adjacent industrial site (Stranton Sawmills) within the new site boundary.

2.3 Neighbouring properties/uses are commercial and industrial to the north, east and south with residential properties to the west across Belle Vue Way.

2.4 The proposal involves the re-location of the existing petrol filling station from its current position to a new location in the north west corner of the site, close to the Burn Road roundabout. The existing access to the site from Burn Road will be used to access both the car park and the new petrol filling station.

2.5 Most of the north end of the existing site will be altered to accommodate the new works which also include a car wash, bus lay-by, staff parking area and recycling bay.

2.6 There will also be some alterations to the landscaping areas around the northern boundaries of the site.

Publicity

2.7 The application has been advertised by way of neighbour letters (48) by press notice and by site notice. To date, there have been 7 letters of no objection and 5 letters of objection (3 from the same person).

2.8 The concerns raised are:

a) Increase in noise and disturbance

- b) Smells/pollution
- c) Light pollution
- d) Disturbance to sleep
- e) Nothing wrong with current location
- f) If approval is granted, the site should be screened by additional landscaping
- g) detrimental to the Stranton Conservation Area

The period for publicity has expired.

Copy letter E

Consultations

2.9 The following consultation replies have been received:

Public Protection – No objections. The existing petrol tanks will need to be made permanently safe preferably by removal.

Traffic and Transportation – No objection provided that the middle pedestrian walkway width is increased to 3m to allow the use of cycles and pedestrians.

Northumbrian Water – No objections

Engineering Consultancy – No objections subject to the provision of additional information regarding ground investigations particularly around the area of the existing storage tanks. This should include an updated site investigation report and remedial strategy. The standard condition relating to contamination would be appropriate to cover this.

Environment Agency – Objected initially on the grounds that the applicant had not supplied adequate information to demonstrate that the risks posed to ground water can be satisfactorily managed. Insufficient information regarding foul drainage had also been provided. These issues have now been addressed and the objection has been withdrawn.

Planning Policy

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

Com10: States that retail development which would be suitable in the town centre will not be permitted in identified industrial areas. The policy also lists the types of retailing which may be acceptable in industrial areas.

Com11: States that petrol filling stations will be permitted within the urban area subject to considerations of amenity and highway safety. Retailing may be restricted to protect the viability of nearby local centres.

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.

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

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.

Planning Considerations

2.11 The main planning considerations in the determination of this application are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the development on the surrounding area and on the amenities of nearby residents and on highway safety.

Principle of Development

2.12 In policy terms, the site lies within the limits to development and forms part of an existing retail land use on the edge of the Longhill Industrial Estate. In view of this, the relocation of the petrol filling station is considered to be acceptable.

Highway Issues

2.13 Whilst the relocation of the petrol station within the existing site will affect the layout of the car park, no alterations are proposed to the newly completed light controlled junction with Burn Road.

2.14 No objections have been raised by the Highway Engineer with regard to this although some adjustments will be required to the middle pedestrian walkway. This can be dealt with by the appropriate condition.

Residential Amenity

2.15 The new petrol filling station is slightly bigger than the existing station with 8 pumps instead of 6. The buildings are flat roofed and modern in design, similar to many others in the town.

2.16 The nearest residential properties, in Studley Road and Vicarage Court are approx. 70m from the site boundary and separated by an area of open space and the main A689 dual carriageway.

2.17 The objections raised by residents of this area revolve around pollution in terms of noise, light and smells. In terms of increased noise, it is considered that the noise from the dual carriageway will be much more prominent than anything from the relocated petrol station. Modern filling stations are required to be fitted with vapour recovery systems which are totally enclosed and vapours driven off the tanks during deliveries are collected back into the tankers. These systems are permitted and regulated by Hartlepool Borough Council under Environmental Permitting Regulations.

2.18 In addition to this, the majority of petrol stations will have to install stage 2 vapour systems by January 2010. These systems take the vapours from the cars petrol tank back into the petrol pump during filling. Tesco has already installed these tanks on its existing forecourt. In view of this, it is unlikely that concerns regarding odours could be substantiated.

2.19 Whilst light pollution is acknowledged to be a problem which affects all towns and cities, the site is already well lit by the existing store, petrol station and car park lighting. Belle Vue Way and the surrounding area is also well lit and there are a number of commercial and industrial businesses with illuminated signs.

2.20 It is unlikely therefore that the relocation of the petrol station would significantly add to the existing situation to an extent that the additional lights would significantly impact on the visual amenity of nearby residents.

2.21 Whilst it is acknowledged that the new petrol station will be visible from nearby residential properties, it is unlikely to be significantly different to the existing view. Some additional planting has been indicated on this corner of the site which is anticipated to screen some of the new development.

2.22 No objections have been raised by the Council's Principal Environmental Health Officer regarding the above issues.

Environmental Issues

2.23 Whilst the Environment Agency has raised objections to the proposals, these revolve around insufficient information having been provided by the applicant.

2.24 Additional information regarding the risks to groundwater and foul drainage has now been received by the Local Planning Authority and the Environment Agency are satisfied with this information.

2.25 Although the site is close to the Stranton Conservation Area it is also within the Longhill Industrial Area adjacent to a number of existing industrial and commercial uses. The relocation of the petrol filling station is not therefore considered to have an impact on the Conservation Area.

RECOMMENDATION - APPROVE subject to no further objections from outstanding consultees, 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 submitted details, a scheme for the provision of additional planting to the west of the proposed petrol filling station shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all planting, seeding or turfing comprised in the final 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. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
5. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may be subsequently be agreed, in writing by the Local Planning Authority.
To protect groundwater quality in the area.
6. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water in around the petrol station has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be implemented as approved.
To protect the groundwater quality in the area.
7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by

the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

- 8 Finished ground levels at the Petrol Filling Station shall be no lower than 7.0m AOD.

To reduce the risk from flooding

9. No development shall take place until the following matters have been addressed

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

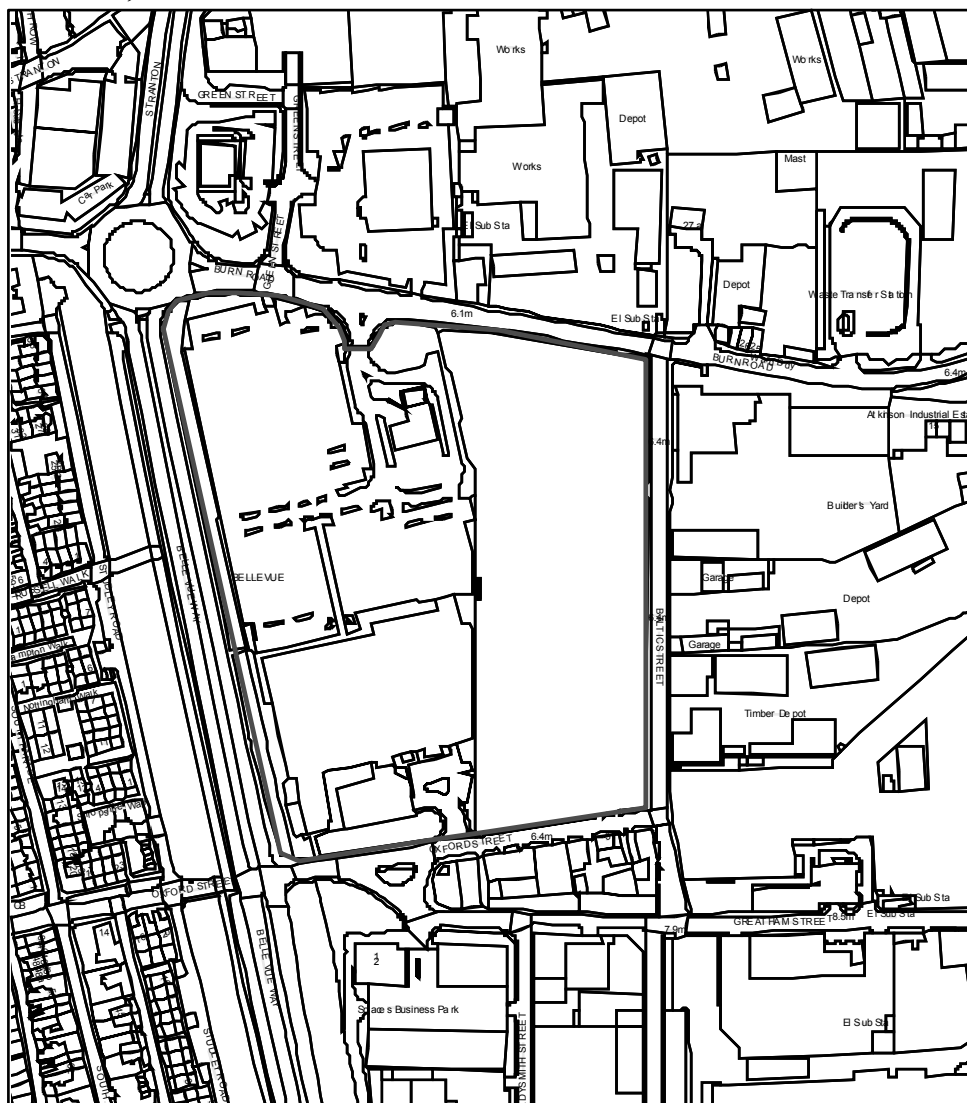
Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan 2006.

10. No development shall take place until further details of the revised middle pedestrian walkway have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.

Tesco, Burn Road



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0593	REV

No: 3
Number: H/2008/0577
Applicant: MR R Atwal
Agent: HC Dsigns 206 North Road Darlington DL1 2EN
Date valid: 24/09/2008
Development: Provision of a rear first floor balcony (amended application)
Location: 2 DELAMERE BILLINGHAM

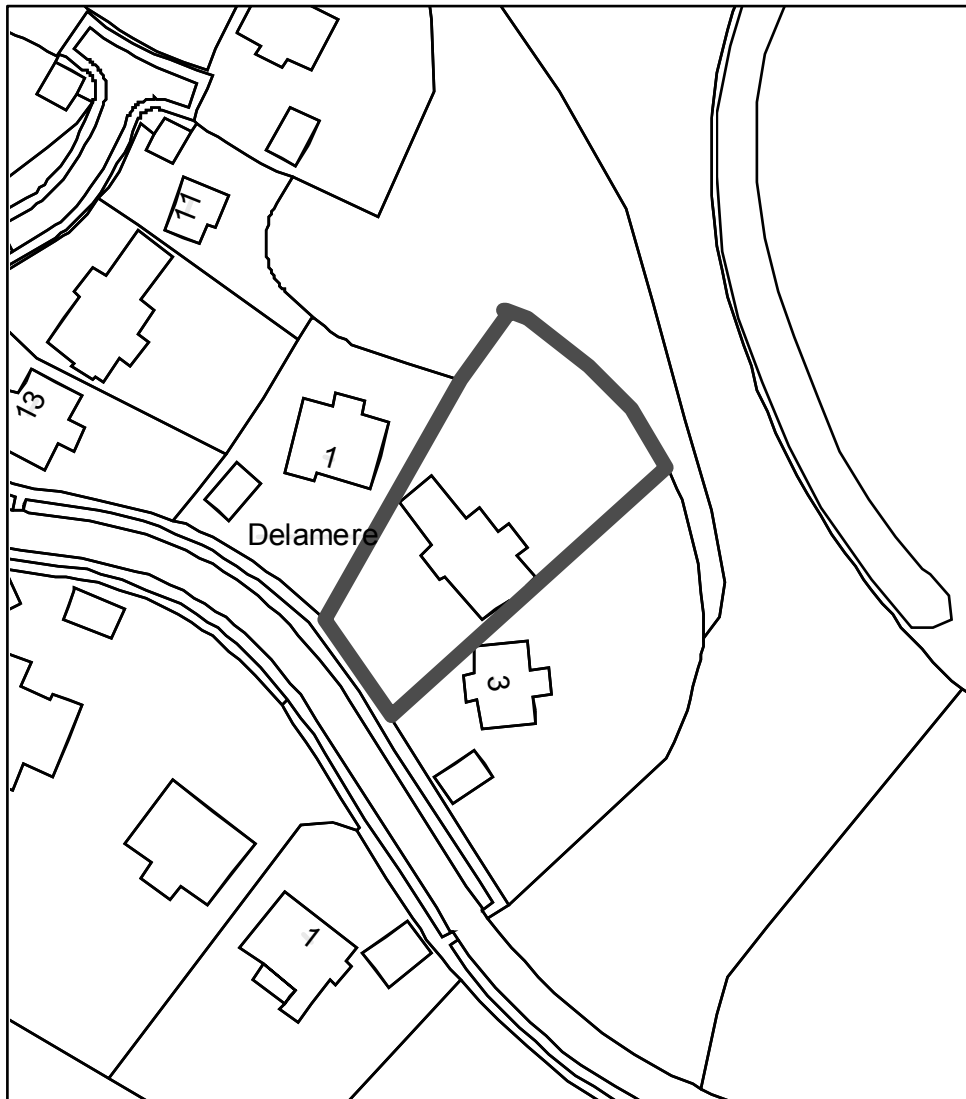
Background

This application was considered at the November meeting of the Planning Committee when it was deferred.

The applicant has agreed to amend his proposal and the amended plans are awaited. Once received neighbours will be reconsulted. This process would not be completed before the meeting. It is recommended therefore that consideration of the application be deferred until this process is completed.

RECOMMENDATION-Defer

2 Delamere



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO •	REV

No: 4
Number: H/2008/0558
Applicant: Mr M Ashton Hillcrest Grove Elwick Hartlepool TS27 3EH
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 17/09/2008
Development: Variation of planning conditions to allow opening of
 caravan and camping park and clubhouse between 1st
 April and 31st January and removal of condition to provide
 an acoustic fence
Location: ASHFIELD FARM DALTON PIERCY ROAD
 HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 Ashfield Farm is located approximately 1 km to the north east of Dalton Piercy and consists of a smallholding. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall holding is part of a cluster of holdings which are being used for various commercial and rural related enterprises. The site is accessed from Dalton Back Lane via a track some 300m in length.

4.2 The application site is an operating touring caravan and camping site, which was approved by Members on the 8th August 2006. This was approved with some 13 conditions including that the site be restricted to the months of March to October, and the requirement for the erection of an acoustic fence in a location to be agreed. The site has been operational since March 2008.

4.3 An application to provide a licensed clubhouse on the site was refused by Members on the 1st August 2007, however was subsequently allowed on appeal on 13th December 2007, subject to conditions.

4.4 The application proposes to vary the opening of the touring caravan and camping site, including clubhouse to between the 1st April to 31st January inclusive. The application also proposes to remove the condition on the approval which requires an acoustic fence to part of the site boundary.

4.5 The application was deferred from the November Planning Committee as there was an error in advertising the proposal, this has now been rectified.

Publicity

4.6 The application has been advertised by way of neighbour letters (10), site notice and press notice. To date, there have been 4 letters of no objection, 4 letters of objection (3 anonymous) and 1 letter of comment.

The concerns raised in the objection letters are:

1. The clubhouse is being used to sell alcohol to non residents of the site.
2. This is in direct competition to the village pubs in Elwick.
3. The opening as a pub is illegal and they are breaking the law and putting their license in jeopardy.
4. A beer garden has been constructed.
5. Music is played outside.
6. Drinks can be consumed in areas outside the licensed area.
7. Concerns that the site is residential caravans.
8. There is no adventure playground which was on the approved plans, another sign the operators are only interested in a pub.
9. The tourism officer should have visited the site to see how many tourists are on the site before commenting on the application.
10. The caravan site was open on the 1st and 2nd November which is in contravention to the license held.
11. When does a touring caravan site become a residential site?
12. The fence referred to should have been provided before the site was opened.
13. One of the objectors who has commented anonymously has raised a link between an occupant of the caravan site to a fatal car crash on the A19. It was also raised that the person involved was occupying the site as a contractor.

4.7 The person commenting raised no objection to the running of the site, however has stated that one year may not be an adequate sample period to gauge the need for an acoustic fence. The author has suggested that the condition for an acoustic fence is not enforced however is reviewable for removal in 4 years time.

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The period for publicity expires on the 13th December 2008, should any further objections be received these shall be reported to the Planning Committee.

Consultations

4.8 The following consultation replies have been received:

Public Protection - No objection

Economic Development - No objection, particularly as it will extend the visitor season to Hartlepool and therefore the visitor economy at a potentially quieter period.

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

Dalton Piercy Parish Council - Concerns for the following reasons:

1. There is minimal possibility that caravanners would be on the road in the months asked for in the change of opening hours.
2. How would it be commercially viable to open in those months.

3. The club house should be restricted to those who are resident onsite; there are suggestions that it is being used as a pub.
4. As a result of the above the Council would like to see the hours remain as they are.

Planning Policy

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

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

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

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

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.

Rur16: States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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.

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

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.

Planning Considerations

4.10 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties and surrounding area in terms of its affect on the local highway network and noise and disturbance.

4.11 Planning Policy Statement 7 (Sustainable Development in Rural Areas) is supportive of tourism development in countryside areas providing that this is not to the detriment of the area. In this instance it is considered that the operating of the site for an additional 2 months of the year would not have an adverse affect on the surrounding area, this is expanded on in the remainder of the report.

Highways Issues

4.12 The Traffic and Transportation team have confirmed that there are no major highway implications with this application, therefore there are no objections on highway grounds to the variation of the conditions.

Noise and Disturbance

4.13 The proposed variation of condition to allow the operation of the site between April to January inclusive is not considered to have a detrimental affect on the surrounding area in terms of noise and disturbance. The site is surrounded by mature hedging and there is a degree of separation between the site and neighbouring properties, which are scattered around the vicinity. Given that the site is approved to be operational between March to October, and no objections have been received in terms of noise and disturbance since it has become operational (March 2008), it is considered difficult to substantial an objection to the additional 2 months proposed. Public Protection has not objected to the variation of this condition.

4.14 With regard to the provision of an acoustic fence the site has been operational since March 2008 and no objections have been received by Public Protection in terms of noise and disturbance. Public Protection have no objection to this acoustic fence not being provided and given the amount of screening around the site and separation distances between the site and surrounding properties it would be difficult

to sustain an objection to the removal of this condition. With regard to the letter of comment suggesting that the condition should not be enforced but reviewed in 4 years time consideration has been given to this proposal however the basis for imposing conditions are that they must be reasonable and necessary. It is considered difficult to substantiate rewording the condition to be reviewed given no objection has been received regarding noise and disturbance.

Other Issues

4.15 Concerns have been raised regarding the viability of the site during the additional months proposed, however the Council's Tourism officer has assessed the proposal and has no objection, particularly as it will extend the visitor season to Hartlepool and therefore the visitor economy at a potentially quieter period.

4.16 Concerns have been expressed by both objectors and the Dalton Piercy Parish Council in terms of the clubhouse being used as a public house. There is a condition imposed on the licensed clubhouse which restricts the use of the premises to only resident occupants of the touring caravans and tents on the site at any particular time. It should be acknowledged that Public Protection and The Police have visited the site on a number of occasions; as a complaint was received from one of the objectors who has objected to this proposal; and they have not found any evidence to suggest the clubhouse is not being run as the condition/license specifies.

4.17 With regard to an objection which states that a beer garden has been constructed, the case officer has visited the site and confirms that there is a "picnic area" adjacent to the club house, planning permission is required for this and is the subject of a separate investigation.

4.18 There is no proof to substantiate music being played outside, the Council's Public Protection team have confirmed that they have not received a complaint regarding music being played outside.

4.19 With regard to the adventure playground not being constructed, the applicant has confirmed that this is to be constructed prior to the site opening in April 2009.

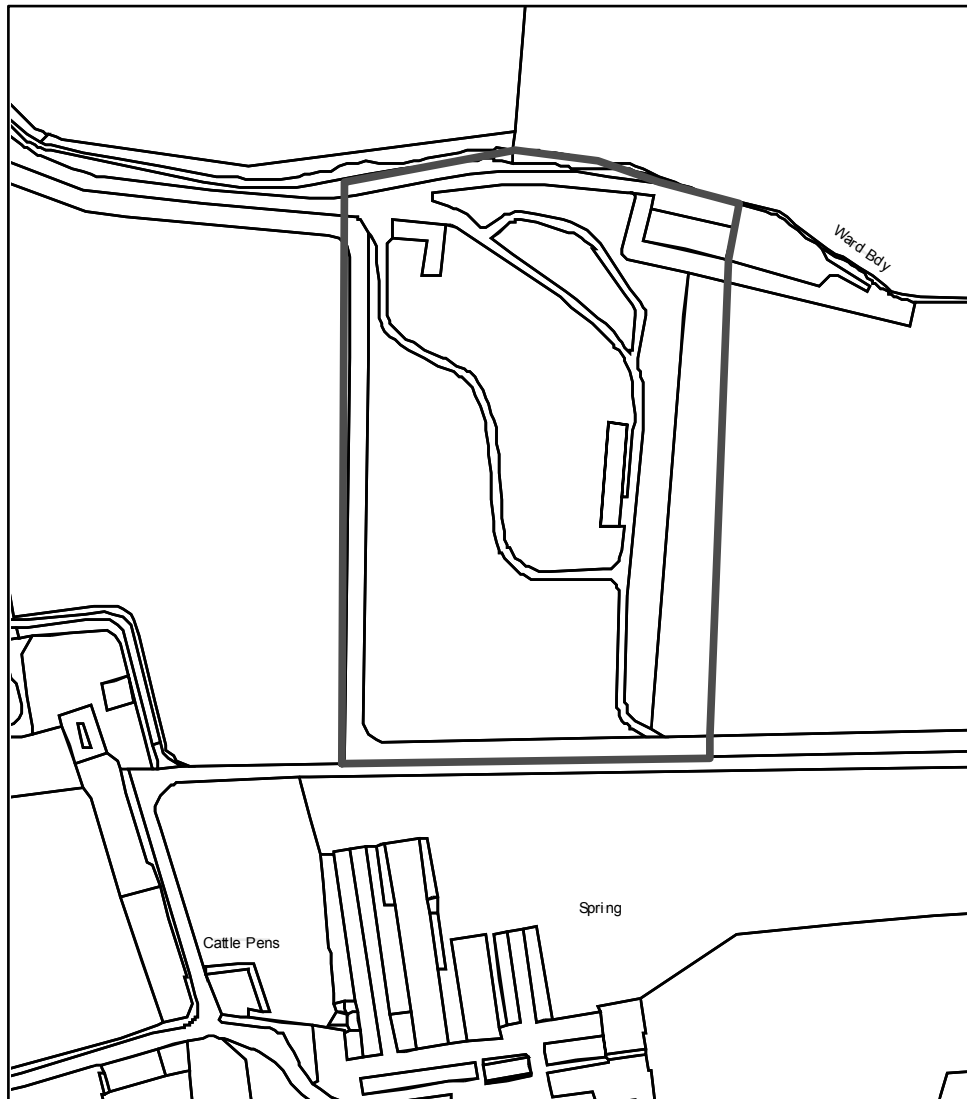
4.20 An objector has cited that the site has been open outside the months attached to the approval, i.e. 1st and 2nd November. It should be noted that the applicant had contacted the Planning Department to seek clarification on opening prior to these dates and given the application currently being considered (which was submitted in September 2008) it was considered enforcement action would be unreasonable.

4.21 In terms of the objection referring to a fatal traffic accident the issue of drink driving is not a material planning consideration.

4.22 In terms of the occupancy of the site by contractors, this is being looked into as a separate matter. Given legal opinion is awaited an update report will be tabled.

Recommendation - UPDATE REPORT TO FOLLOW

Ashfield Farm



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0558	REV

No: 5
Number: H/2008/0525
Applicant: Able UK Ltd Billingham Reach Industrial Estate
Billingham TS23 1PX
Agent: Able UK Ltd Able House Billingham Reach Industrial
Estate Billingham TS23 1PX
Date valid: 19/09/2008
Development: Conversion of existing living accommodation to offices
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

The Application and Site

5.1 The application site is part of the Able UK Port Facility, known as TERRC. The application proposes the change of use of a module from offshore accommodation to office use with welfare/hygiene facilities for the use of the staff at TERRC. The oil rig living quarters module is established onsite adjacent the boundary with the Power Station under the consent granted to Able to demolish offshore structures.

5.2 The module is a steel four storey structure, 50metres in length, 25metres in width and 18metres in height. The methodology for installing the structure on the site requires that it be brought to rest on platforms, therefore stairways are proposed to access the building.

5.3 Parking for the building is provided within the general site car park at the northern end of the facility.

5.4 The application was deferred from the November Planning Committee as there was an error in advertising the proposal, this has now been rectified.

Publicity

5.5 The application has been advertised by way of site notice and press notice. To date, there has been 1 letter of objection.

5.6 The concerns raised are:

1. the location of the proposed office block will be situated in close proximity to the Nuclear Power Station;
2. that the module may contain asbestos fibres;
3. there is no Health and Safety Executive report or risk assessment submitted with the application.

The period for publicity expires on the 13th December 2008, should any further response be received these will be presented to the Planning Committee.

Consultations

5.7 The following consultation replies have been received:

Public Protection - No objection

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

Northumbrian Water - No objection

Health and Safety Executive - Do not advise against the grant of planning permission

HSE Nuclear Installations Inspectorate - No objection

National Grid & Transco - Advise that there is moderate risk, however no objection.

Northern Gas Networks - No objection

Planning Policy

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

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

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

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

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement

areas.

Ind9: Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

Planning Considerations

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

5.10 In terms of the letter of objection the position of the module is similar to that of the proposed 'Office and Welfare' building previously approved under ref: H/FUL/0462/00 and also utilises a similar car parking arrangement.

5.11 In terms of the concern that there may be potential for asbestos within the module, it should be noted that the applicant has confirmed that a Type 2 Asbestos survey of the module has been undertaken by an independent consultant, Franks Portlock Consulting Limited. Asbestos containing materials has been found within the module which is as generally categorized as low risk materials including: fire-door seals, pipe work wraps (where they penetrate walls or floors), gaskets and floor tiles. All asbestos material will be managed in accordance with the relevant health and safety legislation. The Health and Safety Executive have no objection to the scheme.

5.12 Although the module is large it is not considered to be out of keeping with the surrounding area. The module is sited close to the boundary of the power station and in terms of scale is similar to equipment at the power station site. The application proposes the reuse of a module which otherwise would be scrapped, therefore the reuse of the module is considered to be sustainable and should be encouraged. Given the appearance of the module it is considered that a temporary approval for 5 years is considered prudent in this instance.

5.13 In terms of the response from National Grid, moderate risk means that if there is any large scale equipment e.g. cranes etc to erect the building then plans need to be shown to National Grid for consideration. After discussions National Grid are aware that the module is onsite as part of Able's approval for the demolition of offshore structures and they offer no objection to the scheme.

5.14 In terms of highway safety, the Traffic and Transportation team have confirmed that there are no major highway implications with the proposed change of use of the module.

Conclusion

5.15 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 area in terms of outlook and its appearance the development is considered satisfactory.

RECOMMENDATION – Minded to approve the application subject to no substantially different objections and the conditions below:

1. The permission hereby granted is valid for 5 years from the date of the decision notice and the module shall be removed from site on or before that date unless the prior written consent of the Local Planning Authority has been obtained for an extension of the period of validity.
In the interests of visual amenity.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 15th and 19th September 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt

Able UK

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:8,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0525	REV

No: 6
Number: H/2008/0495
Applicant: Chase Property Developments
Agent: Savills Mr T Adey Fountain Court 68 Fountain Street
 Manchester M2 2FE
Date valid: 03/10/2008
Development: Application to allow additional floorspace to vary the size
 of units and extend the range of goods that can be sold
Location: TEESBAY RETAIL PARK BRENDA ROAD
 HARTLEPOOL HARTLEPOOL

Background

6.1 This application was considered at the November meeting of the committee when it was deferred as a number of matters were outstanding.

The Application and Site

6.2 The application site is an existing retail park located on the west side of Hartlepool close to the junction of the A689 and Brenda Road. It currently extends to some 14,676 square metres. At the northern and north eastern end of the park are a range of buildings currently occupied by B & Q, Storey/WalterWall Carpets, Aldi, Poundstretcher, UK Bowling with the remaining units currently vacant. At the south eastern end of the Park is a former filling station and a building occupied by Halfords. The south east corner of the site is open and undeveloped.

6.3 The park is bounded to the south and east by an area of raised waste ground which is allocated in the Local Plan for outdoor recreation and sporting development. To the north is a landscape buffer beyond which passes the A689. To the western side of the site is a pond and Brenda Road beyond which are commercial premises on the Usworth Road Industrial Estate a garage, bus depot and a vacant site.

6.4 The site already benefits from extant planning permissions some of which have been implemented and which are subject to various restrictive conditions. The application seeks planning permission to remove/vary these various conditions (Conditions 4-EZ2/3/OUT/519/85, Condition 2-H/FUL/0619/01, Conditions 4, 5, 6 – H/2005/5921). In particular to extend the permitted floor space allowed within planning approval H/2005/5921 by a further 4,537 square meters to 11,017 square metres. This additional space will be accommodated through altering the footprint of some units slightly but mainly through the use of mezzanine floors. The application also seeks to remove planning conditions limiting minimum unit size and the range of goods that can be sold contained on this and the earlier permissions referred to above. Instead two new planning conditions are proposed. One limiting floor space for the sale of food to 8,933 sq metres other than ancillary café, confectionary, hot snacks or meals. A further proposed condition limits the amount of D2 leisure floorspace to 2,508 square metres. (It is understood this relates to the existing Bowling facility). A proposal seeking flexibility to allow three of the units to be

occupied by Class A3 (Restaurant & Café) operators has subsequently been withdrawn.

6.5 The revised indicative site layout shows a 11,017 square metre extension to the existing retail and leisure floorspace which will bring the total floorspace at Tees Bay to 25,851 square metres. This will be provided in ten new units. Unit 6 will link Poundstretcher to the adjacent vacant unit which will be subdivided into three units, Units 11 to 16 will be located south east corner of estate effectively closing this corner. Unit 18 a stand alone unit will be provided to the north of the existing Halfords Unit. Units 19 & 20 will be provided in the centre of the site on the site of the former car wash. Units 11,12,13 will accommodate 4,415 sq m of the proposed additional floorspace in a mezzanine floor. Car parking and pedestrian areas within the site will be extended and remodelled and the service road extended. At the entrance to the site the existing service station will be removed and a water feature formed.

6.6 In support of the application the applicant has submitted a Flood Risk Assessment, a design and access statement, a Transport Assessment and a retail statement.

6.7 The applicant states that the retail park is no longer fit for purpose which he attributes to restrictive planning controls which limit the range of retailers, dated premises and overall poor image, and high vacancy rates re-enforcing negative perceptions amongst prospective purchasers. He considers that the proposal can address the park's decline by broadening the range of goods and so retailers, upgrading the park and by providing a range of units to cater for a wide range of tenants.

6.8 The retail assessment concludes that the Park is in need of regeneration. That there is a need for the development, that the development is of an appropriate scale, the site is accessible, there are no sequentially preferable sites available and that the proposal will not have an unacceptable impact on the vitality and viability of existing centres. Further that the development will regenerate the existing retail park and contribute to employment opportunities and social regeneration.

Relevant Planning History

6.9 The planning history of the site is complex.

6.10 Outline Planning Permission was original granted for a non food retail centre on the site in April 1986 (EZ2/3/OUT/519/85). A condition (4) on this "principal permission" restricted the sale of food from the premises other than confectionary, hot snacks or meals. A legal agreement dated 10th April 1986 the "principal agreement" completed in connection with the planning permission further restricted the range of goods which could be sold from the site to bulky specialised goods not generally expected to be found in the town centre. For example timber and other products, hardware, plumbing, electrical, building maintenance and construction, insulation, furniture, flooring, glass, decorating equipment, D.I.Y, leisure, Autocentre, Gardening, Pet products, related books and publications, food and drink (in a restaurant/snack bar). This was varied in 7th August 1986 to allow for the sale of

ready made furniture and the sale or hire of other specific goods (electrical, hi-fi, tapes, cassettes, cartridges films optical and photographic equipment watches and clocks) by a specified retailer/retail group (Harris Queensway Plc) in part of the development (up to 25% of the whole or 2000 square metres whichever is the greater).

6.11 In Nov 1986 reserved matters were granted for the erection of non food retail units (H/EZ2/0479/86).

6.12 In December 1991 planning permission was granted for the change of use of units 2,3A and 3B from non food to food retail.(H/FUL/0619/91). A condition (2) attached to the approval restricted the maximum gross floorspace of food retailing to 1417 sq m and required the accommodation to be contained solely within units 2 ,or, the combined units 3A and 3B. The principal legal agreement was varied through a supplemental agreement dated 14th September 1993 to allow for this. This unit, unit 2, is now occupied by Aldi .

6.13 In April 1993 a planning application by Iceland for the change of use of unit 3a was refused for reasons relating to the cumulative impact on the town centre.(H/FUL/0066/93).

6.14 In November 1994 planning permission was granted for the erection of a non food retail unit in the south east corner of the site opposite Halfords. A condition restricts food sales other than within an ancillary restaurant, canteen or snack bar. This application does not appear to have been implemented. (H/FUL/0547/94).

6.15 In December 1996 permission was granted to vary the principal legal agreement to extend the range of goods sold however it does not appear that the formal variation of the agreement was completed due it is understood to the complexity and multitude of owners and tenants of the retail park. (H/VAR/0118/96).

6.16 In 2001 permission was granted to vary the principal legal agreement to allow for the use of unit 3B for the unrestricted sale of non food retail goods. (H/VAR/0454/00). The principal agreement was varied by a supplemental agreement dated 1st February 2008. This unit is now occupied by Pound Stretcher.

6.17 In September 2004 planning permission was granted for the subdivision of two existing units, 1 & 4, with new customer feature entrances to front and new service doors to rear elevations to create separate retails units within the existing buildings. (H/FUL/0101/04). The permission allowed for the subdivision of the units into 5 retail units. No conditions relating to the use of these units nor the range of goods sold were imposed on this permission.

6.18 In June 2007 outline planning permission was granted for alterations to existing units, erection of additional units and associated infrastructure and landscape works. (H/2005/5921). A condition on the approval (4) restricted the total new retail warehouse floorspace to 6,480 square metres gross. A condition (5) restricted the minimum size of unit to not less than 929 square metres. A condition (6) restricted the range of goods which could be sold. Specifically the permission did not allow the units to sell, food and drink, clothing and shoes (including sports clothing), books and

stationary, CDs and other recorded audio-visual material, toys and children's goods, jewellery, clocks and watches, sports equipment and accessories, china and glassware, musical instruments, medical, chemist and opticians goods and pet products. These conditions were imposed to protect the viability of the town centre. It is this permission in the main that the current application seeks to vary to allow for the erection of additional floorspace, the sale of a wider range of goods and the removal of limits on the minimum size of unit. The permission was subject to a legal agreement securing employment opportunities for local people, a travel plan and a financial contribution to secure a cycleway link which was completed on 28th June 2007.

6.19 In 2007/2008 the applicant applied for certificates of lawfulness to establish that the lawful use of units 1 and 4 were they to be subdivided in accordance with permission (H/FUL/0101/04) would be for any purpose within Class A1 shops (H/2007/0765 & H/2008/0162). The certificates were granted in May 2008 with the proviso that the decision was without prejudice to the enforceability of the covenants in any legal agreements relating to the site

Summary of Planning History

6.20 In summary the use of the existing and approved units on the site is restricted by a combination of both legal agreements and planning conditions.

6.21 In relation to the principal legal agreement the main effect of this, and the various supplemental agreements, is to restrict the goods sold on the site to bulky specialised goods not generally expected to be found in the town centre except where variations have been allowed to the agreement in units occupied by Aldi and Pound Stretcher and for Harris Queensway Plc. The applicant has recently questioned the status of the principal legal agreement and whether it can still be applied to the site. He considers that the legal agreement completed in connection with H/2005/5921 dated 28th June 2007 supersedes the principal agreement. The initial Officer view is that the principal agreement still applies. Legal advice has been sought on this matter however.

6.22 In relation to planning conditions the main effect of the extant planning permissions is that the original permission (EZ2/3/OUT/519/85) restricts the sale of food on the whole site except in relation to the unit occupied by Aldi where this condition has been relaxed by the permission in 1991.(H/FUL/0619/91). It will also be relaxed in the case of units 1 & 4 should planning permission (H/FUL/0104/04) be implemented. The conditions imposed on the recent 2007 permission (H/2005/5921) restricts the range of goods that can be sold from the new units should they be erected, the minimum size of units and the maximum amount of floor space.

Publicity

6.23 The application has been advertised by site notice, neighbour notifications(10) and in the press. The time period for representations has expired. Two letter of objection were received from consultants representing the owner of Anchor Retail Park. The writer raises the following issues.

- i) Format of application is inappropriate.
- ii) The proposal is contrary to policy as it seeks to allow out of centre retail floor space and allow the sale of goods without restriction, including foods and goods, that should be sold in the town centre.
- iii) The retail statement is deficient and does not satisfactorily demonstrate that the application accords with retail planning policy.

Copy letters I

Consultations

6.24 The following consultation responses have been received:

Head of Public Protection - No objection.

Northumbrian Water - No objection.

Traffic & Transportation - The proposed traffic flows from the development will have minimal impact on the highway network given the amount of traffic generated from it.

The legal agreement which was put in place with the previous permission for the retail park, which involved the proposed cycle route and travel plan, should pass over to this application if planning permission is granted.

The proposed parking for development is acceptable. There should be at least 32 spaces for disable and they should be set out in accordance with BS8300:2000. The layout of the car park can be conditioned and agreed with my department.

The development will require cycle parking. The cycle parking should be located so it is secured and covered. The details can be condition and agreed with my department.

Tees Valley JSU - No comments received.

Environment Agency – No objections recommended condition relating to disposal of surface water.

Engineering Consultancy - No objections.

Natural England – No objection. The proposal poses no risk to designated sites and there is only a limited possibility of damage/disturbance being caused to protected species, breeding birds. Recommended that construction work takes place outside the bird nesting season. It would be beneficial if the proposed included measures to restrict use by off road motorbikes .

Community Safety Officer – Any comment will depend on whether retail floorspace is to extended/format of building altered/extended etc. Details of proposed variation

of goods to be sold to identify potential security implications. Any notification to change trading hours would be appreciated. What are existing, if any security arrangements and car parking provision/monitoring.

Economic Development - In general terms I fully support further investment into the Park encouraging private sector investment and job creation. The proposals fit with the emerging Southern Business Zone strategy and support a number of the themes within the strategy. In terms of specific uses I do not have any particular objection to a broad range of uses including food retail in economic development terms, however this particular use will need to be considered in the light of retail studies and Local Plan policies.

North East Assembly – The proposal is in general conformity with the Regional Spatial Strategy, subject to the local authority's satisfaction that the scale of the development cannot be accommodated in the town centre, and that the vitality and viability of the town centre will not be compromised as a result of the development proposal. The NEA has raised other issues in this response (travel, transport plans, use of renewable energy/reduction of energy consumption), which if addressed would improve the conformity of the development proposal with the RSS.

One North East - I understand that this application follows a previous approval (ref: H/2005/5921) for development of additional retail units at this retail park. The previous application pre-dated the commencement of One North East's statutory planning consultation role and therefore the Agency did not comment on that original outline application.

It is noted that concerns relating to the potential impact of the proposed retail development of this site on the town centre resulted in the imposition of conditions by the planning permission to restrict the use, range of goods to be sold and minimum size of the units.

The current application seeks to vary those restrictive conditions to enable:

- reconfiguration of units and increase in overall floorspace provision;
- not more than 8933sqm of floorspace to be used for the sale of food (other than ancillary café sales, confectionary, hot snacks or meals or any other food which may be agreed by the Local Planning Authority);
- not more than 2508sqm of floorspace to be used for Class D2 leisure purposes;
- use of three units for Class A3 purposes.

Clearly the issues relating to the protection of the vitality and viability of the town centre which were a concern to the Local Planning Authority (LPA) in determining the original application remain. I understand that the LPA is currently considering the retail assessment submitted to support the application in the context of Council policies and guidance offered by PPS6: Planning for Town Centres.

In coming to a decision, One North East would urge the LPA to be satisfied that the revisions to the original permission are in accordance with policy and guidance and to establish as far as possible that the proposed changes will not result in a detrimental impact upon the vitality and viability of retail operators within the town centre. Subject to this aspect and all environmental issues of the application being satisfactorily resolved, One North East does not object to the proposed revisions.

As you are aware the RES promotes the need for quality of place within existing and proposed development. With this in mind, should the application be viewed favourably, the Agency would request the LPA to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BREEAM, Building for Life and Secured by Design.

In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application details regarding the provision of renewable energy measures within the scheme should also be provided.

Cleveland Police - No comments

Tees Valley Regeneration - TVR would wish to express general concern about the effect that such an out-of-town retail facility would have on the existing provision in the Town centre and proposed Victoria Harbour development. We have concerns that the proposal will detract from the existing retail provision, albeit that the bulky goods proposals at Victoria Harbour are now under review, and there may therefore be no direct conflict.

Planning Policy

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

Com7: Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments attracting large numbers of visitors should comply with policies Com8 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be

negotiated to secure the improvement of accessibility.

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

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

Rec14: States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

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

Planning Considerations

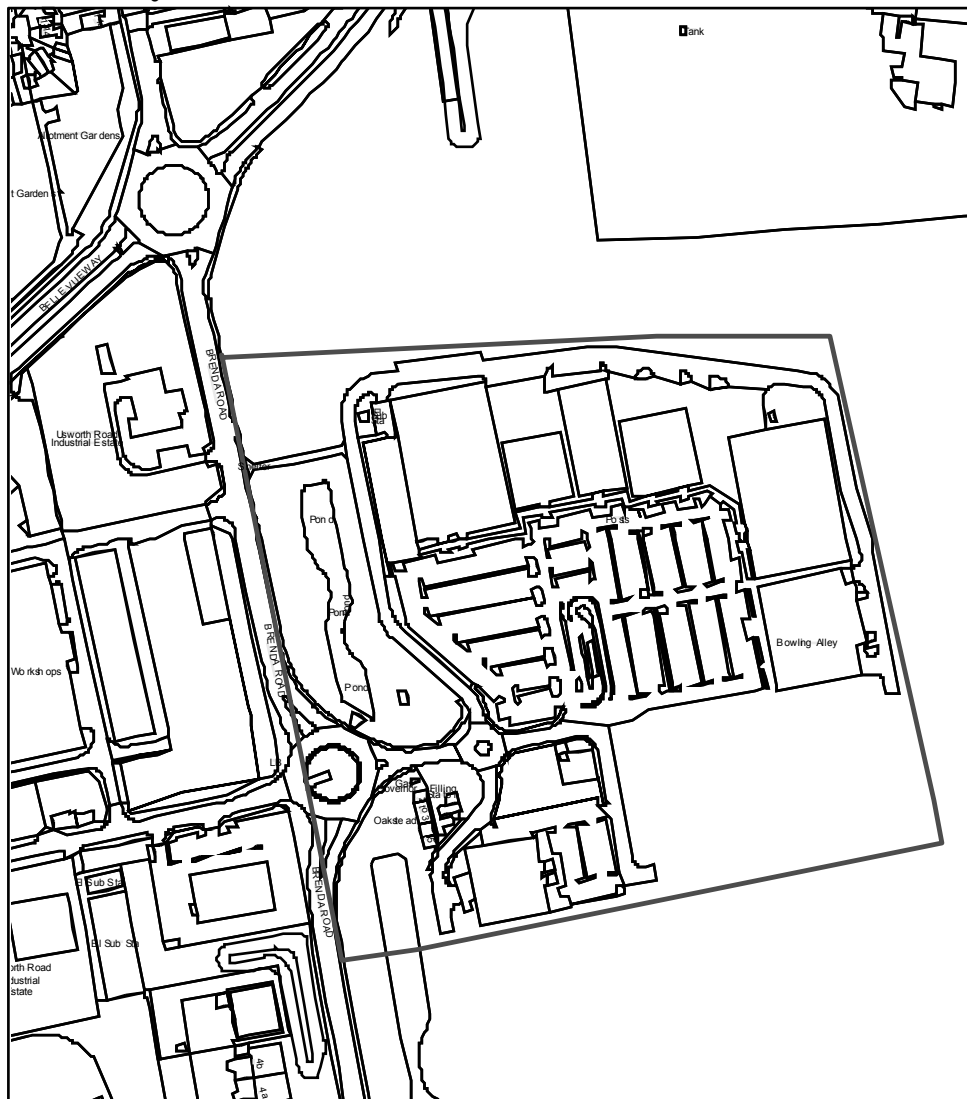
6.26 The main planning considerations are at this time considered to be the scope of the application, policy in particular the suitability of the development in terms of national and local retail policies, highways, flooding, impact on the amenity of neighbours and Conservation Issues.

6.27 However a number of matters are outstanding in particular legal advice on the scope of the application. In addition the comments of this Council's Retail Consultant have been passed to the applicant and their response is awaited. A further related issue on this site is the position in relation to the principal legal agreement, the status of which has been questioned by the applicant. Legal advice has also been sought on this matter.

6.28 It is hoped that these matters can be resolved an update report will follow.

RECOMMENDATION – Updated report to follow

Teesbay Retail Park



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/11/08
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0495	REV

No: 7
Number: H/2008/0629
Applicant: Mr S Campbell 80 CLIFTON AVENUE HARTLEPOOL
 TS26 9QW
Agent: Mr S Campbell 80 CLIFTON AVENUE HARTLEPOOL
 TS26 9QW
Date valid: 29/10/2008
Development: Paving of driveway and front garden area and demolition
 and rebuilding of front boundary wall (part retrospective)
Location: 80 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

The Application and Site

7.1 The property is a traditional semi-detached early twentieth century dwelling located on Clifton Avenue, within the Grange Conservation Area.

7.2 The application proposes the retention of a demolished and now re-built front boundary wall, and the provision of a block-paved front driveway.

7.3 Planning permission is required as the boundary wall exceeds 1 metre in height and is adjacent to the public highway. Additionally, the property is subject to an Article 4 (2) direction which removes all permitted development rights affecting the front and side elevations of all properties within the Grange Conservation Area.

Publicity

7.4 The application has been advertised by way of neighbour letters (5), site notice and press advert. To date, there have been 3 letters of non-objection.

The period for publicity expires 13 December 2008.

Consultations

7.5 The following consultation replies have been received:

Traffic and Transportation: A drainage channel will be required at the start of the driveway to prevent surface water runoff onto the highway.

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will

be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP11: States that permitted development rights may, in exceptional circumstances, be withdrawn where the Council considers that there is a threat to local amenity and further protection of the character of an area is required.

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

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

7.8 Adopted Hartlepool Local Plan (2006) guidance, requires that development within a Conservation Area preserves or enhances the character and appearance of the Conservation Area. Within Conservation Areas, it is important that substantial and worthwhile original features such as walls, and gateway entrances are retained. It is to be ensured that the replacement of such features are appropriate in terms of design, and the detailing and materials used within the proposals are in keeping with the character of the Conservation Area. This is more notable on frontages given the potential impact on the character street scene, and the need to ensure that proposals will not appear unduly intrusive.

7.9 Concerns have been expressed by the Landscape Planning & Conservation Manager for the following reasons:

- The proposed wall is inappropriate to the character of the Grange Conservation Area. The wall should be relatively low (approx 0.5m in height), topped by a coping stone (half round, saddle back or chamfered, usually in stone). The railing would have been cast iron panels about a metre in length, about 0.5m in height, with cast iron decorative uprights.
- With regard to the block paving there would be no objections to the block paving of areas which were already hardstanding i.e. the driveway. However, the block paving of the front garden is inappropriate. The generous gardens to both the front and rear of properties within this area contribute to the green and spacious feel to the area. Throughout the area the provision of low walls

to properties results in front gardens being visible. The erection of the high wall with the loss of the front garden would be inappropriate, and contribute to an increasing loss of gardens within this area.

- The proposal does not enhance the Conservation Area. The development also sets a precedent to other property owners in the treatment of the boundaries to their properties.

7.10 In this instance, given the size and scale of the development and the extent of departure from the traditional appearance of the Grange Conservation Area, it is considered that for the reasons stated above, the development as proposed by reason of its design, detailing and materials are unacceptable. This conflicts with policies GEP1 and HE1 of the Hartlepool Local Plan, by failing to preserve or enhance the character or appearance of the Conservation Area. Refusal is therefore recommended.

RECOMMENDATION – REFUSE subject to no further representations

1. In the opinion of the Local Planning Authority, the design, size and scale of the boundary wall and paving would be detrimental to the character and appearance of the Grange Conservation Area contrary to policies GEP1 and HE1 of the Hartlepool Local Plan.



80 Clifton Avenue



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2008/0629

Drawn: JT

No: 8
Number: H/2008/0669
Applicant: Mrs Tracy Jefferies York Road Hartlepool TS26 9EB
Agent: Hartlepool Carers Mrs Tracy Jefferies 200 York Road Hartlepool TS26 9EB
Date valid: 18/11/2008
Development: Change of use to provide Carers Support Centre
Location: 19A LOWTHIAN ROAD HARTLEPOOL

The Application and Site

8.1 The application site is located on the corner of Lowthian Road and York Road to the north of Hartlepool Town Centre.

8.2 The building which has recently been extended, is at the end of a terrace of 5 properties one of which is residential. The attached property at 30 York Road is a vacant dwellinghouse. The immediate area is predominantly residential with a number of commercial properties on York Road.

8.3 The proposal involves the change of use of the building which is currently used by Sure Start as a childrens day centre.

8.4 Planning consent was granted in September 2002 for this use subject to a number of conditions including one restricting the use to that approved for Sure Start and for no other use in the D1 (non-residential institutions) class, hence the requirement for this planning application.

8.5 Hartlepool Carers provide advice, information and support services to all unpaid carers within Hartlepool and the surrounding area. The group currently provides support for approximately 395 adult and 83 young carers in the area.

8.6 Ten paid staff and approximately 90 volunteers (trained) offer a number of services/facilities including:- one to one support, computer access, emotional support, information, social activities, training and support groups. The hours of operation requested are 8am to 8pm Monday to Friday, 10am to 4pm on Saturdays and 10am to 4pm on Sundays and Bank Holidays.

8.7 There are no alterations proposed for the building and although there is no off street parking, there are resident and business parking schemes in the surrounding area with pay and display parking 100m away at Mill House. Visitors to the building will be advised to use this public parking.

Publicity

8.8 The application has been advertised by way of neighbour letters (24) and by site notice. To date one letter of no objection and one letter of objection have been received although after conversations with neighbours, it is likely that further letters

of objection may be received. The objection is concerned with lack of parking for residents of the area.

The period for publicity expires before the meeting (15 December 2008)

Copy letter F

Consultations

8.9 The following consultation replies have been received:

Property Services – support the scheme

Head of Traffic & Transportation – as the property is located just outside the town centre with good transport links and nearby car parking, no objections would be offered.

Head of Public Protection – no objections subject to the operating hours restricted to those applied for.

Planning Policy

8.10 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.

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

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

Planning Considerations

8.11 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the development on neighbouring properties and the surrounding area in terms of amenity and on highway safety.

8.12 In policy terms, the property is located within the urban area close to Hartlepool town centre, and currently accommodates a community based use which offers child care facilities. Previous uses of the building have been retail shops and offices.

8.13 Whilst the new use includes additional operating hours to those of the Sure Start use, the additional weekday hours (Mon to Fri) from 08.00hrs to 20.00hrs and the Saturday, Sunday and Bank Holidays requested of 10.00hrs to 16.00hrs are considered to be acceptable in this mixed use area and should have little impact on neighbouring residential properties in terms of noise and disturbance. The previous uses, as shops and offices had no opening restrictions. The Head of Public Protection has offered no objection to the change of use subject to the provision of an appropriate condition restricting the hours of operation to those requested by the applicant.

8.14 In terms of highway safety, the property is located on a major bus route and close to the town centre. There is pay and display parking close by at Mill House.

8.15 There are parking restrictions in the area surrounding the application site including resident and business parking zones. In view of this it is not considered that the change of use would significantly affect on-street parking in the area. No objections have been raised by the Council's Highway Engineer.

8.16 The applicant has stated that visitors to the site would be encouraged/advised to use the Mill House car park.

8.17 In conclusion, the proposed use is considered to be similar to the existing use in terms of residential amenity and highway safety and approval is therefore recommended.

RECOMMENDATION – APPROVE subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall be used for the use hereby approved and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Uses Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
3. The premises shall only be open to the public between the hours of 08.00hrs and 20.00hrs Mondays to Fridays and 10.00hrs to 16.00hrs Saturday, Sunday and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.



19a Lowthian Road



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HARTLEPOOL BOROUGH COUNCIL

Scale: 1:1250

Date :

Department of Regeneration and planning

Drg No: H/2008/0669

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Drawn: JT

No: 9
Number: H/2008/0640
Applicant: Housing Hartlepool Greenbank Stranton Hartlepool TS24 7QS
Agent: B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ
Date valid: 27/10/2008
Development: Construction of 52 2, 3 and 4 bedroom dwellings with associated landscaping
Location: WARREN ROAD, DAVISON DRIVE AND JONES ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

9.1 Full planning permission is sought for the erection of fifty two dwellinghouses. The applicant is Housing Hartlepool. The dwellings will be of mixed tenure. Twenty six will be social rented housing, eight will be shared ownership and eighteen will be market housing. The dwellings proposed are 2, 3 and 4 bedroom and consist of semi-detached and terraced houses and semi-detached bungalows. In total 12 bungalows and 40 houses are proposed. The houses will front onto the roads and the development will accommodate off street parking. Close to the junction of Winterbottom Avenue and Warren Road a small car park for 13 cars will be provided to offset the loss of parking bays currently serving the area around the shops opposite. A range of existing garages accessed off Jones Road will be demolished.

9.2 The application site consists of five linear strips of land located along Warren Road, Davison Drive and Jones Road. For ease of reference each block has been labelled A to E in the text below and the areas are shown on the site plan with this report.

1) Block A - twenty eight of the dwellings and the car park will be provided along the north side of Warren Road and the east side Davison Drive. The dwellings will consist of eight semi detached houses, eight semi detached bungalows, and twelve terraced dwellinghouses in three blocks of four dwellings. This part of the development wraps around the south and south west corner of West View Primary School's playing field which is enclosed by a high fence. It consists of a grassed area dotted with trees and crossed in part with footpaths. Opposite to the south on the other side of Warren Road are a Pharmacy and medical centre, a range of shops, a sheltered housing complex and the University Hospital. To the east side of the site is a residential property (63 Warren Road) which is gable ended on to the site. On the opposite side of Davison Drive is an area of grass dotted with trees which is also to be developed as part of this scheme (see B). To the north is a parade of shops with flats above.

2) Block B - six dwellings will be provided on the west side of Davison Drive. These will consist of four semi-detached bungalows and two semi-detached houses. This part of the site consists of a grassed area dotted with trees and crossed in part with

footpaths. To the west are residential properties and their associated gardens. On the opposite side of Davison Drive is an area of grass dotted with young trees which is also to be developed as part of this scheme (see A).

3) Block C - further to the north on the west side of Davison Drive eight semi-detached houses will be provided. This part of the site consists of a grassed area dotted with trees and crossed in part with footpaths and a range of single storey garages. The garages will be demolished. To the west the site is bounded by residential properties and their associated gardens and a parking area; to the north on the opposite side of Jones Road is a grassed area which is also to be developed as part of this scheme (see E); to the east is a small car park associated with the shops; and a grassed area dotted with young trees which is also to be developed as part of this scheme (see D).

4) Block D - on the east side of Davison Drive six semi-detached houses will be provided. This part of the site consists of a grassed area dotted with trees. It is bounded to the north by the access to West View Primary School on the opposite side of which is a residential property which is gable ended onto the site; to the east by the school grounds; to the south by a small car park which serves a parade of shops; to the west on the opposite side of Davison Drive are grassed areas which are to be developed as part of this scheme (see C & E).

5) Block E - on the north side of Jones Road close to the junction with Davison Drive four semi-detached dwellinghouses will be provided. This site currently consists of a grassed area. To the north the site is bounded by an electricity substation and a residential property which is gable ended on to the site; to the west is a residential property which is gable ended on to the site; to the south on the opposite side of Jones Road is a vehicular access, a grassed area and a block of garages which is also to be developed as part of this scheme (see C). To the east on the opposite side of Davison Drive is the access to West View School and a grassed area which is to be developed as part of this scheme (see D).

Publicity

9.3 The application has been advertised by site notice, neighbour notification(63) and in the press. The time period for representations expires on 19th December 2008. Six responses have been received.

Two writers do not state their view. Two writers raise no objections. One of them representing the West View Primary School makes the following points.

- i) Prospective house owners must be protected from footballs as the facility is a Football Foundation Facility.
- ii) Access in emergency to field must be maintained from Warren Road

One writer objects to the proposal and raises the following issues.

- 1) The area has already been regenerated into a pleasant green area with trees.
- 2) Proposal amounts to rape and vandalism of the area.

- 3) Spion Cop should be improved.
- 4) Decision has already been made and views will be ignored.
- 5) The removal of the two end houses on Runciman/Davison Drive and Jones/Davison Drive would preserve a small open space and improve site lines and reduce the risk of serious accident.
- 6) The introduction of double yellow lines between the shops and the school would increase safety and if enforced make drivers use the car park.

Copy letters H

Consultations

9.4 The following consultation replies have been received:

Neighbourhood Services : Our only comments refer to the issue around parking, which residents raised via the West View NAP. I appreciate you are already dealing with issue direct with Housing Hartlepool. I am sure you will keep me posted to enable me to up date the NAP forum.

Public Protection : No objection.

Northumbrian Water : No objection.

Engineering Consultancy : Contamination - I would request that my standard planning condition relating to contamination is attached to any approval. Drainage – no objection.

Traffic & Transportation: Stopping up orders will be required for the footways which cross the public open spaces on Warren Road, Davison Drive and Jones as they are adopted highway. Also a Stopping up order will be required for the footway next to the lay-by opposite the shops on Warren Road.

The maximum parking for social housing is 1.5 spaces. The applicant is proposing one space per property. The site is located close to good public transport links. The proposed parking is acceptable.

Parking restriction will be required on the approach to the junctions and to be provided at the applicant's expense.

There are concerns with the position of a number of the carriage crossings. Plot 5 and 6 are opposite Wells Avenue junction and could have highway safety implications. Plot 46 carriage crossing is shown on the radius this would have highway safety implications especially with the school nearby.

The applicant to install raised bus stop kerbs at the bus stops on Davison Drive next to plots 25 and 31 for the use of low floor buses. The detail of the raised bus kerbs can be set as an condition.

Under the Council's Design Guide and Specification where a driveway meets the back edge of a footway a visibility splay with X and Y dimensions of 2.4 metres

should be provided with clear visibility between 0.6 metres and 2.0 metres above the footway. The cycle/refuse storage for plots 10,11,14,15, 20 and 21 should be located closer to the houses so the visibility is not affected. The height of the wall along Warren should be no more than 0.6 metres to ensure good visibility for vehicles travelling along Warren Road

The proposed wall at the side of plot 47 could affect the sight lines of vehicles coming out of the school access. The applicant should reduce the height of wall to ensure that sightlines of 4.5 x 45 metres can be achieved before increasing the height of the wall along plot.

It should be noted if the applicant needs to break into the highway outside the site boundary, then the requirements of the New Roads and Street Works Act 1991 apply. Further detailed comments regarding works with the highway are made.

Environment Agency: No objections. Recommend conditions relating to the disposal of surface water.

Community Safety: No objections. Asks that the site be secured by design. Raises concerns in relation to security of free standing garages, however none are proposed.

Cleveland Police: No objections makes various recommendations in relation to entrances, boundaries, lighting, security lighting, doors, windows, car parking, landscaping, shed security, drainpipes and alarms.

Cleveland Fire Brigade: No comments received.

NEDL: - Comments awaited

Planning Policy

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

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

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

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

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

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

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

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

Planning Considerations

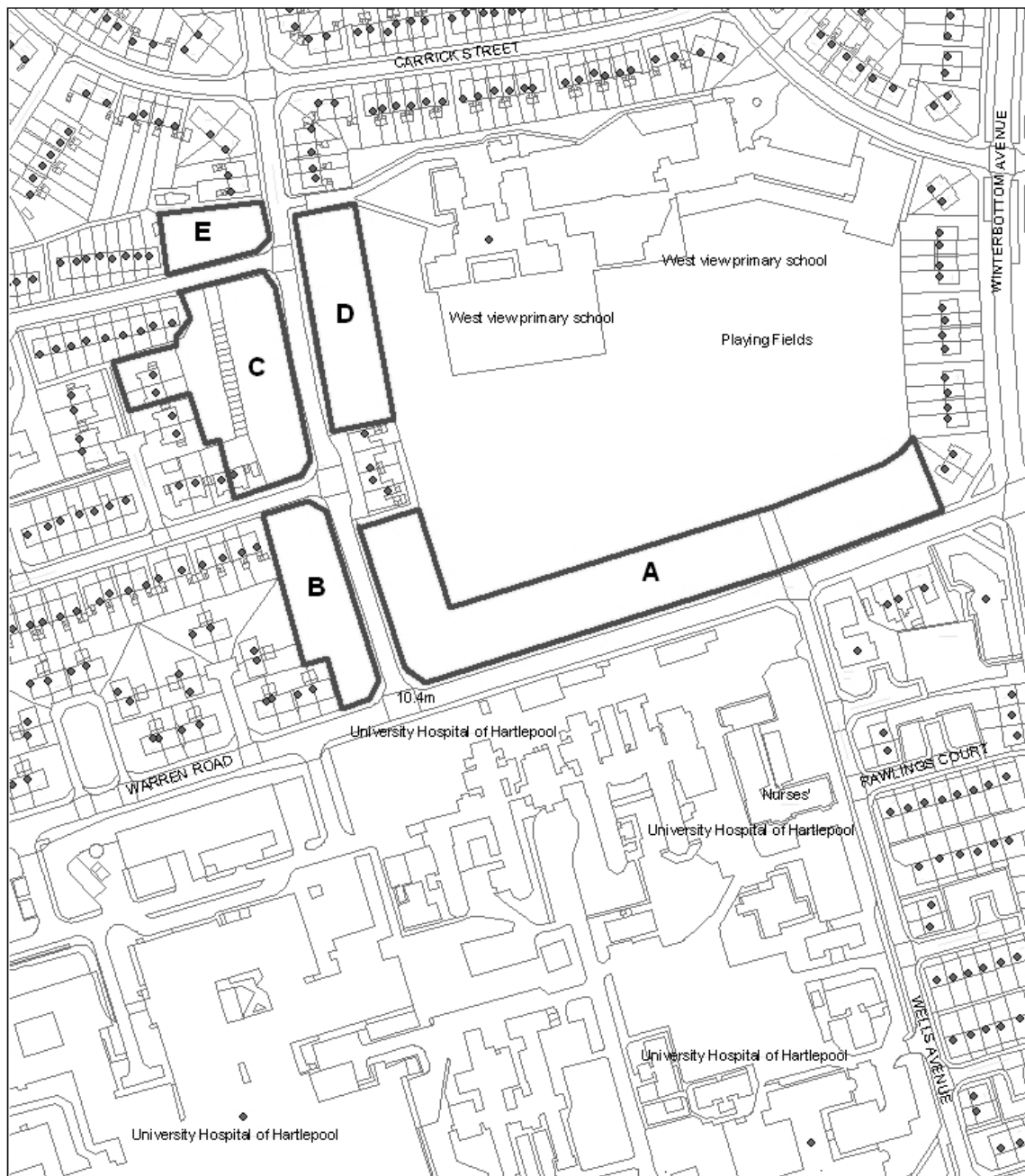
9.6 The main planning considerations are policy, highways, design/impact on the visual amenity of the area, impact on the amenity of neighbouring properties and trees.

9.7 For the most part the proposal appears acceptable however the applicant has been asked to address a number of issues, including those raised by Traffic & Transportations, in relation to the proposed scheme. It is anticipated that amended plans will be received shortly. An update report will follow.

RECOMMENDATION – Update report to follow.



Warren Road



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2008/0640

Drawn: JT

No: 10
Number: H/2008/0661
Applicant: Mr Habib Ullah MURRAY STREET HARTLEPOOL TS26 8PF
Agent: Mr Habib Ullah 27 MURRAY STREET HARTLEPOOL TS26 8PF
Date valid: 12/11/2008
Development: Variation of planning condition 2 of planning approval H/2006/0906 to allow opening on Sundays and Bank Holidays 10 a.m -11 p.m.(resubmitted application)
Location: 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

Background

10.1 As Members will be aware an identical application (H/2008/0553) to this submission was refused at the meeting of the Planning Committee in October this year for the following reason:-

It is considered that trading on Sundays and Bank Holidays would be detrimental to the amenities of the occupiers of nearby residential properties by reason of noise and disturbance associated with comings and goings to the site contrary to policies GEP1 Com5 and Com12 of the Hartlepool Local Plan 2006.

10.2 An appeal has been submitted to the Planning Inspectorate against the refusal of the above mentioned planning application.

10.3 The applicant has re-submitted an application along with a supporting statement (attached below) and a 102 signature petition in support of the use operating on a Sunday.

Planning History

10.4 Members granted permission in December 2006 for the change of use of 27 Murray Street to a hot food takeaway (H/2008/0906). The application was approved subject to 6 conditions. Condition 2 of the approval sought to restrict the hours of operation from 10am – 23.30 pm Mondays – Saturdays and at no other time on Sundays, Bank or Public Holidays.

10.5 An application in November 2007 sought to vary condition 2 to allow opening on Sundays and Bank Holidays. A one year temporary permission was granted under delegated powers to allow the premises to be open to the public on the aforementioned days between 10am to 11pm so that the effect of the additional hours of opening could be assessed in the light of experience.

Application

10.6 The one year temporary permission for Sunday opening expired on 26th November 2008. This application therefore seeks consent to vary condition 2 of planning approval H/2006/0906 permanently to allow opening on Sundays and Bank Holidays between the hours of 10am – 11pm.

Site

10.7 The site to which this application relates is a two storey mid-terraced commercial property located within the Murray Street Local Centre. The property is adjoined by commercial properties at either side it would appear that both of the adjoining properties have residential units above. The Murray Street public car park is directly opposite.

Publicity

10.8 The application has been advertised by way of neighbour letters (10) and site notice. To date, there has been 1 letter of objection

10.9 The concerns raised are:

1. 'Its bad enough having to have to close our back door after 5pm 6 nights a week to keep the smell out (its like being on lockdown – like in prison) so we welcome 1 night a week off'.
2. 'We cannot get to sleep before midnight because of cars pulling up and pulling away, door slamming, customers and staff, at times we think someone is knocking on our door'
3. 'Our bedroom faces the front of our house and the layout cant be changes without extensive alterations which we couldn't afford'.
4. 'Before the business was opened it was nice on our block now its not nice at all. Please give us one night a week off'

10.10 The period for publicity associated with the site notice expires after the meeting.

Consultations

10.11 The following consultation replies have been received:

Highway Services:- The premise has already got permission to open during the rest of the week. There would be less traffic movements for the times proposed. There is also a public car park opposite. There are no major highway implications with this application.

Head of Public Protection:- Comments awaited for this application. Comments on previous application (H/2008/0553):- I have not received any complaints nor am I aware of any problems relating to the operation of this take-away since it opened. It has operated with a temporary permission allowing it to open on Sundays and Bank

Holidays for the last 12 months. I could therefore have no objections to this application.

Planning Policy

10.12 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.

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

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

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

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

Planning Considerations

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

10.14 Whilst the use of the unit as a hot food takeaway has already been established through the previous planning application (H/2008/0906), and the days/hours of operation of which permission is sought have been in use for the past 12 months (following the grant of a 1 year temporary permission (H/2007/0734)), it is important to again consider the proposed extension of hours against policy Com 12 (Food and Drink) and Policy Com5 (Local Centres) of the Hartlepool Local Plan.

Character, Function and Appearance

10.15 It is important to note that there are a number of hot food takeaways along Murray Street which have been allowed Sunday opening, these include 3,5,7a and Unit 43 C Murray Street. In particular, a recent appeal decision at 34a Duke Street has allowed Sunday opening where the hot food unit adjoins a 2 storey residential property and is located outside a designated local centre.

10.16 As the application only seeks to allow opening on Sundays and Bank Holidays between the hours of 10am – 11pm to an existing use that can already open during the majority of the week and taking into account further hot food takeaways which open on a Sunday on Murray Street, it is considered unlikely that the character, function and appearance of the area would change significantly should this application be approved.

Highway Safety

10.17 The Head of Traffic and Transportation has considered that it is likely that there will be less vehicle movements upon Murray Street on a Sunday than the rest of the week and as such he does not consider that an objection could be sustained on highway safety grounds. A nearby neighbour has objected to the proposal stating a lack of car park spaces. It is of note however that the Murray Street public car park is directly opposite.

Public Protection

10.18 The Head of Public Protection has commented on the previous application (H/2008/0553) and states no complaints or problems relating to the operation of the take-away have been received since its opening. This period includes the temporary permission which included opening on a Sunday and Bank Holidays. Final comments on this application are awaited but informally the officer does not consider he could justify an objection in this instance.

10.19 Notwithstanding the objections to the planning applications for this site the Local Planning Authority have no record of complaints regarding the operation of the hot food takeaway.

Amenity

10.20 It is acknowledged that the upper floors of the adjoining commercial properties occupy residential uses and as such the amenity/living conditions of those occupying the properties must be taken into consideration. The objectors concerns are set out above.

10.21 With regard to the concerns raised it is considered that the use already operates for the majority of the week. It is not considered that a refusal, in light of the comments received from both the Head of Public Protection and the Head of Traffic and Transportation, could be sustained on any of the abovementioned concerns.

Conclusion

10.22 light of the comments received from the Head of Public Protection on the previous application and informally on this, the Head of Traffic and Transportation and given that the use has operated on Sundays and Bank holidays for approximately 11 months without complaints to both the Local Planning Authority and Public Protection (Environmental Health) it is considered unlikely that the permanent use of the premises on a Sunday and Bank Holidays would lead to a significant detrimental effect upon the amenities of the occupants of the nearby residential properties.

10.23 As the period for comments does not expire until after the meeting and that the final comments of the Head of Public Protection are awaited an update report will be provided prior to the meeting updating Members of the position.

RECOMMENDATION – Update report to follow.



27 Murray Street



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1250

Date :

Drg No: H-2008-0661

Drawn: JT

Applicant's Supporting Statement For Planning Application H/2008/0661

SCANNED
17 NOV 2008

CHILLI 'N' SPICE
INDIAN TAKEAWAY

27 Murray Street
Hartlepool TS26 8PF
Tel: 01429 267834

7th November 2008

Russell Hall
Regeneration & Planning Services
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

DEPT OF REGENERATION & PLANNING
BRYAN HANSON HOUSE HANSON SQUARE
12 NOV 2008
HANDLED TO REPLY
FILE NO

Dear Russell

Re: reconsideration of the planning application
Location: 27 Murray Street, Hartlepool TS26 8PF

I would be really grateful if the panel could reconsider the planning application for the above take-away to open on a Sunday and Bank Holidays as I believe that the decision to reject the original application is an unfair one based on the following points:

1. I have operated on Sundays and Bank Holidays for almost a year without any cause for concern.
2. No complaints have been made to the Department of Public Protection for the past year however, if there was reason or grounds for concern then this should have been addressed through the appropriate department at the time and action taken.
3. Head of Traffic and Transportation do not have any objections as there is normally less traffic on a Sunday and there is also a car park directly opposite the takeaway and as all the other takeaways on Murray Street also operate on a Sunday I believe that it is unfair to state that cars pulling up or leaving my takeaway create more of a disturbance.
4. Numbers 43 Murray Street and 34a Duke Street have recently been given permission to operate on Sundays and Bank Holidays and as these premises are also next to residential properties and also provide similar hot food there is no evidence to suggest that an unbearable smell comes from my premises, if this was the case then once again I believe it should be or should have been reported at the time to the appropriate department and action taken.
5. The planning department have received in total two letters of objection, the contents of which have not been justified whereby I have nearly 100 residents and customers names, addresses and signatures in support of my application.

Overall I believe that careful consideration should be given to my application based on the above points and whilst I appreciate that the panel gave reference to two letters of objection I

would like to stress that the concerns raised in those letters cannot be justified in any way whatsoever.

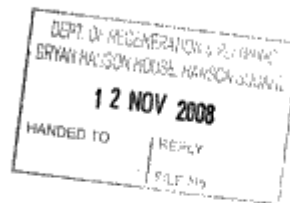
I would also like to stress that my premises have been operating for over a year without any problems or concerns and that I do not believe it is right to say that they operate perfectly for six days a week and cause problems of flies, parking and smells on Sundays and Bank Holidays.

I hope that the above information is satisfactory and would urge that the panel give careful consideration to my application, however, if you require any further information please do not hesitate to contact me at the above address.

Yours sincerely



Mr Habib Ullah
Proprietor



No: 11
Number: H/2008/0638
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: B3Architects Mary Tittensor Grainger Chambers 3-5 Hood Street Newcastle upon Tyne NE1 6JQ
Date valid: 27/10/2008
Development: Erection of 22, 2, 3 and 4 bedroom houses with associated landscaping
Location: 1-22 SMYTH PLACE & 8,10 BRUCE CRESCENT
 HARTLEPOOL HARTLEPOOL

The Application and Site

11.1 The application site is an existing housing area consisting of the cul-de-sac Smyth Place and the two pairs of houses at its entrance onto Bruce Crescent. This housing is vacant, in poor conditions and has been boarded up and fenced off pending redevelopment.

11.2 Full planning permission is sought for the erection of twenty two 2,3, and 4 bedroom houses with associated landscaping. The applicant is Housing Hartlepool. It is intended a mix of tenures will be provided with 16 social rented houses and 6 houses in shared ownership. The dwellings will replace the existing 24 houses on site.

11.3 The majority of the houses will be erected within a cul-de-sac with two pairs of semis fronting Bruce Crescent at the entrance. The houses will incorporate gardens, landscaping and off street parking. The site is bounded to the north east by the rear gardens of houses which front onto West View Road. To the north west is an enclosed service area which serves the shops and flats on Brus Corner beyond. To the west are the gardens of residential properties fronting Winterbottom Avenue and residential properties fronting Bruce Crescent which are gable ended onto the site. To the south of the site is Bruce Crescent and residential properties face the site on the other side of the road. To the west are a terrace of bungalows, Atkinson Court, which face the site with their rear elevations. Also to the east is a housing site currently under development, Sedgewick Close, the approved plans show dwellinghouses with their rear elevations with their rear elevations facing the site.

Publicity

11.4 The application has been advertised by way of neighbour letters (55). To date, there have been

11.5 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations expires 19th December 2008.

11.6 Nine representations have been received to date. Eight no objections. One writer did not indicate their views. Two of those who wrote whilst not objecting raise the following issues.

- i) Drainage situation in the area needs consideration as garden floods badly.
- ii) Strong and secure boundary fence requested.
- iii) Need twenty four hours access to driveway.
- iv) Debris on roads to be cleared daily.
- v) Assume works will be done during social hours.

Copy letters J

Consultations

11.7 The following consultation replies have been received:

Neighbourhood Services : I can see no major reason for objection from Neighbourhood Services view point. Planning will be gaining highway consent on this.

Public Protection : No objection.

Northumbrian Water : No objection.

Community Safety Officer : Advises should be to secured by design standards

Cleveland Police: No objections makes various recommendations in relation to entrances, boundaries, lighting, security lighting, doors, windows, car parking, landscaping, shed security, drainpipes and alarms.

Engineering Consultancy : Contamination - I would request that my standard planning condition relating to contamination is attached to any approval. Drainage – Raises concerns regarding various matters, overland flow paths, flood zones, ground levels, sewers, shedding to land and water butts and building levels. The applicant has been asked to address these issues.

Traffic & Transportation : The proposed development is located close to good transport links on Winterbottom Avenue.

The road and footways must be constructed to the Council's Design Guide and Specification, under a Section 278 agreement and the land to be dedicated by the landowner as the existing road has not been stopped up.

The junction with Bruce Crescent should have sightlines of 3.3m x 33 metres in the interest of highway safety. The layout appears to be acceptable. The length of the drives to be 6 metres or longer. The parking proposed is acceptable. Raises detailed comments about works to the highway outside the site.

Environment Agency: No objections request conditions relating to disposal of surface water and requiring surface water drainage from parking areas and hardstandings be passed through oil interceptors.

Planning Policy

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

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

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

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

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

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.

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

Planning Considerations

11.9 The main planning considerations are policy, highways, design/impact on the visual amenity of the area, flooding and drainage and impact on the amenity of neighbouring properties and ecology.

11.10 For the most part the proposal appear acceptable however the applicant has been asked to address the issues surrounding drainage and flooding raised by the Engineering Consultancy. It is anticipated that amended plans and further details will be received shortly to address this a comprehensive update report will follow.

RECOMMENDTION – update report to follow.



Smyth Place



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2008/0638

Drawn: JT

No: 12
Number: H/2008/0645
Applicant: Spirit Dev. Co.
Agent: A Watson Chartered Architect 5 Douro Terrace
 Sunderland SR2 7DX
Date valid: 31/10/2008
Development: Erection of 15 bungalows with associated access and landscaping works
Location: LAND IN CHESTERTON ROAD HARTLEPOOL
 HARTLEPOOL

The Application and Site

12.1 The application site is approximately 0.5 hectares in size, located 1.5 miles south west of the town centre. The site is bounded by the National Day Nursery building to the north which is currently undergoing refurbishment, Chesterton Road to the east, Huxley Walk to the south and the playing field of Rift House Primary School to the west. The site has an approximately 1 metre high fence around the eastern and southern boundary and a mesh security fence around the northern and partially around the western boundary.

12.2 The application proposes 15 bungalows, 13 two bedroom and 2 three bedroom; the scheme has been submitted by Spirit Housing Corporation which is part of the Housing Hartlepool Consortium. The bungalows are designed to comply with the standards set out in Lifetime Homes and the two 3 bedroom bungalows are designed to be wheelchair accessible.

12.3 Access into the site is proposed via a new entrance on Chesterton Road. The layout of the scheme has been designed to provide 1 car per dwelling within the curtilage and 7 visitor parking spaces within the site, 2 of which are proposed to accommodate disabled car users.

Publicity

12.4 The application has been advertised by way of neighbour letters (63), site notices and press notice. To date there have been 6 letters of no objection, 1 letter of comment and 3 letters of objection.

The concerns raised are:

1. Do not require any more traffic using the road
2. Close proximity of the proposed timber fence to the objector's property as this will reduce light into objectors home.
3. Does not wish to look at a six foot fence as you are creating a tunnelling effect.
4. size of the fence
5. Building bungalow is taking away the only green area for children to play on safely.

6. Originally this proposal was Housing Hartlepool, not Three Rivers.

The letter of comment required clarification on the perimeter fence and landscaping.

Copy Letters D

The period for publicity expires after the meeting on the 24th December.

Consultations

12.5 The following consultation replies have been received:

Public Protection - no objection

Traffic and Transportation - The site is located within 400metres of very good public transport links. The development would have minimal impact on the highway network, and there are no major highway implications.

Engineering Consultancy - no objection subject to conditions

Neighbourhood Services - no objection

Cleveland Police - comments regarding secured by design

Northumbrian Water - no objection subject to a condition regarding details of disposal of surface water.

Planning Policy

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

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

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

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

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

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.

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

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

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

Planning Considerations

12.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 outlined above and in particular the impact of the proposal upon the neighbouring properties in terms of outlook, appearance and privacy and impact on the surrounding area in general. Highway safety considerations also need to be considered.

Planning Policy

12.8 The application site is an area of incidental open space linked to the adjoining nursery. These areas contribute to the integrity of the greenspace network and to the amenity of residents of the immediate area. Policy Gn6 indicates that that such incidental open space should generally be safeguarded from development but acknowledge that there may, however, be circumstances where a proposed development (such as special needs housing) has special locational requirements. In such circumstances where its loss is sanctioned there should be appropriate compensation for the ensuing loss of open space through the provision of alternative areas or by enhancement of remaining open space on the site.

12.9 This proposal is acceptable in planning policy terms although the development will involve the loss of incidental open space and constitute a departure from the Local Plan. The departure is considered to be justified as the Hartlepool Strategic Housing Market Assessment (2007) has identified a shortage of affordable housing townwide and this site is located in an established residential area and is considered to be a good location for affordable housing. It will directly meet a need in the locality as well as a wider town need.

12.10 The applicant is willing to make a contribution towards the green network and to the provision/improvement of off site play facilities to compensate for the loss of the open space; this can be ensured via a legal agreement.

Effects on neighbouring properties and surrounding area

12.11 The area is predominantly residential in character with a mix of bungalows and houses, the application for 15 bungalows would not be out of keeping with the surrounding area. The layout and design are considered to be acceptable in terms of appearance and in terms of the relationship to the existing residential properties the required separation distances are achieved.

12.12 It is proposed to extend the existing footpath to the north of Huxley Walk along the southern boundary of the application site, and also incorporate landscaping to provide a degree of separation between the footpath and the proposed development. This would also soften the appearance of the proposed 2metre timber fence proposed to the rear of the bungalows, which are required for privacy and security. Although there are no details of the landscaping proposed, this can be controlled by condition. It is considered that the timber fencing along the rear of the proposed bungalows is appropriate in terms of privacy and visual amenity; final details can be controlled via condition.

12.13 Given concerns were raised by neighbouring residents in Huxley Walk regarding the proximity of the fence and the potential for loss of light, the scheme has been amended to move the fence from hard up against the footpath adjacent Huxley Walk at the rear of plot 13, and incorporate more landscaping. This revised plan has been sent to the 2 neighbours concerned requesting comments and is anticipated that satisfactory detailing can be achieved. It has also been confirmed by the agent that the landscaping which would face onto the footpath between the site and Huxley walk will be medium/low level shrubs and plants. It is considered that landscaping would soften the appearance of the fence, and ensure that there would not be a tunnelling effect on the footpath.

12.14 The applicant has carried out neighbour consultations as part of pre application discussions, letters were posted to 49 residents and 3 ward Councillors explaining the proposals and welcoming comments in August 2008. No responses were received as a result of this consultation.

Highway Issues

12.15 As detailed above it is proposed to extend the existing footpath to the north of Huxley Walk along the southern boundary of the application site, it is considered that

this will be beneficial to not only the proposed residents but also existing as it provides additional pedestrian links.

12.16 The development does propose to incorporate white lining to Chesterton Road when it splits at Huxley Walk, close the entrance to this development. These lines are to aid in the identification of traffic priorities, a condition can be imposed to ensure these lines are carried out as part of the development.

12.17 The Traffic and Transportation team have confirmed that there are no major highway implications with this application; therefore there are no objections on highway grounds to the proposed development.

Other Issues

12.18 An objector has raised concern that the scheme was originally proposed by Housing Hartlepool; however it has been submitted by a different organisation. It has been clarified that the application has been submitted by Spirit Development Corporation who are part of Housing Hartlepool's consortium.

Conclusion

12.19 Having regard to the policies contained within the adopted Hartlepool Local Plan above and particular the affect on the neighbouring properties, surrounding area and in terms of highway safety the application is considered to be acceptable.

12.20 The publicity for the application does not expire until the 24th December, therefore it is recommended that Members mind to grant approval to the application, however delegate the final recommendation to the Development Control Manager in consultation with the Chair and Vice Chair..

12.21 The application must be referred to the Secretary of State given it is a departure from the Local Plan.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall be in accordance with the hereby approved plans, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 31st October and 3rd December 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. No development shall take place until the following matters have been addressed
 - A. Initial Conceptual Model

The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be

produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

5. Final details of finished floor levels, including cross sectional drawings showing existing and proposed development levels, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity and for the avoidance of doubt in terms of land drainage.
6. Development shall commence until details of the proposed means of disposal of surface water have been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers.
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. 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.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 10. A 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. 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, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
 11. Final details of security measures to be incorporated into the scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of crime prevention.
 12. The roads and footpaths within the development shall be constructed to adoptable standards, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
 13. Before the development hereby approved is occupied the white lining proposed on Chesterton Road shall be carried out as per the hereby approved plan and at the developer's expense, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.



Chesterton Road



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2008/0645

Drawn: JT

No: 13
Number: H/2008/0634
Applicant: Mr N Johnson EGERTON ROAD HARTLEPOOL TS26 0BN
Agent: Mr N Johnson 16 EGERTON ROAD HARTLEPOOL TS26 0BN
Date valid: 23/10/2008
Development: Alterations and erection of two-storey rear and side garage, kitchen/ dining, balcony and bedrooms extensions
Location: 16 EGERTON ROAD HARTLEPOOL

The Application and Site

13.1 16 Egerton Road is a detached property with a double length detached garage in the rear garden.

13.2 There is a mix of mature shrubs and bushes around the rear boundaries with close boarded fencing approximately 1.2m high.

13.3 The rear of the property over looks West Park Cricket Ground. The property is adjacent to the Park Conservation Area which has a mix of large detached houses and bungalows.

13.4 The proposal seeks to erect a two storey side and rear extension and the provision of a balcony on the rear two storey extension.

13.5 The neighbouring property at 18 Egerton Road has recently had an approval for a large side extension and new vehicle access (H/2008/0533).

Publicity

13.6 The application has been advertised by way of a site notice, press notice and neighbour letters (6). The consultation process has been repeated due to an error in the press notice, and duplicate neighbour responses have been received. To date there have been 7 letters of objection which include 5 from members of the same household, 14 Egerton Road; (albeit that the 3 sons live elsewhere).

The concerns raised are:

- 1) Plans poorly drawn without any form of dimensions shown
- 2) The proposed extension will be overdevelopment of the site
- 3) It is unduly large and out of keeping, especially as it is adjacent to a conservation area
- 4) There will be a marked loss of daylight and sunlight to our garden and conservatory by the two storey rear extension

- 5) The lifestyle enjoyed living in our house will be completely changed
- 6) The rear balcony will result in loss of privacy, especially when watching cricket etc and leaning over the balcony
- 7) I would question whether the proposed drainage detail at roof level would be adequate
- 8) Extensions should be discouraged on a plot of this size in such close proximity to our property
- 9) There is already a considerable 'balcony' structure at 12 Egerton Road approval of this development would significantly alter the feel of the garden
- 10) The plans are not accurate to the size of the plot that is shown
- 11) This proposed development is having a great impact and causing stress and strain
- 12) The proposed extension would spoil an otherwise attractive traditional home in area adjacent to the Park Conservation Area
- 13) There is a trend in this area to 'overbuild' correctly proportioned house plots
- 14) Extension will be built up to the boundary and will appear very obtrusive and block light from side windows

The period for publicity has expired

Copy letters G

Consultations

Planning Policy

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

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

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

Planning Considerations

13.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan and the impact of the proposal in terms of possible overlooking, overshadowing and/or poor outlook. The appearance of the proposal in

relation to the main dwellinghouse and the street scene in general will also be assessed.

Two storey rear extension and balcony

13.9 The proposed two storey rear extension will project 3m from the original wall of the dwellinghouse, there is a proposed balcony to be added to this which will project a further 1m. The property to the east of the application site at 14 Egerton Road is a detached house which has a single storey rear extension and a rear conservatory positioned approximately 1.2m away from the shared boundary. The proposed 2 storey rear extension will be positioned approximately 2.2m away from the shared boundary, the overall projection including the balcony will approximately come in line with the outside wall of the existing conservatory at 14 Egerton Road. The proposed balcony is to incorporate high screening to the side closest to the shared boundary with 14 Egerton Road. Final details of this will have to be submitted to and approved by the LPA prior to the implementation of the balcony if permission were to be granted. Having visited the site there is a clear view from the 1st floor bedroom windows of the application site into the garden area and conservatory of 14 Egerton Road. The proposed extension will improve privacy as it will reduce the ability to look into the conservatory and the full area of the garden at 14 Egerton Road. It has to be acknowledged that the proposed two storey rear extension will have an effect upon daylight/sunlight in the afternoon and will increase in the winter months. It is not considered that this could be sustained as a reason for refusal since Government legislation changed on the 1st of October 2008 and permits, as Permitted Development, two storey extensions in situations such as this, up to 3 metres from the back wall. Officers have recently received details of the balcony construction given concerns raised by officers and the neighbour about the ability to construct a 'light weight' balcony and hence its potential visual impact. The views of Building Control Officers are awaited on this. The detailing has also been copied to the objector.

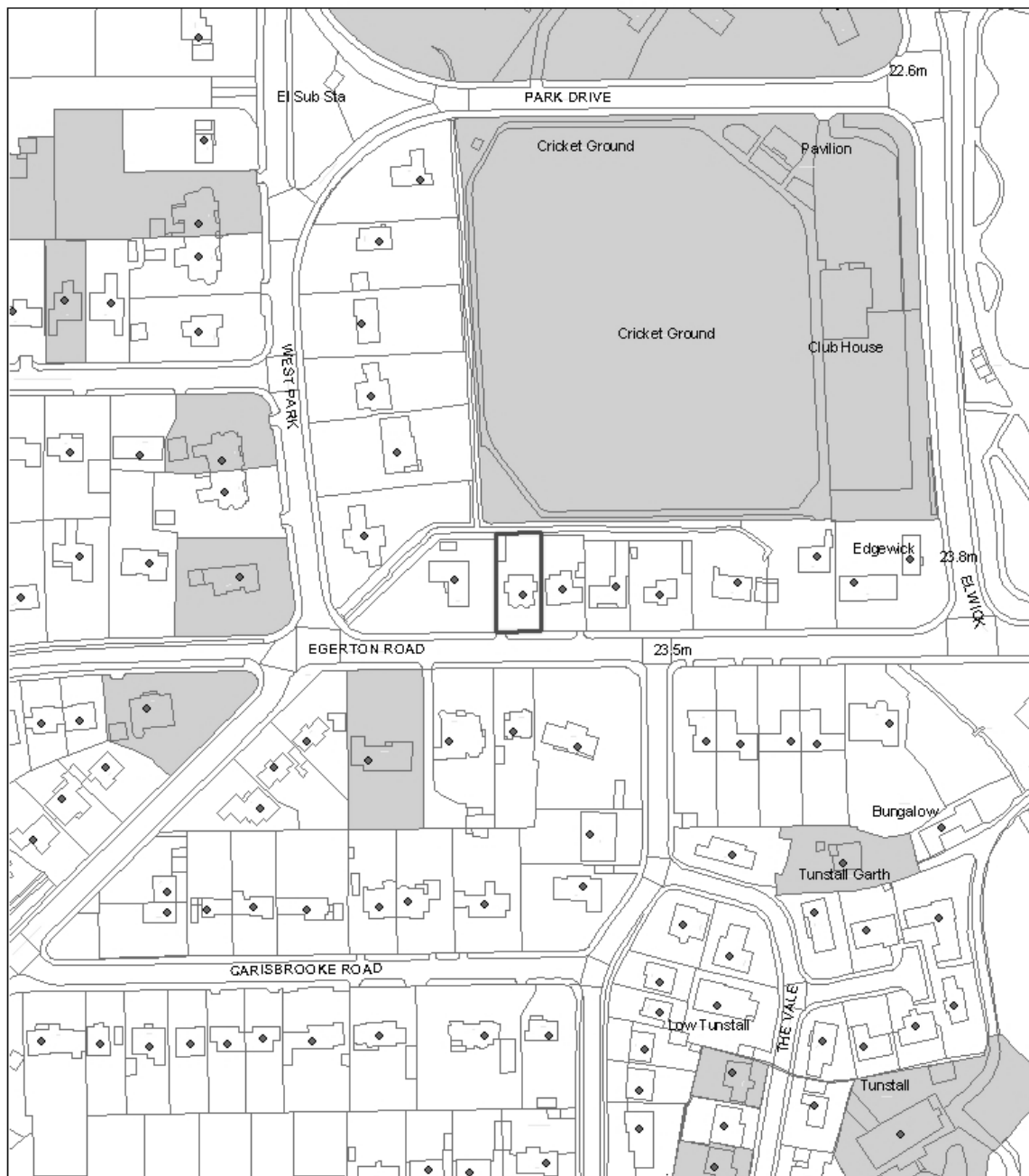
13.10 The two storey side extension is designed to match the main house and contains no windows. The neighbouring bungalow is to be extended close to the boundary with the application site and in approving limited windows in this extension it was made clear to the applicant in that case that it would be difficult to provide protection to those windows.

13.11 In the light of ongoing discussion an update will be provided before the meeting.

RECOMMENDATION - Update to follow.



16 Egerton Road



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2008/0634

Drawn: JT

No: 1
Number: H/2008/0616
Applicant: Mr Adel Atfi OXFORD ROAD HARTLEPOOL TS25 5RH
Agent: Mr Adel Atfi 132 OXFORD ROAD HARTLEPOOL TS25 5RH
Date valid: 13/10/2008
Development: Variation of condition 2 of planning permission
H/2006/0839 to allow opening on a Sunday between the hours of 10am and 11pm
Location: 132 OXFORD ROAD HARTLEPOOL HARTLEPOOL

Update

1 Monitoring of the effects of the operation of 132 Oxford Road and the nearby hot food takeaways is continuing by way of visits to the site and a review of CCTV footage of the locality in the evening.

2 It is envisaged that a further report will be tabled at the meeting to set out the findings of the monitoring exercise along with the associated planning considerations and recommendation.

No: 4
Number: H/2008/0558
Applicant: Mr M Ashton Hillcrest Grove Elwick Hartlepool TS27 3EH
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 17/09/2008
Development: Variation of planning conditions to allow opening of
 caravan and camping park and clubhouse between 1st
 April and 31st January and removal of condition to provide
 an acoustic fence
Location: ASHFIELD FARM DALTON PIERCY ROAD
 HARTLEPOOL HARTLEPOOL

UPDATE REPORT

4.1 An outstanding issue was being investigated regarding the occupancy of the site by contractors, this has been looked into having regard to concerns raised about occupancy at the recently proposed touring caravan/camping site at Brierton Moorhouse Farm. Legal opinion was sought regarding that application earlier this year. The legal view was that it would be not be reasonable to seek to prevent the use of the site by one defined section of the community and that it is only lawful to restrict the use of the site for permanent accommodation.

4.2 There are strong similarities between this application and the Brierton Moorhouse Farm application in terms of the type of development proposed and their location. It is therefore considered prudent to review the conditions attached to the original application for Ashfield Farm in the light of the legal opinion to ensure consistency. An application to vary conditions on an earlier permission given the Local Planning Authority the opportunity to review the whole development. New conditions are therefore proposed which are comparable to those attached to Brierton Moorhouse Farm.

4.3 Further to the writing of the original committee report 1 letter of no objection and 3 letters of support for the applications have been received citing the following reasons:

1. Since it has opened sales in the writers shop and post office have increased.
2. The owners of the site have gone out of their way to help and support the local businesses in the area.
3. Since the caravan park has closed there has been a drop in sales in the writers shop and decrease of post office transactions. Therefore as a local business owner and resident of Elwick Village supports the extended opening.
4. Rather than seeing the development as competition we need to work together to support the area and bring in as many opportunities for each other as possible.

5. Strongly oppose the erection of a fence on the side of a private road, it would not be in keeping with the area and would serve no purpose other than looking like an eyesore. It would be detrimental to the wildlife.

Letters attached.

The period for publicity expires on the 13th December, should any further representations be received these shall be reported to the Planning Committee accordingly.

Conclusion

4.4 It is considered that extending the opening of the touring caravan and camping site would not have an adverse effect on the surrounding area, as detailed in the previous committee report. In terms of the removal of the condition requiring the acoustic fence it is considered that given no objections have been received during the operational year without the fence it would be difficult to sustain an objection. Having regard to the policies identified in the Hartlepool Local Plan 2006 and in particular consideration of the effects of the development on the amenity of surrounding area the development is considered satisfactory.

RECOMMENDATION – subject to no substantially different objections before the appointed date Approve subject to the conditions below.

1. All planting, seeding or turfing comprised in the previously 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.
2. The development hereby approved shall be restricted to the part of the site outlined in red.
- For the avoidance of doubt
3. The development hereby approved shall be used as a touring caravan site and camp site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans. In order to protect the visual amenity of the surrounding area.
4. Prior to the development hereby approved being brought into use details of (i) signage to be erected on the site (and retained) and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question shall be as follows: From the north - No restriction To the north - Restriction as follows. Turn right out of the site to Elwick Road crossroads. Turn right along Elwick Road. Left along Dunston Road. Left along Hart Lane.

Left along A179 to A19 junction. From the south - Restriction as follows - From A689 left along Dalton Back Lane through Dalton Piercy to the site. To the south - Restriction as follows - Through Dalton Piercy to A19. In the interests of highway safety.

5. The development hereby approved shall incorporate the various provisions detailed in the applicant's access statement received 27 July 2006, under application reference H/2006/0333. In order to ensure that appropriate provision is made for disabled clients
6. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the LPA. The drainage works shall be completed in accordance with the details and timetable agreed and shall thereafter be retained in working order, unless otherwise agreed in writing by the Local Planning Authority. To ensure the site is adequately drained.
7. Notwithstanding the submitted details final details of the proposed surface treatment of the access road into the site and details of the proposed sewage treatment plant shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To ensure a satisfactory form of development.
8. The touring caravan and campsite hereby approved shall only be open to the public between the 1st April and 31st January inclusive and shall be closed at all other times. In the interests of visual amenity and the site is not considered suitable for occupation throughout the year.
9. The licensed clubhouse for the touring caravan and camp site permitted shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
10. The license clubhouse shall not be open other than at the times that the touring caravan and camp site is in operation and shall not be open other than between the months of April to January inclusive between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
11. Customers to the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse facility shown hatched on the extract from drawing ref: BIG/IC/MA/254-201 that is attached to the appeal decision under application reference H/2007/0244 and no food or drink shall be consumed by customers anywhere else within the building. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
12. None of the land surrounding the clubhouse shall be used as an amenity area, beer garden or any form of outside drinking/eating area

- without the prior written consent of the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
13. No music shall be piped or relayed to the outside from within the building. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
 14. Unless otherwise agreed in writing with the Local Planning Authority no hardstandings shall be formed within the site.
In the interests of visual amenity.
 15. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the area.
 16. Final details, including a programme of works of the play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
 17.
 - i) Any caravans on/brought onto site are to be occupied for holiday purposes only;
 - ii) Any caravans on/brought onto site shall not be occupied as any person's sole, or main place of residence;
 - iii) No individual may be in residential occupation of the site or any caravan thereon for more than 28 days (whether cumulatively or continuously) in any six month period; AND
 - iv) The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site at any time, and of their main home addresses, and shall make this information available upon request to the Local Planning Authority.
For the avoidance of doubt/to ensure that the site operates only as a touring caravan and camping site in the interest of visual amenity and the site is not considered suitable for residential occupancy.

John Caffrey

From: Development Control
Sent: 04 December 2008 15:04
To: Development Control
Subject: Comment Received from Public Access

Application Reference No. : H/2008/0558
 Site Address: ASHFIELD FARM DALTON PIERCY ROAD HARTLEPOOL TS27 3HY HARTLEPOOL
 Comments by: Mr S Mailen

From:
 Elwick Village Shop & Post Office
 The Green
 Elwick
 Hartlepool

ts27 3ef

Phone: 07774606490
 Email: mailensp@yahoo.co.uk

Submission: Support

Comments: After seeing the original application for the building of the caravan park a few years ago, i had serious concerns about the possible loss of trade to my business. However since it opened in April this year i have found the exact opposite, not only have my sales increased as a direct result of the caravan park opening, but i feel that the owners, mr & mrs Ashton have gone out of the way to help and support the local businesses in the area. The actual result apart from the sales increase has even give me the chance to employ a full time manager in the shop & post office. Since the caravan park has closed we have noticed a drop in sales in the shop and also the decrease of post office transactions (mainly bank withdrawals) Therefore as a local business owner and resident of Elwick Village i fully support extending the opening times of the caravan park.

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Handwritten mark

CP

63452

Mr P.J. REED
PETERSBROOKE
FIELD HOUSE FARM
DALTON PIERCY
HARTLEPOOL
TS27 3HY

11th September 2008

To whom it may concern.

I have been informed by Mr. M. Ashton of Ashfield Caravan Park that he is required to erect a fence on his side of my private road. Please be advised that I strongly oppose such a fence being erected. My main objection being that after planting at great expense hedgerow along the length of both sides of my road, I do not want a fence of any height facing my land. It would not be in keeping with the area and would serve no purpose other than looking like an eyesore. It would be detrimental to the wild life. The countryside is better left as undisturbed as is possible, the ambience is most important and I do not want a fence erecting just for the sake of it. Visitors to our riding school would, I am sure, prefer to have views of a hedgerow than that of a fence.

Yours faithfully,



PETER REED



H/2008/0558
letter of support

John Caffrey

From: Development Control
Sent: 08 December 2008 13:02
To: Development Control
Subject: Comment Received from Public Access

Application Reference No. : H/2008/0558
Site Address: ASHFIELD FARM DALTON PIERCY ROAD HARTLEPOOL TS27 3HY HARTLEPOOL
Comments by: mr d. holmes
From:

Phone: 01429 273344
Email: dazho@aol.com
Submission: Support

Comments: i would just like to show my support for the caravan park. As a local business man, this has brought much needed business at a time when things can be very difficult. rather than seeing the developement as competition we need to work together to support the area and bring in as many oppertunaties for each other as possible. this can only be done if we all work together. the public have free will they will spend thier money wherever they choose we have to try to attract them to choose our area and things like this developement help to do that.

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No: 6
Number: H/2008/0495
Applicant: Chase Property Developments
Agent: Savills Mr T Adey Fountain Court 68 Fountain Street
Manchester M2 2FE
Date valid: 03/10/2008
Development: Application to allow additional floorspace to vary the size
of units and extend the range of goods that can be sold
Location: TEESBAY RETAIL PARK BRENDA ROAD
HARTLEPOOL HARTLEPOOL

UPDATE

6.1 This application appears on the main agenda at item 6.

6.2 The recommendation was left open as a number of matters were outstanding in particular legal advice on the scope of the application. In addition the comments of this Council's retail consultant have been passed to the applicant and their response is still awaited. A further related issue on this site is the position in relation to the principal legal agreement, the status of which has been questioned by the applicant. Legal advice has also been sought on this matter. Unfortunately these matters are still outstanding.

Consultation Responses

6.3 The following additional consultation response has been received.

6.4 Tees Valley JSU : The planning application raises a number of strategic issues that will need to be taken into account by the Borough Council during its consideration of the proposals. Overall the development of an expanded out-of-centre retail park with currently poor public transport connections does not conform with broad national and regional guidance and policy. It is important therefore that the necessary conditions are imposed to ensure that the retail development is consistent with current policy in the Hartlepool Local Plan. In such circumstance, then there would be no strategic concerns with this application, subject to meeting the tests in national guidance PPS 6.

6.5 I note that the Borough Council is currently seeking legal advice on the scope of the planning application. The accompanying Retail Impact Assessment does not fully address the quantitative and qualitative need for such types of retailing as required by PPS6 and may therefore underestimate the adverse impact on any existing centre as a result of the proposed development. The Retail Impact Assessment also does not fully address the sequential site tests in PPS6 for such types of retailing. The Borough Council needs to consider the importance of a substantial extension of out of centre retail development to the future vitality and viability of the town centre and should consider the form of retail development that it requires. The Borough Council should recognise that it may be necessary to re-examine non-car travel mode assumptions on accessibility. The site is located within

Flood Zone 1 and there are no concerns about the projected low level of future background traffic growth on the existing road network.

6.6 In view of these comments, I do not however propose to report this application to the Planning & Economic Strategy Board of Tees Valley Unlimited.

RECOMMENDATION – That consideration of the application be **deferred**.

No: 9
Number: H/2008/0640
Applicant: Housing Hartlepool Greenbank Stranton Hartlepool TS24 7QS
Agent: B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ
Date valid: 27/10/2008
Development: Construction of 52 2, 3 and 4 bedroom dwellings with associated landscaping
Location: WARREN ROAD, DAVISON DRIVE AND JONES ROAD HARTLEPOOL HARTLEPOOL

UPDATE

9.1 This application appears on the main agenda at item 9.

9.2 The recommendation was left open as a number of issues in relation to the proposed layout were outstanding.

9.3 An amended layout drawing and an amended Flood Risk Assessment have now been received.

Publicity

9.4 An additional letter of no objection has been received.

9.5 The amended plans involve localised changes to the layout and the closest neighbours have been re-consulted. The re-consultation period will expire after the meeting.

Consultations

9.6 The following additional responses have been received to the amended layout and flood risk assessment

Traffic & Transportation : The amended plans are acceptable

Engineering Consultancy : No objections.

The Environment Agency have been re-consulted in relation to the amended Flood Risk Assessment and their comments are awaited.

Planning Considerations

9.7 The main planning considerations are policy, highways, design/impact on the visual amenity, impact on the amenity of neighbouring properties, flooding and trees.

Policy

9.8 The site is located in an area of the town where residential development is acceptable. It will provide affordable housing, specialist units for the disabled and bungalows which will alleviate the Boroughs under provision of these types of units. In policy terms the proposal is considered acceptable. A developer contribution for play will be sought and this is acceptable to the applicant.

Highways

9.9 The original site layout has been amended to address the concerns raised by the Traffic & Transportation section. The amended layout is considered acceptable in highway terms.

9.10 The amended scheme shows dedicated off street parking provided for each of the proposed dwellings. The scheme will result in the loss of the lay-by parking opposite the parade of shops on Warren Road. In order to compensate for this a public car park accommodating 13 spaces including two disabled spaces will be provided at the eastern end of Warren Road opposite the shops.

9.11 Traffic & Transportation have recommended conditions requiring a Traffic Regulation Order restricting parking at approaches to junctions and the raising of the kerbs of two bus stops in the vicinity of the development and the applicant has agreed to these conditions.

9.12 The development will require the relocation of the emergency access from Warren Road to the rear of the new car park. Cleveland Fire Brigade have been consulted and their comments are awaited.

Design/impact on the visual amenity of the area.

9.13 The development is located in an established housing area and whilst the proposed designs will be modern it is considered that they are acceptable and will have an acceptable impact in terms of their impact on the visual amenity of the area. The proposal will result in the removal of a number of trees. The issue of trees is discussed below.

Impact on the amenity of neighbouring properties (including the relationship between proposed properties)

9.14 In terms of its relationship with neighbouring properties in general the proposal meets or exceeds the separation distances recommended in the guidelines of the Hartlepool Local Plan. This guidance advises that a separation distance of 20m where principle elevations face one another and 10m where a blank gable wall would face the front or back of a property are normally required.

9.15 The neighbouring properties in the area are of a somewhat unusual design in that many include a number of gable windows, generally serving halls, landings, kitchens and bedrooms. For example 2 & 13 Jones Road, 2 Runciman Road, 9 & 9A, 24, 31 Davison Drive. In relation to 2 Jones Road and 9 & 9A Davison Drive the applicant has addressed this by proposing bungalows on neighbouring sites. In relation to 24 and 31 Davison Drive the gables of the proposed dwellinghouses have been set some 10 and 13 metres from the neighbours gables. In relation to 13 Jones Road the kitchen here is also served by an opening to the rear and the gable of the proposed dwellinghouse will be set some 7m off the gable. It is considered that the relationships with the neighbouring properties in terms of light, outlook, privacy and issues of dominance are acceptable.

9.16 In terms of relationships within the site for the most part the proposal meet or exceed the guideline separation distances. Only in two instances are separation distance reduced to 9m between rear elevations and an opposing gable. This is between plots 24 to 25 and plots 44 to 45 where it falls to 9m where the guidelines recommend 10m. This is considered acceptable in this instance. It is considered that the relationships between the proposed properties within the site in terms of light, outlook, privacy and issues of dominance are acceptable.

9.17 In terms of the proposed car park this is a relatively small car park, it will be enclosed and surrounded by a landscape buffer. It is not considered that its use will unduly distribute the amenity of adjacent residential properties.

Flooding

9.18 The site is located in an area which is identified as at low risk to flooding. Surface water is to be discharged to the public sewers and it is not considered that the development will increase any risk of flooding in the area.

Trees

9.19 Much of the site is dotted with trees. Thirty one trees have been identified in total including 30 recently planted Ash and one mature Sycamore. The applicant's tree survey indicates that the trees are of low quality and value.

9.20 The scheme as proposed does not allow for the retention of the trees however it is possible that some of the better specimens might be relocated.

9.21 It is unfortunate that the trees will be lost however most are young trees and are therefore of limited amenity value. The development will help to address recognised shortages of affordable housing, specialised housing and bungalows and it is not considered that the loss of the trees would warrant the refusal of the application.

9.22 A landscaping scheme will be conditioned as part of the proposals which will help to compensate for the loss of the trees.

Conclusion

9.23 It is recommended that the application be approved.

RECOMMENDATION – Minded to APPROVE, subject to no substantive new issues being raised by the neighbour in relation to the amended plans, subject to the satisfactory comments of Cleveland Fire Brigade and the Environment Agency, subject to a legal agreement securing developer contributions of £250.00 per dwellinghouse towards play and subject to the following conditions and any other conditions arising from the outstanding consultations but that a final decision be delegated to the Development Control Manager in consultation with the Chair and Vice Chair of the Committee.

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 on 24th October 2008 as amended in respect of the site plan proposed layout (Drawing 80924/G2/SI-100B), the proposed boundary treatments (Drawing 80924/G2/SI-102A) and the site location plan (Drawing 80924/G2/SI-101A) received at the Local Planning Authority on 10th December 2008, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3 Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security.

4 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be brought into use until a "prohibition of waiting order" has been implemented on the approaches to road junctions in accordance with details first submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

5 Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be brought into use until raised bus stop kerbs have been installed at the bus stops on Davison Drive in the vicinity of plots 25 and 31 in accordance with details first submitted to and approved in writing by the Local Planning Authority.

In order to encourage alternative modes of travel to the motor car and in the interests of highway safety.

6 No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:-

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: - human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - adjoining land, - groundwaters and surface waters, - ecological systems, - archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be

produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)]

7 Notwithstanding the details shown on the approved drawings details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

8 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.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or carports(s) other than those garage(s) expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.

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

11 The proposed window(s) in the side elevations of the dwellings hereby approved shall be glazed with obscure glass which shall be installed before the dwellings are occupied and shall thereafter be retained at all times while the window(s) exist(s).

To prevent overlooking.

12 Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. In the interests of visual amenity.

13 Notwithstanding the submitted details, 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.

14 Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting, including any proposals to transplant any trees on site, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout 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. The original layout has been amended since the original landscaping scheme was submitted.

15 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.

16 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any development which might affect the lay-by

parking located on Warren Road in the vicinity of plots 1 to 6, the proposed car park shall be provided in accordance with the approved details. The car park shall thereafter be retained for public use for the lifetime of the development.

In the interests of highway safety.

17 Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development details of the proposed new emergency access to the school field from Warren Road shall be submitted to and approved in writing by the Local Planning Authority. The new emergency access shall be provided in accordance with the approved details prior to the commencement of any works which would affect the existing emergency access from Warren Road and shall be retained for its intended purpose at all times.

In the interests of public safety.

18 Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation 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 at the time of development.

In the interests of the environment.

19 Unless otherwise agreed in writing by the Local Planning Authority details of the proposed surfacing of all hardstandings including driveways and the car park shall be submitted to and agreed in writing by the Local Planning Authority.

In the interests of highway safety

20 Unless otherwise agreed in writing with the Local Planning Authority development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

21 Notwithstanding the provision of 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 side elevations of the dwellinghouses on plots 22, 23, 25, 28 43, 44, 46 and 47 without the prior written consent of the Local Planning Authority.

To prevent overlooking.

No: 10
Number: H/2008/0661
Applicant: Mr Habib Ullah MURRAY STREET HARTLEPOOL TS26 8PF
Agent: Mr Habib Ullah 27 MURRAY STREET HARTLEPOOL TS26 8PF
Date valid: 12/11/2008
Development: Variation of planning condition 2 of planning approval H/2006/0906 to allow opening on Sundays and Bank Holidays 10 a.m -11 p.m.(resubmitted application)
Location: 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

Update

10.1 Since the original report was created there has been no additional letters of objection received. It should be noted that the period for comments expires after the meeting.

10.2 The comments of the Head of Public Protection have now been received. The officer has re-iterated that his department have not received any complaints and are not aware of any problems relating to the operation of the takeaway since it opened including the 12 month period allowing it to open on Sundays and Bank Holidays. He has stressed that due to this he has no objections to the application.

Conclusion

10.3 In light of the comments received from the Head of Public Protection, the Head of Traffic and Transportation and given that the use has operated on Sundays and Bank Holidays for 12 months without complaints to both the Local Planning Authority (apart from objections to the applications) and Public Protection it is considered unlikely that the permanent use of the premises on a Sunday and Bank Holiday would lead to a significant detrimental effect upon the amenities of the occupants of the nearby residential properties. Moreover in light of recent appeal decisions relating to hot food takeaway uses throughout Hartlepool and given the number of businesses, including hot food takeaways, that are open on a Sunday along Murray Street which have either been allowed by planning appeal or are long-standing uses it is considered very unlikely that a refusal for the use of the premises on a Sunday and Bank Holiday until 11pm could be sustained at planning appeal.

10.4 It is for the reasons discussed above and in the original report and subject to the conditions set out below that the application is recommended for approval in this instance. However given that publicity is still outstanding (expires on 5 January 2009) it is recommended that Members indicate that they are minded to approve the application subject to no further objections that are materially different to those discussed in the report but that the final decision be delegated to the Development Control Manager in consultation with the Chair and Vice Chair of the Committee.

RECOMMENDATION – Minded to APPROVE subject to no further objections that are materially different to those discussed in the report but the final decision be delegated to the Development Control Manager in consultation with the Chair and Vice Chair of the Committee.

No: 11
Number: H/2008/0638
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: B3Architects Mary Tittensor Grainger Chambers 3-5 Hood Street Newcastle upon Tyne NE1 6JQ
Date valid: 27/10/2008
Development: Erection of 22, 2, 3 and 4 bedroom houses with associated landscaping
Location: 1-22 SMYTH PLACE & 8,10 BRUCE CRESCENT
HARTLEPOOL HARTLEPOOL

UPDATE

11.1 This application appears on the main agenda at item 11.

11.2 The recommendation was left open as issues surrounding drainage and flooding were outstanding. The applicant has submitted a revised flood risk assessment and information on proposed levels. Further information on site levels has been requested.

Planning Considerations

11.3 The main issues are considered to be policy, highways, design/impact on the visual amenity of the area, flooding and drainage, impact on the amenity of neighbouring properties and ecology.

Policy

11.4 The site is located in an established residential area of the town where residential development is acceptable. It will provide affordable housing which will alleviate the Boroughs under provision of these types of units. In policy terms the proposal is considered acceptable. A developer contribution for play will be sought and this is acceptable to the applicant.

Highways

11.5 The proposed development incorporates off street parking for the proposed dwellinghouses, adequate turning facilities within the proposed cul de sac and the required visibility splay of 3.3m x 33m at the entrance onto Bruce Crescent in highway terms the proposal is considered acceptable.

Design/Impact On The Visual Amenity Of The Area.

11.6 The development is located in an established housing area. The proposed dwellinghouses will be of a modern design and it is considered that they are acceptable and will have an acceptable impact in terms of their impact on the visual amenity of the area.

Impact On The Amenity Of Neighbouring Properties (Including The Relationship Between Proposed Properties)

11.7 In terms of its relationship with neighbouring properties in general the proposals meet or exceed the separation distances recommended in the guidelines of the Hartlepool Local Plan. It is considered that the relationships with the neighbouring properties in terms of light, outlook, privacy and issues of dominance are acceptable.

11.8 In terms of relationships within the site the proposals meet or exceed the separation distances recommended in the guidelines of the Hartlepool Local Plan. Similarly it is considered that the relationships between the proposed properties within the site in terms of light, outlook, privacy and issues of dominance are acceptable.

Flooding And Drainage

11.9 The site is located in an area which is identified to be a low risk of flooding. However it is understood that historically the site has flooded via the sewer network when a combination of extremely high tides and heavy rainfall effectively lock out the drainage system and provide a mechanism for the back flow of tidal water. It is understood that Northumbrian Water have undertaken remedial work however the effectiveness of these measures is under review. In order to address this possible situation the applicant has produced an addendum to the Flood Risk Assessment and proposes finished floor levels of 4.8m AOD (above ordinance datum) for the proposed dwellinghouses. The current properties on Smyth Place have floor levels of between 4.2 and 4.6 AOD. The revised Flood Risk Assessment has been passed to the Environment Agency and their views are awaited.

11.10 Notwithstanding the slight increase in floor levels the sections provided by the applicant given the levels of surrounding properties, the scale of development proposed and the separation distances indicate that the relationship with the surrounding properties will be acceptable in amenity terms. The applicant has however been asked to provide additional information on the existing and proposed levels of buildings and gardens and this information is awaited.

Ecology

11.11 Japanese Knotweed has been identified in parts of the site. The applicant has identified the locations of the Knotweed and remediation strategies are in place. A suitable planning condition to ensure that this issue is addressed can be imposed on the development.

CONCLUSION

11.12 It is recommended that the application be approved.

RECOMMENDATION – Minded to APPROVE subject to satisfactory information on levels being received, the receipt of satisfactory comments from the Environment

Agency and Engineering Consultancy, a legal agreement securing developer contributions of £250.00 per dwellinghouse towards play and appropriate conditions, but that the final decision be delegated to Development Control Manager in Consultations with the Chair and Vice Chair.

No: 13
Number: H/2008/0634
Applicant: Mr N Johnson EGERTON ROAD HARTLEPOOL TS26 0BN
Agent: Mr N Johnson 16 EGERTON ROAD HARTLEPOOL TS26 0BN
Date valid: 23/10/2008
Development: Alterations and erection of two-storey rear and side garage, kitchen/ dining, balcony and bedrooms extensions
Location: 16 EGERTON ROAD HARTLEPOOL

Update

13.1 This application appears on the main agenda at item 13.

13.2 The recommendation was left open in order to allow for further discussions to take place with Building Control Officers and the ability to construct a 'light weight' balcony and its potential visual impact. The detail that was submitted appears to be acceptable in principle.

13.3 Concerns have been raised from the resident at 18 Egerton Road with regard to the potential effect the two storey side extension will have on this property. 18 Egerton Road has recently had a planning application approved for a large side extension which extends closer to the shared boundary between 16 and 18 Egerton Road. Although 18 Egerton Road is a bungalow it has a particularly deep, bell shaped roof pitch with bedroom accommodation within the roof space. The applicant at 18 Egerton Road was made aware that any windows in their side elevation, a bedroom and bathroom window would be difficult to protect.

13.4 At present there are two windows in the side elevation and a rear 'hanging' bay at the application site which clearly look onto 18 Egerton Road, the hanging bay and one window will be removed, there are no windows in the proposed side elevation.

13.5 Concerns have been received regarding the size of the proposed extensions. This type of development is not unusual on houses of this size, and it would be difficult to sustain an objection.

13.6 There is a beck running adjacent to the application site at the boundary shared with the West Park Cricket Club. Having consulted with the Council's Environmental Engineer it is considered unlikely that the proposed development will impact on this as the proposed works are a considerable distance from this rear boundary.

RECOMMENDATION - APPROVE subject to the following conditions

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

2. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevations of the extensions facing 14 and 18 Egerton Road without the prior written consent of the Local Planning Authority.
To prevent overlooking
4. Notwithstanding the submitted details a scheme for the final design for screening to the side of the balcony closest to 14 Egerton Road shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter the scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking and in the interest of visual amenity.
5. The permission hereby granted shall relate to the balcony detail received by the Local Planning Authority on 28 November 2008 unless otherwise agreed in writing by the Local Planning Authority.
In the interest of visual amenity.

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL REF APP/H0724/A/08/2079708
H/2008/0159 ERECTION OF A BEDROOMS
EXTENSION ABOVE GARAGE AND ALTERATIONS
TO EXISTING REAR CONSERVATORY INCLUDING
PROVISION OF A TILED PITCHED ROOF, 16
PINWOOD CLOSE, HARTLEPOOL TS27 3QU.

1. PURPOSE OF REPORT

- 1.1 To inform Members that the planning appeal submitted against the refusal of the Local Planning Authority to allow the erection of a bedrooms extension above garage and alterations to existing rear conservatory including provision of a tiled pitched roof at 16 Pinewood Close, Hartlepool, TS27 3QU.
- 1.2 The appeal was decided by written representations and allowed by the Planning Inspectorate.
- 1.3 A copy of the Inspector's decision letter is set out below.

2. RECOMMENDATION

- 2.1 That members note the decision.

	<h2>Appeal Decision</h2>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p>
	<p>Site visit made on 10 November 2008</p>	
	<p>by Graham E Snowden BA BPhil Dip Mgmt MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>☎ 0117 372 6372 email:enquiries@pi.ssi.gov.uk Decision date: 13 November 2008</p>

Appeal Ref: APP/H0724/A/08/2079708

16 Pinewood Close, Hartlepool, Cleveland TS27 3QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Stokle against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0159, dated 6 March 2008, was refused by notice dated 24 June 2008.
- The development proposed is additional bedrooms above existing garage and tiled roof to rear conservatory.

Decision

1. I allow the appeal, and grant planning permission for additional bedrooms above existing garage and tiled roof to rear conservatory at 16 Pinewood Close, Hartlepool, Cleveland TS27 3QU in accordance with the terms of the application, Ref H/2008/0159, dated 6 March 2008, and the plans submitted therewith, subject to the following condition:
 - (i) The development hereby permitted shall begin not later than three years from the date of this decision.

Main Issue

2. The modifications to the rear conservatory are acceptable to the Council and I note that this work has been carried out. I have, therefore, confined my considerations to the proposed extension above the garage and consider that the main issue in this appeal is the effect of that extension on the living conditions of the occupants of 15 Pinewood Close, in terms of outlook and privacy.

Reasons

3. At its nearest point, the proposed first floor gable would be some 8 metres away from the rear elevation of the neighbouring property at 15 Pinewood Close. However it would be angled away from the latter at an oblique angle. The nearest window, which would light an en-suite, and, therefore, is likely to be fitted with obscured glass would be in the region of 10 metres away. Effectively it would be a blank gable. The Council's adopted Guidelines for House Extensions would suggest a separation distance of 10 metres in such circumstances. I consider that this requirement would be broadly met, given the relationship between the two properties and the advice in the Guidelines that they need to be interpreted with some flexibility. Whilst the heightened

Appeal Decision APP/H0724/A/08/2079708

gable would feature more strongly in the outlook from the rear windows of no. 15, I am satisfied that views to the south east would be only marginally affected and the property would continue to enjoy an open aspect in this direction

4. The window of the proposed rear bedroom would only be some 9-10 metres away from the nearest window on the rear elevation of no. 15 and I accept that this could lead to some potential mutual overlooking. However, the footprints of the two properties overlap and are at an angle of some 40° from one another with the rear elevation of the appeal property located at a point about halfway along the rear elevation of its neighbours. I am satisfied, therefore, that the degree of overlooking would be within acceptable limits in a residential estate where some degree of mutual overlooking is inevitable.
5. I, therefore, conclude that the proposed extension over the garage would not have an unduly adverse effect on the living conditions of the occupants of 15 Pinewood Close in terms of outlook and privacy and, in this respect, Policies GEP1 and Hsg10 in the Hartlepool Local Plan would be satisfied. For this reason, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowden

INSPECTOR

Report of: Assistant Director (Planning and Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. A resident complaint regarding erection of post and wire fencing to enclose land reserved for a landscaped/tree belt to the rear of Nuthatch Close.
2. Anonymous complaint regarding the commencement of building works to convert a vacant commercial building into flats on a site on the Usworth Road Industrial Estate.
3. A neighbour complaint regarding a boundary fence overhanging their drive and land ownership issues in Manor Road.
4. A neighbour complaint regarding the unsuitable colour of the external facing bricks used in a private housing development in Rossmere Way.
5. Officer monitoring recorded that the sitting of a temporary mobile unit had extended its approved period of time at an emergency services station in Stranton.
6. Officer concerns regarding the stacking heights of wood storage heaps at a waste disposal site on Cornonation Drive.
7. A neighbouring commercial operator raised concerns about land being used as a JCB training centre without the benefit of planning permission in Graythorp.
8. A resident complaint regarding the unsatisfactory rear sound attenuation fence erected to comply with a condition relevant to a planning permission for the erection of bungalows on Bunting Close.
9. An investigation was commenced following a Councillors concerns regarding an untidy residential property in Stephen Street.

10. An investigation was commenced following a Councillors concerns regarding an untidy residential property in Miers Avenue.
11. An anonymous complaint regarding the setting up of a picnic area/beer garden without the benefit of planning permission on a caravan park in Dalton Piercy.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: SEATON MEADOWS LANDFILL SITE

1 PURPOSE OF REPORT

- 1.1 The position at the Seaton Meadows landfill site has been the subject of ongoing reports to the Committee.
- 1.2 Discussion are continuing with the developer and it is anticipated that an update will be provided before the meeting.

2 RECOMMENDATION

- 2.1 Update to follow.

Report of: Assistant Director (Planning & Economic Development)

Subject: SEATON MEADOWS LANDFILL SITE

Over tipped Waste

1. Since the last meeting officers have been provided with survey information of part of the site – the area where further overtipping was alleged. This does confirm that further over tipping has taken place but Members will recall that an Alab representative acknowledged and explained why this had happened at the last meeting. He confirmed that the over tipped material would be relocated. Company representatives will be able to provide an update at the meeting.
2. This same plan shows the highest point of the existing tipped area. The maximum height here is now shown as 28.75m. This compares with 31.148m shown on a July site survey.
3. A new full site survey has been commissioned and it is hoped this will be available for the meeting. This should show how the fires have affected the overall tip heights.

Fire's

4. It is understood that thermal imaging has been concluded and that an update can be provided at the meeting.

The Stell/Flooding

5. Work is progressing on the Stell diversion.
6. It is understood that £10,000 has been provided from the Highway Authority for investigations into the flooding issues to be progressed including locating and cleaning the system.
7. Jetting of road gullies was scheduled for last week but the cold weather affected machinery and this has been rescheduled, weather permitting, for Monday 15 December 2008.
8. Engineering Consultancy continue to liaise with Alab.

RECOMMENDATION – Members note the current position.