

PLANNING COMMITTEE AGENDA



Wednesday 28th January 2009

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 17th December 2008

4. ITEMS REQUIRING DECISION

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

1. H/2008/0634 16 Egerton Road
2. H/2008/0718 St Paul's Church Hall, Murray Street
3. H/2008/0676 33 Chatham Road
4. H/2008/0495 Teesbay Retail Park, Brenda Road
5. H/2008/0714 76 Clifton Avenue
6. H/2008/0679 Former Church Hall site, Rossmere Way
7. H/2008/0683 Orwell Walk
8. H/2008/0555 A19 Services Northbound, Trunk Road A19
9. H/2008/0655 Seaton Meadows Landfill Site, Brenda Road

4.2 Update on Current Complaints - *Assistant Director (Planning and Economic Development)*

4.3 Appeal by Legato Properties Ltd, Land at Wynyard Woods, Wynyard Estate, Billingham (H/2008/0015) - *Assistant Director (Planning and Economic Development)*

- 4.4 Appeal Ref: APP/HO724/A/08/208/4324/WF:H/2008/0043 Erection of a two-storey extension to side including integral garage and a rear single storey kitchen extension (amended scheme), 11 Newlands Avenue, Hartlepool, TS27 3QU - *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal ref: APP/HO724/X/07/2048720:H2007/064 Application for a certificate of lawfulness of existing use of Amerston Hill Cottage as a residential dwelling house, Amerston Hill Cottage, Coal Lane, Hartlepool - *Assistant Director (Planning and Economic Development)*
- 4.6 Appeal, Mr Richardson, 21 Lowdale Lane, Hartlepool - *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

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

7. EXEMPT ITEMS FOR DECISION

- 7.1 Able UK Ltd, TERRC Site - *Assistant Director (Planning and Economic Development)* (Paras 5 and 6)
- 7.2 Enforcement Action – 13 Manor Road - *Assistant Director (Planning and Economic Development)* (Para 6)

8. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

9. FOR INFORMATION

Next Scheduled Meeting – Wednesday 19th February 2009 in the Civic Centre at 1.00pm.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17 December 2008

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Allison, Rob Cook, Shaun Cook, Mary Fleet, Bob Flintoff, Geoff Lilley, Dr George Morris, Michelle Plant and Chris Simmons.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Jonathan Brash attended as a substitute for Councillor Stephen Akers-Belcher.

Officers present:

Richard Teece, Development Control Manager
Richard Smith, Solicitor
Chris Pipe, Principal Planning Officer
Angela Hunter, Principal Democratic Services Officer

109. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Stan Kaiser, Pauline Laffey, Robbie Payne, Carl Richardson, Lilian Sutheran and Edna Wright.

110. Declarations of interest by Members

Councillor Chris Simmons declared a non-prejudicial interest in minute 112 – H/2008/0640 – Warren Road, Davison Drive and Jones Road.

111. Confirmation of the minutes of the meeting held on 26 November 2008

Confirmed.

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

Prior to considering the planning applications on the agenda, the Chair informed Members that the following items would be withdrawn from consideration:

Item 3 – H/2008/0577 – 2 Delamere, Billingham – further information awaited.

Item 4 – H/2008/0558 – Ashfield Farm, Dalton Piercy Road – change in recommendations – defer to next meeting to allow applicant time to consider the changes.

Item 6 – H/2008/0495 – Teesbay Retail Park – further information awaited.

Item 13 – H/2008/0634 – 16 Egerton Road – site visit to be undertaken prior to consideration at the next meeting of Planning Committee.

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

Representations: Mr Atfi (applicant) and Councillor Jonathan Brash (ward councillor) were in attendance and addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

It is considered that Sunday opening would be detrimental to the amenities of the occupiers of nearby flats and houses in terms of noise and general disturbance particularly at times when the residents of those properties could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

At this point in the meeting, Councillor Mary Fleet declared a prejudicial interest in the next item and left the meeting during its consideration.

- Number:** H/2008/0645
- Applicant:** Spirit Dev Co
- Agent:** A Watson Chartered Architect, 5 Douro Terrace, Sunderland
- Date received:** 31/10/2008
- Development:** Erection of 15 bungalows with associated access and landscaping works
- Location:** LAND IN CHESTERTON ROAD, HARTLEPOOL
- Representations:** Sarah Fawcett (applicant's representative) and Mr and Mrs Saint (objectors) were in attendance and addressed the Committee.
- Decision:** **Minded to approve subject to a legal agreement securing developer contributions of £100 per dwelling towards play and £250 per dwelling towards open space provision resolution of the boundry detailing to Huxley Walk and the following conditions. However as the application represents a departure from the Local Plan and the land is Council owned the application be referred to GONE in the first instance . The final decision was however delegated to the Development Control Manager or his substitute in consultation with the Chair and Vice Chair of the Committee if the Secretary of State leaves the decision with the Local Planning Authority.**

CONDITIONS AND REASONS

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

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.

The Committee considered representations in relation to this matter.

Councillor Mary Fleet returned to the meeting at this point.

Number: H/2008/0669

Applicant: Mrs Tracy Jefferies
Hartlepool Carers, York Road, Hartlepool

Agent: Hartlepool Carers, Mrs Tracy Jefferies, 200 York Road, Hartlepool

Date received: 18/11/2008

Development: Change of use to provide Carers Support Centre

Location: 19A LOWTHIAN ROAD, HARTLEPOOL

Representations: Tracy Jeffries (applicant) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall 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 08.00 hrs and 20.00 hrs Mondays to Fridays and 10.00 hrs to 16.00 hrs Saturdays, Sundays and Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2008/0593

Applicant: Tesco Stores Ltd

Agent: Development Planning Partnership, LLP 5-13, The Side, Newcastle upon Tyne

Date received: 02/10/2008

Development: Relocation of Petrol Filling Station

Location: TESCO SUPERMARKET LTD, BURN ROAD, HARTLEPOOL

Representations: Pippa Nelson (applicant's representative) was in attendance and addressed the Committee.

Decision: **(A) Planning Permission Approved**

CONDITIONS AND REASONS

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

11. Notwithstanding the submitted details, unless otherwise agreed in writing by the Local Planning Authority, the internal road and parking layouts shall be revised in accordance with final details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with any such approved details.

In the interests of pedestrian and highway safety.

- B) Members expressed concern about the safety of the slip road access from Burn Road to the A689 which has been constructed in association with the larger development of the Tesco site and asked that a report on this matter be brought back to the Committee in due course.

The Committee considered representations in relation to this matter.

Number: H/2008/0661

Applicant: Mr Habib Ullah
MURRAY STREET, HARTLEPOOL

Agent: Mr Habib Ullah, 27 MURRAY STREET,
HARTLEPOOL

Date received: 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

Representations: Ms Seba Alam (applicant's representative) was in attendance and addressed the Committee.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The premises shall only be open to the public between the hours of 10am to 11:30pm Monday to Saturday and 10am to 11pm on Sundays and Bank or public Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
2. All other conditions attached to planning permission H/2006/0906 shall continue to apply to the use of the premises as a hot food takeaway (copy decision notice attached with this notice).
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

At this point in the meeting, Councillor Mary Fleet declared a prejudicial interest in the following two items and left the meeting during their consideration.

Number: H/2008/0640

Applicant: Housing Hartlepool
Greenbank Stranton, Hartlepool

Agent: B3 Architects, 3rd Floor, Grainger Chambers, 3 - 5 Hood Street, Newcastle upon Tyne

Date received: 27/10/2008

Development: Construction of 52 2, 3 and 4 bedroom dwellings with associated landscaping (AMENDED PLANS RECEIVED)

Location: WARREN ROAD, DAVISON DRIVE AND JONES ROAD, HARTLEPOOL

Representations: Sarah Fawcett (applicant's representative) was in attendance and addressed the Committee.

Decision: **Minded to APPROVE subject to no substantive**

new issues being raised by neighbours in relation to the amended plans subject to a legal agreement securing developer contribution of £250.00 per dwelling-house towards play and subject to the following conditions and any other conditions arising from the outstanding consultations. A final decision was however delegated to the Development Control Manager or his substitute in consultation with the Chair and Vice Chair of the Committee.

CONDITIONS AND REASONS

- 1 The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
- 2 The development hereby approved shall be carried out in accordance with the plans and details received 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, - 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 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 dwelling-house forward of any wall of that dwelling-house 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 hard-standings 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 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 dwelling-houses on plots 22, 23, 25, 28 43, 44, 46 and 47 without the prior written consent of the Local Planning Authority.
- To prevent overlooking.

The Committee considered representations in relation to this matter.

Number: H/2008/0638

Applicant: Housing Hartlepool, Stranton, Hartlepool

Agent: B3 Architects, Mary Tittensor, Grainger Chambers, 3-5 Hood Street, Newcastle upon Tyne

Date received: 27/10/2008

Development: Erection of 22, 2, 3 and 4 bedroom houses with associated landscaping (AMENDED PLANS RECEIVED)

Location: 1-22 SMYTH PLACE & 8,10 BRUCE CRESCENT HARTLEPOOL

Representations: Sarah Fawcett (applicant's representative) was in attendance and addressed the Committee.

Decision: **Minded to APPROVE subject to satisfactory information on levels being received, the receipt of satisfactory comments from the Environment Agency a legal agreement securing developer contributions of £250.00 per dwelling-house towards play and appropriate conditions, but the final decision was delegated to the Development Control Manager or his substitute in consultation with the Chair and Vice Chair of the Committee.**

The Committee considered representations in relation to this matter.

Councillor Mary Fleet returned to the meeting at this point.

Number: H/2008/0525

Applicant: Able UK Ltd
Billingham Reach Industrial Estate, Billingham

Agent: Able UK Ltd, Able House, Billingham Reach Industrial Estate, Billingham

Date received: 19/09/2008

Development: Conversion of existing living accommodation to offices

Location: ABLE UK LTD, TEES ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

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.

Number: H/2008/0629

Applicant: Mr S Campbell
CLIFTON AVENUE, HARTLEPOOL

Agent: Mr S Campbell, 80 CLIFTON AVENUE, HARTLEPOOL

Date received: 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

Decision: **Planning Permission Approved**

Members took the view that the Grange Conservation Area has a wide variety of house types and detailing. Further the proposed wall is finished in brickwork to match the house. In these circumstances Members considered the development is not out of keeping and that it does not detract from the character or appearance of the Conservation Area.

**113. Appeal Ref APP/H0724/A/08/2079708 H/2008/0159
Erection of a bedrooms extension above garage and alternations to existing rear conservatory including provision of a tiled pitched roof, 16 Pinewood Close** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that a planning appeal had been submitted against the refusal of the Local Planning Authority to allow the erection of a bedrooms extension above the garage and alterations to the existing rear conservatory including provision of a tiled pitched roof at 16 Pinewood Close. The appeal was decided by written representations and allowed by the Planning Inspectorate. A copy of the decision letter was appended to the report.

The Development Control Manager had concerns about the number of appeals being lost at the current time and added that other Tees Valley authorities had similar concerns. Members were concerned that once an appeal was upheld, it set a precedent for future decision making which Members may not necessarily agree with.

Decision

The decision was noted.

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

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

Decision

That the report be noted.

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

The Development Control Manager updated Members on the situation with regard to the Seaton Meadows Landfill Site. Members were informed that the height of the mound was reducing and that the results of the thermal imaging had recently been received and the representatives from Alab would update Members. In relation to the flooding issues, £10k had been invested with cleaning of the road gullies being undertaken. The Development Control Manager confirmed that work on the stell was progressing and with regard to mud on the road, an issue had been identified with the jet washers but this was being looked at. The representative from Scott Wilson confirmed that the road cleaning vehicles were in operation and there was evidence that investigations were ongoing in relation to flooding.

The representatives from Alab addressed the Committee and confirmed that the thermal imaging had been undertaken and the initial review indicated that there were no heat sources across the surface up to six metres in depth, however there was still some uncertainty over the level of heat in the deeper landfill. The air monitoring was continuing and it was noted that the height of the mound had dropped due to the fire. However, it was expected that there would be a further reduction in height, albeit a slower reduction, due to the gradual decomposition of the waste. Members were asked to note that plans for the restoration scheme were being produced for submission to the Local Planning Authority.

In response to Members' questions the representatives from Alab confirmed that a clay barrier would be used to prevent oxygen from further igniting fires within the cells.

The representatives from Alab were thanked for their attendance and for answering Members' questions.

Decision

The update was noted.

116. Any other items which the Chairman considers are urgent

The Chairman ruled that the following items 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:

Minute 117 - Appeal Ref APP/H0724/A/08/2084196 – Erection of Supported Living Scheme for Adults Comprising 10 Flats with Shared Communal Facilities and Officers with Associated Parking for Cars and Cycles on Land at Surtees Street.

Minute 119 – Summary of visits/monitoring of takeaways on Oxford Road (122, 132 and 143 Oxford Road) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order to direction under any enactment (para 6).

117. Appeal Ref APP/H0724/A/08/2084196 – Erection of Supported Living Scheme for Adults Comprising 10 Flats with Shared Communal Facilities and Officers with Associated Parking for Cars and Cycles on Land at Surtees Street *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that an appeal was lodged against the refusal of planning consent for the erection of a supported living scheme for adults on land at Surtees Street, Hartlepool. The appeal was decided by written representations and the Planning Inspector subsequently allowed the appeal. A copy of the decision letter was appended to the report.

Decision

The decision was noted.

Councillor Jonathan Brash declared a prejudicial interest in minute 119 and left the meeting at this point.

118. 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 119 – Summary of visits/monitoring of takeaways on Oxford Road (122, 132 and 143 Oxford Road) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order to direction under any enactment (para 6).

119. Summary of visits/monitoring of takeaways on Oxford Road (122, 132 and 143 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 proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order to direction under any enactment (para 6).

The Development Control Manager provided Members with a summary of visits and monitoring that had been undertaken at 122, 132 and 143 Oxford Road. Further details 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 3.45pm.

CHAIRMAN

No: 1
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

1.1 This application was deferred by Members at the previous meeting so that a site visit could be carried out.

1.2 There have been no additional comments received since the previous Planning Committee.

The Application and Site

1.3 16 Egerton Road is a detached property with a double length detached garage in the rear garden.

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

1.5 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.

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

1.7 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

1.8 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

1.9 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.

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

Planning Considerations

1.10 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 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

1.11 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.

1.12 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.

1.13 Details of the balcony construction has been received, discussions have taken place with Building Control Officers regarding the ability to construct a 'light weight' balcony and its potential visual impact. The detail that was submitted appears to be acceptable in principle.

Two storey side extension

1.14 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.

1.15 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. The two storey side extension is designed to match the main house and contains no windows in the side elevation close to 18 Egerton Road.

1.16 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.

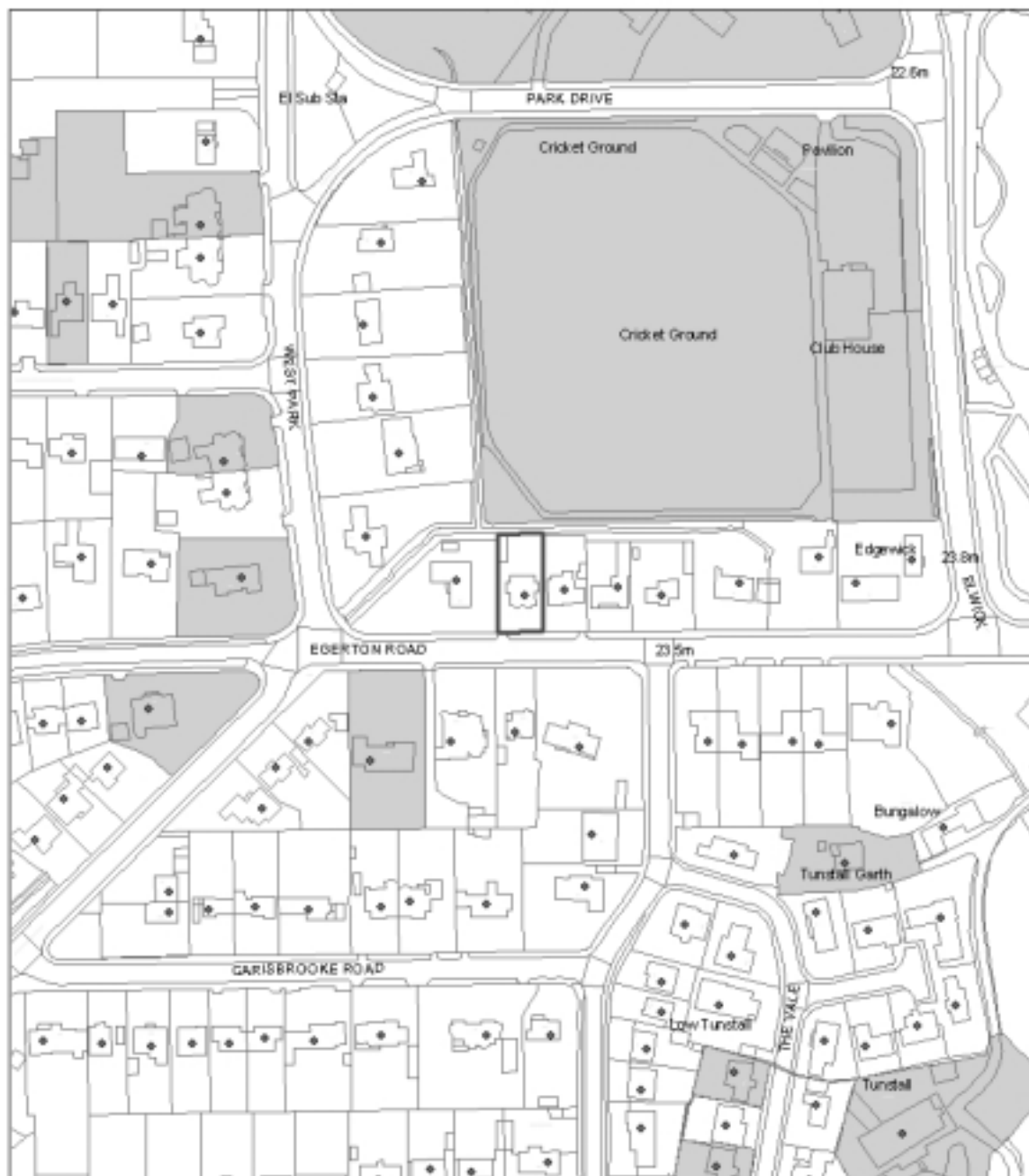
1.17 There is a beck running adjacent to the application site at the boundary shared with the Cricket Club. Having consulted with the Council's Environmental Engineer it is considered unlikely that the proposed development will impact on this as the proposed works are a considerable distance from this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



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: 2
Number: H/2008/0718
Applicant: Mr Martin Booth Park Road HARTLEPOOL
Agent: NDC Hartlepool / Salaam Community Centre Mr Martin
 Booth 79 The Arches Park Road HARTLEPOOL
Date valid: 18/12/2008
Development: Change of use and associated building works to provide
 multi cultural centre on part of the ground floor and a
 Mosque on part of the ground floor and the first floor
Location: ST PAULS CHURCH HALL MURRAY STREET
 HARTLEPOOL

The Application and Site

2.1 The application site is a former Church Hall located at the junction of Murray Street and Milton Road. It is a large redbrick Victorian Church Hall with a slate roof. The hall has been empty for some time. To the west are an access road/footpath and a modern terrace of two-storey dwellings, Grosvenor Gardens, which face the site at close quarters. To the south on the opposite side of Milton Road are a pet shop and a terrace of residential properties. To the north is Alma Street on the other side of which are a vacant shop/a flat and The Community Centre on the Lynnfield School site. To the east on the opposite side of Murray Street are various commercial units some with flats above and to the south east the Royal Naval Association Club.

2.2 Full planning permission is sought for the change of use and alteration of the building to provide a multi cultural centre (community centre) on part of the ground floor (mixed use including a D2 use) with a Mosque on largely the first floor (a D1 use).

2.3 To accommodate the Community Centre internally at ground floor a single large hall which can be divided into two will be formed from two existing halls with an office, meeting area, toilets, fitness room with changing facilities and toilets. Access to the Community Centre will be taken from Murray Street. The Mosque will largely be accommodated on the first floor using existing first floor accommodation and a new first floor installed above the existing hall. At first floor the Mosque will accommodate two worship areas, kitchen, toilets, a room for the Imam and a store. A lift will give access to the first floor. At ground floor the Mosque accesses, toilets, a boiler room and preparation room will be accommodated. The main access for the Mosque will be from the reopened access on Murray Street with a secondary access from the existing access on Alma Street, an emergency fire escape via the Community Centre entrance will also be accommodated.

2.4 Externally the main changes to the building will be on the elevations fronting Murray Street and Grosvenor Gardens. On the Murray Street elevation a currently bricked up entrance will be reinstated. On Grosvenor Gardens elevation a fire exit door and various high level ground floor windows will be provided either as new

openings or through altering existing window openings. A new bin store for use by the Community Centre and Mosque will be provided to the rear. The site accommodates no car parking however the applicant has reached agreement for the car parking at Lynnfield School and St Joseph's Church to be utilised by arrangement.

Additional Supporting Information

2.5 In support of the application the applicant has provided a planning statement. This states that the Mosque and Community Centre will operate independently.

2.6 It is understood that the Community Centre will be operated by the Salaam Resource Centre which will move from its existing base at 16-18 Murray Street to become the Salaam Community Centre. It will provide the same drop in advice and training services as provided at the Salaam Resource Centre and extended services including a fitness room, and a hall(s)/meeting room for events and activities. The Centre employs one full time and three part time employees. The applicant estimates that 2/3 people per hour use the drop in centre and that a similar number would use the fitness room. It is anticipated that these people will be from the local community and will arrive on foot. The hall will be used for activities and events, mainly at weekends, which may attract up to 100 people. The meeting room will be used for meetings and training. It is not intended that the building will have an alcohol licence. The facilities will be available to the whole community and will operate between 08:00 to 22:00 though this is unlikely to be everyday. The Centre Manager will work closely with the manager of the nearby Lynnfield Community Centre to ensure that their activities are complementary.

2.7 The Mosque is operated by the Muslim Welfare Association and will move from its existing base at 94 Milton Road which it is understood will be returned to a house (A separate planning permission will be required for this). The Mosque will continue to serve the local central Hartlepool Muslim Community. The Mosque will be used for worship, prayer and religious education. Islamic worship does not involve music or singing and the applicant has confirmed there will be no "call to prayer" that would be heard outside the building. It is understood that services operate daily at different times depending upon the season, but between 07:00 and 22:30. Services are usually attended by no more than 12 people from the local community but this can rise to 70 people at the Friday afternoon service. Weddings usually take place in the home but if large gatherings occur then larger venues are hired. It may be that on the odd occasion the community centre may be hired for an event, perhaps a funeral. The applicant anticipates that this would be less than once a year.

2.8 The applicant has conducted surveys of those attending the Mosque and Salaam Resource Centre and advises that the majority of users do not arrive by car. The applicant does not consider that the activities of the Mosque and Community Centre will add significantly to the demand for parking spaces. He has also pointed out that the site is within 400m of public car parks and its proximity to York Road and Victoria Road means that it has very good public transport links. The applicant anticipates that most centre users will be local however where events are proposed that might attract people from further afield arrangements have been made to use car parks at Lynnfield School and St Joseph's RC Church to accommodate parking.

The applicant confirms that the Mosque/community centre will ensure that they do not both organise events attracting a large attendance at the same time.

Recent Planning History

2.9 In 2005 an application for outline planning permission for the demolition of the building erection of 14 self-contained apartments with associated parking was considered but withdrawn. At the time of the withdrawal there were several issues outstanding. These included inconsistencies in the proposed plans, the principle of the demolition, concerns in relation to the scale and density of the development proposed in an area where policies were seeking to reduce housing density and secure environmental improvements, the failure to meet separation distances for new development, the parking layout and access to underground parking.

2.10 In November 2008 a similar proposal to that now before the Committee was refused by Committee, against officer recommendation, for the following reasons “In the absence of any on site parking facilities at the application site it is considered that users of the proposed mosque and community centre arriving by car would park on roads close to and around the application site to the detriment of the free flow of traffic, the amenities of the occupiers of housing in those areas and the day to day operation of businesses on Murray Street contrary to Policies GEP1 and Com5 of the Hartlepool Local Plan 2006”.

Publicity

2.11 The application has been advertised by site notice, neighbour notification (43) and in the press. The time period for representations in relation to the neighbour notifications and the site notice has expired. In relation to the press advert the time period for representations expires on 26th January 2009.

2.12 At the time of writing fourteen letters of objection and one letter of no objection had been received. A six hundred and fifty signature petition had also been received. Those signing the petition were asked whether they thought the community would benefit from the proposal, 640 responded no, 6 responded yes, 2 did not indicate their response, one person responded not sure and one person ticked both yes and no.

2.13 The objectors raise the following issues:

- i) Noise and disturbance. Elderly residents in nearby flats will be disturbed.
- ii) Vandalism and youths congregating.
- iii) Murray Street is a very busy road. There have been accidents in the past. Large delivery lorries use streets for deliveries to businesses. The development will add to parking and congestion problems. It is difficult to cross road due to parked cars and resident's and businesses are struggling to park as it is.
- iv) Poor vehicular access, increased dangers to children/ elderly residents. Concerns at picking up and dropping off times for school. Safety of children must take priority.

- v) Detrimental impact on local residents and businesses from additional foot and vehicular traffic from early morning to late at night. Parking in area is at a premium. Trade will be affected as customer's that can't park will go elsewhere.
- vii) Previous proposal for flats withdrawn because of safety and parking issues which applicant has not addressed.
- viii) Elderly residents use Lynnfield School access for wheelchair access.
- ix) Drainage
- x) Street lighting is not adequate.
- xvii) Nothing has changed.
- xviii) Little support and consultation meetings poorly attended.
- xix) There is already a community centre at Lynnfield School and the Salaam Centre. Another community centre is not needed.
- xx) Parking concerns not addressed, the parking proposals are not enforceable and confusing. Not clear how it will be put into practice. The school discourages parents parking on safety grounds why has it been permitted for the applicant. What will happen if St Joseph's or the school have functions.
- xxi) Building is an eyesore, and a waste of money. Residents want Council or New Deal to buy building and create a car park for whole community.
- xxii) Whole community should be consulted.
- xxiii) We already have a Mosque another Mosque is not needed.

Copy Letters A

Consultations

2.14 The following consultation responses have been received

Public Protection - I would have no objections to this application subject to additional sound insulation being provided to the windows on the Milton Road which are opposite residential properties and an hours condition restricting the use to the hours proposed in the application. If the first floor is to be used as a Mosque I would require a condition to prohibit the practice of calling people to prayer.

Cleveland Police – The proposed development is located in the Grange Ward area of Hartlepool which has higher than average rates of crime and anti social behaviour. I believe that the nature of the building could make it more vulnerable to criminal attack particular to criminal damage and incidents of anti social behaviour. This needs to be taken into account in the design and management of the development. Recommends installation of CCTV system which has coverage of the outer building. Recommends that a secure door entry system is installed to enable occupants to control entry to the building. If doors and windows are to be replaced recommends that these comply with Secured by Design standards. If window grilles are to be removed recommends the use of a crime shield product which is fitted externally to a window. Recommends the use of shutters to doors to enhance security. Recommends that security lighting be fitted to external doors which are vandal resistant operated by a photo electric cell. Advises that any letter box is designed to take into account the risk of misuse any accessible letterbox to external doors should have the capability of being securely locked overnight at times when the building is not in use or have fire proof linings to prevent arson attack. With regard the potential risk of any graffiti attack to the building

recommends applicant to consider wall surface treatments that are available which make any graffiti easy to remove. Recommends that a monitored alarm system be installed which has a unique reference number for an agreed Police response.

Traffic & Transportation - The proposed development is just outside the town centre for car parking but within a local shopping area. The development will have no off-street parking which may lead to on-street parking. However the building is located within 400metres of a public car park and very good transport links (York Road) to other parts of the town.

The nearby streets are controlled under the Council's residential and business parking schemes. There is also on-street parking available which has a restriction of 1 hour waiting in Murray Street.

It would be very difficult to sustain an objection on the grounds of no off-street parking given the previous use of the building as a church hall and it is located within 400 metres of very good transport links and a public car park.

Planning Policy

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

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

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

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

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

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

Planning Considerations

2.16 The main considerations are considered to be policy, design/impact on visual amenity, highways, impact on the amenity of local residents, crime and disorder and impact on the local businesses.

POLICY

2.17 The site lies within the defined Murray Street local centre. It considered that a Community Centre and a Mosque would be acceptable in principle in this location.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

2.18 The external alterations proposed are relatively minimal mainly involving alterations to the ground floor windows, the addition of a door to the elevation facing Grosvenor Gardens and the reinstatement of an entrance in the Murray Street Elevation. In relation to these alterations the proposed design is acceptable.

2.19 The proposals will result in the building being refurbished and brought back fully into use and it is considered that this will have a positive impact on the visual amenity of the area.

HIGHWAYS

2.20 The proposed development is just outside the town centre but within a local shopping area. The building covers the whole of the site and there is no opportunity to provide off-street parking within the site. This could lead to on street parking however the building is located within 400metres of a public car park and has very good transport links (York Road) to other parts of the town.

2.21 The nearby streets are controlled under the Council's residential and business parking schemes. There is also on-street parking available which has a restriction of 1 hour waiting in Murray Street.

2.22 The building is existing, and unfortunately does not accommodate on site parking, whether it is retained in its existing use or a new use is proposed, as in the current case, the issue of parking will arise. The proposed uses already, in part, operate within the area whilst the building itself could be used, and has in the past been used, for many of the activities that are proposed to take place in the building should planning permission be granted. The applicant anticipates that most users of the building will be local and therefore not generate significant additional parking demands, where events are to take place that might attract people from further afield arrangements have been made to use car parks at Lynnfield School and St Joseph's RC Church to accommodate parking. Given the previous use of the building as a church hall, its location, within 400 metres of very good transport links and a public car park Traffic & Transportation consider that it would be difficult to sustain an objection on parking grounds. In highway terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF LOCAL RESIDENTS

2.23 The properties to the east and north on the other side of Murray Street and Alma Street respectively are largely commercial. The building is however closely constrained by residential properties, particular to the west where residential properties, Grosvenor Gardens, face the site (some 7m distant) and to the south where there are residential properties on the other side of the road Milton Road (some 14m distant). The building is existing and the physical alterations proposed are of a relatively minor nature it is not considered therefore that the proposal will unduly affect the existing amenity of any neighbours in terms of issues of loss of light, overdominance, or issues relating to loss of outlook.

2.24 In relation to privacy, in terms of the Community Centre the ground floor windows facing the adjacent residential properties are existing and alterations for the most part to the windows which will introduce a fire exit door and high level windows in the elevation facing Grosvenor Gardens will not add to any existing overlooking. It is not considered that any overlooking arising from these parts of the proposed scheme would be significantly different from the existing situation. In terms of the Mosque again many of the upper floor windows are existing however the introduction of a first floor would mean that there would potentially be additional high level overlooking from the windows which were previously above the hall and which were not therefore readily accessible. In order to address any issues of overlooking the applicant has been asked to consider a scheme to maintain the privacy of neighbouring residents and is agreeable to this, this might involve for instance the introduction of obscure glazing in certain openings. This can be controlled by condition.

2.25 In terms of disturbance arising from the use of the building, the building is an existing Church Hall which has in the past, and could in future, be used for many of the types of activities proposed by the applicant. The main entrances to the building will be on Murray Street and Alma Street away from the closest residential properties. The Head of Public Protection has been consulted and has raised no objections to the proposal. He has however requested conditions relating to sound insulation, restricting the hours of use, prohibiting the practice of calling people to prayer, ventilation, requiring the fire exit is kept closed (except in an emergency) and requiring the approval of facilities for the storage of waste (bins).

2.26 It is considered that, with appropriate conditions, any additional impact arising from the uses can be ameliorated.

CRIME & DISORDER

2.27 Concerns have been raised by residents that the development might encourage vandalism and youths hanging around the site. The proposal is for a Mosque and Community Centre. Again, the building is an existing Church Hall which has in the past, and could in future, be used for many of the types of activities proposed by the applicant. The main entrance to the Community Centre will be onto Murray Street away from the main residential areas in the vicinity. Provided the facility's are appropriately managed and protected it is not considered that they would encourage crime and disorder. Cleveland Police have been consulted and have raised no

objections to the proposal but have made various recommendations to improve security at the premises and an appropriate condition is proposed.

IMPACT ON LOCAL BUSINESSES

2.28 Concerns have been raised that the use of the building would impact on local businesses in the area. In particular that the users would take up parking which would otherwise be used by customers. The issue of parking has been discussed above where Traffic & Transportation have raised no objection to the proposal and confirmed that the nearby streets are controlled under the Council's residential and business parking schemes.

CONCLUSION

2.29 The proposal will bring into use a prominent local building and provide a Mosque and Community Centre, offering additional community facilities primarily for the local population. It is considered that the proposal is acceptable and it is recommended for approval.

RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development a scheme to ensure the privacy of the neighbouring residential properties to the west, Grosvenor Gardens, shall be submitted to and approved in writing by the Local Planning Authority. The scheme, including any measures identified, shall be implemented prior to the development being brought into use, and retained for the lifetime of the development hereby approved.
To prevent overlooking
3. Unless otherwise agreed in writing by the Local Planning Authority the door in the west elevation of the building facing Grosvenor Gardens shall be used only as an emergency exit/access in the event of an emergency, or for occasional access to the bin store, and not as a main access to the premises, it shall other than in above circumstances be kept closed at all times.
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing by the Local Planning Authority before either use of the premises hereby approved commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
5. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
6. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority details of all walls, fences and other means of

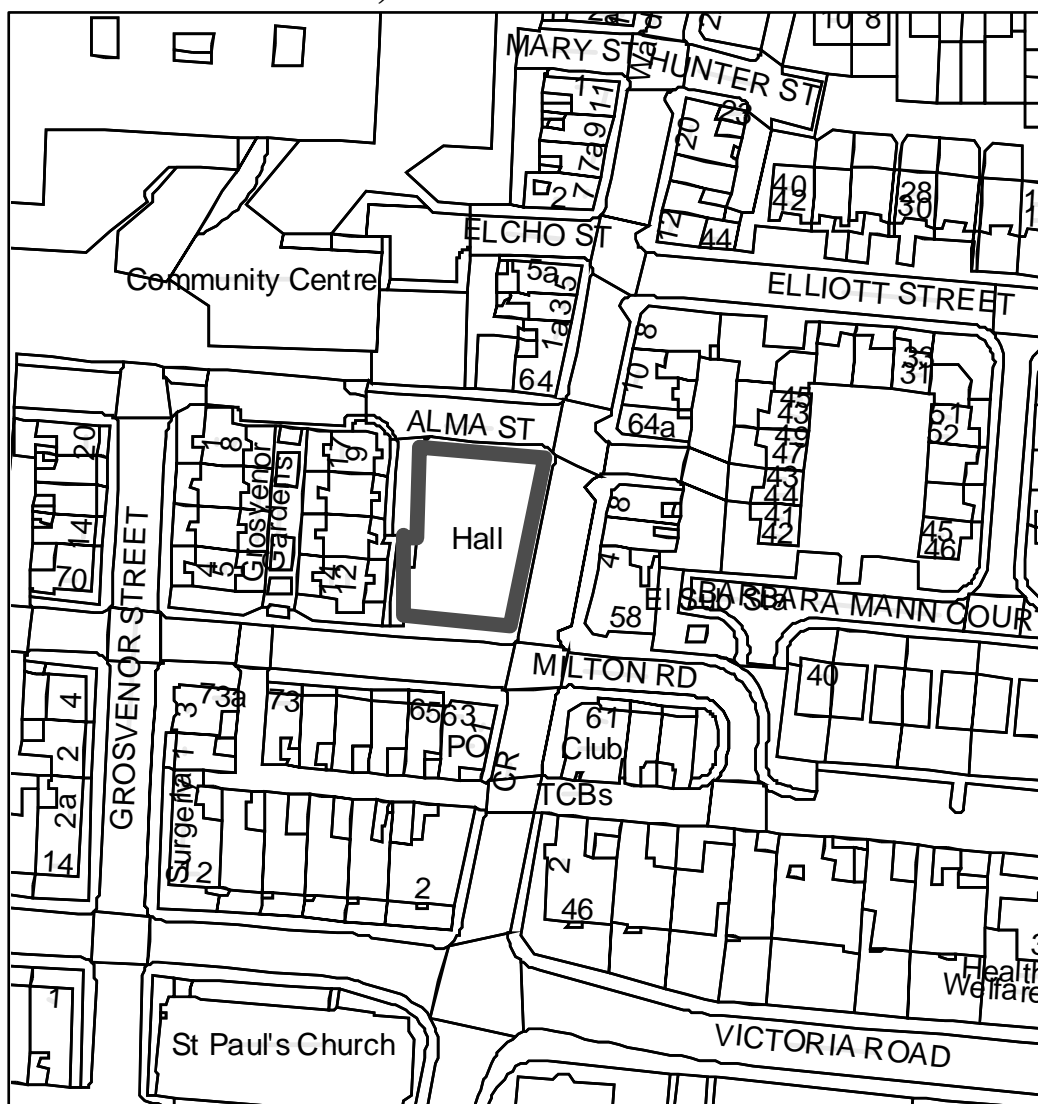
boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

In the interests of visual amenity.

7. Neither of the uses hereby approved shall commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
- In the interests of the amenities of the occupants of neighbouring properties.
8. Neither of the uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
- In the interests of the amenities of the occupants of neighbouring properties.
9. Unless otherwise agreed in writing by the Local Planning Authority the community centre (multi-cultural centre) shall only operate between the hours of 08:00 and 22:00 on any day.
- In the interests of the amenities of the occupants of neighbouring properties.
10. Unless otherwise agreed in writing by the Local Planning Authority the Mosque shall only operate between the hours of 07:00 and 22:30 on any day.
- In the interests of the amenities of the occupants of neighbouring properties.
11. Unless otherwise agreed in writing with the Local Planning Authority the Mosque hereby approved shall be used for worship, prayer and religious education. It shall not be used for the holding of weddings, funerals, parties, receptions or other similar functions likely to encourage large numbers of people to the premises without the prior written consent of the Local Planning Authority.
- In accordance with the application and in the interests of highway safety and the amenity of neighbouring occupiers.
12. Amplified music and/or speech shall not be played outside the premises and no speakers shall be erected on the exterior of the building.
- In the interests of the amenities of the occupants of neighbouring properties.
13. Unless otherwise agreed in writing with the Local Planning Authority 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
14. Notwithstanding the details submitted prior to their installation details of any proposed new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The new doors and windows installed shall be in accordance with the details so approved.
- In the interests of visual amenity.
15. The building shall be used only as a Mosque and Community Centre, as proposed within the application, and for no other use including any other use

within Class D1 or Class D2 of the Town & Country Planning Use Classes Order 1987 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.

ST PAUL'S HALL, MURRAY STREET



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/1/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0718	REV

No: 3
Number: H/2008/0676
Applicant: Mr Dilawar Khan Concord Washington Tyne & Wear
 NE37 2BA
Agent: Mtr Dilawar 26/27 Front Street Concord Washington
 NE37 2BA
Date valid: 20/11/2008
Development: Variation of opening hours previously approved to allow
 opening 8 a.m-11p.m. Monday to Sunday inclusive
Location: 33 CHATHAM ROAD HARTLEPOOL HARTLEPOOL

History

3.1 Members granted permission in May 2006 for the change of use of 33 Chatham Road from a green grocers and florist to a hot food takeaway (H/2006/0096). The application was approved subject to 3 planning conditions. Condition 2 of the approval sought to restrict the hours of operation from 08.00 to 20.00 Mondays to Saturdays and does not permit opening at all on a Sunday and Bank Holiday.

3.2 An application (H/2007/0643) was submitted in 2007 to vary condition 2 of permission H/2006/0096 to allow opening to the public from 8 am to 11pm 7 days a week. The application was recommended for refusal by officers however Members concluded to approve the application subject to a temporary 1 year consent to allow opening between the hours of 8am and 11pm Mondays to Saturdays and 8am to 4pm on Sundays. This consent has now expired.

The Application and Site

3.3 The application site is an end terraced single storey property located upon a small parade of commercial units upon Chatham Road. The site has residential properties directly opposite and to the rear which are physically detached by way of an alley way. The other units on the parade are occupied by a butchers, bakery, general store, post office and a takeaway which sells Chinese and English meals.

3.4 This application seeks consent to vary the following condition attached to the original planning approval (H/2006/0096) for the use of the premises as a hot food takeaway:-

The premises shall only be open to the public between the hours of 08.00 and 20.00 Mondays to Saturdays inclusive and shall remain closed at all other times including Sundays and Bank Holidays.

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

3.5 The applicant wishes to vary the consent to allow the opening of the premises from 8am until 11pm every day of the week.

3.6 The application is accompanied by a supporting statement which states that the applicant would like to renew the temporary consent and include opening from 8.00 am until 11pm on a Sunday. The applicant considers that the business has been running smoothly for a year with no issues and the community have been supportive and the services appreciated. The applicant has highlighted that they are struggling to keep the business going and meeting running costs. They consider that the additional Sunday opening will help the business to survive.

3.7 It is noted that the previous temporary consent granted by planning permission H/2007/0643 has now expired and as such any operation outside the hours approved by the original consent (H/2006/0096) constitutes a breach of planning condition.

Publicity

3.8 The application has been advertised by way of neighbour letters (19) and a site notice. To date, there have been 2 letters of objection received.

3.9 The concerns raised are:

1. 'People pulling up in their cars, engines and music blasting till they decide to leave'
2. 'People blocking your drive so you cant gain access in and out of our property'
3. Verbal abuse from customers
4. Litter issues cause by children at lunchtime as a customer group.
5. 'I don't understand why takeaways are given permission to open in built up areas because you know it going to be nothing but trouble for the people who have to live opposite or near it'.
6. 'The business itself attracts large groups of youths who consume alcohol in the street and are noisy, abusive etc. Noise of vehicles and clients coming and going until late at night is a nuisance, as are the 4am deliveries.'
7. 'Granting of this application will increase the business activity of these premises and thus increase the above nuisance to residents of the immediate vicinity'.

Copy Letters D

3.10 The period for publicity has expired.

Consultations

3.11 The following consultation replies have been received:

Head of Traffic and Transportation – The premise has already got permission to operate during the rest of the week. There would be less traffic movements on the proposed times, it would be difficult to sustain an objection on highway grounds. There are no major highway implications with this application given its current use.

Head of Public Protection – The officer is not aware of any problems with the operation of the premises during the period of the temporary permission of the extended hours and therefore does not have any objections.

Planning Policy

3.12 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.

Planning Considerations

3.13 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.

Policy

3.14 Whilst the use of the unit as a hot food takeaway has already been established through the previous planning application (H/2006/0096), it is important to consider the proposed extension to hours against policy Com12 (Food and Drink) of the Hartlepool Local Plan.

3.15 Policy Com12 makes provision for food and drink uses subject to consideration of the effect on the amenity, highway safety and character, appearance and function of the surrounding area. As the proposal seeks to extend the hours already permitted these matters must be considered in detail.

Character, Function and Appearance

3.16 As this application only seeks consent for the extension of opening hours at an existing hot food takeaway which can open into the early evening it is considered unlikely that the additional hours of opening would lead to a detrimental effect upon the character, function and appearance of the area.

Highway Safety

3.17 It is considered that the proposed increase in hours would be at a time where it is likely that there would be fewer vehicles on the road than during the existing hours of operation. It is therefore not considered that a refusal could be sustained on highway safety or traffic generation grounds given the current use and hours of operation of the existing premises. The Head of Traffic and Transportation considers there are no major highway implications with this application given the current use.

Amenity

3.18 Notwithstanding the objections to this application, there are no records of complaints to both the Public Protection Section and Planning Department during the period of the temporary planning permission. However it must be re-iterated that the temporary permission from the end of October 2007 to the end of October 2008 only allowed the opening of the premises from 8am until 4pm on a Sunday.

3.19 It is considered that in light of the above, the continuation of the temporary hours of opening as per planning application H/2007/0643 are acceptable. It is noted that such hours of operation are not uncommon upon similar hot food takeaway establishments detached from residential properties throughout Hartlepool.

3.20 Turning to the request to allow Sunday opening until 11pm, Members will be aware that there have been numerous recent planning applications and planning appeals relating to hot food takeaways. A significant issue with regards to their determination has been the operation of such uses on a Sunday. The following applications and appeal decisions are relevant to the determination of this application:-

60 Oxford Road – Approval granted on appeal for the use of the premises as a hot food takeaway any day of the week from 12pm until 7pm (as applied for). The property is attached to a 2 storey residential property.

122 Oxford Road – Approval granted on appeal for use as a hot food takeaway until 10pm every night of the week. Unit located outside the Local Centre and is attached to a 2-storey residential terraced property.

132 Oxford Road – Approval granted on appeal for the use as a hot food takeaway until 11pm Monday to Saturday and at no time on a Sunday. Members recently refused an application to allow Sunday opening. The premises is a single storey end terraced property located just outside the designated Local Centre. With regard to the restriction of the Sunday opening the Inspector stated:-

‘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.’

143 Oxford Road – Approved on appeal for use as a hot food takeaway until 11pm Monday to Saturday. Sunday opening restricted however temporary 1 year

permission granted for Sunday opening until 11pm. Mid-terraced commercial property located in designated Local Centre.

34A Duke Street - Sunday opening allowed on appeal until 9:30pm. End terraced property adjoining two storey residential properties.

27 Murray Street – Members recently granted permission for Sunday opening up to 11pm following a one year temporary/trial period. Located within the Murray Street Local Centre.

44 Murray Street – Members granted permission for the use of the premises as a hot food takeaway/café up until 10pm every day of the week.

38A Catcote Road – Approved on appeal for the use of a unit on the Catcote local shopping centre as a hot food takeaway. The hours of use are limited to 11am until 11pm Mondays – Saturdays inclusive and is not to open at all on a Sunday and Bank holiday.

3.21 Clearly there are differences in the above decisions regarding Sunday opening at hot food takeaways. As with any planning application it must be determined on its own merits. It is the opinion of the LPA that there is traditionally a marked difference in typical working patterns and periods of times that people would be expected to spend at home between Sunday and any other day of the week and as such people expect a greater degree of peace and quiet.

3.22 It is considered necessary in this instance for officers to visit the site on a Sunday evening to assess the level of background noise in the locality in an attempt to gauge the likely effect of Sunday trading upon the amenities of the occupants of the surrounding residential properties. In addition discussions are on going with the applicant regarding Sunday opening.

3.23 Given that further site visits are required and that discussions are on going with the applicant an update report will be follow.

RECOMMENDATION – Update report to follow.

33 CHATHAM ROAD



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/1/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0676	REV

No: 4
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

4.1 This application was considered at the December meeting when it was deferred as a number of matters were outstanding.

4.2 One of the outstanding matters was the receipt of legal advice on the scope of the application and in relation to the issue of legal agreements relevant to the site. This advice has been received and the position is summarised below.

The Application and Site

4.3 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 of floorspace. 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 western 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.

4.4 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.

4.5 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. 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 (Restricted by condition 4). 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 (Condition 5 - H/2005/5921) and the range of goods that can be sold (Condition 4-EZ2/3/OUT/519/85, Condition 2 H/FUL/0619/91, Condition 6-H/2005/5921) on the site. 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.

4.6 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. The additional floorspace will be provided in ten new units. Unit 6 will link Poundstretcher to the adjacent vacant unit which will be subdivided into three units. Five units 11 to 16 will be provided in the south east corner of the estate effectively closing this corner. Units 11,12,13 will also accommodate 4,415 sq m of the proposed additional floorspace in a mezzanine floor. 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. 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.

4.7 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.

4.8 The applicant states that the retail park is no longer fit for purpose and attributes this 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.

4.9 The applicant's 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

4.10 The planning history of the site is complex.

4.11 Outline Planning Permission was originally 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).

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

4.13 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 .

4.14 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).

4.15 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).

4.16 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).

4.17 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.

4.18 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.

4.19 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.

4.20 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

Recent Legal Advice

4.21 In considering the application legal advice has been sought on two matters.

i) The scope of the application:

Questions had been raised by our own retail consultant and a retail consultant representing a third party as to the appropriateness of the application. In essence the concern was that the changes proposed, (increased floor space, extending the range of goods to be sold and removing the restriction on the minimum size of unit) were so significant that a new planning application should be submitted rather than an application under section 73 to vary existing conditions. The legal advice received is that the application to vary the conditions is appropriate.

ii) The position of the legal agreements.

Questions had been raised as to whether the most recent legal agreement dated 28th June 2007, completed in relation to planning permission H/2005/5921 which contains no restrictions on the range of goods sold, superseded the principal legal agreement dated 10th April 1986, completed in connection with the original outline planning permission for the site (EZ2/3/OUT/519/85) which does restrict the range of goods which can be sold on the site. The legal advice supports the view that the most recent legal agreement supersedes the principal legal agreement.

Summary of Planning History

4.22 In light of the most recent legal advice in summary the use of the existing and approved units on the site is restricted by planning conditions only.

4.23 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 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

4.24 The application has been advertised by site notice, neighbour notifications(10) and in the press. The time period for representations has expired. Two letters of objection were received from consultants representing the owner of Anchor Retail Park. A letter of objection was also received from PD Ports. The writers raise 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.
- iv) PD Ports has land currently available at Victoria harbour including 17,094 sq m of retailing. These sites provide sequentially preferable sites to the application site and a better and more sustainable location through the provision of critical mass to support an improved retail offer. They will also act as a catalyst for wider regeneration opportunities which would enable closer links to the town centre and existing Marina development. It is felt that if this permission is approved this would create a competing out of town retail locality which would undermine developer confidence in Victoria Harbour. This would prejudice wider regeneration proposals and have an adverse impact on retailing in the town centre and Marina. National Planning Guidance should be considered. Whilst current economic conditions are having an impact on the retail market in general, should there be a requirement for additional critical mass within the retail offer at Hartlepool it is felt that this would best be accommodated at Victoria Harbour.

Copy letters C

Consultations

4.25 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 disabled persons 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 - 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.

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.

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

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

4.26 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

4.27 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.

4.28 The comments of this Council's Retail Consultant have been passed to the applicant and whilst the applicant has responded they have since indicated that part of their response requires amendment and their amended response is awaited. The legal advice on the scope of the application and the position in relation to the legal agreements which relate to the site has only recently been received. The implications of the advice relative to the current application require further consideration. It is unlikely that these matters can be resolved before meeting and it is likely therefore that consideration of the application will need to be deferred. Members will be updated at the meeting.

RECOMMENDATION – Members to be updated at the meeting. In light of the outstanding matters it is likely that the application will be deferred.

[illegible]

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 6/1/09
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0495	REV

No: 5
Number: H/2008/0714
Applicant: Mr G Wise CLIFTON AVENUE HARTLEPOOL TS26 9QW
Agent: Mr S Pinder 42 John Howe Gardens Millfield Park Hartlepool TS24 9NQ
Date valid: 12/12/2008
Development: Replacement of existing timber windows with UPVC
Location: 76 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

The Application and Site

5.1 The application site is a semi-detached 2 ½ storey late Victorian dwelling house located within the Grange Conservation Area.

5.2 This application seeks consent for the provision of UPVC windows to the front elevation of the property. This will include the removal of the original sliding sash wooden windows.

5.3 Planning permission is required in this instance as the property is subject to an Article 4 (2) Direction, which removes permitted development rights from the front elevation of the dwelling. This would include replacing the windows in a different style.

Publicity

5.4 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been no letters of objection.

Planning Policy

5.5 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.

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 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.

5.6 In March 2004 the Planning Committee resolved that in considering planning applications in Conservation Areas on buildings subject to an Article 4 Direction they would adopt the following policy:-

‘Any planning application for replacement or alteration of traditional joinery items on the buildings front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent’.

Planning Considerations

5.7 The main planning considerations in this case is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan in particular the effect of the proposal upon the character and appearance of the Grange Conservation Area.

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

5.9 It is considered that the provision of UPVC replacement windows do not have the same character and appearance as the traditional joinery and are not considered appropriate for the following reasons:-

1. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ in appearance both at the outset and critically as it ages from one constructed in wood.
2. The appearance of the windows proposed are vastly different to a sliding sash. They appear to be top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower

sash of a timber window would be set back rather than flush as with proposed windows.

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

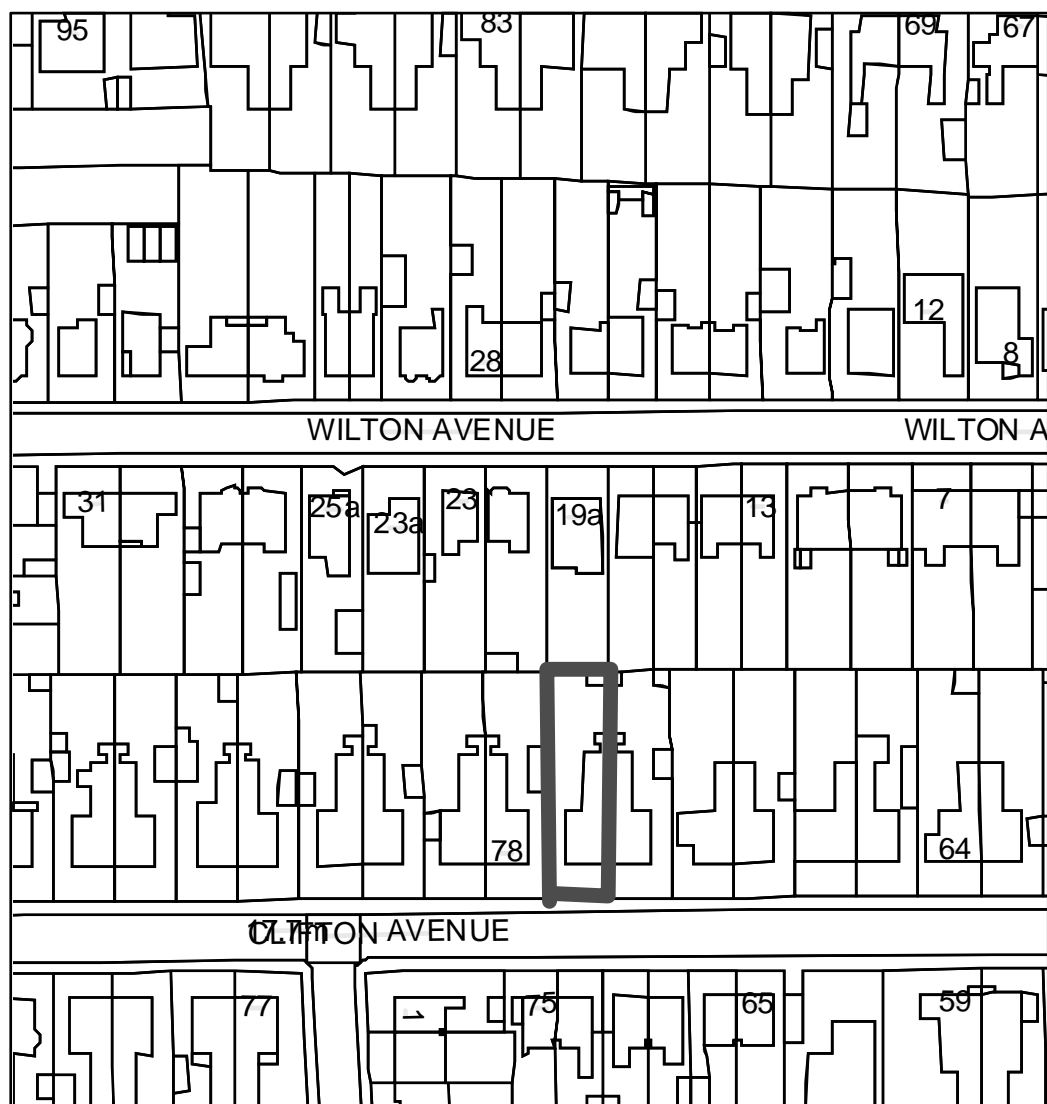
5.10 The Council's Conservation Officer has highlighted that there is scope for the use of modern materials provided that the windows are of a design, dimensions, detailing and opening mechanism that reflects the age and character of the building. In this instance it is considered that the proposed window details are of a flatter design than a sash window and the opening mechanism is a typical hinge rather than sliding.

5.11 The applicant has been asked, through his agent, to consider an alternative design in UPVC i.e. a sliding sash window in UPVC of a design comparable to the timber windows in the property at the moment. The applicant has indicated that the proposed windows are his preferred option as he has reservations regarding sliding sash windows upon the safety of his children.

5.12 The applicant makes reference to the proposed windows being almost identical to windows recently installed in the immediate surrounding area upon an identical dwelling. Photographs of the applicant's property and the nearby dwelling highlighted by the applicant will be displayed at the meeting.

RECOMMENDATION – Refuse for the following reason:-

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

76 CLIFTON AVENUE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/1/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0714	REV

No: 6
Number: H/2008/0679
Applicant: Mr Sean McNicholas The Green Wolviston Billingham
 TS22 5LN
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26
 0SR
Date valid: 21/11/2008
Development: Variation of planning approval H/2008/0393 to allow 1 car
 parking space per dwelling instead of 2 and erection of
 new boundary wall to front
Location: FORMER CHURCH HALL SITE ROSSMERE WAY
 HARTLEPOOL HARTLEPOOL

The Application and Site

6.1 The application site is the former church hall site associated with the adjacent St. James Church. The site has since been cleared and is currently under construction for the erection of 4 no. semi-detached dwellings. The dwellings were granted planning permission in August 2008 ref: H/2008/0393. The area to the front of the properties is currently vacant with none of the approved works having been undertaken as yet.

6.2 The original application was amended to incorporate comments from the Council's Traffic and Transportation section requesting the increase of parking spaces from 1 per property to 2. This application therefore seeks to vary condition no. 2 of approval H/2008/0393 to allow the creation of one parking space per dwelling, instead of the approved two. The application also seeks consent for the erection of a boundary wall to the front of the properties.

Publicity

6.3 The application has been advertised by way of neighbour letters (3), and site notice. To date, there has been one objection.

The concerns raised are:

- The applicant originally had no objection to two spaces, what has changed?
- During the construction of the dwellings there have been problems with vehicles parking of the neighbouring driveway;
- Safety concerns when reversing of the neighbouring driveway during Church services when traffic is increased;
- The visibility is non-existent both ways on Rossmere Way.

Copy letters B

The period for publicity has expired.

Consultations

6.4 The following consultation replies have been received:

Traffic and Transportation - Two parking spaces per dwelling is preferred. However, it would be difficult to sustain an objection on the ground of parking to PPS13 and the transport links available on Rossmere Way. Rossmere Way is a wide road (9 metres) and allows two-way flow of traffic with on-street parking taking place.

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green 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.

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

6.6 The main planning considerations in this instance are policy, highways, impact on the character of the street scene and impact on the character of the existing dwelling.

POLICY

6.6 With regard to the policies identified above in the Hartlepool Local Plan (2006) the proposal is considered satisfactory. PPG13 – Transport promotes the reduction of the use of private car for residential developments in good accessible locations. Supplementary Guidance Note 2 of the Hartlepool Local Plan (2006) seeks flexibility

in regard to off-street residential parking for developments in areas of good accessibility to other modes of transport.

HIGHWAYS

6.7 Although it is acknowledged by the Traffic and Transportation Team that it is preferred to have 2 off street car parking spaces associated with these properties, in this instance it is considered difficult to sustain an objection to the proposed reduction. Rossmere Way is on a bus route and Catcote Road is approximately 500m away, it would be difficult to sustain an objection on highway grounds. Very few properties on Rossmere Way have off-street parking and although on-street parking may still occur the width of the road allows the two-way flow of traffic with on-street parking therefore it is considered that the reduction in off street car parking should not create a problem given where the properties are located.

IMPACT ON THE CHARACTER OF THE STREET SCENE AND DWELLINGS

6.8 With regard to the erection of the front boundary wall, the main planning considerations in this instance are the impact of the proposal on the character of the street scene and the approved properties.

6.9 It is considered that the proposed boundary wall by virtue of its scale, siting and the materials proposed, would not detract from the character of the street scene. The proposed wall is similar to other residential means of enclosure within the area in terms of scale and design, and is not considered unduly obtrusive to the street scene and would not have an adverse effect on highway visibility for the neighbouring property or the new builds.

6.10 The previous approved plans did not include a front boundary wall as the 2 parking spaces previously approved did not allow for any front garden area. The proposal now includes a grassed area forming a front garden which is similar to those of the surrounding properties. It is considered this will soften the appearance of the frontage of the properties rather than have hardstanding covering the front area completely.

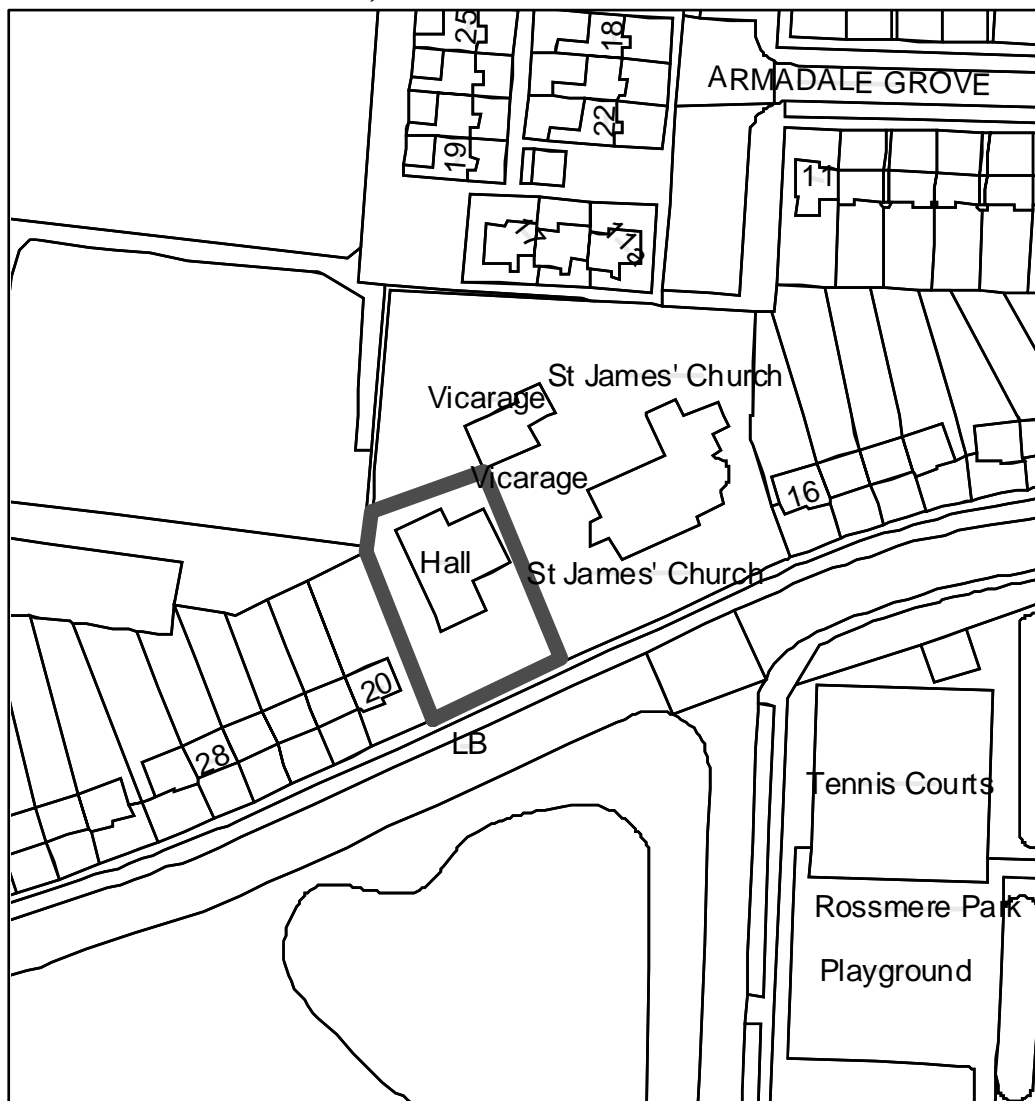
CONCLUSION

6.11 With regard to the policies identified in the Hartlepool Local Plan (2006) as above, and with consideration of the impact of the proposal on highways, the impact of the boundary wall on the existing dwelling and street scene in general, the proposed reduction in car parking spaces and erection of boundary wall is considered satisfactory and therefore it is recommended that the application is approved subject to the conditions below.

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 development hereby approved shall be carried out in accordance with the plan received on 21 11 08, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
3. All conditions from the original planning permission H/2008/0393 shall still apply.
For the avoidance of doubt.

ST JAMES HALL, ROSSMERE WAY

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 8/1/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0679	REV

No: 7
Number: H/2008/0683
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Browne Smith Baker 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 25/11/2008
Development: Demolition of existing nursing home and sheltered housing and erection of an extra care development for the elderly comprising 60 apartments with communal and community support facilities. Provision of car parking for extra care facility and residential car parking and enhancements to open space
Location: ORWELL WALK HARTLEPOOL HARTLEPOOL

The Application and Site

7.1 The application site is situated in the Rift House area of Hartlepool, and is the site of a decommissioned sheltered housing scheme (Orwell Walk flatlets) and a former residential care home (Swinburne House) now used for officers, including the open space adjacent. The location of the site is within an established residential area. The site is generally flat and bounded by Marlowe Road, Swinburne Road, Orwell Walk and Garrick Grove. A new residential development is currently under construction on the western boundary of this site.

7.2 The application proposes the erection of 60 x 2 bedroom apartments for use as an extra care facility for the elderly, 5 apartments are proposed to be suitable for wheelchair bound residents. The scheme is similar to the Joseph Rowntree facility at Hartfields, Middle Warren in terms of the support services proposed albeit on a smaller scheme. The facility would be supported by a central communal area located within the building which would include bistro and kitchen, shop, hairdressers/health care, meeting rooms, laundry, sitting rooms and communal lounge/activity areas. The aim of the facility is to allow residents to have access to support services to enable them to live there for their lifetime and adapt to their needs.

7.3 The plans detail landscaping surrounding the building with a seating area to the north of the building and a more formal garden area for residents to the west/south of the building incorporating a summer house, patio's, seating area and a small orchard.

7.4 The existing vehicular access from Swinburne Road is proposed to be altered to provide a 5.7m wide roadway linking to a car parking area with 30 parking space (2 of which for disabled users), a space for a visiting doctor, an ambulance parking space and refuse collection area. A smaller car park (8 parking spaces - 2 of which designated for disabled users) is proposed north of the building with a new access being formed from Marlowe Road.

7.6 A lack of parking has been identified in the area and as such Housing Hartlepool has offered to provide 28 spaces outside the curtilage of the extra care facility for the surrounding residents.

Publicity

7.7 The application has been advertised by way of neighbour letters (161), site notices (4) and press notice. To date, there have been 10 letters of no objection, 1 petition against the development on green belt area with 44 names and 12 letters of objection (2 from the same objector).

The concerns raised are:

1. Garrick Grove will become a rat run
2. cars that park illegal
3. damage grass verges
4. anti-social abuse when drivers are approached
5. delivery vehicles a big problem, taxi etc
6. increase in parking problems
7. parking which is proposed for residents will be soaked up by staff and users of the extra care facility
8. pre application plans showed no building was to be on the field, residents were given a guarantee by Housing Hartlepool that this would not be built on and be a garden for people
9. children use the field in the summer
10. wrong design in a totally wrong place the plans show it is far to high and totally unsuitable for such a small piece of land
11. residents of the development would look into the bedrooms of Orwell Walk and Marlowe Road
12. children will suffer through the summer months
13. loss of parking spaces during and after the development
14. safety of everyone whilst construction going ahead
15. decrease in value of objectors house
16. overlooking
17. the 3 storey building with pitched roof and balconies is inappropriate for the 2 storey terraced housing area
18. the height will cause sunlight access problems
19. undesirable dominant feature
20. concerns regarding if the business venture proves unsuccessful and closes leaving a large empty building
21. parking and access is already challenging in this area
22. Marlowe Road is on a bus route with bus stops that cause further parking restrictions
23. concerns regarding the surrounding roads/junctions in terms of parking and parking restrictions
24. this development will add to the parking problem
25. concerns regarding how many cars each resident would have
26. after visiting a similar facility in north Hartlepool it was clear parking was an issue
27. more parking and better access is required
28. concerns regarding outlook from objectors property

- 29. proposal is unduly large and out of keeping with the surrounding area
- 30. due to the size and proximity of the building there may be a perception of loss of light
- 31. cars parking on the field will have to find new places to park
- 32. not a good use of land
- 33. is environmentally damaging
- 34. access to and from the proposed development is already congested
- 35. if the majority of people do not want this development in this location then their democratic view should be respected
- 36. loss of open space and playing field
- 37. taking away objectors view
- 38. the original plan which gave access via a road to No. 25-32 Orwell Walk was acceptable however dismissed
- 39. there is a surplus of accommodation for the elderly

The period for publicity has expired.

Copy Letters E

Consultations

7.8 The following consultation replies have been received:

Public Protection - no objection

Traffic and Transportation -.awaiting comments

Engineering Consultancy – A section 80 notice is required, however no objection subject to standard condition re: contamination.

Cleveland Police - comments regarding secured by design

Northumbrian Water - no objection

Environment Agency – no objection

Planning Policy

7.9 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.

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.

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.

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

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.

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

7.10 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 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, landscape and ecology considerations also need to be considered.

Planning Policy

7.11 The application site is an area of incidental open space. These areas contribute to the integrity of the greenspace network and to the amenity of residents of the immediate area. Policy Gn6 indicates 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.

7.12 The applicant is willing to make enhance the remaining open space to compensate for the loss of the open space; this can be controlled by condition.

7.13 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 it is to meet the needs of the increasing older population in Hartlepool, the site is located in an established residential area and is considered to be a good location for this type of facility. It is considered that the facility will directly meet a need in the locality as well as a wider town need. The Older Persons' Housing, Care and Support Strategy for Hartlepool published in February 2008 has identified that there is a shortfall in the Borough for extra care facilities. Currently the Joseph Rowntree Hartfields development in Middle Warren is the only provider of such a facility for the elderly.

7.14 Should Members be minded to approve the application it would need to be referred to the Secretary of State for consideration.

Effects on neighbouring properties and surrounding area

7.15 The area is residential in character predominantly 2 storey housing, it is considered that although large the proposed three storey building 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.

7.16 The locations of boundary enclosures are shown on the submitted plans however no details have been provided, it is considered that final details can be controlled via condition.

7.17 The applicant has carried out extensive neighbour consultations as part of pre application discussions which included letters to 124 residents, drop in sessions and public events.

7.18 As a result of the pre application consultation, neighbours had concerns regarding the lack of parking in the area. Housing Hartlepool acknowledged that although the proposed facility may not add to the existing parking problems of the area (given they are providing car parking within the application site to serve the facility) that the scheme could include residents parking areas to alleviate some of

the problems currently experienced. The scheme includes the provision of 28 spaces outside the curtilage of the proposed facility this is explained more in the section below.

Highway Issues

7.19 The existing vehicular access from Swinburne Road will be altered to provide a 5.7m wide roadway which will link to a car parking area with 30 parking space (2 of which for disabled users), a space for a visiting doctor, an ambulance parking space and refuse collection area.

7.20 A smaller car park is proposed north of the building with a new access being formed from Marlowe Road, this car park would accommodate 8 parking spaces (2 for disabled users).

7.21 As highlighted above a lack of parking has been identified in the area and as such Housing Hartlepool has offered to provide 28 spaces outside the curtilage of the extra care facility for the surrounding residents. Currently on-street parking occurs within the adjoining streets, in the turning heads of the adjoining cul-de-sacs and on the open space itself. The plan details the provision of 22 parking bays at the head of Garrick Grove and 6 at the head of Nash Grove as residents parking.

7.22 Concerns have been raised by residents regarding the existing problems regarding parking within the area and that this scheme will add to the problems, as comments from highways are awaited an update will be presented to the Planning Committee in due course.

7.23 An objector has raised concern regarding a similar scheme to that proposed and a lack of parking for that scheme, as no details have been given regarding which scheme they are referring to comments cannot be given in relation to this.

Landscape and Ecological Issues

7.24 A pre-development tree report, which includes an assessment of the health and condition of the trees on the application site and details of how retained trees will be protected during the construction period, has been submitted with the application. There are a total of 37 trees at the application site and the proposal includes the removal of 7 of these in order to facilitate the development.

7.25 A landscape scheme has also been submitted which includes the planting of 57 new trees along with hedging and shrub planting. The Council's Landscape Team have assessed the scheme and consider that the submitted landscape proposal is acceptable as it should provide for the visual enhancement of the proposed new extra care facility and the adjacent open space. An indicative scheme for the enhancement of the adjacent open space has been submitted, however it is considered that the final detail of this can be controlled via conditioned.

7.26 A bat survey has been submitted with the application which focuses on the demolition of the existing buildings on site to accommodate the proposed development. The survey demonstrated that there were no bats present at the time

of the survey and, perhaps more importantly that bats are only present in small numbers in the immediate surrounding area. There remains a possibility that bats could use this building for roosting.

7.27 The Council's Ecologist considers that a condition should be attached restricting the period for removal of hanging tiles, weather boarding and wooden cladding to avoid any possible disturbance of bats. The developer is aware of the legal protection applying to bats and the need to stop work and seek advice and an appropriate licence should bats be discovered during any works.

Other Issues

7.28 Concerns have been raised by objectors regarding the devaluation of their properties; this is not a material planning consideration.

7.29 The agent has confirmed that Secured by Design Principles will be incorporated into the scheme and this can be controlled by condition.

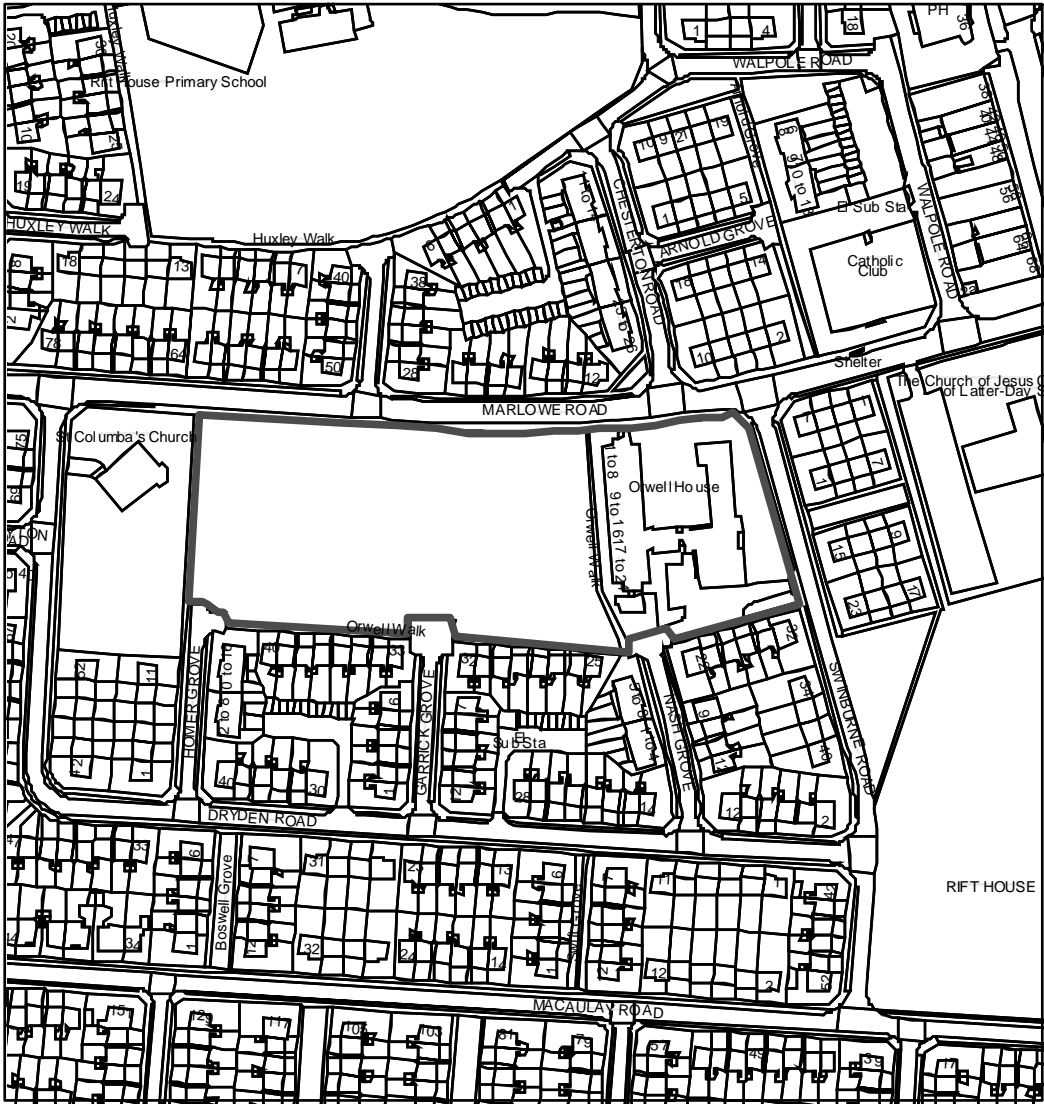
In terms of sustainability the agent has confirmed that the scheme is to be sustainable in terms of both the construction process and life time usage of the building. It is proposed that the building will achieve a minimum of 'very good' in the BREEAM Multi-Residential assessment. Some sustainability measures to be included are that the buildings mechanical and electrical systems will utilise energy sources designed to achieve a 22% reduction of carbon emissions above those required by Building Regulations. The building is proposed to incorporate a water management system, by recycling rainwater, water-saving fittings and careful design of waste discharge for the site.

Conclusion

7.30 Based on the information it is considered that the scheme would benefit the town in terms of the facilities proposed given that a shortfall in this type of elderly care facility has been identified. However as comments are awaited from the Traffic and Transportation Team an update report will be provided.

RECOMMENDATION – update to follow.

ORWELL WALK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/1/09
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0683	REV

No: 8
Number: H/2008/0555
Applicant: Mr Ron Perry
Agent: Plan It Designs Architectural Services Ltd 281
Newmarket Street Skipton BD23 2JD
Date valid: 10/11/2008
Development: Outline application for the erection of an 80 bedroom hotel
and fast food/drive thru restaurant
Location: A19 SERVICES NORTHBOUND TRUNK ROAD A19
HARTLEPOOL

The Application and Site

8.1 The application refers to an area of undeveloped grassed land within the curtilage of existing A19 Services (Northbound) South of Dalton Piercy. The site is located directly to the north of the existing service and petrol filling station and measures approximately 0.7ha in area.

8.2 The site is located outside the urban area of Hartlepool and its surrounding villages. It abuts the A19 dual carriageway to the east, the private access road to Meadowvale, a residential property, which runs along the northern boundary and the site bounds open fields to the south and west.

8.3 The site is enclosed in part by mature hedging, immature conifer planting and boundary fencing. The ground levels on the site rise from the south to the north and rise quite significantly in the north east corner.

8.4 The proposal seeks outline planning consent for the erection of an 80-bed lodge and drive through restaurant with associated car parking. The application seeks to reserve all matters (layout, scale, appearance, access and landscaping). In essence this application is simply to establish the principle of such a development.

8.5 In line with the amendments to the General Development Procedure Order in 2006, an application for outline permission must now give indicative information on the amount of development, layout, scale and access points. This information is set out on the proposed plans and the supporting Design and Access Statement.

8.6 The plans indicate an L-shaped structure for the 80 bed lodge located in the north western corner of the site with the proposed drive through restaurant being located close to the eastern boundary. The supporting Design and Access Statement indicates that the hotel structure will be 2-storey and the restaurant will be single storey. The plans indicate the provision of 63 parking spaces (including 4 disabled parking bays) to serve the lodge and 10 parking spaces (including 1 disabled bay) to serve the drive through restaurant. The plans indicate landscaping of the car parking areas and substantial planting along the northern boundary of the site, the plans indicate that the northern part of the site is allocated for woodland grant schemes in liaison with the Tees Forest.

8.7 Members may be aware that the site to which this application relates has had planning consent (H/FUL/524/00) previously for the erection of a 40 bed lodge, Fast Food/Drive Through restaurant, the permission also included redevelopment of Petrol Station in 2000. The lifetime of the permission was extended until June 2008 by application H/2007/0375. However this permission was not implemented and has now lapsed.

Publicity

8.8 The application has been advertised by way of neighbour letters (6). To date, there has been 1 letter of objection.

8.9 The concerns raised are:

1. Very concerned about how the development will affect the access to our property.
2. 'Vehicles leaving the new hotel and restaurant would use the same slip road that is used by the service station. The slip road passes directly in front of our driveway as it meets the A19. We would anticipate vastly increased traffic on this slip-road at peak times due to vehicles leaving the hotel and sandwich shop in the rush hour'.
3. 'This will make access to and from our property potentially dangerous because the entrance to our drive is hidden and vehicles do not expect a car to come out in front of them at the end of the slip-road when they are looking to the right when joining traffic on the A19. Also when we are turning into our drive, it may be impossible to do so because there would be so much traffic on the slip-road especially in rush hour periods'.
4. Discussions have been undertaken between the objector and the applicant regarding the potential for a second entrance to the property to be created which would allow access to and from their property from a point along the boundary at a location convenient to the applicant. The objector requests that a set of substantial gates and driveways linking together as part of the project.
5. The objector also states that discussions have been undertaken with the applicant regarding the provision of fencing around the boundary to prevent patrons of the hotel and garage from wondering freely onto land belonging to Meadowvale. The objector would appreciate if the fencing could be constructed prior to any building works in the interest of safety and privacy.

8.10 The period for publicity has expired.

Copy Letter F

Consultations

8.11 The following consultation replies have been received:

Head of Public Protection – No objection

Northumbrian Water – No objection

Engineering Consultancy – No objection subject to conditions

Economic Development/Tourism – No objection
Highways Agency – Comments
Environment Agency – No objection subject to conditions
Elwick Parish Council – Final comments awaited
Head of Traffic and Transportation – Comments
North East Assembly – Comments awaited
Tees Valley Joint Strategy Unit – Comments awaited
One North East – No objection
Countryside Access Officer – No objection
Ecologist – No objection subject to substantial

Planning Policy

8.12 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.

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

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

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the

countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

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.

To11: Encourages and promotes development relating to business conferencing and tourism.

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

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

Planning Considerations

8.13 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, the effect of the proposal upon highway safety, flood prevention, drainage, visual and residential amenity.

Principle of Development and Visual Amenity

8.14 The principle of the hotel development and a restaurant with drive through facilities has already been established on the site through planning application H/FUL/0524/00 and the subsequent variation of condition application (H/2007/0375) which extended the life of the permission until June 2008. It is considered that given the nature of this site it is unlikely that the development would jeopardise the provision of further hotel development within the town.

8.15 Whilst all matters of the development are reserved, including scale and external appearance, the illustrative plans and supporting Design and Access Statement indicate that the 80 bed lodge would be a 2 storey building. The plans indicate that the hotel could be sited in such a way to be located as far as possible from the A19 frontage, however given its scale a substantial part of the development would be visible from the A19.

8.16 It is of note that ground levels differ across the site, in particular the land rises from the south west corner to the north east. The mature hedging alongside the A19 rises with the ground levels. It is considered that an amount of the development

would be screened and given the substantial scope for significant landscaping within the application site and opportunity to reduce ground levels further it is considered that the difference in ground levels and planting will help the buildings assimilate into the surrounding landscape.

8.17 It is acknowledged that the site has been subject to planning permissions in the past for similar development, however in this instance the overall size of the hotel will significantly increase from a 40 bed lodge to an 80 bed lodge. Given this is in a prominent rural location along the main transport corridor through Hartlepool it is considered that developer contributions towards green infrastructure may be appropriate in this instance in line with policy GEP 9 (Developer Contributions) of the Hartlepool Borough Council. Negotiations in relation to contributions towards green infrastructure for this prominent rural location are currently being carried out with the applicant. It is envisaged that such a contribution would be towards environmental and access works, including improvements to the rights of way network that exists in the area. This could include enhancement of surfacing and countryside furniture as well as improvements to the network by creation of new access.

Flood Prevention and Drainage

8.18 The application was accompanied by a Preliminary Geotechnical Appraisal, Surface Water Assessment and an Environment Agency Foul Drainage Assessment Form. The Environment Agency and the Council's Engineering Consultancy have considered the information submitted and have raised no objection subject to planning conditions which seek ground investigations to establish if there is indeed contamination at the site, and if found a scheme of remediation and verification.

8.19 A planning condition can be attached to any approval to require a detailed scheme of surface water and foul drainage to be submitted prior to any development commencing on the site.

Residential Amenity

8.20 The closest residential property to the proposed development is Meadowvale which is a substantial detached two-storey residential property in substantial grounds located approximately 200m away to the north west of the application site.

8.21 Given the substantial separation distances between the two it is not considered that the proposed development would give rise to any detrimental effect upon the amenity of the occupants of the property in terms of dominance, overshadowing or outlook. In addition it is not considered that the proposed development would lead to a significant noise and disturbance effect upon the residents. The Head of Public Protection has raised no objection to the proposal.

Highway Safety

8.22 The proposed plans, although illustrative, indicate that the access and egress from the existing service station, including the associated slip roads will remain and will be utilised by the patrons of the 80-bed lodge and the drive-through restaurant.

8.23 The application has been accompanied by a Transport Assessment which concludes that the proposed development will not have a detrimental impact upon the site access or upon the strategic road network. Both the Highways Agency and the Councils Head of Traffic and Transportation have been consulted upon the application.

8.24 The Highway Agency have commented that there may be potential conflict within the site between drivers of cars leaving the proposed lodge and drive through restaurant who wish to utilise the petrol station before leaving the site and those vehicles entering the petrol filling station from the A19 slip road. They have however raised no objection to the scheme subject to a condition requiring details of the final layout to be agreed with them. As stated previously the plans submitted are only illustrative and details of layout, scale, appearance, access and landscaping will all need to be submitted and approved prior to any development taking place. It is considered prudent at this stage to establish whether there is scope for an arrangement within the site to facilitate access from the lodge and drive-through to the petrol filling station to steer any future detailed proposals. If it is not practical a suitably worded planning condition can be attached to the outline planning consent to restrict such manoeuvres in the interests of highway safety.

8.25 The Head of Traffic and Transportation has raised no objection to the proposal but has indicated that details of servicing arrangements for the hotel including swept path details of service vehicles will be required along with final parking layouts. It is important to re-iterate that all matters are reserved for future detailed applications. It is considered that there is sufficient scope within the site for adequate servicing arrangements and car park layout.

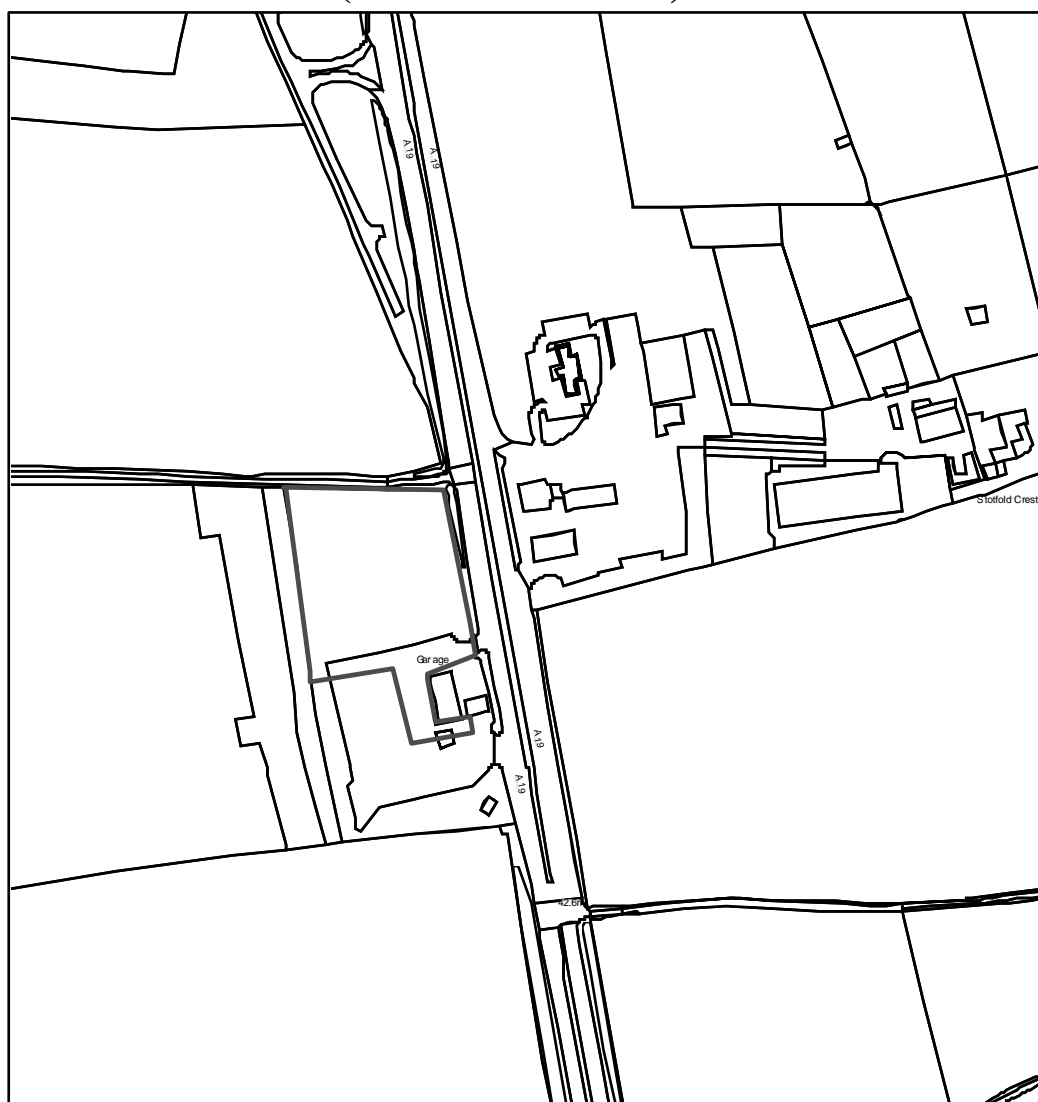
8.26 Turning to the concerns of the occupants of the nearby residential property (Meadowvale), they have raised concern with regard to the effect of the proposed development upon the access and egress of their property. They are concerned that the intensification of use of the site, especially at peak times, will make entering their private driveway to the north of the application site dangerous by causing a conflict with vehicles leaving the service station site directly onto the slip road. This matter has been specifically raised with the Highway Agency and the Traffic and Transportation Section, a response on this matter is anticipated before the meeting and will be set out within an update report.

Other Matters

8.27 The objectors have commented upon the need for robust fencing and planting in the interest of security. The plans indicate the provision of a 1.8m boundary fencing all along the western boundary. However security is a material planning consideration and will be addressed at the detailed submission stage.

8.28 As discussions are on going with regard to developer contributions with the applicant and a further response from the Highway Agency and the Traffic and Transportation Section regarding the concerns of the occupants of Meadowvale with regard to access is awaited an update report will follow.

RECOMMENDATION– Update report to follow.

A19 SERVICES (NORTHBOUND)

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 8/1/09
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0555	REV

No: 9
Number: H/2008/0655
Applicant: Mr Ian Fenny Billingham Reach Industrial Estate
Billingham TS23 1PX
Agent: Alab Environmental Services Ltd Mr Ian Fenny Able
House Billingham Reach Industrial Estate Billingham
TS23 1PX
Date valid: 10/11/2008
Development: Provision of an additional tyre storage area
Location: SEATON MEADOWS LANDFILL SITE BRENDA ROAD
HARTLEPOOL

Background

9.1 Planning permission was granted in 2006 under application H/2006/0124 for the provision of a tyre recycling centre at the site approximately 1ha in size. This permission included the provision of a shredding facility and associated storage areas. The shredded tyres are used for a drainage layer to assist in the control of leachate liquids in the base of the landfill cells.

The Application and Site

9.2 Planning permission is sought for the creation of an additional tyre storage area on the Seaton Meadows waste disposal site. The existing tyre storage and shredding facility is located in the south east corner of the site close to the Brenda and Tees Road frontage. The proposed extended area is located directly to the north of the existing area and is approximately 1 ha in area.

9.3 The plans indicate the provision of a 2m high day bund with a vehicle access point around the extended tyre storage area to separate it from the remainder of the site.

9.4 The majority of the site in question is currently in use for the storage of tyres and as such this application is part retrospective. The application also seeks consent for the bunding of the area which has not been constructed.

9.5 The supporting design and access statement indicates that the additional tyre storage area will only be required for a period of 2 years, after which the originally approved tyre storage area will be sufficient by itself. The applicant has indicated that the additional storage area is required as the back log of tyres have built up due to problems with ground conditions at the existing site.

9.6 Due to the size and location of the site the application was submitted with a Flood Risk Assessment.

Publicity

9.7 The application has been advertised by way of site notice and press notice. To date, there have been no letters of objection received.

9.8 The period for publicity has expired.

Consultations

9.9 The following consultation replies have been received:

Northumbrian Water – No objection

Engineering Consultancy – No objection

Head of Public Protection – No objection

Environment Agency – No objection subject to a planning condition requiring finished floor levels to be set at 5.1m above Ordnance Datum (AOD).

Traffic and Transportation – No objection

Natural England – No objection

Health and Safety Executive (Hazardous Installations Directorate) – Comments awaited

Health and Safety Executive (Nuclear Safety Directorate) – Comments awaited

Planning Policy

9.10 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.

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.

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

Rec8: Identifies that this area will be developed for quiet recreational purposes.

Was4: States that proposals for landfill sites will only be permitted where it has been demonstrated that they represent the best practicable environmental option, there is a need in the regional context, there are no significant adverse effects and satisfactory measures are in place to secure the restoration, aftercare and after use of the site.

Planning Considerations

9.11 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, visual amenity and flood risk.

Policy

9.12 Given that the site is an active waste disposal site and there is an extant planning permission for the shredding and storage of tyres on site it is considered that such a use is acceptable.

Flood Risk

9.13 The applicant has produced a flood risk assessment. The applicant has confirmed that the ground level of the site are set at 5.1m to protect the site from flooding. The Environment Agency have confirmed that they have no objection to the proposed storage of tyres and the associated clay bunds providing that a planning condition is imposed upon any approval to ensure that the working area is set no lower than 5.1m AOD.

Visual Amenity

9.14 The applicant has confirmed that the existing mounding around the perimeter of the site is approximately 8m in height AOD. Given that the ground level of the storage area is 5.1m in height AOD it is considered prudent to attach a planning condition which requires that the section of perimeter mounding along the Tees Road frontage to be retained at a height of 8m AOD and the stacking heights limited to 2.9m AOD throughout the lifetime of the use of the additional storage area so that the tyres and shredded tyres are not visible from Tees Road and Brenda Road. It is considered that subject to these conditions the application site will be adequately screened and is therefore very unlikely to have a detrimental effect upon the visual amenity of the locality.

Landfill Gas Migration

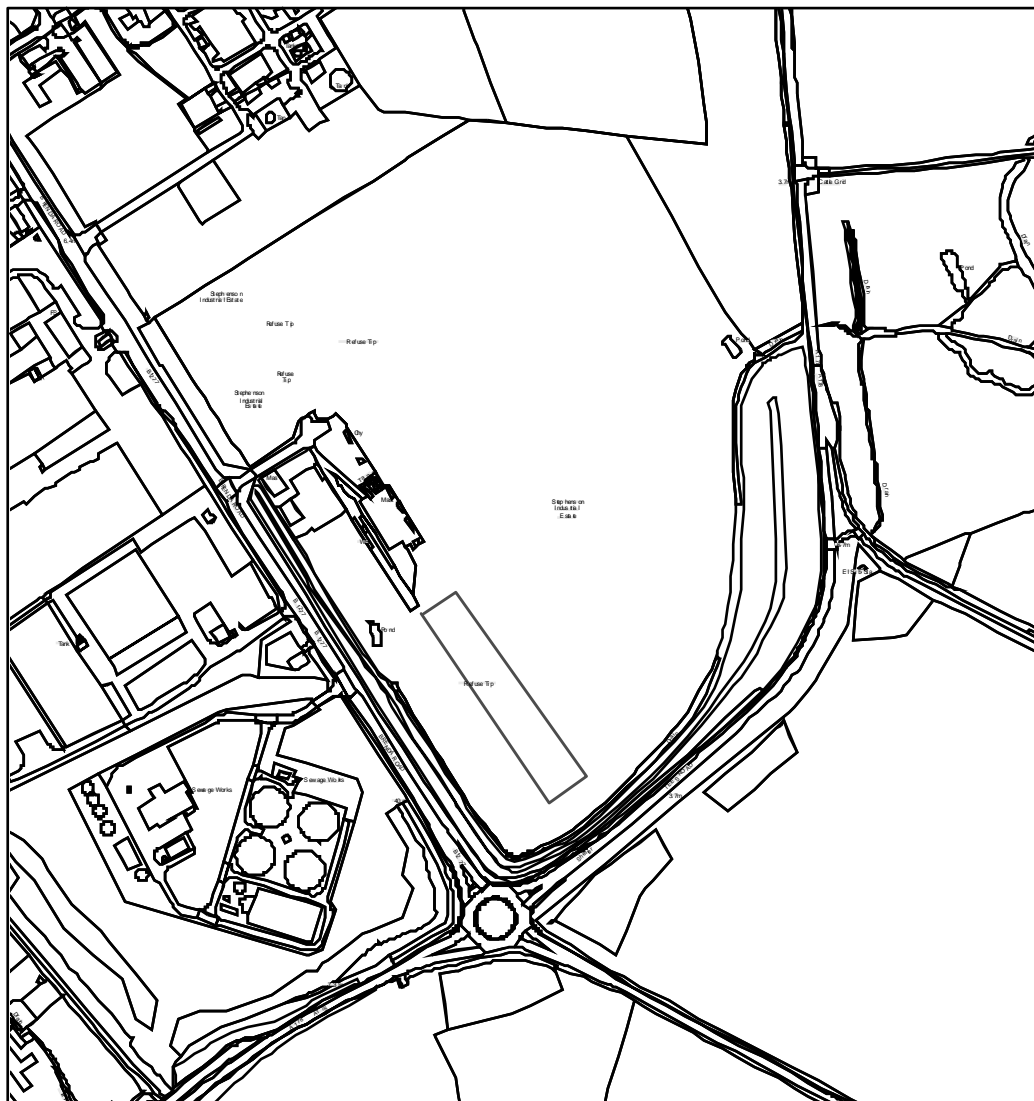
9.15 Planning Policy Statement 23 (PPS23) which is concerned with planning and pollution control states that the controls under planning and pollution control regimes should complement rather than duplicate each other. The application site is exposed to the air and will not involve the creation of any structures it is not considered to present a risk to human health from the effects of gas migration.

Other Matters

9.16 Although the additional storage capacity may lead to an increase in tyre deliveries to the site, the size of the processing plant is not proposed to change. As such it is not considered that an increase in vehicle movements would be so significant to lead to detrimental highway safety issues. The Head of Traffic and Transportation has raised no objection to the scheme.

9.17 Given that responses from the Health and Safety Executive Hazardous Installation Directorate and the Nuclear Safety Directorate are outstanding a report will be provided prior to the meeting. It is likely that the recommendation in this case will be to approve the development unless objections are received. Planning conditions will be set out in an update report subject to the outstanding consultation responses.

RECOMMENDATION – update report to follow.

SEATON MEADOWS

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 8/1/09
	SCALE 1:5,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0655	REV

No: 3
Number: H/2008/0676
Applicant: Mr Dilawar Khan Concord Washington Tyne & Wear
NE37 2BA
Agent: Mtr Dilawar 26/27 Front Street Concord Washington
NE37 2BA
Date valid: 20/11/2008
Development: Variation of opening hours previously approved to allow
opening 8 a.m-11p.m. Monday to Sunday inclusive
Location: 33 CHATHAM ROAD HARTLEPOOL HARTLEPOOL

1.1 An officer has now had the opportunity to visit the site on a Sunday evening to gauge the level of background noise in the locality. The takeaway to which this application relates was open at the time.

1.2 It was noted that the section of Chatham Road where the commercial units are located experienced limited traffic movements along it at the time of the site visit and as such very limited background noise. The officer noted that given the quiet nature of the locality at that time the noise created from the coming and going of vehicles and pedestrians to the site was clearly audible outside of the nearby residential properties.

1.3 As stated in the original report it is considered that there is a marked difference in typical working patterns and periods of times that people would be expected to be at home between Sunday and any other day of the week and as such significantly less traffic movements on the surrounding roads. Whilst it is noted that whilst Chatham Road is a designated bus route the buses in fact only run until 6pm on any day of the week. It is considered therefore that any additional noise and disturbance issues created from the comings and goings of pedestrians and vehicles to the site will be greatly exacerbated on a Sunday evening to the detriment of the amenities of the occupants of the surrounding residential properties.

1.4 It is noted that the takeaway at 45 Chatham Road is open on a Sunday evening, however this is a longstanding use and is not subject to restrictive planning conditions. It is considered that the operation of 33 Chatham Road on a Sunday evening would significantly increase the level of noise and disturbance in the locality by virtue of the comings and goings of customers and the issuing of deliveries at times when the occupants of the surrounding residential properties would expect a reasonable degree of peace and quiet.

Conclusion

1.5 As the premises has been in operation as a hot food takeaway up until 11pm on Mondays – Saturdays and up until 4pm on Sundays for a period in excess of 12 months without complaints to both the Public Protection Section and the Planning Department, notwithstanding the letters of objection submitted following neighbour consultation on this application, the use of the premises within these hours is considered acceptable. However it is not considered that the operation of the

premises on a Sunday evening is acceptable in this locality for the reasons discussed above and as such it is considered that the application should be recommended for approval subject to the hours of operation granted by the previous temporary planning permission H/2007/0643 and that opening on a Sunday past 4pm is not permitted. The applicant has been made aware of this recommendation.

RECOMMENDATION - APPROVE subject to the following condition(s):-

- 1) Notwithstanding the variation of the condition applied for, for the avoidance of doubt the premises shall only be open to the public between the hours of 8am and 11pm Mondays to Saturdays (inclusive) and 8am and 4pm on Sundays. In the interests of the amenities of the occupants of neighbouring properties.
- 2) All other conditions attached to planning permission H/2006/0096 shall continue to apply.
For the avoidance of doubt.

No: 7
Number: H/2008/0683
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Browne Smith Baker 1st Floor Morton House Morton Road Darlington DL1 4PT
Date valid: 25/11/2008
Development: Demolition of existing nursing home and sheltered housing and erection of an extra care development for the elderly comprising 60 apartments with communal and community support facilities. Provision of car parking for extra care facility and residential car parking and enhancements to open space
Location: ORWELL WALK HARTLEPOOL HARTLEPOOL

Highway comments are awaited, however it is anticipated that these will be available prior to the committee, therefore an update report will be tabled at the meeting.

No: 8
Number: H/2008/0555
Applicant: Mr Ron Perry
Agent: Plan It Designs Architectural Services Ltd 281
Newmarket Street Skipton BD23 2JD
Date valid: 10/11/2008
Development: Outline application for the erection of an 80 bedroom hotel
and fast food/drive thru restaurant
Location: A19 SERVICES NORTHBOUND TRUNK ROAD A19
HARTLEPOOL

1.1 Since the original report was prepared the final consultation response from Elwick Parish Council has been received. The original response, which requested a full copy of the plans, made comments on the potential for a pedestrian bridge or tunnel to link the north and southbound site and questioned the potential increase in litter on the A19. The Parish Council have sent a final letter which indicates they have no comments to make.

1.2 In relation to comments regarding litter it is considered that provision can be made within the application site for litter bins to serve the proposed uses. Such details can be agreed through detailed reserved matters submissions should this application receive approval.

1.3 With regard to the potential for provision of a footbridge or tunnel it is not considered that such a request would be reasonable in this instance given the previous approvals on this and the southbound site have created the potential for similar facilities on both sides.

1.4 The response from the Highways Agency and the Council Traffic and Transportation Section regarding the effect of the proposed development upon the safety of the users of the private access drive directly to the north is still awaited, however it is likely that they will be received prior to the meeting and as such an update will be tabled.

1.5 A response from the applicant regarding the financial contribution towards green infrastructure is awaited. It is envisaged that this will be received before the meeting and will be incorporated into the tabled report.

RECOMMENDATION - Further update report with recommendation to be tabled at the meeting.

No: 9
Number: H/2008/0655
Applicant: Mr Ian Fenny Billingham Reach Industrial Estate
 Billingham TS23 1PX
Agent: Alab Environmental Services Ltd Mr Ian Fenny Able
 House Billingham Reach Industrial Estate Billingham
 TS23 1PX
Date valid: 10/11/2008
Development: Provision of an additional tyre storage area
Location: SEATON MEADOWS LANDFILL SITE BRENDA ROAD
 HARTLEPOOL

UPDATE

1.1 The original report considered that the temporary use of part of the site as an additional tyre storage area is considered acceptable, given the activities onsite presently. Subject to appropriate conditions it is considered that the site is unlikely to have a detrimental effect upon the visual amenity of the area.

1.2 Comments were awaited from the HSE and since the writing of the committee report the Health and Safety Executive (Hazardous Installations Directorate) has confirmed there is no objection to the proposal. However comments are still awaited from the Health and Safety Executive (Nuclear Safety Directorate).

1.3 It should be noted that the HSE Nuclear Safety Directorate did not object to the application for the adjacent tyre storage area within Seaton Meadows in 2006.

RECOMMENDATION – Approve subject to the following conditions and to no objection from the HSE Nuclear Safety Directorate.

1. The use hereby approved shall be discontinued and the land restored to its former condition within 2 years from the date of this permission unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.
 REASON: The use is not considered suitable as a permanent use of the land.
3. The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2008 and that the working area shall be set no lower than 5.1metres above Ordnance Datum (AOD).
 REASON: To reduce the risk of flooding to the proposed development and future occupants.
4. The perimeter bund (marked green on the hereby approved plan) shall be retained at a height of 8 metres, unless otherwise agreed in writing by the Local Planning Authority.
 REASON: In the interests of visual amenity.

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. An investigation has commenced following a Councillor and resident concerns about non – compliance with an opening hours condition attached to existing planning permissions for two commercial premises on Oxford Road.
 2. A resident complaint regarding the finishing of building works to a commercial property without the benefit of planning permission in Errol Street.
 3. A neighbour complaint regarding a business operating from home in Rosthwaite Close.
 4. A neighbour complaint regarding the erection of a high front garden boundary fence between two semi detached properties in Raby Road.
 5. An investigation has commenced following public concerns about the unsuitable colour of bricks used in the construction of an extension on a commercial building in York Place.
 6. Officer monitoring recorded the display of advertisements on a licensed premises without the benefit of deemed consent in Whitby Street.
 7. Officer monitoring recorded the display of advertisements on a commercial premises without the benefit of deemed consent in Church Street.
 8. An investigation has commenced following officers concerns about car repair garages operating without the benefit of planning permission on industrial land in Coniston Road.
 9. An investigation has commenced following public bodies concerns about non – compliance with a condition attached to an existing planning permission in Graythorp.

10. A resident complaint regarding the display of advertisement banners on the boundary fence of licensed premises without the benefit of deemed consent in Warrior Drive.
11. A neighbour complaint regarding a non –compliance with approved plans for the erection of replacement boundary fencing on a sheltered housing estate in Holdforth Road.
12. An investigation has commenced following a member of the public concerns regarding the erection of decorate spikes along the top of a rear boundary wall in Marley Walk.
13. An investigation has commenced following a member of the public concerns regarding the erection of decorate spikes along the top of a front boundary wall in Throston Grange Lane.
14. Officer monitoring of Building Control Commencement data recorded the finishing of building works to a residential property without the benefit of planning permission in Nightingale Close.
15. An investigation has commenced following neighbours concerns regarding the unsatisfactory condition of a vacant church hall in Lister Street.
16. An investigation has commenced following a Councillor and residents concerns about the application for a Goods Vehicle Operator's Licence application to use land to the rear of a members club in Church Walk as an operating centre for one vehicle.
17. A neighbour complaint regarding the provision of an external extractor to the shop front of commercial premises in Church Street.
18. A resident complaint regarding the conversion of a 'barn' building to residential use without the benefit of planning permission on an agricultural holding in Easington Road.

2. RECOMMENDATION


- 2.1 Members note this report.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY LEGATO PROPERTIES LTD, LAND AT WYNYARD WOODS, WYNYARD ESTATE, BILLINGHAM (H/2008/0015)

1. PURPOSE OF REPORT

- 1.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of 2 detached dwellings on land within Wynyard.
- 1.2 The appeal was decided by written representations and dismissed by the Planning Inspector.
- 1.3 The Inspector concluded that the proposal would both visually and physically detract significantly from the character and appearance of the area and the essential environmental and landscape form of the Wynyard development. He considered that the proposal would conflict with policies GEP1 and GN3h of the Hartlepool Local Plan, adopted in 2006. The Inspector also considered the proposal failed to relate to the context of the area and would detract from its quality, conflicting with national policy guidance in Planning Policy Statement 1, *Delivering Sustainable Development*
- 1.4 A copy of the decision is attached

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 25 November 2008</p> <p style="text-align: center;">by J D S Gillis BA(Mons) MRTPI</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p>☎ 0117 372 6372 email: enquiries@pim.sps.gov.uk</p> <p>Decision date: 5 December 2008</p>

Appeal Ref: APP/H0724/A/08/2083938**Wynyard Woods, Wynyard Estate, Billingham, TS22 5SW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Legato Properties Ltd. against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0015, dated 14 December 2007, was refused by notice dated 27 February 2008.
- The development proposed is two detached residential dwellings.

Decision

1. I dismiss the appeal.

Main issue

2. From the representations received and my inspection of the site and surrounding area I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasoning

3. The application for planning permission was in outline but with siting and access included, with other matters reserved for subsequent decision. The application site forms the western end of the Wynyard Country Park which forms part of the structural landscaping separating the neighbouring residential developments.
4. It has been argued that the site, due to its location and size, is of reduced importance as part of the Country Park and that the remainder of the Park would provide an important and effective feature for the area and satisfy the requirements of residents and the open space and landscape provision.
5. I accept that the site lies towards the western edge of the Country Park and is narrower than much of the open area. However, I consider that these features increase the importance of the site as part of the structural landscaping of the Wynyard development and in providing a clear separation between the different residential areas. While the proposal seeks to retain an access to the remainder of the open area I consider that it would both visually and physically detract significantly from the character and appearance of the area and the essential environmental and landscape form of the Wynyard development.
6. Thus the proposal would conflict with policies GEP1 and GN3h of the Hartlepool Local Plan, adopted in 2006. In addition, national policy guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, makes it clear that

Appeal Decision APP/H0724/A/08/2083938

high quality design is essential to good planning and good housing, and that this includes having proper regard to the surroundings. Indeed paragraph 34 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character or quality of an area and the way it functions, should not be accepted. I consider that the proposal fails to relate to the context of the area and would detract from its quality.

7. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I conclude that the proposal is unacceptable and the appeal is dismissed.

JDS Gillis

Inspector

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL REF: APP/H0724/A/08/208/4324/WF
H/2008/0043 ERECTION OF A TWO-STOREY
EXTENSION TO SIDE INCLUDING INTEGRAL
GARAGE AND A REAR SINGLE STOREY KITCHEN
EXTENSION (AMENDED SCHEME)
11 NEWLANDS AVENUE, HARTLEPOOL, TS27 3QU

1. PURPOSE OF REPORT

- 1.1 To inform Members of the determination of a planning appeal submitted against the refusal of the Local Planning Authority to allow the erection of a two-storey extension to side including integral garage and a rear single storey kitchen extension at 11 Newlands Avenue, 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.



Appeal Decision

Site visit made on 25 November 2008

by **J D S Gillis** BA(Hons) MRTPI

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

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

☎ 0117 372 6372
email:enquiries@pin.gov.uk

Decision date:
11 December 2008

Appeal Ref: APP/H0724/A/08/2084324
11 Newlands Avenue, Hartlepool, TS26 9NU

- 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 Anthony Ross against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0043, dated 18 January 2008, was refused by notice dated 18 March 2008.
- The development proposed is garage/kitchen/utility extension with bedrooms/en-suite over.

Preliminary matters

1. The application for planning permission was amended prior to determination by the Council and revised plans were submitted, dated 11 February 2008. The amended proposal included a smaller 2-storey side extension with a detached garage beyond and a single storey rear extension. While the Council's Decision Notice referred to the original plans the officer report related to the revised proposal. The Council has confirmed that its decision was based on the revised plans and I shall, therefore, consider the appeal on that basis.

Decision

2. I allow the appeal, and grant planning permission for a two-storey side extension, detached garage and single storey rear extension at 11 Newlands Avenue, Hartlepool, TS26 9NU in accordance with the terms of the application, Ref H/2008/0043, dated 18 January 2008, and the submitted revised plans dated 11 February 2008, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The window at first floor level on the rear elevation of the side extension hereby permitted shall be fitted with obscure glazing and retained in that condition.
 - 4) The development hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Appeal Decision APP/H0724/A/08/2084324

Main issues

3. From the representations received and my inspection of the site and surrounding area I consider that the main issue in this case is the effect of the proposed revised development on the living conditions of occupiers of nearby property in relation to visual dominance and loss of privacy, sunlight and daylight.

Reasoning

4. The appeal premises occupy a corner location and the house at 2 Eastland Avenue lies at right-angles to it, with a fairly small rear garden. The proposed revised side extension would essentially occupy the site of the existing garage but slightly wider and extending rearwards to be in line with the existing rear elevation of the house and two storeys in height. The proposed rear extension would be single storey and be sited along the southern section of the rear of the existing house and projecting some 1.5 metres from it.
5. The proposed extensions would impinge on the outlook from the rear windows of 2 Eastland Avenue but such view would not be direct. I do not consider that the increased impact would be sufficient to result in a degree of visual dominance amounting to demonstrable harm to the living conditions of occupiers of this adjacent property.
6. In relation to privacy, the first floor window of the proposed side extension gives light to a bathroom and is indicated as being obscure glazed. This could be required by a condition on a planning permission. Thus no material loss of privacy would result for occupiers of the adjacent property.
7. In relation to loss of sunlight and daylight, the proposed extension would be to the west of the adjacent garden at 2 Eastland Avenue and to the north-west of the house. The proposed garage would be sited to the west of the garage of the adjacent property, single storey and with a double-hipped roof form. Thus there would be some restriction of sunlight penetration in the late afternoon and evening resulting from the two-storey side extension.
8. The rear garden of this adjacent property lies to the north of the house and already has restricted sunlight. The proposed side extension would be located from some 1 metre to about 6 metres from the diagonal boundary enclosure between the two properties and be about 6 metres in height. The nearest part of the adjacent dwelling appears to be an attached garage which extends beyond the main rear elevation.
9. I consider that the section of the adjacent property most affected would be that part of the rear garden immediately to the rear of the extended garage, where the open area is very narrow. Having regard to the siting, scale, height and form of the proposed development and its relationship to the adjacent property I do not consider that the resultant restriction of sunlight penetration would result in material harm to the living conditions of occupiers of 2 Eastland Avenue.
10. Turning to daylight, I am satisfied that the siting, height, scale and form of the proposed development would not result in a significant loss of daylight to the

Appeal Decision APP/H0724/A/08/2084324

adjacent dwelling and therefore no demonstrable harm to living conditions would result.

11. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I conclude that the revised proposed development is acceptable, subject to conditions, and I shall allow the appeal.
12. In these circumstances the Council has suggested conditions to be imposed on the consequent planning permission. These relate to the timescale for the commencement of development, the materials to be used on the external surfaces, obscure glazing of the first floor rear window and details of the proposed vehicular access. I consider that control over these matters is necessary and reasonable for the reasons given by the Council and I shall impose appropriate conditions accordingly.

JDS Gillis

Inspector

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL REF APP/H0724/X/07/2048720: H/2007/064 APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OF AMERSTON HILL COTTAGE AS A RESIDENTIAL DWELLING HOUSE, AMERSTON HILL COTTAGE, COAL LANE, HARTLEPOOL.

1. PURPOSE OF REPORT

- 1.1 To inform members that the above planning appeal has been determined by the Planning Inspectorate following a Public Inquiry. The appeal was dismissed.
- 1.2 A copy of the Inspectors decision is set out below.

2. RECOMMENDATION

- 2.1 That Members note the decision.

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Inquiry held on 18 November 2008 Site visit made on 18 November 2008</p> <p style="text-align: center;">by J D Waldron MCD BArch Architect</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PW</p> <p>☎ 0117 372 6372 email: enquires@pin.gov.uk</p> <p>Decision date: 12 December 2008</p>
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Appeal Ref: APP/H0724/X/08/2070396**Amerston Hill, Coal Lane, Hartlepool TS27 3EZ.**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
- The appeal is made by Mr A Cook against Hartlepool Borough Council.
- The application Ref: H/2007/0916 is dated 20 December 2007.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of Amerston Hill Cottage as a residential dwelling.

1. The evidence was taken on oath.
2. The use for which the certificate is sought is, in effect, use as a single dwellinghouse within the meaning of section 171(B)(2) of the 1990 Act. The appeal is determined accordingly.
3. Although the appeal has been submitted on the grounds of non-determination, the Council issued a decision notice prior to formal notification of the appeal by the Planning Inspectorate:
It is considered that on the basis of the evidence submitted, and evidence from the Local Planning Authority's own investigation, on the balance of probability, the use of the building subject to this application as an independent dwelling house has not been demonstrated continuously for more than 4 years.

Application for costs

4. At the Inquiry an application for costs was made by the Council against Mr A Cook. This application is the subject of a separate Decision.

Test to be applied

5. Paragraph 2.81 of Circular 10/97 states that it "is considered that the criteria for determining use as a single dwellinghouse include both the physical condition of the premises and the manner of the use. Where a single, self-contained set of premises comprises a unit of accommodation, which can be regarded as a separate "planning unit" from any other part of a building containing them; are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse; and are used as a dwelling, whether permanently or

Appeal Decision: H0724/X/08/2070396

temporarily, ... those premises can properly be regarded as being in use as a single dwellinghouse for the purposes of the Act."

6. The judgement in *Swale BC v FFS [2005] EWCA Civ 1568* clarifies the test during the 4-year period by rejecting the proposition (at paragraph 10) that:

"... there was some presumption of continuance in planning law in respect of a use which had commenced as a result of a material change of use but which had ceased to be an active use before any accrued planning rights had arisen";

Paragraph 25 of *Swale* further clarifies the test:

"I accept that whether a building is, or was, being used for a particular purpose at a particular time or times is largely a question of fact. But it is not, in the planning law context, wholly such. It is necessary, as the Thurrock decision demonstrates, for the decision-maker to adopt the proper approach as a matter of law to his decision on that question. It is not always an easy question to answer. But I am in no doubt that the legally correct question for the Inspector here to have asked was whether this building had been used as a single dwelling throughout the whole of the four years ...".

The appellant needs to demonstrate that the cottage has been used as a single dwellinghouse throughout a four year period apart from *de-minimis* breaks.

Reasoning

7. Amerston Hill was purchased by the appellant in April 2003. The sales particulars refer to it as a superb detached residential dwelling with 5 bedrooms in a fine rural location with land extending to about 8 acres. Under the heading "External" it states *"Incorporated within the grounds there is a granny flat/playroom 13 metres by 4.2 metres. Being detached of brick construction having a pitched roof together with attractive arched windows overlooking the paddock"*. This is the building in question. It is self-contained and at a lower level than the house. It was renovated by the appellant and contains bedroom, living room, bathroom and kitchen. There is no dispute that by June 2003 it had the *"normal facilities ... associated with use as a dwellinghouse"* referred to in Paragraph 2.81. *Uttlesford DC v SSE [1991] 2 PLR 76* found there to be no reason in law that such accommodation should become a separate planning unit. In principle, it is not unreasonable for guests to have such facilities in detached guest accommodation in the extensive grounds of a country house.
8. The ownership of Amerston Hill was split between the appellant and his wife Nicola in January 2004, with the appellant having the part with the house, and his wife having the part with Amerston Hill Cottage (the cottage). In June 2004 vehicular access was provided to the cottage from the private driveway to the main house. The cottage is not registered separately for Council tax purposes and no application has been made for a postal address.
9. The 4-year period relied on by the appellant falls between June 2003 and the date of the application, 20 December 2007. He considers that it has been extremely useful to own a separate and independent cottage, there being numerous occasions when business associates, colleagues, friends and relatives

Appeal Decision: H0724/X/08/2070396

needed somewhere to live in the area for both long and short periods, and the cottage was convenient for them.

10. The appellant says that if friends or relatives came specifically to visit him or his wife, they would usually stay in the house rather than in the cottage, the cottage being used mainly by those who simply wished to stay in the area, either for business reasons or because it was an attractive and quiet location. People staying in the cottage were left to themselves.
11. The appellant points out that in view of the number and type of occupier, it has been difficult to obtain documentary evidence of each and every instance when the cottage has been occupied. In particular it has been difficult to ask for such evidence from business associates and those who have lived abroad. He has written to the regular occupiers and those who are well known to him to ask them to confirm that they have stayed in the cottage, their replies being submitted in evidence.
12. The appellant cannot recall periods of more than two or three weeks at a time when the cottage was vacant over the relevant period; even when vacant, it was not used for any other purpose and was always available for independent residential use. He considers that, by the date of the application, 20 December 2007, the change of use to use as a single dwellinghouse had subsisted continuously for a period of more than 4 years.
13. The Council considers that as the use of the cottage has been predominantly by relatives, friends and business associates; there was inevitably a degree of interrelationship between these occupiers and the occupiers of the house such that the use of the cottage was not independent of the use of the house. The Council considers that the cottage has been used primarily as residential accommodation integral to the use of Amerston Hill as a single dwellinghouse; thus by the date of the application, the change of use to use as a single dwellinghouse had not subsisted continuously over a period of 4 years.
14. Beryl Beal, the appellant's mother-in-law, starts her statutory declaration as follows: *"I can confirm that John (my husband) and I stay at Amerston Cottage on a regular basis to look after the property and the animals, as Bish and Nicola are away from home a lot both on business and to visit their property in France"*. They stayed at the cottage at least 30 times between December 2003 and August 2006, for periods ranging from 3 days to 2 weeks, and they were not charged.
15. Mr Hall (the Council's Planning Officer who gave evidence at the inquiry) said that he spoke to John Beal at a site visit on 18 April 2007. Mr Beal told him that he and his wife were looking after the property while his daughter and son-in-law were away because works were being carried out. Mr Beal had a key to the house. Mr Hall considered there to be a functional relationship between use of the cottage and the use of the house such that enforcement action could not have been taken.
16. The appellant states that the Beals were often kind enough to time their visits to coincide with his and his wife's trips away in order to keep an eye on their home and look after their animals. The Beals clearly consider that they provided a service when staying in the cottage. The appellant disagrees with the extent of their role and considers that they used the cottage primarily as a

Appeal Decision: H0724/X/08/2070396

retreat/holiday cottage, staying in the house when they visited as guests such as at Christmas.

17. Beryl Beal states in her statutory declaration that *"Although we are always welcome to stay in the main house we prefer to stay in the cottage, ..."*. Therefore it was their choice to stay in the cottage rather than in the house, indicating the linked status of the cottage and the house. The Beals appear to have preferred to stay in the cottage because of Mr Beal's medical condition, which would have been reason for family contacts when the appellant and his wife were at home.
18. *Burdle and Williams v SSE and New Forest DC [1972] 1 WLR 1207* is useful guidance in respect of determining a relevant planning unit. Although the cottage has a significant degree of self-containment, I am not persuaded that its use by Beryl and John Beal during the 30 visits listed in her statutory declaration amounted to activities that were functionally separate from the use of Amerston Hill as a single dwellinghouse. Its use was not for a substantially different and unrelated purpose, as referred to in the third broad category in *Burdle*. There was no significant change in the character of the use of the cottage, or of Amerston Hill. The use of the cottage was part and parcel of the residential use of Amerston Hill, being guest accommodation integral to the use and function of Amerston Hill as a single dwellinghouse. On the basis of fact and degree, no separate planning unit was formed during their stays.
19. Over the relevant period, the cottage was also occupied from time to time by the appellant's mother who lives in Spain, by his sister who lives in Northumberland, by his wife's aunt and uncle who live in South Yorkshire and by his wife's aunt and uncle who live in Portsmouth. The appellant's mother has written to the appellant in respect of the cottage stating that she prefers *"to stay there rather than relying on you or the girls as I know how busy you all are, particularly during the week."* It appears that she, like the Beals, had the choice of either staying in the main house or in the cottage. On the evidence before me I reach the same conclusions as I did with the Beals, and consider, on the basis of fact and degree, that no separate planning unit was formed during her stays. There is no correspondence from the other relatives before me.
20. The appellant cannot recall periods of more than two or three weeks at a time when the cottage was vacant over the relevant period. However, in the light of the test in *Swale* referred to above, I am not persuaded that such breaks can be considered *de-minimis* in planning terms.
21. The Council raises no issue concerning the use of the cottage by Dr C Tallon between August 2006 and February 2007 under a fixed term Assured Shorthold Tenancy Agreement. I find no reason to disagree. It follows that the Council can take enforcement action accordingly.
22. Nevertheless, for the reasons given, the building known as Amerston Hill Cottage was not used as a single dwellinghouse throughout the whole of a four year period preceding 20 December 2007. I conclude that the Council's deemed refusal to grant a certificate of lawful use or development in respect of use of the building as a single dwellinghouse was well-founded and that the

Appeal Decision: H0724/X/08/2070396

appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

FORMAL DECISION

23. I dismiss the appeal.

John Waldron

Inspector

APPEARANCES

For the appellant:

Mr Peter Nesbit: Eversheds LLP, Orchard Street, Newcastle upon Tyne NE1 3XX.

He called:

Mr Allan Cook: The appellant, Amerston Hill, Elwick, Hartlepool TS27 3EZ.

Mr E Jackson MRTPI: Jacksonplan Ltd, 7 Amble Close, Hartlepool TS26 0EP.

For the Council:

Mr Richard Smith: Legal Officer, Hartlepool Borough Council.

He called:

Mr R Hall BA(Hons) DipTP MRTPI: Planning Officer, Hartlepool Borough Council.

Document submitted at the Inquiry

A: Aerial photograph of Amerston Hill and Amerston Hill Cottage: Image 2008 The Geoinformation Group.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL MR. RICHARDSON, 21 LOWDALE LANE, HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. APPEAL

2.1 A planning appeal had been lodged against the delegated refusal to allow the erection of a two storey side and single rear extension.

2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. A copy of the decision letter is attached with this report.



Appeal Decision

Site visit made on 6 January 2009

by **Martin Joyce** DipTP MRTPI

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

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

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

Decision date:
14 January 2009

Appeal Ref: APP/H0724/A/08/2086128 21 Lowdale Lane, Hartlepool TS24 9RL

- 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 A Richardson against the decision of the Hartlepool Borough Council.
- The application, Ref: H/2008/0113, dated 22 February 2008, was refused by notice dated 17 April 2008.
- The development proposed is a two-storey side and single-storey rear extension.

Decision

1. I allow the appeal, and grant planning permission for the erection of a two-storey side and single-storey rear extension at 21 Lowdale Lane, Hartlepool TS24 9RL in accordance with the terms of the application, Ref: H/2008/0113, dated 22 February 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding the details shown on the submitted plans, and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows shall be constructed on the side elevations of the extensions facing 19 and 23 Lowdale Lane without the prior written approval of the Local Planning Authority.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The Council offer no objection to the proposed two-storey side extension and my subsequent deliberations therefore principally concern only the single-storey rear extension element of the proposal.

Main issue

3. The main issue in this appeal is the effect of the proposed single-storey rear extension on the living conditions of neighbouring occupiers at 19 Lowdale Lane, in terms of overshadowing and loss of light.

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Reasoning

4. The appeal property is one of a pair of semi-detached houses situated on the south-eastern side of Lowdale Lane. The proposed single-storey rear extension would replace an existing conservatory of almost identical dimensions adjacent to the common boundary with the neighbouring house, No 19. A similarly-sized conservatory has been built to the rear of that property, albeit on marginally higher land. The two conservatories are presently separated by a close-boarded boundary fence, which has a maximum height of about 2.46m above the ground level of the appeal property.
5. The effect of the proposed development would be to create a more solid structure close to the north-eastern elevation of the existing conservatory at No 19. Such development would, in principle, be contrary to the Council's Guidelines for House Extensions, adopted in April 2006, which would permit only a single-storey extension of 2.5m from the main rear wall of the dwelling. This guidance pre-dates the amendments to Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 as amended, which came into force on 1 October 2008 and which would allow a single-storey rear extension of 3m in depth without the need for a specific grant of planning permission. The proposed development would, however, extend by approximately 4m thus it would still not fall within the revised permitted development tolerances.
6. I am mindful, however, of the fact that the reasoning behind the Guidelines produced by the Council, and Policies GEP1 and Hsg10 of the adopted Local Plan, concern the effect of such extensions on the living conditions of neighbouring residents, with the latter policy in particular seeking to prevent development which would *significantly* affect the amenities of such occupiers (*my emphasis*). In this case, I consider that the living conditions of occupiers at No 19 would not be significantly affected for several reasons.
7. Firstly, the orientation of the two properties, facing south-eastward, is such that the existing conservatory at No 19 would continue to receive a significant amount of daylight, including direct sunlight, throughout the day with only a very small section of its north-eastern elevation having any reduction in comparison with the present situation. Such reduction would not, in my view, be noticeable. Secondly, the amount of light received within the existing conservatory at No 19 is already diminished by the dark-stained close boarded fencing which has been erected on the common boundary, and the effect of a more solid structure at No 21 would therefore not be as great as would be the case if there was a more open aspect. Thirdly, there is a slight difference in level between the two properties, with the rear garden of No 19 being higher than that at No 21. Finally, I note that paragraph 8 of the Council's Guidelines states that a larger extension may be permitted where a neighbour already has an existing extension which would adjoin the proposed extension. In this case, there is a similarly-sized extension at No 19, albeit of a less solid construction than that proposed by the appellant.
8. Whilst some of these matters are not, in themselves, determinative, it is the combination of all four factors that makes the proposed rear extension acceptable notwithstanding the conflict with the Council's Guidance. My conclusion on the main issue, therefore, is that the proposed single-storey rear

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extension would not materially harm the living conditions of the neighbouring occupiers of 19 Lowdale Lane in terms of overshadowing and loss of light. I therefore find no conflict with the relevant policies of the adopted Hartlepool Local Plan.

9. The Council have suggested two conditions in the event of the appeal being allowed and planning permission granted, in addition to the normal time limit for the commencement of development. These would require the use of matching external materials and would also prohibit the installation of windows in side elevations of the extensions, facing either No 19 or No 23, through removal of relevant permitted development rights. I agree with the need for both conditions to achieve a good standard of design and to prevent any possibility of unacceptable overlooking and loss of privacy in the future. In the latter context I note, however, that the submitted plans appear to show windows in the south-western elevation of the proposed single-storey extension thus, if my reading of the plans is correct, that condition must contain appropriate wording to ensure that no such windows were installed in that elevation. I have therefore worded the condition accordingly.

Martin Joyce

INSPECTOR