

# PLANNING COMMITTEE AGENDA



**Wednesday 20 May 2009**

**at 10.00 am**

**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 22 April 2009.

**4. ITEMS REQUIRING DECISION**

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

1. H/2008/0495 Tees Bay Retail Park, Brenda Road
2. H/2009/0111 The Headland Gate, Northgate
3. H/2009/0164 19 Victoria Road
4. H/2009/0179 143 Oxford Road
5. H/2009/0152 7B Hylton Road

4.2 New Regulations/Guidance On Costs Awards In Appeals And Categories Of Development Which May Be Subject To Call In By The Secretary Of State – *Assistant Director (Planning and Economic Development)*

4.3 Update on Current Complaints - *Assistant Director (Planning and Economic Development) (To follow)*

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 Complaints Files to be Closed (Para 5 and 6) – *Assistant Director (Planning and Economic Development)*

8. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

9. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 17 June 2009 in the Civic Centre at 10.00 am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 17 June 2009 at 9.00am

**PLANNING COMMITTEE**  
**MINUTES AND DECISION RECORD**

22 April 2009

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

**Present:**

Councillor: Rob W Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Shaun Cook, George Morris, Michelle Plant, Carl Richardson, Lilian Sutheran and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Chris McKenna attended as a substitute for Councillor Pauline Laffey and Councillor Gladys Worthy attended as a substitute for Councillor Chris Simmons and Councillor Allison Lilley attended as a substitute for Councillor Geoff Lilley.

Officers: Richard Teece, Development Control Manager  
Jim Ferguson, Principal Planning Officer  
Richard Smith, Legal Officer  
Paul Mitchinson, Highways Manager  
Mike Blair, Traffic and Transportation Manager  
Adrian Hurst, Principal Environmental Health Officer  
Nomusa Martindale, Planning Information Officer  
Angela Hunter, Principal Democratic Services Officer

**157. Apologies for Absence**

Apologies for absence were received from Councillors Mary Fleet, Bob Flintoff, Stan Kaiser, Pauline Laffey, Geoff Lilley and Chris Simmons.

**158. Declarations of interest by Members**

None.

**159. Confirmation of the minutes of the meeting held on 25 March 2009**

Confirmed.

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

**Number:** H/2009/0143

**Applicant:** Mr Philip Hunter, Greenbank Court, Hartlepool

**Agent:** Malcolm Arnold, 2 Siskin Close, Hartlepool

**Date received:** 20/03/2009

**Development:** Erection of a first floor bedroom and en-suite extension over garage (resubmitted application)

**Representations:** Councillor John Coward (Ward Councillor), Mrs Vijay Gupta (objector) and Mr Malcolm Arnold (agent) were in attendance and addressed the Committee.

**Location:** 18 GREENBANK COURT, HARTLEPOOL

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

**REASONS FOR REFUSAL**

1. It is considered that the proposed extension by reason of its siting and design would overlook the neighbouring property, 14 Greenbank Court to the detriment of the privacy of its occupants contrary to policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006.

Note: Policy Hsg10 of the adopted Hartlepool Local Plan indicates what factors should be taken into account when considering proposals for alterations and extensions to residential properties. There is a reference in the policy to guidance in Supplementary Note 4 contained within the Plan. This among other things indicates that front extensions should not adversely affect neighbours (Guideline 3) and minimum separation distances of 20m between principal elevations are normally required (Guideline 7). Members took the view that this proposal was contrary to this Policy and guideline and that there were serious concerns about overlooking issues.

The Committee considered representations in relation to this matter.

**Number:** H/2009/0102

**Applicant:** Headland Development Trust, Northgate, Hartlepool

**Agent:** SJD Architects Ltd, Hampdon House, Falcon Court, Westland Way, Preston Farm Business Park,

Stockton on Tees

- Date received:** 26/02/2009
- Development:** Erection of a new performing arts centre with associated car parking and landscaping (amended application)
- Representations:** Mr Steve Dodds (Agent) and Mrs Julie Orton (Objector) were in attendance and addressed the Committee.
- Location:** ST HILDS C OF E SCHOOL, KING OSWY DRIVE, HARTLEPOOL
- Decision:** **Planning Permission Refused**

### REASONS FOR REFUSAL

- 1 It is considered that the proposed development would by reason of its size and siting appear unduly large and dominant to the detriment of the visual amenities of the occupiers of houses on Tempest Road and King Oswy Drive, which adjoin the application site, contrary to Policies PU9 and GEP1 of the Hartlepool Local Plan 2006.
- 2 It is considered that in an area which has been subject to criminal and anti-social behaviour that insufficient consideration has been given to measures to proclude such activity to the detriment of the wellbeing of the occupiers of nearby houses by engendering fears of crime and anti social behaviour contrary to Policy GEP3 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

- Number:** H/2009/0017
- Applicant:** Housing Hartlepool, Stranton, Hartlepool
- Agent:** Housing Hartlepool, Stranton, Hartlepool
- Date received:** 08/01/2009
- Development:** Provision of communal bin storage areas
- Representations:** Mr Scott (Applicant) was in attendance and addressed the Committee.
- Location:** 2-12, 9-19, 21-31 LEWIS GROVE, 58-80 (EVENS), 193-203 (ODDS) MACAULAY ROAD 2-48 (EVENS) PINERO GROVE, 18-40 (EVENS) SINCLAIR ROAD HARTLEPOOL

**Decision: Planning Permission Refused**

### **REASONS FOR REFUSAL**

- 1 It is considered that the proposed bin stores will, by reason of their siting and design appear intrusive and out of keeping to the detriment of the visual amenities of the occupiers of both the flats the bin stores will serve and of nearby housing contrary to Policy GEP1 of the Hartlepool Local Plan 2006.
- 2 It is considered that the proposed bin stores could, by reason of their siting and design encourage youths to congregate to the detriment of the well being of the occupiers of both the flats the bin stores will serve and the nearby housing by engendering fears of crime and anti social behaviour contrary to Policy GEP3 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

**Number:** H/2009/0068

**Applicant:** Mr J Pullman, Wharton Trust

**Agent:** S J R Architects, Suite 101, The Innovation Centre, Venture Court, Queens Meadow Business Park, Hartlepool

**Date received:** 18/02/2009

**Development:** Alterations, erection of a two-storey rear extension and adaption of roofspace to provide additional rooms for training and youth facilities

**Representations:** Mr Joe Pullman (Applicant) was in attendance and addressed the Committee

**Location:** THE ANNEXE WHARTON TERRACE,  
HARTLEPOOL

**Decision:** **Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) SJR/08:65/02 A/B received on 17 March 2009, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
4. The premises shall only be open to the public between the hours of 9am - 9pm Monday to Friday and 9am - 5pm Saturday and at no time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
5. Notwithstanding the submitted details a plan showing the final position and numbers of the proposed solar panels and velux windows shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and subject to condition 6 below the approved scheme shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
6. Unless otherwise agreed in writing by the Local Planning Authority any velux windows which would allow direct overlooking of properties to the rear shall be obscure glazed before the new accommodation is brought into use. Any such obscure glazing shall thereafter be retained during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The proposed window(s) facing 15 - 21 Parton Street shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).  
To prevent overlooking

The Committee considered representations in relation to this matter.

A short adjournment took place to clarify Councillor Shaun Cook's declaration of interest in the following item.

- Number:** H/2008/0495
- Applicant:** Chase Property Developments
- Agent:** Mr T Adey, Savills, Fountain Court, 68 Fountain Street, Manchester
- Date received:** 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
- Representations:** Mr J Hines (Agent) was in attendance and

addressed the Committee.

**Location:** TEESBAY RETAIL PARK, BRENDA ROAD,  
HARTLEPOOL

**Decision:** **Deferred for further consideration at the next meeting of the Planning Committee as Councillor Shaun Cook declared a prejudicial interest, and the Committee would become inquorate should Councillor Cook leave the meeting.**

The Committee considered representations in relation to this matter.

**Number:** H/2009/0111

**Applicant:** Mr Brian Elder  
Elder Mosen Ltd, Usworth Business Park,  
Hartlepool

**Agent:** S J R Architects, Suite 101, The Innovation Centre,  
Venture Court, Queens Meadow Business Park,  
HARTLEPOOL

**Date received:** 09/03/2009

**Development:** Demolition of public house and erection of 4 retail units with 4 self-contained flats above and associated car parking

**Location:** THE HEADLAND GATE NORTHGATE  
HARTLEPOOL

**Decision:** **Deferred for further consideration at the next meeting of the Planning Committee as Councillor Shaun Cook declared a prejudicial interest, and the Committee would become inquorate should Councillor Cook leave the meeting.**

**Number:** H/2008/0625

**Applicant:** Mr Hall, Viscount Close

**Agent:** Anglian Home Improvements Conservatories  
Division, PO Box 65, Norwich

**Date received:** 17/10/2008

**Development:** Erection of a rear conservatory



**Location:** 25 VISCOUNT CLOSE, HARTLEPOOL

**Decision:** **Minded to Approve but the final decision on conditions was delegated to the Development Control Manager**

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

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

**Decision**

The report was noted.

**162. Enforcement Appeal Ref**  
**APP/H0724/C/08/2079750: Joanne Mary Louise Bellerby, Springfold, Field House Farm, Dalton Piercy** *(Assistant Director (Planning and Economic Development))*

Members were advised of the above enforcement appeal which had been determined by the Planning Inspectorate following a public enquiry. The appeal was dismissed and a copy of the Inspector's decision was attached by way of appendix.

**Decision**

The decision was noted.

**163. Enforcement Appeal Ref**  
**APP/H0724/C/09/2099992: Gloria Annette Young, 31 Ventnor Avenue** *(Assistant Director (Planning and Economic Development))*

Members were advised that an enforcement appeal had been lodged against an enforcement notice issued by Hartlepool Borough Council in relation to the erection of a 5.5 metre (18') high front boundary fence at 31 Ventnor Avenue. The appeal would be determined by hearing procedure and authority was requested to contest the appeal.

**Decision**

Authority was given to officers to contest the appeal.

**164. Employment Land Review** (*Director of Regeneration and Planning Services*)

The Development Control Manager presented a report which informed Members of the main findings of the recently completed Employment Lane Review for the Borough and the proposed way forward regarding the study's recommendations. The document would be used as an evidence base to inform the Core Strategy and other relevant Development Plan Documents (DPDs). Members' approval was sought to use the Employment Lane Review (ELR) document as material consideration in the determination of planning applications relating to employment land.

A similar report had been considered at Cabinet on 20 April 2009 and had been referred to Planning Committee for approval.

**Decision**

- (i) That the Employment Land Review recommendations be used as material consideration in the determination of planning applications relating to employment land.
- (ii) That the Employment Land Review would be used as an evidence base to inform the Core Strategy and other relevant Development Plan Documents (DPDs).

**165. 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 167 – Hart Quarry, Hart Lane - This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)..

**166. 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 167 Hart Quarry, Hart Lane – This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)..

**167. Hart Quarry, Hart Lane** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Members were updated as to the current position with regard to two outstanding matters in relation to mineral extraction operations at Hart Lane Quarry, Hart Lane. Details of which were included within the exempt section of the minutes.

**Decision**

Details were included within the exempt section of the minutes.

The meeting concluded at 12.55 pm.

CHAIRMAN

**No:** 1  
**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

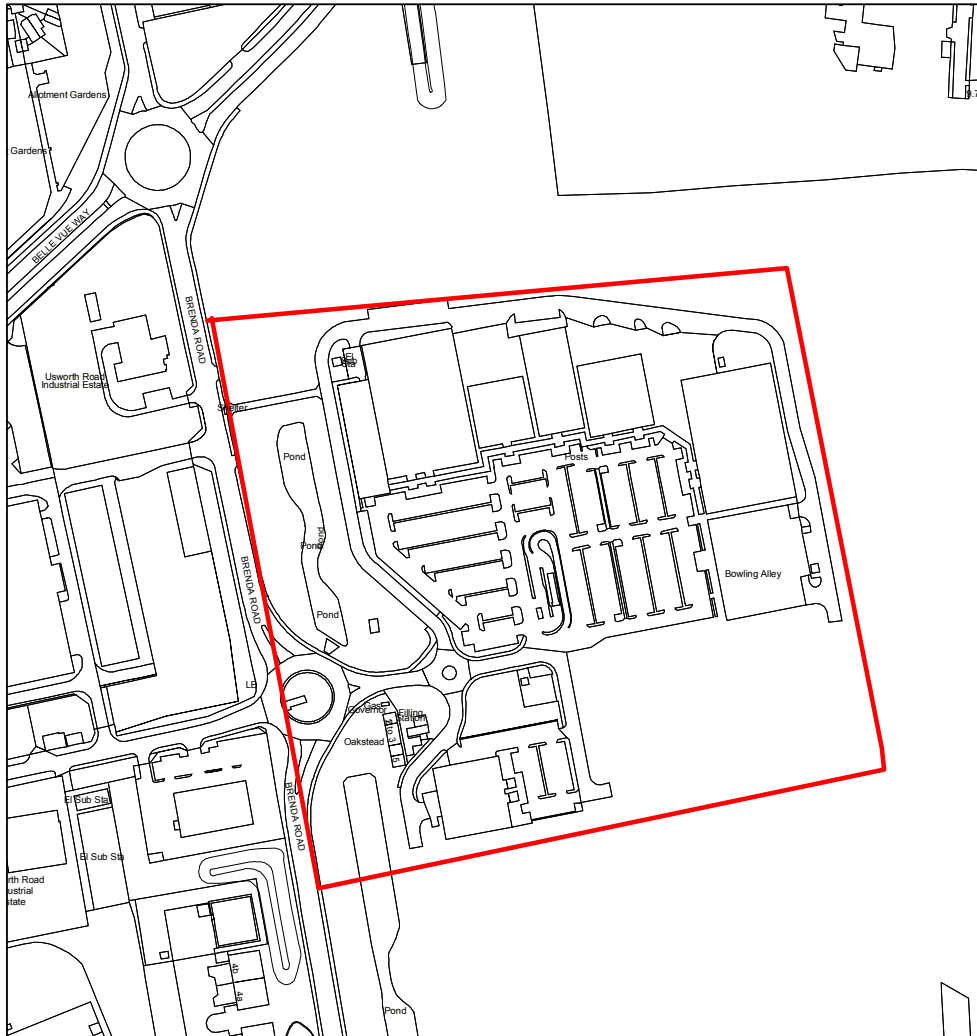
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1.1 This application was considered at the April meeting when it was deferred as the meeting became inquorate.

1.2 A meeting with the applicant has subsequently taken place. The applicant has indicated that he will submit further information to support his case. This information has not been received and will need to be duly considered. It is unlikely that this could take place before the meeting of the Planning Committee. It is recommended therefore that the application be deferred and only referred back once all outstanding issues have been finally resolved.

**RECOMMENDATION** - Defer

## TEESBAY RETAIL PARK



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

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

**No:** 2  
**Number:** H/2009/0111  
**Applicant:** Mr Brian Elder Usworth Business Park Hartlepool TS25 1PD  
**Agent:** S J R Architects Suite 101 The Innovation Centre  
 Venture Court Queens Meadow Business Park  
 HARTLEPOOL TS25 5TG  
**Date valid:** 09/03/2009  
**Development:** Demolition of public house and erection of 4 retail units with 4 self-contained flats above and associated car parking  
**Location:** THE HEADLAND GATE NORTHGATE HARTLEPOOL

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2.1 This application was deferred at the last committee meeting. The original report, updated as necessary is reproduced below.

**The Application and Site**

2.2 The application site is located at the junction of Northgate and Durham Street at the entrance to the Hartlepool Headland. The property, which has occupied the site for many years and has been in use as a public house and restaurant, has now been vacant for more than a year.

2.3 The building, which faces directly onto the north docks/quayside, is surrounded by a mixture of houses and flats to the north and east. Northgate shops lie a few metres to the north west.

2.4 The proposal involves the demolition of the existing building and the erection of a mixed use development comprising 4 separate retail units on the ground floor with 4, 2 bedroomed flats above.

2.5 The new building, which faces north west, towards the junction of Durham Street and Northgate, is sited on a similar footprint to the existing building. Twelve parking spaces have been provided, 5 accessed from Durham Street and 7 from Northgate. The building is of a modern design incorporating a central, curved glass feature window together with glazed canopies to the front of the shops and an exposed steel structure at floor and window head levels. The upper floor is formed in red brick panels with a ‘butterfly’ roof with aluminium wing profile and cedar boarded, infill to window head level. Some landscaping has been provided within the scheme.

**Publicity**

2.6 The application has been advertised by way of neighbour letters (36) and by site notice.

2 letters of objection and one letter with comments have been received. The objections/comments include:-

- a) the site is very important – any redevelopment should be appropriate and suitable.
- b) have serious reservations regarding the retail units due to current economic climate.
- c) already vacant retail units in nearby shopping parade.
- d) consideration should be given to the Council occupying the non-residential part of the development or for Tall Ships Race.
- e) additional flats should be considered.
- f) too many empty retail units in area.
- g) plans are not in keeping with surrounding area and architecturally will look an eyesore.
- h) Housing Hartlepool has concerns regarding the 4 retail units and the impact they could have on existing units in the area. Housing Hartlepool retail tenants are already experiencing trading difficulties.

Copy letter (B)

The period for publicity has expired.

### **Consultations**

2.7 The following consultation replies have been received:

**Northumbrian Water** – No objection, however the applicant should note that there is a major sewer nearby and deep foundations will be required.

**Eng Consultancy** – awaited

**Public Protection** – No objection subject to the provision of acoustic fencing and restricted hours for deliveries and opening times

**Traffic & Transport** – No objections subject to the provision of highway improvements outlined in report

**Tees Archaeology** – No objections. Recommends a historic building survey prior to demolition. This would take the form of a written and photographic study

**Headland PC** – Objects on the grounds that additional retail units are not needed. No more flats should be built on the Headland. The style of building is too modernistic and out of character. May cause traffic problems.

**Headland Conservation Area Advisory Group** - objects on the grounds that the development would be detrimental to the Headland's historic heritage. The design and materials are not in keeping with the area and will not blend in. The development will attract anti social behaviour. The development will lead to parking problems in the area. Any development should be in the appropriate materials and in keeping with the Headland's historic past.

**Cleveland Police-** has concerns regarding security measures during development and when the units are occupied. Recommends that the building is finished to “Secured by Design” standards.

### **Planning Policy**

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

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

Com16: Aims to strengthen tourism and established economic activities to increase local employment and prosperity for this area, widen the mix of housing and conserve the environmental heritage of the Headland. Proposals for small scale retail, office and workshops, leisure and educational uses and housing developments of an appropriate scale and complementing the historic and cultural character of the area will be approved in identified mixed use areas at Middlegate, Nun Street and the Manor House site subject to criteria set out in the policy.

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.

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.

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.

Hsg8: States that proposals for the residential use of upper floors will be approved where they do not prejudice the further development of commercial activities. Parking requirements may be relaxed.

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.

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

### **Planning Considerations**

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

#### Principle of development

2.10 As the development site is located within a mixed use urban area close to Northgate Local Centre Shopping Parade, the principle of re-development is considered to be both acceptable and appropriate.

#### Siting and Design

2.11 In terms of siting, the new building has a similar footprint to that of the existing building and similar relationships to neighbouring residential properties ie flats on Northgate and Durham Street.

2.12 The two storey building is of a distinctive design using a mixture of materials – red brick, cedar boards, glass and aluminium. The surrounding area comprises a mixture modern flats, houses and shops with the Hartlepool Docks area to the south. The application site is not within or close to the Headland Conservation Area and the building is not listed. A small amount of landscaping has been incorporated into the scheme. In view of this, the new development is considered to be acceptable in terms of both siting and design and is unlikely to have a detrimental effect on neighbouring properties or the street scene in general.

2.13 Objections have been raised by both the Headland Parish Council and Headland Conservation Area Advisory Group regarding the siting and design of the building and its impact on the visual amenities of the area. Whilst the site is acknowledged to be in a prominent location, the immediate area as previously mentioned is a mixture of modern flats and houses with Hartlepool Housing shops to the north west. The area to the south is industrial – Hartlepool Docks. In view of the above it would be difficult to sustain an objection on the grounds that the new development would be detrimental to or out of character with the visual amenities of the area. While not in the conservation area no objections have been raised by the Conservation Officer in terms of the buildings design or the materials to be used. The building has been designed to replace an existing vacant building on a restricted site, at the junction of two main roads in an area characterised by late twentieth century buildings. In view of this, and the fact the site is not in the conservation area the design is considered to be acceptable.

#### Highway Safety/Parking

2.14 Whilst no objections have been raised by the Highway Engineer regarding parking, servicing or access, suggestions have been made to improve pedestrian access to the application site. This will include directional road markings i.e. look left, look right, at existing pedestrian crossing points together with works to the western end of the bus lay by on Durham Street in order to create a new crossing point opposite the existing one on the south side of Durham Street. Improvements to the road surface of the existing lay by and footpaths on the south side of Durham Street have also been requested.

2.15 Public Protection has advised that deliveries to the units should be restricted in terms of timing to prevent any detrimental effects in terms of noise and disturbance to existing residential properties and occupants of the new flats.

#### Relationship to the surrounding area

2.16 As previously mentioned, the new development is sited in a similar position (footprint) to the existing public house with similar relationships to adjacent properties. In view of this the Head of Public Protection is satisfied with the proposal subject to restricted delivery times of 7am to 8pm and the provision of acoustic fencing where practical. Opening hours to the shops are also to be restricted to 7am to 11pm.

2.17 Whilst it is acknowledged that there are a number of vacant retail properties in the area and throughout the town in general this would not be a material planning

consideration. The provision of these new retail units could offer additional choice in the area.

Conclusion

2.18 It is considered that the redevelopment of this site would be beneficial to the area in terms of the provision of a good quality mixed use development in a prominent position at the gateway to the Hartlepool Headland.

**RECOMMENDATION** – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The retail units shall only be open to the public between the hours of 7am to 11pm daily.  
In the interests of the amenities of the occupants of neighbouring properties.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. Details of all walls, fences and other means of boundary enclosure including an acoustic barrier between the site and the adjacent residential properties at 114/116 Northgate and 2/4 Durham Street shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The development shall therefore be carried out in accordance with the approved details. The acoustic fence shall be provided before the first unit is occupied and thereafter it shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of visual amenity and the amenities of the occupants of neighbouring properties.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.

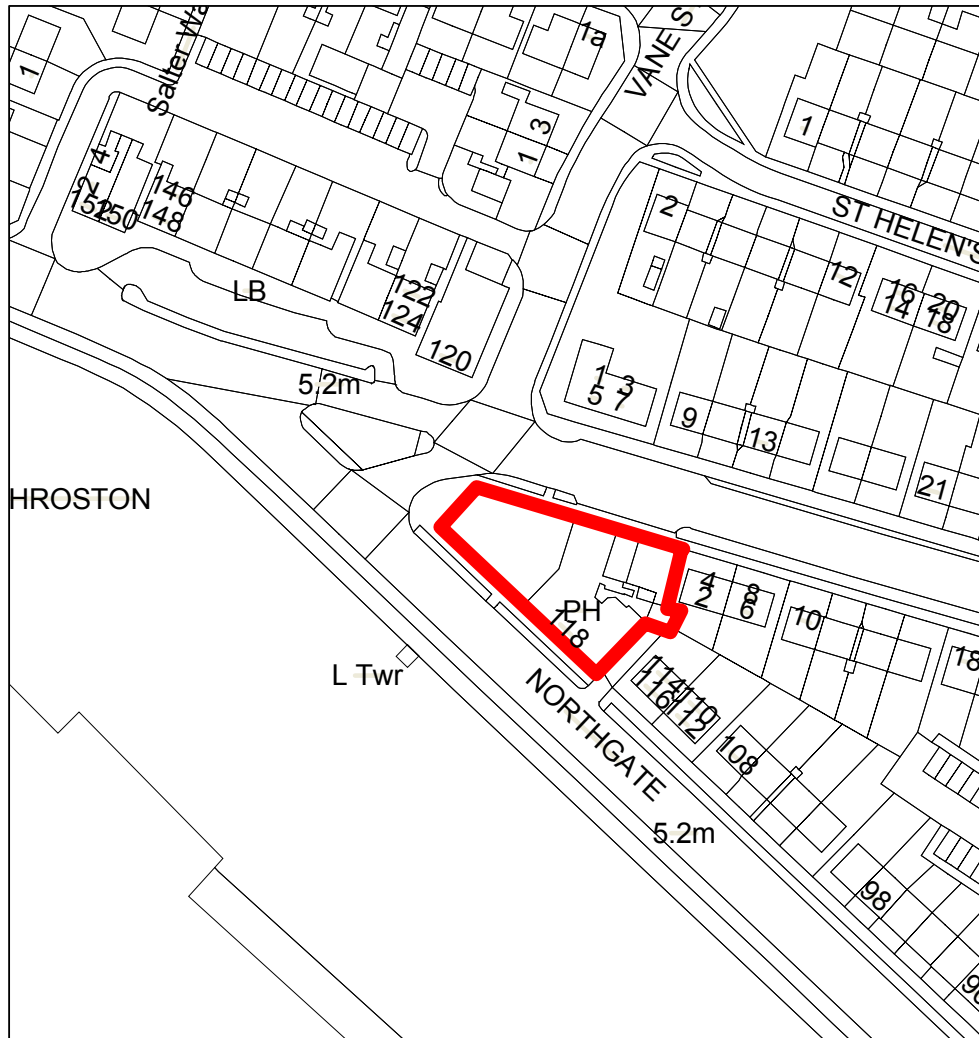
7. Unless otherwise agreed in writing with the Local Planning Authority the floorspace of the units shall remain as shown on the approved drawing SJR/08.76 02 rec 27.2.09 and there shall be no amalgamation of floor space associated with any of the units.  
In the interests of maintaining satisfactory parking provision within the site and in order to protect the vitality of the nearby local centre.
8. Provision for cycle parking shall be made within the site in accordance with details to be previously agreed by the Local Planning Authority.  
In order to promote access to the site by means other than the private car.
9. Final siting and design details of any refrigeration and air conditioning units proposed for the retail units shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.  
Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties.
10. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.
11. Notwithstanding the submitted plans a scheme for the final details and locations for external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.
12. Servicing of the retail units hereby approved shall be restricted to between 7am and 8pm daily from both car parking areas and the former backlane adjacent to 114/116 Northgate.  
In the interests of the amenities of the occupants of neighbouring properties.
13. The proposed window(s) facing 114/116 shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be

retained at all times while the window(s) exist(s).

To prevent overlooking.

14. Final details of works to re-instate the former back lane between the new development and 114/116 Northgate shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of how the public house delivery hatch is to be removed and in-filled. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
15. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.  
As the building is of historic significance the specified record is required to mitigate impact.
16. No development shall take place until further details of the new access, including existing and proposed ground levels, onto Durham Street have been submitted to and approved in writing by the Local Planning Authority.  
In the interests of highway safety.
17. Unless otherwise agreed in writing the development shall not commence until:
  - 1) a scheme for the provision of directional road markings at existing crossing points on Durham Street has first been submitted to and agreed in writing by the Local Planning Authority.
  - 2) A scheme for works to the existing bus layby to the north of Durham Street has first been submitted to and approved in writing by the Local Planning Authority.
  - 3) a scheme for improvements to the existing layby on the south side of Durham Street has first been submitted to and agreed in writing by the Local Planning Authority.The development shall not thereafter be brought into use until all of the above works have been implemented by the developer, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.

**Headland Gate**



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

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>03/04/2009</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0111</b>	REV

**No:** 3  
**Number:** H/2009/0164  
**Applicant:** Mr B Seidloo Overdale Road Middlesbrough  
**Agent:** Mr B Seidloo 56 Overdale Road Middlesbrough  
 TS3 7DW  
**Date valid:** 03/04/2009  
**Development:** Change of use to hot food takeaway food shop  
**Location:** 19 VICTORIA ROAD HARTLEPOOL HARTLEPOOL

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### The Application and Site

3.1 The application site is a vacant retail property located on the south east corner of the York Road / Victoria Road traffic light junction. The property, which was formerly an estate agent's office, is within Hartlepool Town Centre and is surrounded by shops, offices, leisure and health uses. Immediate neighbours include insurance office, hot food takeaway and sandwich bar. The upper floor is occupied by a beauty / tanning salon.

3.2 There is a large car park to the rear which serves the shopping centre and York Road area.

3.3 The proposal involves the change of use of the property to hot food takeaway. Hours of operation requested are 5pm to 2:30am Monday to Friday, 5pm to 3am Saturday and 5pm to 2:30am Sundays and Bank Holidays. Four full time and 3 part time members of staff are to be employed.

### Publicity

3.4 The application has been advertised by way of neighbour letters (7) and site notice. To date, there have been 11 letters of objection from 7 addresses.

3.5 The objections include:

- a) enough takeaways in the area
- b) will attract youths, litter and unpleasant scenes
- c) rubbish outside other properties
- d) increase in vandalism
- e) may affect the viability of existing hot food outlets
- f) smell will affect tanning studio above
- g) will pose a fire risk to neighbouring uses
- h) may cause problems with security and shared access to the rear
- i) increase in traffic

### Copy Letter A

The period for publicity has expired.

## Consultations

3.6 The following consultation replies have been received:

**Northumbrian Water** – No objections

**Public Protection** – No objection subject to the appropriate extract ventilation condition.

**Highway Services** – Although the property is located in the Town Centre area for parking, there are concerns that inappropriate parking may occur at the junction of York Road and Victoria Road. However, additional pedestrian safety barriers could be installed to Victoria Road (there are existing barriers along York Road) together with a 24 hour Traffic Regulation Order at the junction of Victoria Road and York Road.

**Cleveland Police** – No objections. Has made recommendations regarding measures to be undertaken to minimise the risk of crime and disorder.

## Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

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.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the



further development of commercial activities.

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.

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.

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.

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.

### **Planning Considerations**

3.8 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposal on the surrounding area on the amenities of nearby residents and on highway safety.

## **Principle of Development**

3.9 The property, a vacant retail unit, is located within the Hartlepool Town Centre where retail, commercial and leisure uses are considered to be appropriate. Whilst the shop is not within the area allocated for late night uses, no objections have been raised by the Head of Public Protection in terms of the late opening hours requested.

3.10 The Town Centre area is predominantly commercial in nature with the nearest residential properties in Johnson Street and Barbara Mann Court to the West of York Road.

3.11 Policy Comm12 (food and drink) of the Hartlepool Local Plan makes provision for food and drink developments of this nature only where there will be no significant impact on the amenities of the occupants of adjoining or nearby properties, highway safety and does not have a detrimental effect on the character, appearance and function of the surrounding area.

## **Highways**

3.12 There is a large pay-and-display town centre car park to the rear of York Road which offers free parking after 6pm each night and on Sundays. Notwithstanding this the Head of Highway Services has raised some concerns regarding the possibility of illegal parking outside the shop as this is a busy light-controlled junction

3.13 Planning consent was refused in 2005 for the change of use to a public house at 86/88 York Road, approx 40 m to the north of the current application site. Although the subsequent appeal was dismissed on residential amenity grounds, the Planning Inspector indicated in his report that given the applicant was willing to provide pedestrian safety barriers (as recommended by the highway authority) and alterations to the existing Traffic Regulation Order to restrict waiting at all times, there would be no objection to the proposal on the grounds of highway safety. He also stated that subject to the imposition of a condition to provide the above works, that the proposals would not give rise to any material harm to highway safety or impede the free flow of traffic.

3.14 In view of the above, discussions are continuing with the applicant about this.

## **Amenity**

3.15 With regard to the function, character and appearance of the area, this is a town centre site where uses of this type are appropriate in principle. There are a number of hot food takeaways in the York Road area, two of which are long standing uses located within the same terrace as the application site (neither of these outlets have any restriction on opening hours). The terrace is very much a mixed use one. It is unlikely therefore that this additional hot food takeaway shop would be detrimental to the amenities, function and character of the area. Details of any physical alterations to the exterior of the shop would be the subject of a separate application if permission were to be granted.

3.16 A number of objections have been raised relating to a variety of issues including parking, litter, smells, the congregation of youths and security.

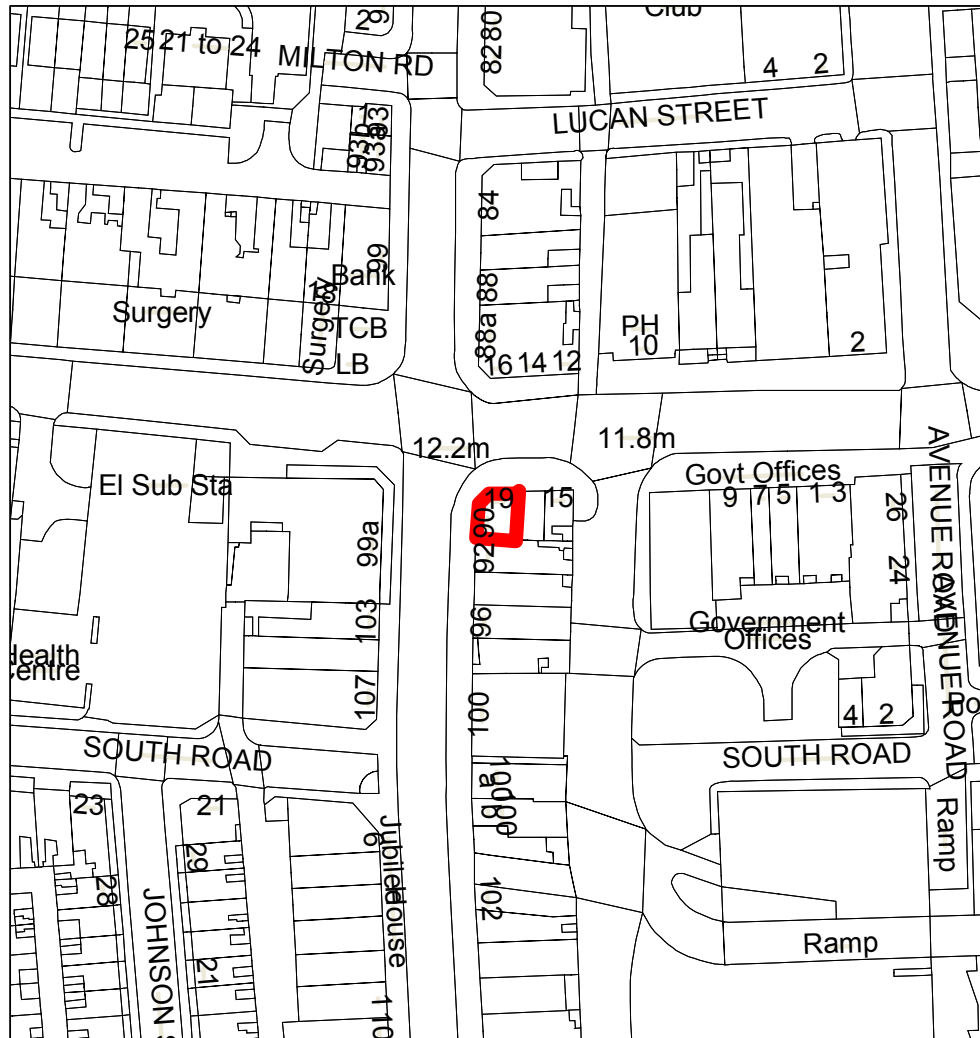
3.16 Objections on the grounds of competition and the effect on the viability of nearby hot food outlets have also been raised; this is not a planning consideration.

3.17 No objections have been raised by the Head of Public Protection subject to the provision of the appropriate extract ventilation system which must be provided to deal with cooking smells.

3.18 Cleveland Police have made recommendations for appropriate measures to be incorporated in the design and management of the premises in order to minimise the risk of crime and disorder. These include shop layout recommendations, CCTV cover inside and out, and a monitored alarm system. These matters have been raised with the applicant who is willing to accept a condition relating to the provision of CCTV and to provide further details of the internal layout and management of the premises should planning consent be granted.

**RECOMMENDATION** – UPDATE to follow

**19 VICTORIA ROAD**



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

<p><b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b></p>	DRAWN <b>GS</b>	DATE <b>05/05/2009</b>
	SCALE <b>1:1000</b>	
<p><b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO <b>H/2009/0164</b>	REV

**No:** 4  
**Number:** H/2009/0179  
**Applicant:** Mr T Lin Chen OXFORD ROAD HARTLEPOOL TS25 5RJ  
**Agent:** Mr T Lin Chen 143 OXFORD ROAD HARTLEPOOL TS25 5RJ  
**Date valid:** 15/04/2009  
**Development:** Variation of opening hours permitted under planning application H/2006/0502 to include Sunday and Bank Holiday opening and opening 5 p.m -12 midnight on Friday and Saturday on a permanent basis  
**Location:** 143 OXFORD ROAD HARTLEPOOL HARTLEPOOL

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### The Application and Site

4.1 The site to which this application relates is a two-storey semi-detached property forming the premises of a hot food takeaway within the designated Oxford Road Local Centre. Either side of the application site are various commercial premises forming a row of units between the junctions of Oxford Road with Fernwood Avenue and Peebles Avenue.

4.2 The area is predominately characterised by terraced two-storey properties. There is a mix of residential and commercial properties opposite the application site fronting Oxford Road. The application property adjoins the rear garden areas of the residential properties to the rear on Fernwood Avenue.

4.3 This application seeks consent under Section 73 of the Town and Country Planning Act (1990) to vary condition no.2 of H/2006/0502 (Appeal Ref: APP/H0724/A/06/2025540) to allow Sunday and Bank Holiday opening, and opening to 12am on Friday and Saturday on a permanent basis.

4.4 The planning history of the site relating to the use of the premises as a hot food takeaway is set out below.

### Planning History

4.5 The application site was granted planning permission by the Planning Inspectorate in January 2007 for the 'Change of use to a hot food takeaway shop' on appeal following the refusal of planning application H/2006/0502 at Planning Committee dated 8 August 06.

4.6 The application was refused by the Council on the following grounds:

- i. The junction of Oxford Road and Shrewsbury Street opposite the application site is a heavily trafficked bus route. It is considered that on street parking close to or at this junction and the regular comings and goings of vehicles using the proposed takeaway could be detrimental

to highway safety and the free flow of traffic contrary to policies GEP1, Com5 and Com12 of the adopted Hartlepool Local Plan 2006.

- ii. It is considered that vehicles visiting the proposed use could park in adjoining streets which are predominately residential in character or outside houses on the opposite side of Oxford Road and that noise and general disturbance from the comings and goings of the users of those vehicles could be detrimental to the amenities of the occupiers of those houses particularly at times of the day when they could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1, Com5 and Com12 of the adopted Hartlepool Local Plan.

4.7 The Inspector took the view that there was no evidence that the customers of the proposed takeaway would be any more likely to park inappropriately than other shops within the local centre, and the proposed use would not materially affect the free flow of traffic or highway safety and would not conflict with policies GEP1, Com5 and Com12.

4.8 The Inspector also concluded that as fewer shops would be opening during the evening, there would be a greater availability of parking spaces on Oxford Road and the proposed take away would help reduce parking demand. The Inspector took the view that the parking associated with the takeaway would be unlikely to cause an undue level of disturbance for nearby residents and therefore would not conflict with policies GEP1, Com5 and Com12.

4.9 With regard to general concerns relating to anti-social behaviour, litter etc, the Inspector concluded that the difficulties experienced by residents would not have been made worse by the appeal proposal.

4.10 In making the decision, the Inspector considered that a closing time of 11pm on Mondays to Saturdays, and no opening at any time on Sundays, Bank or Public Holidays, would be prudent in this case. Condition 2 of the approval reads:

*“The use shall not take place other than between the hours of 8.00 – 23.00 Mondays – Saturdays and at no other time on Sundays, Bank or Public Holidays”.*

4.11 The Planning Inspector in relation to the original appeal decision imposed the condition restricting the hours of operation to protect the living conditions of nearby residents. Specific reference to this is contained within the Inspector’s appeal report.

4.12 An application was subsequently submitted on 28 Jan 08 for the ‘Variation in opening hours to include Sunday and Bank Holiday opening and extend Friday and Saturday opening from 5pm – 11pm to 5pm to 12 midnight.’ The application was approved a temporary 1 year permission under delegated powers on 30 April 2008.

4.13 The Head of Public Protection highlighted no complaints regarding to the use of the property as a hot food takeaway in terms of noise and disturbance and no formal objections were received regarding the proposed extension to the hours of operation. It was, however, considered prudent for a temporary 1-year permission to be granted

to assess the effect of the extended hours upon the amenities of the occupants of the surrounding residential properties in the light of experience. Application reference H/2007/0732 was therefore approved subject to relevant conditions which read:

1. *The permission hereby granted is valid until 25 April 2008 and the premises shall revert to the originally approved opening hours (approved under application H/2006/0502) on or before that date unless the prior written consent of the LPA has been granted to an extension of this period.*
2. *For the avoidance of doubt the premises shall only be open to the public between the hours of 8.00 – 23.00 Sunday to Thursday (inclusive) and 8.00 – 24.00 Friday and Saturday during the period permitted to condition 1.*

4.14 Following the expiry of the temporary period, the applicant has therefore submitted this application to vary the condition on a permanent basis.

4.15 It is also important to note that a similar condition was placed upon a recent appeal at 132 Oxford Road (H/2006/0839) which was allowed by the Planning Inspector July 2007, however, the Inspector did highlight that he had only restricted Sunday and Bank Holiday on that occasion in the interests of consistency with the decision at 143 Oxford Road. An application to allow Sunday trading was refused on 23 December 2008 and is currently the subject of an appeal (H/2008/0616).

4.16 An hours condition was also imposed on appeal in relation to a takeaway at 122 Oxford Road (H/2006/0565) which was allowed in July 2006. This restricts opening to the times of 11.00 – 22.00 to protect the living conditions of nearby residents. The Inspector took the view that it was not necessary or reasonable to prevent the opening of the proposal on Sundays or Bank Holidays given that other shops in the vicinity are open on those days.

4.17 Complaints had subsequently been received from residents in relation to the opening outside of the approved hours of operation of both 132 and 122 Oxford Road, and the subsequent impact of the opening on the amenity of neighbouring residents. Both matters were investigated by Council officers into the alleged breach of conditions. Following verbal and written warnings, Breach of Condition notices were served recently on the operators of both premises requiring their compliance to operate within the approved hours.

### **Publicity**

4.18 The application has been advertised by way of neighbour letters (20) and site notice. To date, there has been 1 objection.

4.19 The concerns raised are:

1. Gathering of youths, girls, noise and litter;

2. A lot more litter and young people on my garden and the corner of my property.

4.20 The period for publicity expires following the meeting.

Copy Letters D

### **Consultations**

4.21 The following consultation replies have been received:

**Head of Traffic and Transportation** – Comments awaited.

**Head of Public Protection** – Comments awaited.

### **Planning Policy**

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

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

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

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

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

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



### **Planning Considerations**

4.23 The main planning considerations in this instance are the appropriateness of the proposed extension to the hours of operation to the policies and proposals contained within the adopted Hartlepool Local Plan (2006), in particular the effect upon the character of the surrounding area, the effect upon the amenity of the residents of surrounding residential properties, and the impact upon highway safety.

### **Policy Considerations**

4.24 The application site is within the Oxford Road Local Centre as defined in Policy Com5 of the Local Plan which makes allowances for food and drink premises within those locations subject to the effects on the character of the area, the amenity of neighbouring properties and the highway network.

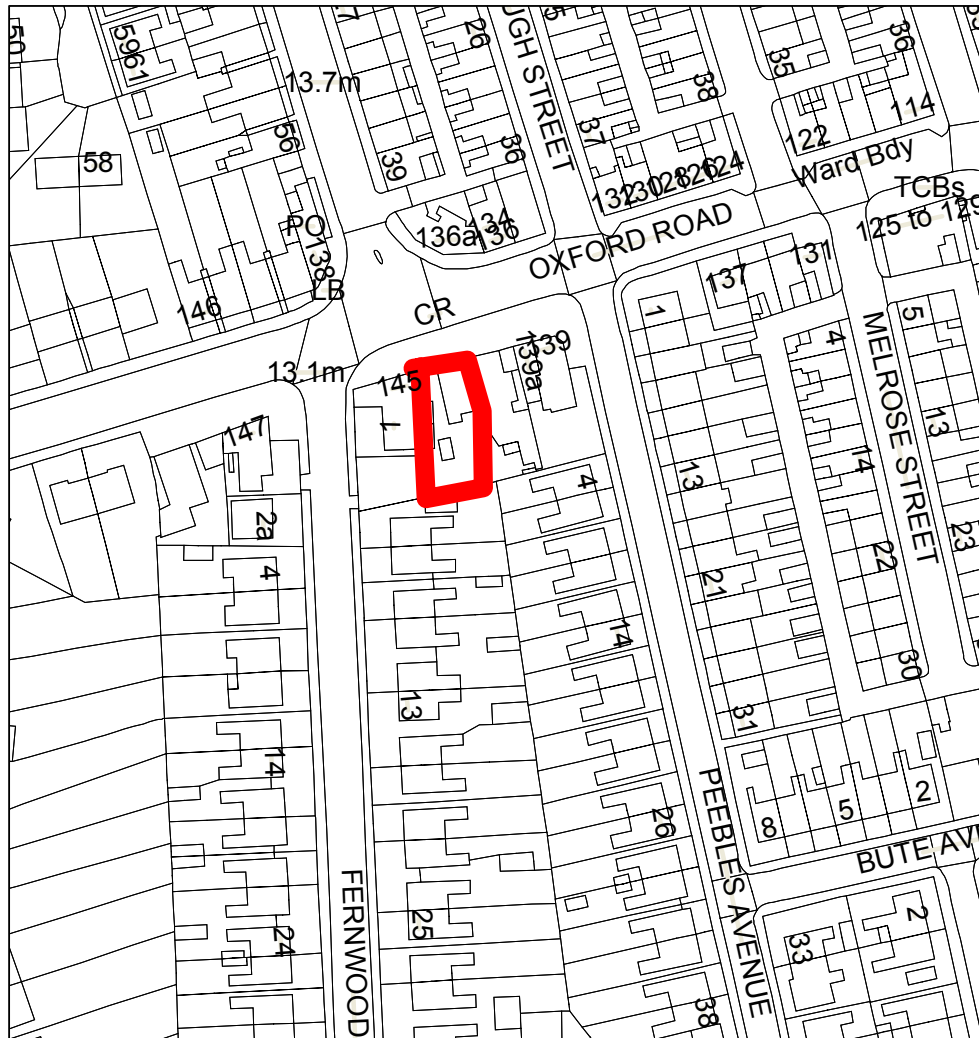
4.25 The principle of a hot food takeaway use in this location has already been established by virtue of application H/2006/0502 and the premises has a lawful use to operate 6 days of the week. This level of operation was considered to be in accordance with the policy framework.

4.26 The Comments of the Head of Public Protection are awaited regarding the effect of the proposed additional hours of operation upon the amenity of the occupants of the surrounding residential properties and officer investigations are continuing. The comments of Traffic and Transportation are also awaited regarding the impact of the proposed operating hours on highway safety. Additionally, the period for publicity has yet to expire.

4.27 In light of these outstanding issues, it is considered necessary to discuss these issues in an update report which will follow.

**RECOMMENDATION** – Update report to follow.

**143 OXFORD ROAD**



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<p><b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b></p>	DRAWN <b>GS</b>	DATE <b>05/05/2009</b>
	SCALE <b>1:1000</b>	
<p><b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO <b>H/2009/0179</b>	REV

**No:** 5  
**Number:** H/2009/0152  
**Applicant:** Mr Matt Holmes The Vale Hartlepool TS26 0AA  
**Agent:** Cadlink Architectural Services Ltd 26 Mountston Close  
HARTLEPOOL TS26 OLR  
**Date valid:** 27/03/2009  
**Development:** Erection of a detached garage to rear (resubmitted application)  
**Location:** 7B HYLTON ROAD HARTLEPOOL HARTLEPOOL

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### The Application and Site

5.1 The application site is the curtilage of 7b Hylton Road, a two storey detached dwelling which is currently under construction. The two properties of 7a and 7b Hylton Road were granted planning permission on appeal (Ref: APP/H0724/A/07/2043696) following the refusal of planning permission (application ref: H/2006/0891).

5.2 North of the application site there are two-storey detached properties of differing sizes. To the south of the site Hylton Road is characterised by further detached properties. Immediately adjacent to the application site is a detached single storey property. A large tree covered by a TPO (09) is located within the garden of 15 The Vale, a house immediately to the rear of the application site. There is an existing 2m high close boarded fence along the boundary with no. 9 Hylton Road with approximately 2.5m high planting along the boundary, within the curtilage of 9 Hylton Road.

5.3 A previous application was submitted for the erection of a detached garage to the rear of the garden (ref: H/2008/0583). The application was refused at Committee on 3 December 2008 on the grounds of adverse effect on the TPO tree to the rear, and on the amenity of the neighbouring property (15 The Vale).

5.4 The application seeks consent for the erection of a detached garage to the rear of the property, located 0.1m from the shared boundary with no. 9 Hylton Road, 1.2m from the rear wall of the application property. The garage has been moved further forward, closer to the house than the previous application in light of the reasons for refusal on the previous application. It is to be set between approximately 4m and 4.5m from the rear boundary of 15 The Vale.

5.5 The proposed detached garage measures 5.5m in length, and 2.92m in width. The applicant is proposing a hipped roof measuring 2.25m to the eaves, and a maximum height of 3.45m.

5.6 The garage is similar in terms of design, appearance and size to that of the existing garage on the adjacent property at 7a Hylton Road.

## Publicity

5.7 The application has been advertised by way of neighbour letters (5). To date, there have been 3 objections received.

5.8 The concerns raised are:

- I. Garage will be under the overhang of the tree and the footings will be in the roots of the tree if “mirror image” theory is followed;
- II. Accuracy of the plans;
- III. Loss of light for no. 15 The Vale and no. 9 Hylton Road;
- IV. Proximity of the garage to the TPO tree.

5.9 The period for publicity has expired.

## Consultations

5.10 The following consultation replies have been received:

**Highway Services** – Carriage crossing to be constructed by credited RASWA contractor and must be in place before the garage is completed. Otherwise there are no major highway implications with this application.

## Planning Policy

5.11 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

5.12 The main planning considerations in this instance are the impact on the amenity of neighbouring properties, impact on the character of the existing dwelling, impact on the street scene, impact on highway safety and the impact on trees.

### Impact On The Amenity Of Neighbouring Properties

5.13 With regard to the impact of the proposal on the amenity of the neighbouring properties, 9 Hylton Road has a blank gable end facing the application site. Additionally, 9 Hylton Road has a non-habitable room in the form of a bedroom window located within the rear elevation to the north side of the property, sited closest to the shared boundary with the application site. A hipped roof is proposed and given the relatively modest size of the garage, coupled with the existing screening already afforded by close boarded fencing, hedging and planting rising to a similar height within the neighbouring curtilage, it is not considered that the proposal will unduly affect light towards 9 Hylton Road or unduly affect the property in terms of outlook or in terms of any detrimental dominance.

5.14 The garage is sited approximately 4m from the rear boundary of 15 The Vale with the back garden intervening. It is considered that the existing screening in the form of 2.5m high close boarded fencing, the proposed hipped roof, size and siting of the garage off the boundary is sufficient to prevent any detrimental impact on the amenity of 15 The Vale.

5.15 In relation to the concerns raised over the accuracy of the plans, the applicant's agent has indicated that the proposed layout plan shows the full extent of the garage including the roof. The agent has confirmed that all proposed works will therefore be contained solely within land of the applicant's ownership.

### Impact On The Character Of The Existing Dwelling

5.16 The design of the proposed garage is in keeping with that of the existing dwelling, with matching materials proposed. The proposal respects the character and detailing of the dwelling and the scale is considered appropriate for a dwelling of such a size. It is therefore considered that the proposal would not be dominant or out of proportion. The garage is of a similar design, appearance and size to that of the existing garage approved at 7a Hylton Road.

### Impact On The Street Scene

5.17 The siting of the garage to the rear of the property means it will not be widely seen and therefore will not have a detrimental impact on the street scene.

### Highways

5.18 Sufficient drive length in accordance with Hartlepool Local Plan (2006) guidelines has been ensured. The Council's Highway Services section considers there are no major highway implications with the proposal and have therefore raised no objection.

### Trees

5.19 A mature protected Sycamore tree (TPO 09) is located in the rear garden of 15 The Vale. An unprotected tree is also located in the rear garden of 14 The Vale. Concerns have been raised by neighbours regarding the potential negative impact of

the proposed garage on the trees. The Council's Arboricultural Officer has indicated that the proposed garage has been moved forward away from the trees which puts less stress on their root system. Based on calculations made using BS5837:2005 Trees in relation to construction the proposed position of the garage will not compromise the long term health of the trees and he has raised no objection to the proposal. It is therefore considered that the proposed garage will not have an adverse impact on the nearby trees.

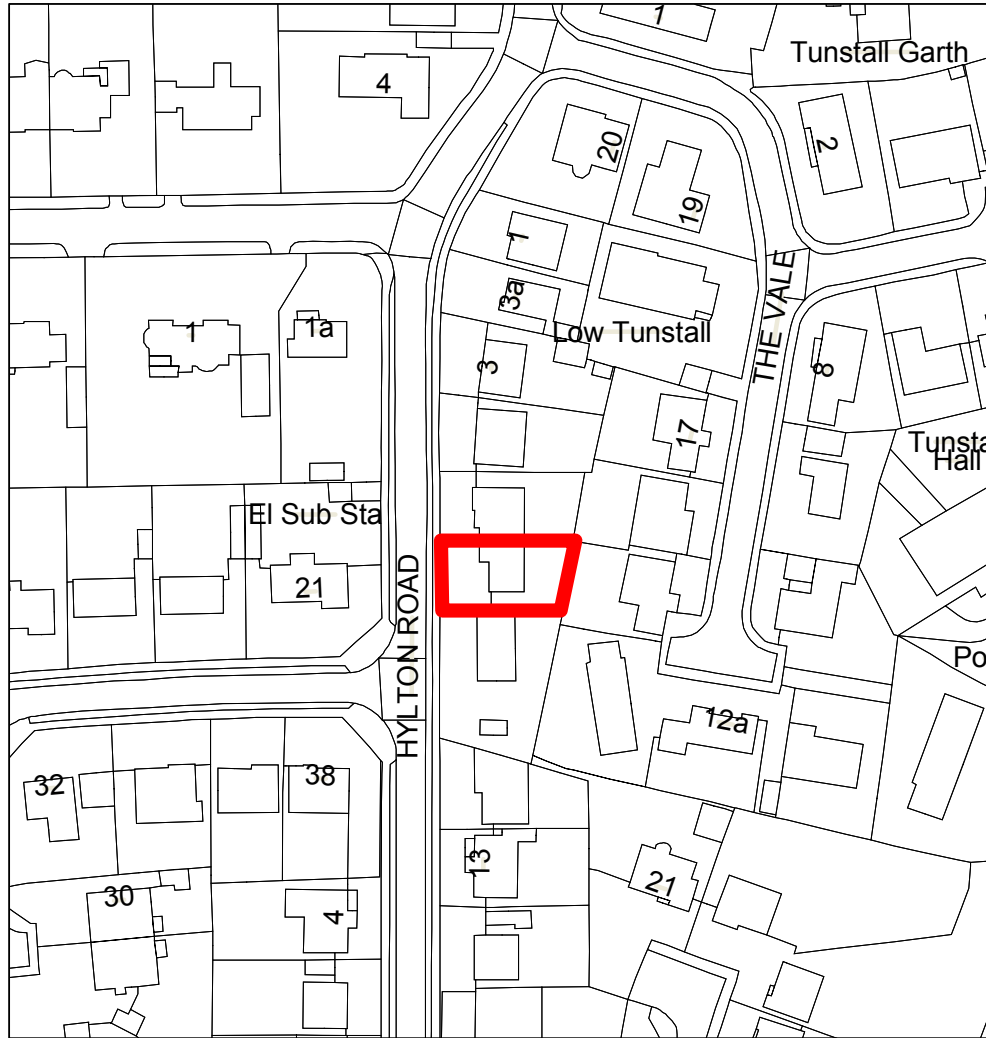
### **Conclusions**

5.20 In light of the above, the proposed development is considered satisfactory and therefore it is recommended for approval subject to the conditions set out below.

### **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 elevation of the garage facing 9 Hylton Road without the prior written consent of the Local Planning Authority.  
To prevent overlooking

**7B HYLTON ROAD**



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

<p><b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b></p>	DRAWN <b>GS</b>	DATE <b>05/05/2009</b>
	SCALE <b>1:1000</b>	
<p><b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRG.NO <b>H/2009/0152</b>	REV

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

**Subject:** NEW REGULATIONS/GUIDANCE ON COSTS AWARDS IN APPEALS AND CATEGORIES OF DEVELOPMENT WHICH MAY BE SUBJECT TO CALL IN BY THE SECRETARY OF STATE

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**1. PURPOSE OF REPORT**

1.1 To inform Members of recent changes to the planning regulatory regime in respect of costs awards in appeals and the need to refer certain types of development which the Local Planning Authority (LPA) wishes to approve to the Secretary of State for consideration.

**2. INTRODUCTION**

2.1 The Government has introduced two changes to regulations/guidance, the first in relation to costs on appeals and the other in terms of the types of development which must be referred to the Secretary of State for consideration if the LPA is minded to approve the relevant planning applications.

2.2 The main changes in relation to costs that Members need to be aware of is that from 6 April this year costs may now be awarded on appeals determined by way of written representations. The guidance indicates that costs will normally be awarded, whatever the method of appeal, where the following conditions have been met

- A party has made a timely application for an award of costs
- The party against whom the award is sought has acted unreasonably and
- The unreasonable behaviour has caused the party applying for costs to incur unnecessary or wasted expense in the appeal process– either the whole of the expense because it should not have been necessary for the matter to be determined by the Secretary of State or appointed Inspector, or part of the expense because of the manner in which a party has behaved in the process

2.3 The Town and Country Planning (Consultation) (England) Direction 2009 came into effect on the 20 April this year. It clarifies and amends the arrangements and criteria for consulting the Secretary of State to enable her to consider whether to exercise her powers of call in.



- 2.4 The following types of development must now be referred to GONE if the LPA does not propose to refuse planning permission:
- 1) Green Belt development
  - 2) development outside town centres
  - 3) World Heritage Site development
  - 4) playing field development and
  - 5) flood risk area development
- 2.5 Clearly categories 1) and 3) do not currently apply in Hartlepool.
- 2.6 Development outside town centres means large developments which consists of includes retail, leisure or office use and which
- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
  - (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: and
  - (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
    - (i) 5,000 square metres or more; or
    - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres
- 2.7 Playing field development means development which is likely to prejudice or lead to the loss of land being used, last used (within the 5 years of the application) or allocated for use as playing field
- (a) the land (or any part of the land) which is the subject of the application
    - (i) is land of a local authority; or
    - (ii) is currently used by an educational institution as a playing field; or
    - (iii) has at any time in the five years before the application is received been used by an educational institution as a playing field; and
  - (b) the English Sports Council (“Sport England”) has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds
    - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
    - (ii) that the proposed development would result in such a deficiency; or
    - (iii) that where the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

2.8 Flood risk area development means major development in a flood risk area to which the Environment Agency has made an objection that it has not been able to withdraw even after discussions with the Local Planning Authority.

2.9 There is now no requirement to refer applications simply because they are on land/for development in which the Local Planning Authority has an interest.

**3. RECOMMENDATION**

3.1 Members note the content of this report.