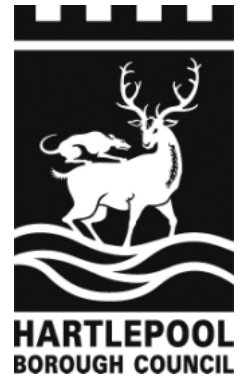


PLANNING COMMITTEE AGENDA



Wednesday 17 June 2009

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Allison, R W 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 20 May 2009.
- 3.2 Minutes of the meeting held on 29 May 2009.

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|--|
| 1. | H/2009/0195 | 32 Egerton Road |
| 2. | H/2008/0495 | Teesbay Retail Park, Brenda Road (p.7) |
| 3. | H/2009/0179 | 143 Oxford Road (p.9) |
| 4. | H/2009/0209 | Former Dental Surgery, Rear of 434 Catcote Road (p.16) |
| 5. | H/2009/0186 | 219-233 (odds) Ow ton Manor Lane (p.21) |
| 6. | H/2009/0194 | 34 Station Lane (p.25) |
| 7. | H/2009/0189 | Seaview House, Hart Lane (p.35) |
| 8. | H/2009/0200 | Hartlepool Community Health Centre, Park Road (p.43) |

- 4.2 Appeal by Malcolm Arnold, Site at 18 Greenbank Court, Hartlepool (H/2009/0143) - *Assistant Director (Planning and Economic Development)*
- 4.3 Update on Current Complaints - *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

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

7. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

8. FOR INFORMATION

Next Scheduled Meeting – Members will be advised of the likely date of the next meeting.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20 May 2009

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

Present:

Councillor: Rob W Cook (In the Chair)

Councillors: Mary Fleet, Bob Flintoff, Geoff Lilley, George Morris, Carl Richardson, Chris Simmons and Lilian Sutheran.

Officers: Richard Teece, Development Control Manager
Jason Whitfield, Planning Officer
Richard Smith, Solicitor
Paul Mitchinson, Highways Services Manager
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
Angela Hunter, Principal Democratic Services Officer

168. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Shaun Cook, Stan Kaiser, Pauline Laffey, Michelle Plant and Edna Wright.

169. Declarations of interest by Members

None.

170. Confirmation of the minutes of the meeting held on 22 April 2009

Confirmed.

171. Planning Applications

Members were informed that the following items were withdrawn from the agenda due to further information being awaited:

1. H/2008/0495 – Tees Bay Retail Park, Brenda Road
4. H/2008/0179 – 143 Oxford Road

Number: H/2009/0164

Applicant: Mr B Seidloo, Overdale Road, Middlesbrough

Agent: Mr B Seidloo, 56 Overdale Road, Middlesbrough

Date received: 03/04/2009

Development: Change of use to hot food takeaway food shop

Representations: Mr B Watson (objector) was in attendance and addressed the Committee.

Location: 19 VICTORIA ROAD, HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

- 1 The application site is located very close to a busy traffic light controlled junction, and it is considered that a takeaway use would by its nature attract car borne customers to the site who it is considered would for convenience park in front of the premises to the detriment of highway safety and the free flow of traffic contrary to Policies Com12 and GEP1 of the Hartlepool Local Plan 2006.
- 2 The application site is within the primary shopping area of Hartlepool town centre and it is considered that the proposed use, a non retail use which would tend to operate mainly in the evening could adversely impact on the retail function of that area contrary to Policies Com2 and GEP1 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Number: H/2009/0152

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

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

Date received: 27/03/2009

Development: Erection of a detached garage to rear (resubmitted application)

Location: 7B HYLTON ROAD, 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)
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.

Number: H/2009/0111

Applicant: Mr Brian Elder
Elder Monsen 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: Planning Permission Refused

REASONS FOR REFUSAL

- 1 The application site is a key gateway site to the historic Headland area of the town. It is considered that the proposed building by reason of its design and use of modern materials would appear out of keeping and unduly dominant on the site and in the street scene to the detriment of the visual amenities of the area contrary to Policies GEP1 and GEP7 of the Hartlepool Local Plan 2006.
- 2 The application site is located at an important and busy junction. There would be three car park/delivery accesses associated with the development close to the junction and it is considered that traffic using so many accesses could be detrimental to highway safety and the free flow of traffic contrary to Policy GEP1 of the Hartlepool Local Plan 2006.

172. 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))

The Development Control Manager presented a report which informed 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. It was confirmed that the basis for award of costs did not change and still related to the reasonableness of the Council and the ability to sustain objections on appeal. However, written representation appeals were now potentially subject to cost awards.

In addition there were five types of development which must be referred to GONE if the LPA did not propose to refuse planning permission and they were:

- 1) Green belt development
- 2) Development outside town centres
- 3) World heritage site development
- 4) Playing field development
- 5) Flood risk area development

Members were also asked to note that there was now no requirement to refer applications simply because they were on land/for development in which the LPA had an interest.

Decision

The report was noted.

173. Update on current complaints *(Assistant Director (Planning and Economic Development))*

Due to the unavailability of the information required, this report was deferred to a future meeting of the Committee.

174. 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 175 – Complaints Files to be Closed – 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 to direction under any enactment (para 6).

Minute 177 – Reasons for refusal of applications - This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Minute 178 J & B Recycling - This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 175. Complaints Files to be Closed** (*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 to direction under any enactment (para 6).

The Development Control Manager presented a report which sought Members' authority to close outstanding complaint cases. Further details were included within the exempt section of the minutes.

Decision

Details can be found in the exempt section of the minutes.

- 176. Any other items which the Chairman considers are urgent**

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

Minute 177 Reasons for refusal of applications - This item contains exempt information under Schedule 12A Local Government Act 1972,

namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Minute 178 J & B Recycling - This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 177. Any Other Business – Reasons for refusal of applications** This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Development Control Manager outlined a number of issues relating to the refusal of planning applications. Further information can be found in the exempt section of the minutes.

Decision

Members noted the information.

- 178. Any Other Business – J & B Recycling** This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Development Control Manager outlined an issue with applications previously approved for J & B Recycling on the Longhill and Sandhill Industrial Estates. Further information was included within the exempt section of the minutes.

Decision

Members noted the information.

The meeting concluded at 11.25am.

CHAIRMAN

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

29 May 2009

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

Present:

Councillor: Rob W Cook (In the Chair)

Councillors: Mary Fleet, Pauline Laffey, Geoff Lilley, George Morris, Michelle Plant, Carl Richardson and Lilian Sutheran

In accordance with Council Procedure Rule 4.2 (ii), Councillor Jonathan Brash attended as a substitute for Councillor Chris Simmons and Councillor Sheila Griffin attended as a substitute for Councillor Shaun Cook.

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
Chris Pipe, Principal Planning Officer
Jim Ferguson, Senior Planning Officer
Richard Smith, Solicitor
Paul Mitchinson, Highways Services Manager
Peter Frost, Traffic Team Leader
Angela Hunter, Principal Democratic Services Officer

179. Apologies for Absence

Apologies for absence were received from Councillors Stephen Allison, Shaun Cook, Bob Flintoff, Stan Kaiser, Robbie Payne, Chris Simmons and Edna Wright.

180. Declarations of interest by Members

Councillor Geoff Lilley declared a personal interest in item H/2009/0028 – Able UK Ltd, Tees Road but indicated he would take no part in determining the application to avoid any perception of impropriety.

181. Planning Applications

Number: H/2009/0198

Applicant: Headland Development Trust

- Agent:** SJD Architects Ltd, Hampdon House, Falcon Court, Westland Way, Preston Farm Business Park, Stockton on Tees
- Date received:** 28/04/2009
- Development:** Erection of a new performing arts centre with associated car parking and landscaping (amended application)
- Representations:** Mr M Young (applicant) and Mrs J Orton (objector) were in attendance and addressed the Committee.
- Location:** ST HILDS C OF E SCHOOL, KING OSWY DRIVE, HARTLEPOOL
- Decision:** **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans and details received on 28th April 2009 as amended in relation to the site layout by the drawing 867-08-P002F received at the Local Planning Authority on 14th May 2009, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.
3. Unless otherwise agreed in writing with the Local Planning Authority the site and building levels shall be in accordance with drawing 867-08-P004A (Proposed Site Sections).
In accordance with the submitted details and in the interests of the amenities of the occupants of neighbouring properties
4. The premises shall be used as a performing arts centre in accordance with the details submitted with the application and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In accordance with the application and in the interests of the amenities of the occupants of neighbouring properties.
5. Unless otherwise agreed in writing prior to its installation details of the Biomass Boiler shall be submitted to and approved in writing by the Local Planning Authority, the Biomass Boiler shall be installed in accordance with the details so approved.
In the interests of the amenities of the occupants of neighbouring properties and for the avoidance of doubt.

6. 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 public road in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
7. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development 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 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 and the amenity of neighbours.
8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
9. 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.
10. Notwithstanding the details shown on the approved plans 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.
11. Notwithstanding the details shown on the approved drawings 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 and security.
12. Unless otherwise agreed in writing with the Local Planning Authority the premises shall only operate between the hours of 08:30 and 21:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
13. Unless otherwise agreed in writing with the Local Planning Authority at the time of development, the building(s) shall be provided with noise insulation measures, details of which shall first be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the development and the adjacent

dwellinghouses. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.

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

14. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

15. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for the design and location of any plant/vents/intakes/extract fans etc related to any proposed ventilation system. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times.

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

16. Unless otherwise agreed in writing with the Local Planning Authority the proposed first floor corridor windows facing the rear of the properties on Tempest Road shall be fixed and shall be glazed with obscure glass which shall be installed before the building is brought into use and shall thereafter be retained at all times while the windows exist.

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

17. The landscaped area immediately to the west of the building and extending to its full length, including the two squares, shall be retained as a landscaped area. No access shall be allowed to staff, visitors, customers or pupils or others at any time save for occasional access for maintenance purposes or in the event of an emergency or emergency drill. Except for occasional access in the above circumstances all gates in the fences enclosing this area shall be kept locked at all times.

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

18. Unless otherwise agreed in writing with the Local Planning Authority details of all external lighting shall be provided prior to its installation. The lighting scheme shall thereafter be installed as approved and not added to, or varied, without the prior written agreement of the Local Planning Authority.

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

19. The fire escape door, located at the bottom of stair 2, shall be used only in the event of an emergency or fire drill and shall otherwise be kept closed at all times to prevent access to the landscaped

area/squares to the west of the building. The door shall be alarmed so that its unauthorised use can be detected and addressed by the operators of the centre in a timely fashion. A sign on the door shall clearly state that it is alarmed and to be used only in an emergency.

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

20. No music shall be played in, or be piped/relayed to, any external area of the site (i.e. outside the building).

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

21. Before the development is brought into use the approved car parking scheme, including the alterations and additions to the school car park, shall be provide in accordance with the details shown on the approved site plan. The car parking and manoeuvring areas shall be hardsurfaced with tarmac or similar. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.

22. Prior to the building being brought into use details of the proposed cycle parking shall be submitted for the consideration and approval of the Local Planning Authority. The approved cycle parking shall be provided before the building is brought into use and shall be retained for the lifetime of the development.

In the interests of highway safety.

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

1. Site Characterisation

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

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

- (ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- adjoining land,

- groundwaters and surface waters,

- ecological systems,

- archaeological sites and ancient monuments;

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

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

Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

Contamination, CLR 11'.

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

24. Prior to the commencement of development the rear courtyards elevations of the building (north and south) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved drawings.

For the avoidance of doubt these details were not included with the application.

25. Prior to its construction, details of the entrance/gateway feature shall be submitted to and approved in writing by the Local Planning Authority. This part of the development shall thereafter be constructed in accordance with the details so approved.

For the avoidance of doubt. These details were not included at the time of submission.

26. Before the development hereby approved is commenced, the building shall be pegged out on site and its exact location agreed in writing by the Local Planning Authority. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out.

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

The Committee considered representations in relation to this matter.

Councillor G Lilley left the meeting at this point due to his earlier declaration of interest.

Number:	H/2009/0028
Applicant:	Mr Stephen Boland Able UK Ltd, Billingham Reach Industrial Estate, Billingham
Agent:	Able UK Ltd,.Mr Richard Cram, Able House, Billingham Reach Industrial Estate, Billingham
Date received:	22/01/2009
Development:	Mooring of a tanker ship in dry dock to store and test ballast water and rain water pumped from the dock, water to be discharged/pumped as appropriate
Representations:	Mr Glyn Wheeler (applicant) and Ms Iris Ryder and Mr N Robertson (objectors) were in attendance and

addressed the Committee.

Location: ABLE UK LTD, TEES ROAD, HARTLEPOOL

Decision: **Members minded to approve the application subject to the following conditions, however as publicity had not expired the final decision was delegated to the Development Control Manager or substitute.**

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 minimum capacity of the ships storage tanks shall be no less than 4,638m³, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the system is capable of accommodating no less than the volume of the holdings ponds approved under planning application H/2007/0543.
3. Details of the tanker to accommodate the hereby approved tanks 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 scheme unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. Prior to the mooring tanker being brought into use, design details relating to the jointed hose shall be submitted and approved in writing by the LPA. Thereafter the scheme shall be implemented in accordance with the approved details and retained during the life of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
To ensure sufficient protection is designed into the pipe work leading from the ship to the quay in the event of the tanker ship being floated on a tidal surge/flood.
5. Prior to the mooring tanker being brought into use, filling and emptying arrangements of the ship's tanks, including levels of the outlet and inlet pipe, 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 during the life of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
To ensure sufficient protection is designed into the system when the tanks are being drained.
6. No development shall proceed until an evacuation plan has been agreed in writing with the LPA. The plan shall be maintained for the design life of the development.
To ensure that staff and visitors are aware of the risk from flooding and to ensure a safe exit from the site in an extreme event.

7. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19th January, 22nd January and 8th May 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

182. Planning Code of Practice *(Chief Solicitor)*

At a meeting of the Planning Working Group held on 6 May 2009, consideration was given to the draft Planning Code of Practice. A number of amendments were suggested and these were highlighted within the draft document which was attached by way of appendix.

Both the Solicitor present and the Assistant Director (Planning and Economic Development) provided clarification on a range of issues discussed by Members. It was noted that the Planning Code of Practice would be an invaluable document which would provide clear guidance to all Members.

Decision

The draft Planning Code of Practice was agreed for consideration by the bodies referred to in the report and commended for adoption by Council.

The meeting concluded at 12.55 pm

CHAIRMAN

No: 1
Number: H/2009/0195
Applicant: Mr Ashley Hornsey EGERTON ROAD HARTLEPOOL TS26 0BW
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR
Date valid: 23/04/2009
Development: Erection of a double garage/hallway/cloakroom extension to front to enable conversion of existing garage to gymnasium
Location: 32 EGERTON ROAD HARTLEPOOL

The Application and Site

1.1 The application site is a large detached house on the north side of Egerton Road in the West Park area of the town. The property which has recently been extended, has large front and rear gardens.

1.2 Neighbouring properties in this well established residential area comprise a wide variety of houses and bungalows characterised by large gardens and tree-lined streets.

1.3 The house has been extensively altered and extended, planning approval being granted in 2006 for a two storey extension and replacement double garage to the side and front.

1.4 Planning consent was refused in June 2008 for the erection of a garage and first floor bedroom/en-suite extension to the front, a first floor en-suite extension to the side and new portico entrance. As a result of the refusal, a planning appeal was submitted and subsequently dismissed by the planning inspectorate. (A copy of that decision is **attached as an Appendix**)

1.5 The current proposal involves the erection of a double garage/hallway/cloakroom extension to the front of the house to enable the existing garages to be converted to a gymnasium.

1.6 The extension would be just over 8m in length, 7m wide and 3.8m to the highest point of the pitched roof and finished to match the existing house.

Publicity

1.7 The application has been advertised by way of neighbour letters (8). To date, one letter of no objection and 3 letters of objection have been received.

The concerns raised are:

- a) the property is already overextended and out of keeping in the area.
- b) will be unsightly from 34 Egerton Road and will result in a poor outlook.

- c) previous extensions/work to the house have resulted in noise, disturbance, damage to verges and traffic congestion.
- d) the site would be overdeveloped.
- e) the existing property is an ugly building.

Copy letters A.

The period for publicity has expired.

Consultations

1.8 The following consultation replies have been received:

Highways – no objections

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 case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan and the impact of the development on neighbouring properties and the street scene in terms of visual amenity.

1.11 Current Council policy states that extensions to residential properties should be of a size and design that harmonizes with the existing dwelling and should be unobtrusive and not adversely affect the character of the street. The development should not significantly affect the amenities of neighbouring properties in terms of visual amenity. In this particular case, the following criteria are considered to be relevant:-

- 1) The effect on daylight and sunlight on nearby properties.
- 2) Dominance of one building by another.
- 3) Outlook from habitable rooms and private gardens.

- 4) Appearance of the proposal in relation to the house itself and the area in general.

1.12 32 Egerton Road is a large detached house which was originally located roughly in the centre of a large site, well set back from the road.

1.13 Apart from the adjacent detached house at 34 Egerton Road, most other neighbouring properties are well distanced from the application site and should not be significantly affected by the new single storey extension in terms of visual amenity. The proposed extension would result in a side elevation of almost 26m in length, close to the shared boundary with 34 Egerton Road. Whilst this may appear to be large, it should be noted, that there is a difference in site levels between the two houses of approximately 1.6m (the application site being the lower) separated by a retaining wall with a 1.8m close boarded timber fence on top and substantial planting (photographs will be displayed at the meeting).

1.14 As previously mentioned, the application dwelling has already been extended close to the shared boundary with 34 Egerton Road where there are main living room windows at ground floor level and a sheltered patio area. However, given the difference in floor levels, the height of the existing fence and retaining wall planting, and the fact that the existing extension has little impact on the neighbouring property in terms of visual amenities, it would be difficult to sustain an objection to the proposed extension on these grounds. Only a small section of the roof of the extension (existing and proposed) would be visible from the ground floor of No. 34.

1.15 In terms of the potential effect on the street scene and character of the area, it is unlikely that much of the extension would be visible above the existing high fences and gates to the front of the site.

1.16 Whilst it is acknowledged that 32 Egerton Road has already had a number of large extensions which have increased the size of the house significantly, the site, which measures 58m long by 23m wide is still considered to be more than adequate to accommodate this additional extension. This proposal is fundamentally different to that refused on appeal and it is considered that none of the concerns reflected in that decision could be sustained with this proposal.

1.17 In conclusion, the proposed extension is considered to be acceptable in both siting and design and should have little impact on either neighbouring properties or the street scene in terms of visual amenity.

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.



Appeal Decision

Site visit made on 6 February 2009

by **Malcolm Rivett BA (Hons) MSc 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:
5 March 2009

Appeal Ref: APP/H0724/A/08/2091130 **32 Egerton Road, Hartlepool, TS26 0BW**

- 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 Ashley Hornsey against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0265, dated 28 April 2008, was refused by notice dated 5 June 2008.
- The development proposed is described as erection of double garage to front and erection of first floor extension over existing garage/utility/dining.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of the occupants of 34 Egerton Road, with particular regard to outlook and overshadowing.

Reasons

3. In addition to bringing the main two-storey part of no 32 significantly closer to the neighbouring dwelling, no 34, the proposal would increase the height of the existing garage/dining room extension of the appeal property by around 2.5m, the two-storey part of this projection extending around 10m forward of the front of the main part of the house. Despite its hipped roof, given this part of the proposal's height, length and proximity to the boundary with no 34, I consider that it would be unacceptably dominant in the outlook from this property's patio area and its kitchen and sitting room windows. I also agree with the Council that for much of the year the extension would be likely to overshadow these parts of no 34 during the early part of the day when the kitchen and, in the warmer months, the patio, are likely to be in use. I consider that these effects would cause significant harm to the living conditions of the occupants of no 34, despite this property's southern aspect from the front of the house remaining unaffected.
4. I accept that the appeal property's position, around 1.6m below the level of no 34, means that the proposal would result in less harm than would otherwise be the case. However, I consider that the height difference is not sufficient to make the scheme acceptable in terms of its effect on outlook and sunlight. Whilst no overlooking would result I do not accept the contention that the lack of windows at first floor level facing number 34 would limit the proposal's visual

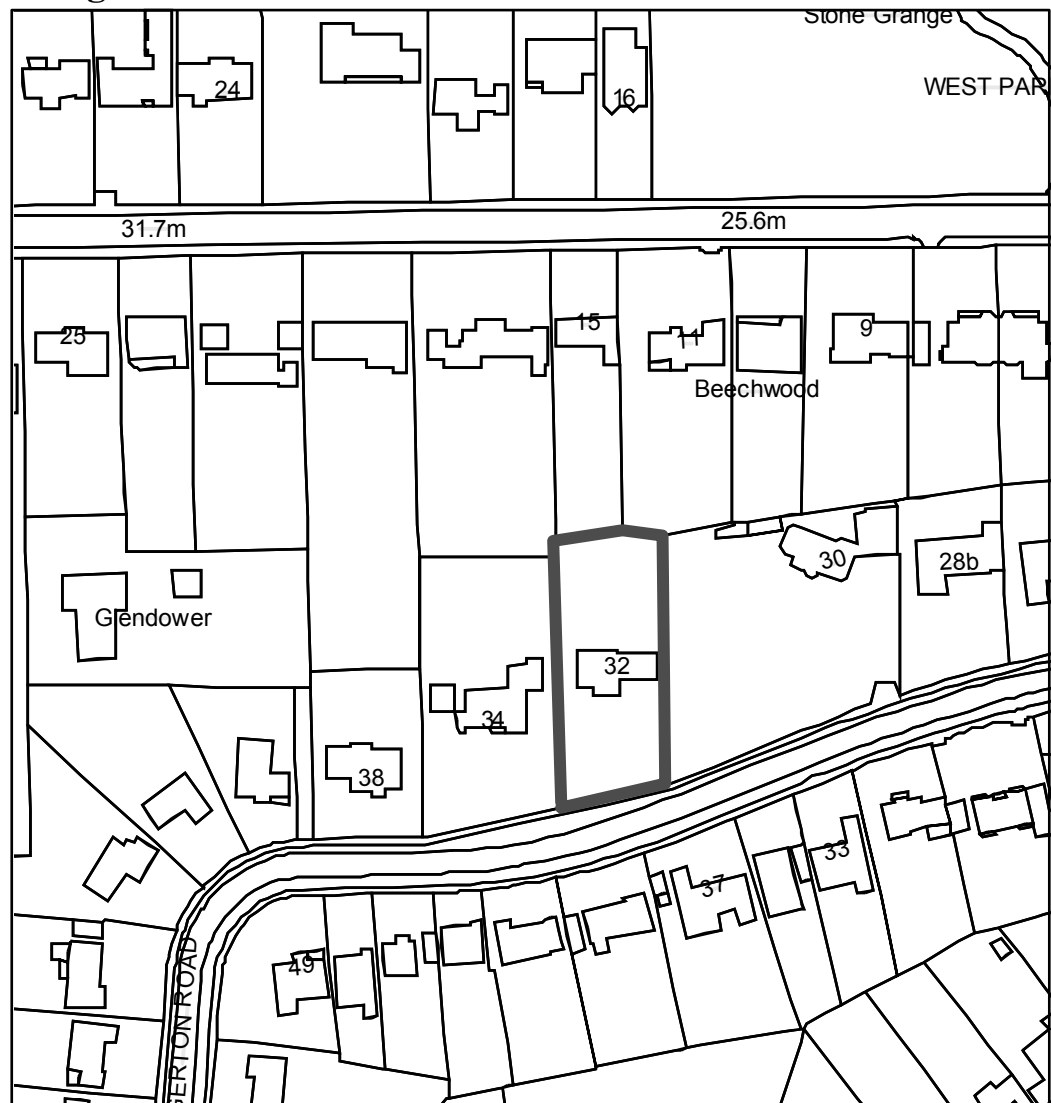
Appeal Decision APP/H0724/A/08/2091130

impact. The appellant argues that no 34 dominates and overlooks no 32, particularly since trees on the boundary between the properties were removed. However, that the appellant chose to remove the trees is not, in my view, justification for the appeal proposal and I consider that harmonisation, to some degree, of the heights of the two properties does not outweigh the harm the scheme would cause.

5. Of the policies referred to by the Council I consider policy Hsg10 of the adopted *Hartlepool Local Plan* to be most relevant to this appeal and I find that the proposal conflicts with its requirement that extensions to residential properties should not significantly affect the amenities of the occupiers of adjacent properties through overshadowing or by creating poor outlook.
6. Reference is made to other large extensions in the area although I have no evidence to suggest that these cause harm in the way that I have found this proposal would. I have noted the appellant's comment that the Council has indicated that no amendments to the scheme would be likely to be acceptable and I appreciate that the Local Plan identifies that there is a need for larger/higher value homes in the borough. However, the appeal property is already a large dwelling and I consider that this does not justify the proposal given the harm I have identified it would cause.
7. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR

32 Egerton Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/06/09
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0195	REV

No: 2
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

2.1 This application was considered at the May meeting when it was deferred as information from the applicant was awaited.

2.2 This information has recently been received. A legal view and the view of our retail consultant have been sought. It is hoped that these will be available shortly and that this matter can finally be concluded. An update report will follow.

RECOMMENDATION – UPDATE report to follow.

TEESBAY RETAIL PARK



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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: 3
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

Background

3.1 This application was withdrawn from the agenda at the previous meeting so that further information could be collected through further investigation and additional monitoring of the premises.

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

The Application and Site

3.3 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.

3.4 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.

3.5 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.

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

Planning History

3.7 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.

3.8 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 GE1, 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 GE1, Com5 and Com12 of the adopted Hartlepool Local Plan.

3.9 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 GE1, Com5 and Com12.

3.10 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 GE1, Com5 and Com12.

3.11 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.

3.12 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”.

3.13 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.

3.14 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.

3.15 The Head of Public Protection highlighted no complaints regarding 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.*

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

3.17 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).

3.18 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.

3.19 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

3.20 The application has been advertised by way of neighbour letters (20) and site notice. To date, there have been 2 objections.

3.21 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.
3. Concerns that the area suffers from high levels of anti-social behaviour.
4. Escalation of shops converting to hot food takeaways, how many do we actually need?
5. A change in opening hours would compound the anti-social behaviour problems faced and increase litter in the area.

3.22 The period for publicity has expired.

Copy Letters E

Consultations

3.23 The following consultation replies have been received:

Head of Traffic and Transportation – Given the premises has already got permission to open as a hot food takeaway during other times of the day and it is located in a shopping parade it would be very difficult to sustain an objection on highway grounds. Also there will be less traffic at the proposed times. There are no major highway implications with this application.

Head of Public Protection – I am not aware of any problems associated with this takeaway over the period of the temporary permission. I would therefore have no objections to this application.

Planning Policy

3.24 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

3.25 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

3.26 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.

3.27 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.

3.28 The Traffic and Transportation section have indicated that as the premises benefits from an existing permission for a hot food takeaway and is located on a shopping parade, it would be difficult to sustain an objection on highways grounds. Additionally, it is considered that there would be less vehicular traffic at the times for which permission is sought in this application. It is therefore the opinion of the Traffic and Transportation section that there are no major highway implications with the application. It is considered therefore that the proposal will not have a significant detrimental impact on the safety of the surrounding highway network.

3.29 In order to gather additional information relating to the use of the premises and to further assess the impacts of the use, a monitoring exercise of the premises by officers is being undertaken. Monitoring of the effects of the operation of 143 Oxford Road and the surrounding area is continuing by way of visits to the site.

3.30 It is envisaged that a further update report will follow to set out the findings of the monitoring exercise along with the associated planning considerations and recommendation.

RECOMMENDATION – Update report to follow.

143 OXFORD ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 4
Number: H/2009/0209
Applicant: Ms Joanne Dobson
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 01/05/2009
Development: Erection of a single storey rear extension and alterations
 to form doctors surgery
Location: FORMER DENTAL SURGERY REAR 434 CATCOTE
 ROAD HARTLEPOOL

The Application and Site

4.1 The site to which the application relates is a single storey building to the rear of 434 Catcote Road, which is within the Fens Local Centre. The surrounding area is predominately residential.

4.2 The building was originally granted planning permission in 1982 for a doctors surgery which subsequently became a dentist surgery. Both uses fall within the same Use Class (Class D1). The unit has been vacant since approximately 2007.

4.3 The proposal seeks to provide a single storey rear extension within an existing yard area to create additional consultation and treatment rooms. The extension will measure approx. 18.6m x 4.5m.

4.4 This is a new doctor's surgery but is an alternative facility to that recently granted permission on two alternative sites in or adjoining the Local Centre.

4.5 A full marketing campaign has been carried out to local residents offering this new facility and to date there have been over 50 patients locally registered. It is envisaged to be able to offer a wide range of medical support and clinics, with the increased space that the new extension will create. The contract for the PCT requires 1200 patients to be registered in the first year, increasing to 6000 by the end of 5 years.

Publicity

4.6 The application has been advertised by way of neighbour letters (21) and a site notice. To date there has been 2 letters of objection and 2 letters of comments.

The concerns raised are:

Parking issues with vehicles parking on the access road to the side of the building;
 The access road is only way to the rear of residents homes;
 Tesco vehicles have difficulty manoeuvring at the hammerhead due to parked cars;
 Rear property fence has been damaged;

Cars damaged;
Fens parking capacity seems full;
Patients could park on grassed area:
Increase in parking of vehicles at the rear of shop on the access road.

The period for publicity has expired.

Consultations

4.7 The following consultation replies have been received:

Head of Public Protection and Housing: Informally advised no objection

Northumbrian Water: No objection

Head of Traffic & Transportations : Points out the parking requirements for a doctor's surgery of this size would normally be 15 spaces based on the staff information provided by the applicant. Indicates that the existing car park is extensively used and can be at capacity during certain times on the day but adds that the site has very good transport links. Has concerns that patients may be tempted to park at the rear access and suggests a condition to overcome this and a limit on the numbers of doctors.

Planning Policy

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

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

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

PU9: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

Planning Considerations

4.9 The main planning issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the proposal on the amenities of occupants of neighbouring properties, the street scene generally, highway safety and parking related issues.

4.10 It is proposed to erect a single storey extension to the rear of an existing unit which was previously used as a doctor's surgery and more recently as a dental surgery. Policy Com 5 of the Local Plan indicates uses such as this will be approved in local centres subject to considerations about the effects on the amenities of neighbouring properties on the highway network and providing the function character and appearance of the area is maintained. These issues are discussed below but the principle of the development is considered satisfactory. Further it is important to note that this proposal is for the extension of an existing D1 use rather than the provision of a new use.

4.11 The extension is to be erected in an existing rear yard area which was originally part of the bookmakers at 434 Catcote Road. There is an access strip which will be retained to allow the bookmakers rear access to the premises. It is unlikely to have a detrimental effect upon the bookmakers as the loss of the yard area is unlikely to effect servicing to this unit.

4.12 The extension is not large and will not be widely seen. The main entrance is to the side, as existing, albeit improved to ensure access for all can be achieved. It is not considered that this will significantly affect the amenities of neighbours. The entrance referred to by the highway engineers is shown as a fire access. The concerns raised by him could be limited by restricting that access to an emergency access only. This would also have the effect of reducing any amenity impacts.

4.13 Turning then to the possible effects on the highway network the applicant has indicated that the surgery will have 3 doctors, 1 nurse and 4 reception staff working full time. Plans submitted with the application show 3 consulting rooms in the existing premises. It is therefore difficult to say that the proposed extension will lead to a significant increased parking requirement, the more so if the number of doctors working there can be restricted by condition.

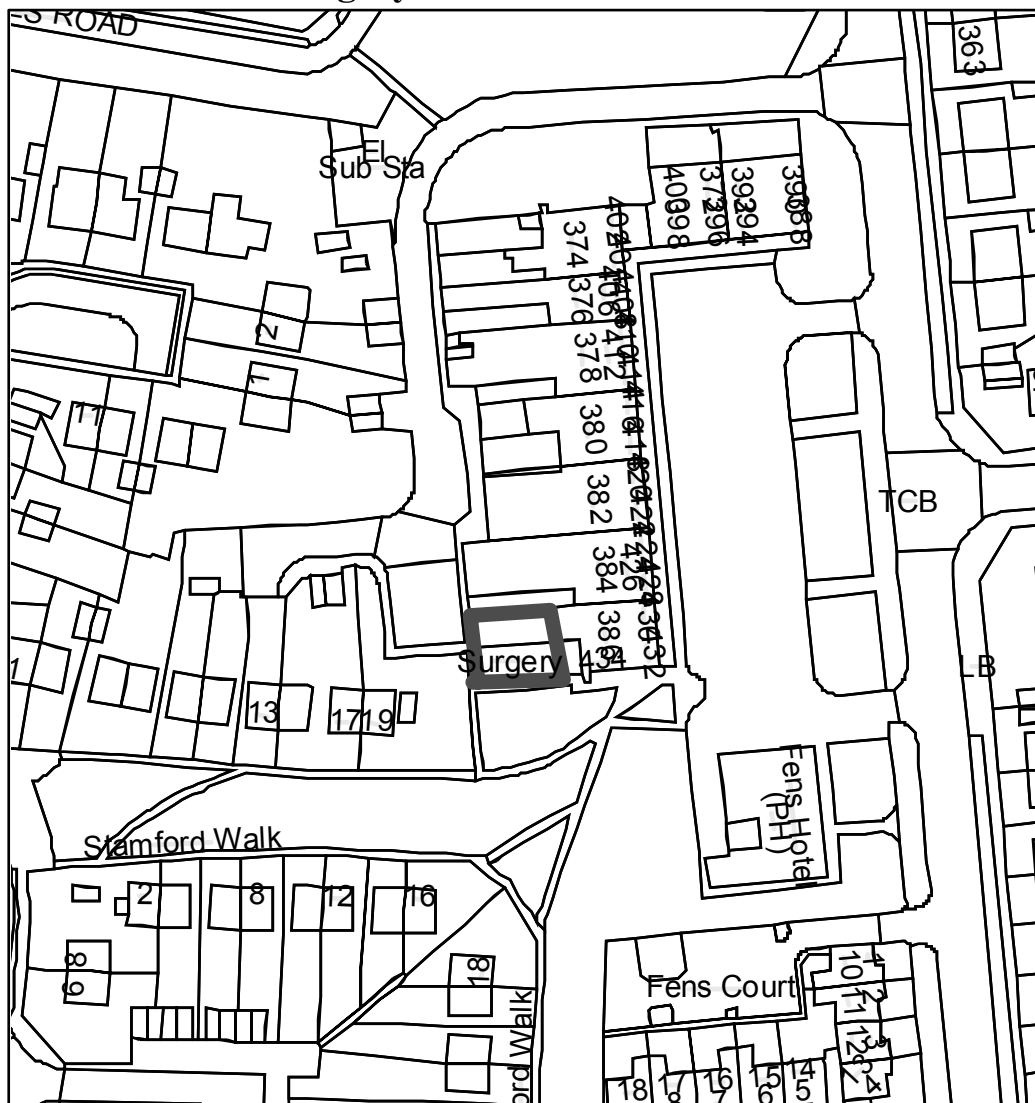
4.14 The letters of objection and comments received do not relate to the proposed extension as such but to the issue of parking, in particular the use of the service road to the side. While the restriction of the use of the fire door will help to some extent in this respect it is difficult to see how the proposed development will significantly affect the position, particularly given that the existing surgery could reopen at any time. There have been previous complaints about cars parking on the rear access road and the Traffic and Transportation Section has been looking at ways to resolve this. Legal work is currently being carried out to allow enforcement to be undertaken. Existing parking restriction will be refreshed as part of this action.

4.15 The Fens is a thriving local centre and it is not considered that the proposal would adversely affect the function character or appearance of the area

4.16 In the light of the above approval is therefore recommended.

RECOMMENDATION – Approve subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The 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. Unless otherwise agreed in writing by the Local Planning Authority the extended premises shall only be open to the public between the hours of 8am and 6.30pm Mondays to Saturdays inclusive and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing by the Local Planning Authority no more than 3 doctors shall work in the extended premises hereby approved at any one time.
In the interests of highway safety.
5. The fire exit onto the rear service road shall only be used as an emergency access and shall not be used as a general access to the surgery at any time.
In the interests of highway safety the free flow of traffic and the amenities of the occupiers of nearby houses.

Former Dental Surgery Catcote Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/06/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0209	REV

No: 5
Number: H/2009/0186
Applicant: Housing Hartlepool Hartlepool TS24 7QS
Agent: Housing Hartlepool Greenbank Stranton Hartlepool TS24 7QS
Date valid: 28/04/2009
Development: Elevational alterations including new render, canopies, windows, provision of door security system and provision of communal bin storage area
Location: 219-233 odds OWTON MANOR LANE HARTLEPOOL HARTLEPOOL

The Application and Site

5.1 The application site consists of two adjoining two-storey buildings comprising of self contained flats with communal entrances located on Owton Manor Lane. The properties are sited opposite semi-detached properties on Owton Manor Lane, north of the junction with Macrae Road.

5.2 The existing frontages of the properties project out from the main building with an access door with two small windows at ground floor, either side of the door, with three larger windows at first floor. Both entrances have gable features with pebble dash rendering in contrast to the facing brickwork of the properties.

5.3 The properties benefit from a small amount of communal open space toward the front and rear of the blocks, bounded by walls abutting the highway to the front.

5.4 The application proposes the installation of eight lockable bin stores sited to the front of the properties either side of the entrance measuring 1.41m in height, 0.67m in width and 0.85m in depth. The stores will be secured by dead lock with individual keys. It is indicated that the bin stores are required to be sited to the front of the property as health and safety issues have arisen through residents having to manoeuvre bins through communal areas and in some instances storing them within the communal areas.

5.5 Additionally, the application proposes the installation of steel electronic doors, replacement ground floor windows, security systems comprising entry panel and camera, new mail storage systems and new door canopies. The frontage is proposed to be rendered, in a colour to be agreed. There are also a number of internal alterations which do not require planning permission proposed as part of the scheme.

5.6 The scheme, including the bin stores, are of a similar design and size to various Housing Hartlepool upgrade schemes recently approved at 19-26 Danby Grove (H/2009/0055), 26-40 Drayton Road, 1-8 Nash Grove and 2-16 Homer Grove (H/2009/0037) and 258A-268B Stockton Road (H/2009/0060).

5.7 Members may recall that one scheme, however, was recently refused at Committee for the ‘provision of a communal bin store area’ at Pinero Grove, Lewis Grove, Sinclair Road and Macaulay Road (H/2009/0017).

Publicity

5.8 The application has been advertised by way of neighbour letters (8) and site notice. To date, there has been 1 letter of comments.

The concerns raised are:

- i) Concern that the communal bin area is to the front.

The period for publicity has expired.

Copy Letters F

Consultations

5.9 The following consultation replies have been received:

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

Public Protection – Comments awaited.

Neighbourhood Services – Comments awaited.

Planning Policy

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

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

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.

Hsg1: States that a high priority will be given to the improvement of the existing housing stock and to the enhancement of the local environment particularly in areas of high deprivation.

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

5.11 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant adopted Hartlepool Local Plan (2006) policies, in particular the impact of the proposals on the amenity of neighbouring properties and surrounding area, the impact on the character of the street scene, and the impact on highway safety.

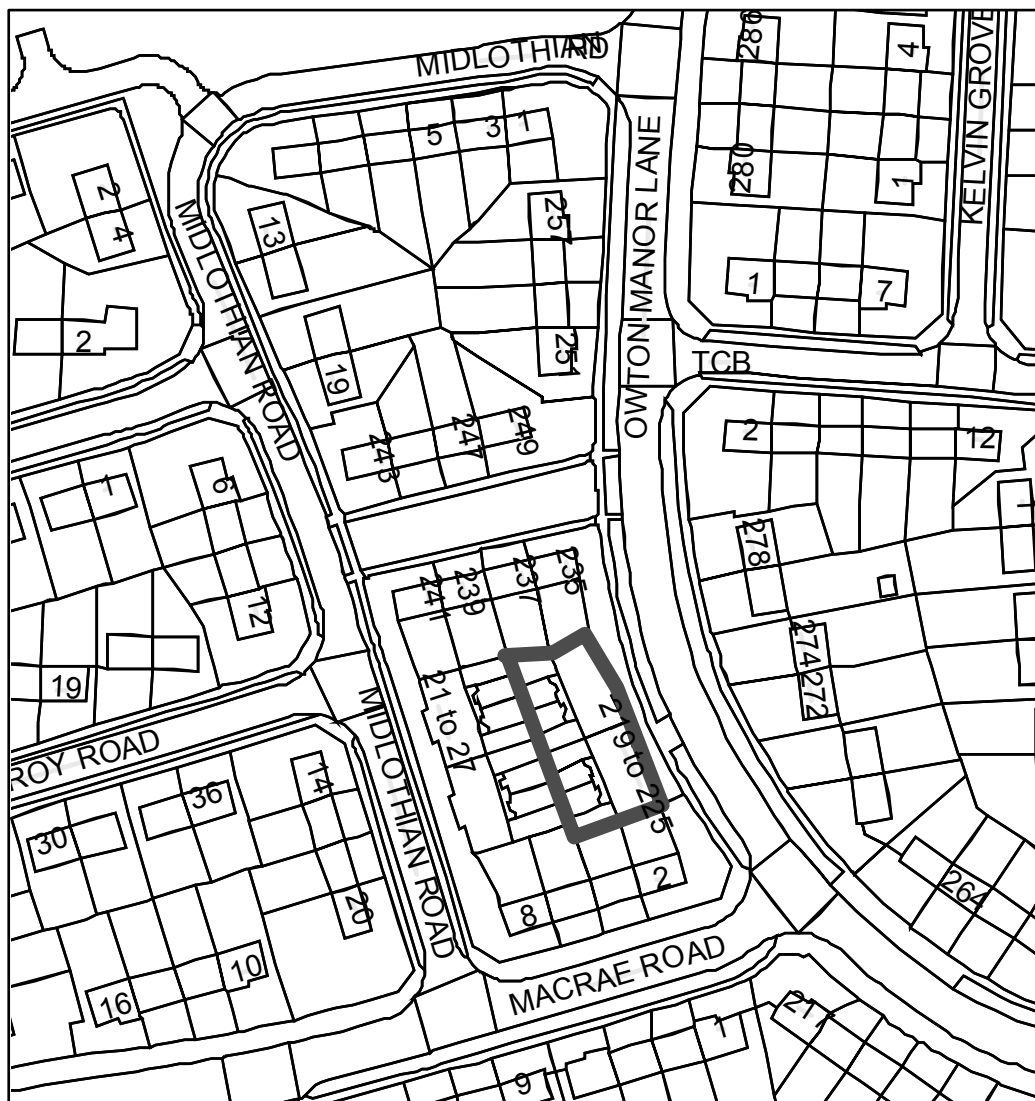
Impact on Highway Safety

5.12 The Council's Traffic and Transportation section have indicated that there are no highway implications associated with this application. It is therefore considered that the proposals will not have a detrimental impact on highway safety.

Outstanding Matters

5.13 The comments of the Councils Public Protection and Neighbour Services sections are awaited with regard to the impact of the proposals on the surrounding area and neighbouring properties. In light of this it is envisaged that these comments, in addition to the relevant planning considerations and recommendation, will be provided in an update report to follow.

RECOMMENDATION – Update report to follow

Owton Manor Lane

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/06/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0186	REV

No: 6
Number: H/2009/0194
Applicant: Mr M Matharu Elwick Road Hartlepool TS26 0DL
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 21/04/2009
Development: Outline application for the erection of a 30 bed residential
 care home with associated car parking (resubmitted
 application)
Location: 34 STATION LANE HARTLEPOOL

The Application and Site

6.1 The application site is located on Station Lane in Seaton Carew on a main link road into and out of Seaton Carew.

6.2 The site is approximately 0.12 hectares in size and accommodates a 3 storey double fronted Victorian property, which was converted into a residential care home in 1987 (under application H/FUL/0520/87). In 1988 an application was approved for a 2 storey extension to the rear (H/FUL/0022/88). A smaller infill extension was approved in 1997 (H/FUL/0235/97).

6.3 There have been three recent outline applications associated with the proposal to demolish the existing care home and rebuild:

6.4 **H/2007/0759** comprised an application for a 29 bed residential care home. This was withdrawn by the agent as there were concerns from the case officer regarding the scale and design of the proposal.

6.5 **H/2008/0213** comprised an application for a 32 bed care home. This was refused on the grounds that the scale proposed would be overbearing and detrimental to the occupiers of neighbouring properties in terms of visual intrusion, dominance, overlooking and loss of outlook. It was also considered that the scale of the home proposed would not provide amenity space to meet the needs of residents commensurate with the size of the building.

6.6 **H/2008/0531** Outline application for the erection of a 30 bed residential care home with associated car parking. This was withdrawn by the agent as there were concerns from the case officer regarding the scale and design of the proposal.

6.7 The current application proposes the demolition of the existing building and the erection of a 30 bedroom care home, which is shown to be 3 storey at the front then 2 storey at the rear. Whilst the application is for outline consent the details submitted regarding the access, appearance, layout and scale are for approval at this stage, with only landscaping being reserved for any future application.

6.8 The applicant has provided a design and access statement which states that the current building does not comply with many of the requirements set out by the current Care Home Regulations. The statement also states that attracting new residents has been lost to competition from newer built homes within the surrounding area and subsequently a lack of investment has resulted.

Publicity

6.9 The application has been advertised by way of neighbour letters (15), site notice and press notice. To date, there has been 1 letter of objection.

The concerns raised are:

1. the building is far too large
2. not enough car parking spaces for the volume of visitors.

Copy Letters F

6.10 The period for publicity has expired.

Consultations

6.11 The following consultation replies have been received:

Traffic & Transportation – no objection

Public Protection – no objection

Engineering Consultancy – no objection subject to a condition regarding contamination.

Director of Adult & Community Services – no objection

Cleveland Police – comments regarding secured by design

Northumbrian Water – no objection.

Planning Policy

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

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

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

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

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

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

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.

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.

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

Planning Considerations

6.13 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, the effect of the proposals upon neighbouring properties, on the streetscene in general, and highway implications.

Local Plan

6.14 The site is within the limits to development where the type of development proposed would be acceptable in principle.

Residential Amenity

6.15 The relationships with the houses at 5A Bolton Grove and 32 Station Lane is as existing, tight. The plans show the proposed home running virtually the full length of the site occupied by 5A Bolton Grove and a significant part of that occupied by 32

Station Lane, between 3 and 2 storeys high closer to the party boundaries than the existing building with a variety of windows facing both these properties.

6.16 The building has been designed with staggers to seek to reduce its impact and, it should be acknowledged that although the scheme is large it is similar in terms of massing to the existing care. This can be seen on the plans which have been provided by the agent which indicates the current elevation against the proposed.

6.17 At its closest the new building will be 2.5 metres from the boundary and opposing windows will be 9-10m apart. While there are windows in the existing building overlooking the neighbouring properties the opportunity has been taken to try to minimise the effects of this with the new windows. Some of these windows are shown to be obscure glazed in the bottom pane however they are not shown fixed. this can be controlled via condition. It is considered that a condition can be imposed to provide a satisfactory degree of protection to the occupiers of the adjacent residential properties from being overlooked.

6.18 The rear elevation which is shown at 2 storey is sited approximately 5.3metres away from the boundary of 7 Bolton Grove and contains windows comprising corridor/stairwell windows facing into the neighbouring garden. This is actually further away than the existing building. These windows could also be controlled via condition to prevent overlooking.

6.19 In terms of the outlook for residents of the proposed care home there is a large boundary wall to 2 sides of the site which bedroom windows would face onto. The height of the walls range from approximately 2metres to 4metres. These walls are imposing and within approximately 5.5/6.7metres of the proposed bedrooms. The agent has previously indicated that the walls could be softened by the addition of low level planting and climbers. This can be controlled via condition.

6.20 The development proposes limited amenity space for residents. These areas are limited in size and with bedroom windows facing onto them so the of privacy for the occupants of these rooms needs consideration. The existing care home also has windows facing into the existing limited amenity areas. It is therefore considered that with appropriate siting of any seating for users of the amenity area this concern on balance could be allviated to a satisfactory degree.

6.21 There are windows which face onto the site from the neighbouring social club. However it is not considered that these would have a significant affect on the amenities of the occpuiers of the proposed care home, in terms of overlooking.

Impact on Street Scene

6.22 Station Lane is made up of a variety of styles in terms of designs of properties and within the immediate vicinity there is no uniformity of the dwellings in terms of the street pattern. Given the mix of styles of properties in the area it is considered that a new building could be accommodated satisfactorily and that shown on the plan would not be out of keeping with the streetscene.

6.23 There is a clear view into the application site from Bolton Grove, which is a mix of bungalows and 2 storey dwellings. The agent has provided elevations which also indicates the scale of the existing building to compare actual sizes. It is considered that a building of the scale illustrated may not appear unduly large and dominant in the streetscene.

Landscaping

6.24 The scheme has been assessed by the Council's Landscape Team and there is one medium sized Sycamore tree at the front of this property which appears to be in good health. There is a decay pocket on the bole however this is not extensive. The scheme should not affect this tree, however it is recommended conditions are imposed to ensure its protection. It has been advised that should permission be granted that additional landscaping be provided at the front, between car parking bays and Station Lane.

Highway Implications

6.25 The applicant has shown 9 spaces which based on the information provided would exceed the parking requirement for this development (8 spaces). The access onto Station Lane of 4.1 metres is acceptable as it will allow vehicles to pass each other. The improvements to the entrance should be carried out by credited RASWA contractor.

6.26 The Head of Traffic and Transportation has raised no objection to the scheme subject to conditions.

Other Issues

6.27 The Council's Engineering Consultancy Team have advised that a section 80 notice is required for the demolition of this building and should the application be approved a condition requiring clarification of any potential contaminants would be required. This would be a standard condition.

6.28 Cleveland Police have provided general comments regarding crime prevention including that windows/doors should comply with the relevant British Standards, external lighting and defined boundaries. Should the application be approved a condition would be required to incorporate these measures.

6.29 A response has been received from the Adult and Community Services Team, who while having some operational concerns about the size of the home being over 3 floors, have not objected to the scheme

Conclusion

6.30 Although the building is large on balance the proposed development is considered to be acceptable.

RECOMMENDATION - APPROVE

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the landscaping of the site (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21st April, 28th May and 3rd June 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
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. 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'.

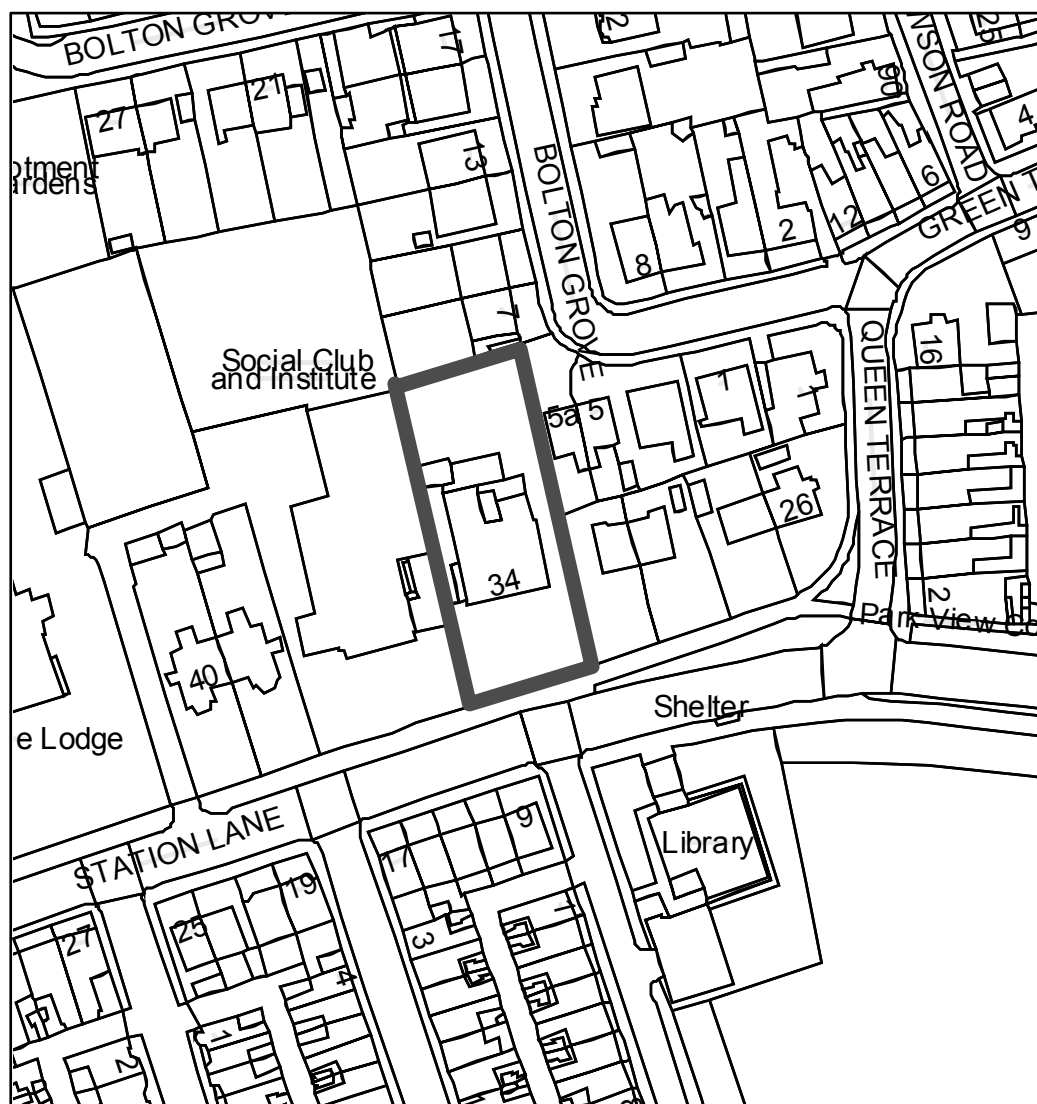
To ensure that any site contamination is addressed.

6. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of crime prevention
7. Notwithstanding the submitted plans a scheme for refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of visual amenity and to promote sustainable forms of transport.
8. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
9. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development
10. All planting, seeding or turfing comprised in the finally 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.
11. 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.
12. A joint inspection shall be carried out prior to and after works have been completed between the developer and the Highways Authority to review the condition of the highway.
To ascertain the condition of the highway.
13. The tree shown on the front boundary of the site adjacent Station Lane on approved plan 02 rev E received on the 28th May 2009 shall be retained, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
14. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority.
The scheme shall thereafter be carried out in accordance with the approved

details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

15. A cross sectional drawing of the car park construction within the area overshadowed by the tree canopy of the existing tree to the front of the site 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, unless otherwise agreed in writing by the Local Planning Authority. In the interests of the health and appearance of the preserved tree.
16. The window(s) identified as being obscure glazed on the hereby approved plan 04 rev D shall be glazed with obscure glass and be fixed to ensure they can not be opened. These shall be installed before the building is occupied and shall thereafter be retained at all times while the window(s) exist(s), unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking
17. The final design and siting of any seating within the amenity areas of the hereby approved care home shall be submitted and agreed in writing to the Local Planning Authority, thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking
18. The reserved matters application should include details of low level planting and climbers to soften the walls surrounding the amenity areas, and a scheme to introduce landscaping along the front boundary of the site facing Station Lane.
In the interest of visual amenity.

34 Station Lane



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL</p> <p>BOROUGH COUNCIL</p>		<p>DRAWN</p> <p>GS</p>	<p>DATE</p> <p>04/06/09</p>
		<p>SCALE</p> <p>1:1000</p>	
<p>Department of Regeneration and Planning</p> <p>Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>		<p>DRG. NO</p> <p>H/2009/0194</p>	<p>REV</p>

No: 7
Number: H/2009/0189
Applicant: Mr D Trebble HART LANE HARTLEPOOL TS26 0UQ
Agent: Mr D Trebble SEA VIEW HOUSE HART LANE
 HARTLEPOOL TS26 0JX
Date valid: 24/04/2009
Development: Outline application for alterations and extensions to form 3
 dwellings (resubmitted application)
Location: SEAVIEW HOUSE HART LANE HARTLEPOOL

The Application and Site

7.1 The application site is within the original garden area of Sea View House. The site is bounded by residential properties (Siskin Close) to the northeast, landscaping to the south, Sea View House extended garden to the north and the donor property Sea View House and gardens to the west. Access to the site is currently via a private residential drive off Hart Lane.

7.2 The application proposes outline consent to create 3 dwellings. The existing garage would be demolished and the existing property would be altered and extended to form 3 dwellings within the original curtilage of Seaview House. The applicant wishes to reserve all matters at this stage.

Relevant Site History

7.3 A Lawful Development Certificate was issued in 2007 for the area surrounding the original curtilage of Sea View House for an extended garden. This was based on evidence supplied by the applicant that the land had been used in excess of 10 years as a garden.

7.4 In 2007 outline consent was granted by the Planning Committee for an additional dwelling within the original curtilage of Seaview House. This application is similar to that previously approved in terms of the footprint area, should this application be approved and subsequently developed the previously approved dwelling could not be built.

7.5 An outline application for 2 detached dwellings was recently withdrawn due to concerns raised by the case officer regarding the siting of the development and its likely affect on the surrounding residential properties under ref: H/2009/0064.

Publicity

7.6 The application has been advertised by way of site notice and neighbour letters (9). To date, there have been 4 letters of objection.

The concerns raised are:

1. The increased traffic from the proposed site will have an impact on the flow of traffic, more so during the erection of these buildings.
2. Present access view at the entrance to the site is hindered by trees/foliage and guard railings at the footpath.
3. The footpath is well used and is the main route for school children.
4. Is there sufficient area to cope with the numbers of vehicles which may be using the site, allowing them to park and turn to leave the site in a forward gear?
5. Ongoing problems with surface water at rear of a garden in Siskin Close.
6. Concerns regarding waste/sewage drainage.
7. We will now be affected by both plots dominating/overpowering/overlooking our property.
8. Blocking out natural light to the rear of properties and lose of sunlight, spoiling enjoyment of the garden.
9. No direct proposals of location/site boundaries/designs of the development therefore we strongly object.
10. The area is overpopulated and there are numerous houses of this calibre on the market, do we need anymore?
11. Concerns regarding whether the scale on the plan is correct.
12. Covenant on land.
13. Due to topography of the site any development would unduly tower over Siskin Close and create an ugly overpowering outlook.
14. To increase the traffic 3 fold from Seaview House would be extremely dangerous.
15. Not convinced the conservation tree area would be untouched, the applicant has already felled a lot of trees.
16. We would need to consider relocating.
17. No garages or external parking is shown.
18. Another site visit should be undertaken.
19. Is the pill box adjacent listed?
20. The applicant has not informed neighbouring residents of the scheme.
21. We believe some of the land has a concrete base and has just been covered with top soil.
22. Hopefully no right turn into or out of the properties will be allowed.
23. There have already been a number of accidents along this road.
24. We would like the area checked for bat colonies.
25. We feel this development would have a negative contribution to the area and environment and is not in keeping with the developments in Bishop Cuthbert.

Copy letters B

The period for publicity has expired.

Consultations

7.7 The following consultation replies have been received:

Head of Traffic and Transportation – No objection, subject to conditions

Head of Public Protection – no objection

Engineering Consultants – no objection subject to final details for drainage being conditioned.

Northumbrian Water – no objection

Archaeology – no objection subject to the developer allowing access to archaeology during the excavation works.

Planning Policy

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

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

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

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

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.

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

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity

space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

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

Local & National Guidance

7.10 In terms of National Planning Policy, PPS3 (Planning Policy Statement) – defines land within the curtilage of dwellings as previously used rather than Greenfield. The proposed location of the dwelling is within the curtilage of the existing house and within the limits to development for the town; in principle therefore this proposal is in line with policy.

Effect on the neighbouring properties and surrounding area

7.11 The application site backs onto 2 storey residential properties in Siskin Close. There is a difference in levels between the application site and the adjacent properties, the former being at the higher level. The difference in levels is approximately 1.5 –metres from the level of the built properties on Siskin Close up to the application site boundary. The application site also has a natural slope from the donor property down to the boundary with Siskin Close. There is a sloped planted strip of approximately 5metres of mature planting comprising mainly evergreens within the application site, which extends along the bounding of the rear gardens of Siskin Close. Although this has recently been thinned out it still retains an element of screening between the sites.

7.12 While there is a difference in levels the relationship between the adjacent properties in Siskin Close and the proposed dwellings is such that with the degree of separation (30metres) and the mature planted strip it is considered that the 3 dwellings could be accommodated in a satisfactory manner. It is not considered that the new dwellings would be dominant or have a detrimental affect on the existing dwellings. To ensure that the properties are in keeping with the surrounding housing a condition could be imposed restricting the height of the properties, and permitted development rights can be removed for extensions and free standing buildings to ensure the LPA has future control in respect of the interests of the occupiers of the adjacent houses. It is advised in this instance that the property north of the existing donor property should be restricted to 1½ storeys in height given the significant slopes at the northern end of the site and the other 2 properties restricted to 2 storeys. The applicant is agreeable to this.

7.13 The trees which are mainly evergreen conifers and located along the north-eastern boundary of the site are to be retained and would not be affected by the

proposed development. The detailing of landscaping shall be considered at a later date as a reserved matter, however there is potential at that stage to also consider a Tree Preservation Order to ensure protection and retention of an adequate screen.

7.14 It is considered in conclusion that the development would not have a significant detrimental affect on the area in general in terms of visual amenity given that the site is well screened from the closest residential properties and the application site is screened from the main approach from Hart Lane.

Effects on wildlife

7.15 An inspection was carried out at the application site in 2007 when concerns about the potential effects on bats and squirrels in the area were raised by an objector to the previously approved outline application for a dwelling. The Council's Ecologist has confirmed that the proposed scheme would not have an adverse affect on bats or squirrels, as it does not involve the removal of any hedges or significant trees. The Council's Ecologist is satisfied that there is no reasonable likelihood of the proposal affecting bats and therefore a bat survey is not required. The applicant is happy to incorporate bat bricks within the proposed dwelling to encourage roosting, given that bats are seen within the area. This can be controlled via condition.

Highways

7.16 The applicant is proposing a communal parking and turning area for the newly formed dwellings. Traffic and Transportation officers have asked for a condition requiring 2 parking spaces per dwelling. It should be noted that the final details would be considered on the submission of a reserved matters application. In principle this is considered acceptable.

7.17 Highways have stated that vehicles must be able to enter and leave the site in a forward gear in the interest of highway safety; it is considered that there is sufficient space within the application site to accommodate this. The existing entrance will require improvements to the sightlines in the interest of highway safety, a condition is therefore proposed. This would also be considered further at a reserved matters stage.

Other Issues

7.18 With regard to the concerns raised regarding drainage of the site, the application has been assessed by Northumbrian Water and the Council's Engineering Consultancy team who have both confirmed they have no objection to the proposal. A condition is considered prudent by the Council's Engineering Consultancy Team regarding the final design of the foul and surface water drainage of the site to be submitted to the Local Planning Authority for subsequent approval.

7.19 It should be noted that the Pill box to the north east of the site is not a Listed Building.

7.20 The applicant has supplied an amended plan which is considered to be at the correct scale.

7.21 It is understood that there maybe a covenant on the site restricting built development outside of the original curtilage. This is a civil matter which the Local Planning Authority cannot give weight to.

Conclusion

7.22 Based on the information above it is considered that the application is acceptable and approval is recommended, subject to conditions.

RECOMMENDATION – Approve subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the access, appearance, landscaping, layout and scale of the site (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid
3. A final scheme for the foul and surface water drainage of the site shall be submitted to and approved 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 with the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.
5. 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 free standing building(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. The development shall thereafter be carried out in accordance with the approved details unless

- otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
7. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest.
 8. Bat bricks shall be incorporated into the house in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with these details.
In the interests of the protection of bats
 9. The dwellinghouse situated to the north of Seaview House and shown marked green on the plan attached hereto shall not exceed one and a half storeys in height, the remaining 2 dwellinghouse(s) shall not exceed two storeys, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of the visual amenity of the occupiers of surrounding residential properties.
 10. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 3rd and 4th June 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
 11. Each dwelling shall have a minimum of 2 car parking spaces.
In the interests of highway safety.
 12. A scheme for improvements to the vehicular entrance to the site shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the scheme shall be carried out in accordance with the approved details, before any of the new houses are occupied, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
 13. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out.
In the interests of the amenities of the occupants of neighbouring properties and to enable the Local Planning Authority to do an inspection of the site and highway.
 14. The landscaping scheme required by condition 2 shall identify all existing trees to be retained, include provision for new tree planting and a programme of works, unless otherwise agreed in writing by the Local Planning Authority. To ensure a tree belt is retained between the gardens of the hereby approved dwellings and the properties in Siskin Close, and to enable the Local Planning Authority to consider the need for a Tree Preservation Order.

Sea View House, Hart Lane

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/06/09
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0189	REV

No: 8
Number: H/2009/0200
Applicant: Care Partnerships 25 Ltd Linthorpe Road Middlesbrough TS1 3QW
Agent: West & Machell Architects 1 Northwest Business Park Servia Hill Leeds LS6 2QH
Date valid: 23/04/2009
Development: Alterations, erection of a two-storey extension to Healthcare Centre to provide a minor injuries unit and related works
Location: HARTLEPOOL COMMUNITY HEALTH CENTRE PARK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 This application is submitted on behalf of the Hartlepool PCT and seeks full planning permission for the erection of an extension to the Primary Care Healthcare Centre, approved by the Planning Committee in 2007. The proposed extension would comprise a Minor Injuries Unit and would occupy the area of land between the end of the current development and the frontage onto Park Road. The extension will occupy the area taken up by the old Barlows Works.

8.2 The Minor Injuries Unit (MIU) will operate 7 days a week over a 24 hour period. Anticipate 17,000 -20,000 attendances per annum, which equates to around 40% of current activities through University Hospital of Hartlepool A&E department. The vast majority of patients will self present with minor ailments. It is anticipated that a minority of patients will, following investigation, require emergency transfer to an appropriate hospital. However it is anticipated that the facility will not be a routine destination for ambulances responding to emergency interventions – which will generally report directly to the appropriate hospital.

On site facilities would include:

- X-ray facility
- Ultrasound
- Near patient testing - bloods
- Plaster room
- Paediatric area
- ECG

8.3 The Minor Injuries Unit located on the ground floor will have its own dedicated entrance as the unit will operate a 24hr service 7 days a week. A feature canopy will be provided to this entrance.

8.4 The front parking area has been redesigned to cater for the relocation of screening vehicles. Different hard landscape materials will be used to define the

parking and pedestrian routes. A drop off zone and emergency vehicle pull in zone will be provided at the MIU entrance.

8.5 Provision of parking for disabled or those with children are included in the front area car park, however the amount of parking at the front of the site has reduced from 35 previously approved to 22 car parking spaces. The secure staff parking is to remain at the rear of the main building and comprises 50 car parking spaces and is to be utilised for this development.

8.6 The site is identified as being within the defined Town Centre limits in the Hartlepool Local Plan.

Publicity

8.7 The application has been advertised by way of site notice, press notice and neighbour letters (52). To date, there have been 8 letters of no objection, 4 letters of objection.

8.8 The concerns raised are:

1. traffic build up in area and lack of car parking spaces, the car park recommended is always full;
2. size of building;
3. concerns regarding being disturbed by sirens at all hours;
4. we have a perfectly good hospital within the town which can take minor injuries so why would we need another facility.
5. this building is big enough as it is and is an eyesore;
6. extra noise
7. extra traffic;
8. reservations regarding the parking and landscaping of the site which objectors property looks onto;
9. reduction in parking spaces;
10. is Waldon Street becoming a car park for overflows etc;
11. already have a problem because of the removal of a safe turning facility area at Park Road end of Waldon Street.

8.9 Although New Deal for the Communities have no objection to the scheme they have passed on comments from a drop-in event held regarding this development, 4 comments of support, 2 general comments and 1 objection have been received.

Comments of support refer to:

1. very good idea – nice to have a local facility;
2. big innovation;
3. does improve security and great location for residents;
4. happy with the proposed plans

Comments referred to:

1. there will be a problem with car parking;
2. the development is blocking natural light for rear of property (Lister Street);

3. does not want any trees or bushes planting at the back of property (Lister Street);

Objections cite the following reasons:

1. development too large in height;
2. obscures natural light;
3. not enough parking bays;
4. unhappy with the proposed opening hours – should be 8am to 8pm;
5. more trees should be planted.

Copy letters C

8.10 The period for publicity has expired.

Consultations

8.11 The following consultation replies have been received:

Engineering Consultancy – No objection.

Traffic and Transports Section - No objections subject to conditions.

Public Protection – No objection

Northumbrian Water – No objections however a build over agreement is required as there is a sewer in the area the extension is proposed.

Head of Property Services – No comment

Planning Policy

8.12 The following planning policies are relevant to the determination of this application:

The Hartlepool Local Plan 2006

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.

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.

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.

Tra1: Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

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.

National Planning Policy

8.13 *PPS1 (Delivering Sustainable Communities)* - Indicates that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.

8.14 The Government set out four aims for sustainable development in its 1999 strategy. These are:

1. social progress which recognises the needs of everyone;
2. effective protection of the environment;
3. the prudent use of natural resources; and,
4. The maintenance of high and stable levels of economic growth and employment.

8.15 PPS1 suggests that these aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use.

8.16 Urban design is promoted as one of the key elements in achieving sustainable development PPS1 states that: *'Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'*

8.17 PPS6 (Planning for Town Centres) - Defines town centres in Annex A as the second level of centres after city centres. Annex A states that: *'in many cases, town centres will be the principal centre or centres in a local authority's area. In planning the future of town centres, local planning authorities should consider the function of different parts of the centre and how these contribute to its overall vitality and viability'*.

Planning Considerations

8.18 In accordance with section 38(6) of the 2004 Planning and Compulsory Purchase Act this application must firstly be assessed against the relevant planning policies contained within the Hartlepool Local Plan. In general terms the thrust of these policies seek to protect the surrounding environment as well as the amenity of the surrounding residential and commercial premises.

8.19 The site has been vacant for a number of years since the closure of the Barlow printer's works and has only recently been cleared to make way for the proposed healthcare facility. The site of the healthcare centre extends to just over 1ha and is identified as a priority area in the Council's Town Centre Strategy. The proposed extension to incorporate a minor injuries unit to extend the healthcare centre facilities is considered to be consistent with Local Plan policy.

Landscaping

8.20 The landscaping proposed is similar to that approved for the main health care facility, however a small part within the area proposed for the extension would be lost. It is proposed to incorporate an art feature within the landscaped area at the entrance to the site, identified on the plans as the 'pocket park' this comprises a granite compass on the footpath and seating.

8.21 It is considered that although the extension would cause the loss of a small previously approved landscaped area, it is not considered that this would compromise the overall appearance of the scheme.

8.22 The Council's Landscaping team have no objection to the proposal.

Impact on surrounding neighbours

8.23 The proposed development is within close proximity to existing residential and commercial properties. It is therefore important to assess the impact of the proposals on these neighbours both with regards to the impact on privacy and amenity.

8.24 The separation distance from the nearest residential properties which are located on Waldon Street are in excess of 60 metres. The Council's Local Plan suggests a minimum separation of 20m window to window is sufficient to alleviate any concerns regarding loss of privacy and/or overlooking in a residential development. In this respect it must be accepted that the proposals are unlikely to impact on the privacy of the existing residential properties along Waldon Street.

8.25 With regards to the effect on the outlook from these properties the site is currently being developed as a health care facility, however landscaping is proposed along the boundary of Waldon Street which once established would provide a degree of screening.

8.26 With regards to the impact of the proposals on the commercial and residential properties at York Road the proposed MIU extension will be screened to some degree by 'the Arches' commercial premises.

8.27 With regard to the affect on the Stonham residential development to the south west of the proposed extension it is considered that the extension would be screened to a degree by the under construction healthcare facility and as such the proposal will not have a detrimental effect on the amenities of the adjacent residents in terms of overlooking.

8.28 Although it is proposed that the facility will generate additional comings and goings to the site it is not considered that this would have a significant detrimental affect on the amenities of neighbouring residents or commercial properties. While there is potential for ambulances to be called to the site it is not anticipated that these would be frequent. The Head of Public Protection team has not raised any objection to the siting of the facility.

8.29 In conclusion based on an assessment of the plans received it is considered that the proposals comply with the aims of policies GEP1 and Com1 with regards to the impact on the surrounding neighbours.

Pedestrian/Vehicular Circulation

8.30 The site will be accessed by vehicles and pedestrians directly from Park Road at the existing traffic light junction at the entrance to the Middleton Grange car parks, which has been upgraded to facilitate the healthcare centre.

8.31 Although the proposal will reduce the amount of parking provided onsite, the overall parking provision is considered to be acceptable given the proximity of the site to the town centre car parks.

8.32 Access for service vehicles will be via the same access point and as per the previously approved scheme staff parking will be available to the rear of the main building.

8.33 Pedestrian movement through the proposed 'pocket park' accessed from Park Road will afford adequate access through the site for pedestrians.

8.34 The applicant has submitted a transport assessment which has been assessed by the Council's Traffic and Transportation team who have no objection to the proposal.

Visual Impact

8.35 The proposed extension would follow the building line of 'the Arches' on Park Road and as such a part of it would be hard up to the pavement. The extension is of a modern design which compliments the previously approved health care facility.

8.36 It is considered that the proposed development on this part of the site creates a feature at the entrance to the site. To achieve this aim the new building facade has been modified from that of the existing healthcare centre however the material pallet has been retained. The elevation of the extension facing onto Park Road is proposed to incorporate red brickwork, white rendering and also a large element of glazing, likely to be similar to etched glass which would provide natural light into the proposed extension while retaining privacy for users.

8.37 An illuminated feature screen with coloured glass blades will enhance the prominent corner providing a landmark feature to this important public building.

8.38 The Minor Injuries Unit located on the ground floor will have its own dedicated entrance as the unit will operate a 24hr service 7 days a week. A feature canopy will be provided to this entrance.

8.39 It is considered that in visual terms the scheme would be a well designed addition, which would significantly enhance this now redundant area of Park Road. The building seeks to contain a number of functions and therefore responds to varying needs.

Ground Contamination

8.40 The agent has supplied information regarding contamination and remedial works to the site in connection with the previously approved scheme the Council's Engineering Consultancy Team has no objection to this proposal subject to a condition requiring the development to be consistent with the details submitted in relation to the previously approved application for the healthcare centre and that gas protection measures are installed accordingly.

Sustainability

8.41 The application site is located within the defined town centre boundary and as such is located close to existing public transport nodes and a wide variety of existing services.

8.42 With regards to sustainability measures to be incorporated into the build it is anticipated that the extension would utilise the main scheme's sustainable measures given this is an extension.

Conclusion

8.43 It is the aim of the Health Services to provide a more community based healthcare service with the aim of reducing the amount of trips to hospital, the proposed inclusion of a MIU unit into the healthcare centre currently being developed on Park Road is considered to be a welcomed addition to the town and should be encouraged.

RECOMMENDATION – APPROVE subject to the following conditions:

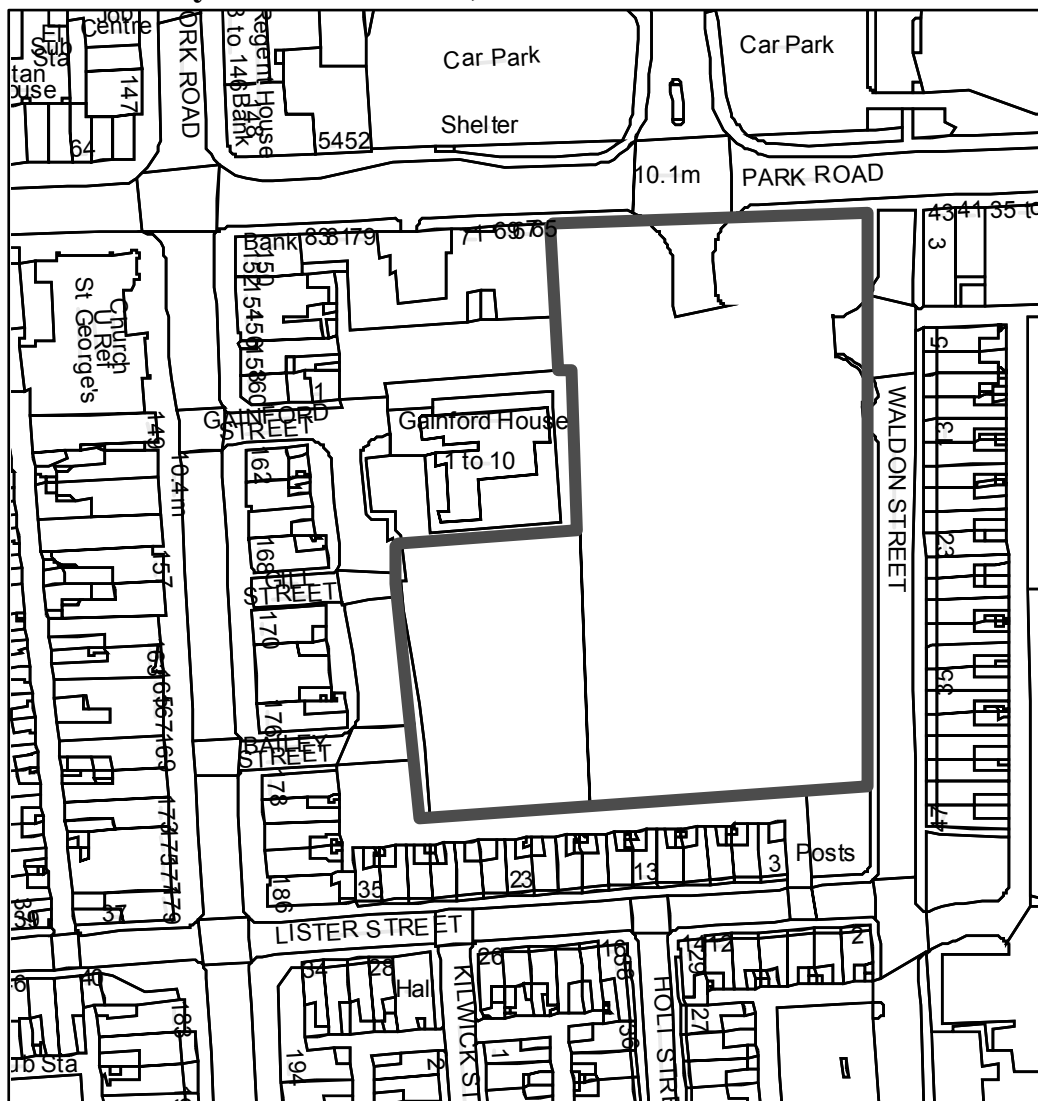
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Unless otherwise agreed in writing the hours for construction are restricted to 08:00-18:00hrs Mon-Fri, 09:00-13:00 Saturdays and at no other time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 23rd April, 6th May and 1st June 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
6. Unless otherwise agreed in writing by the Local Planning Authority a Banksman shall be used to assist large vehicles such as screening vehicles to reverse into position during the operation of the centre.
In the interests of highway safety.
7. A scheme for pedestrian crossings within the hereby approved front car park shall be submitted to and agreed in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved detail unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
8. Final details of one-way signage for the hereby approved car park shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the operation of the centre, unless otherwise agreed in writing by the

Local Planning Authority.

In the interests of highway safety.

9. A detailed staff survey should be undertaken within 3 months of occupation of the development and a detailed Travel Plan, including an action plan with detailed objectives, SMART targets and measures within 6 months of occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of sustainable transport
10. All planting, seeding or turfing comprised in the approved details of landscaping, including the art feature 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.
11. The hereby approved extension shall be consistent with the details submitted in relation to the contamination in relation to condition(s) attached to application H/2007/0484 and gas protection measures shall be installed accordingly, unless otherwise agreed in writing by the Local Planning Authority.
- To ensure the site is developed in a satisfactory manner.
12. Vehicular access to the finished development shall be from Park Road at all times unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety and the amenities of the occupants of neighbouring properties.
13. Once complete no vehicular access shall be taken from Waldon Street In the interests of highway safety and the amenities of the occupants of neighbouring properties.
14. No development shall take place until the developer has identified the sewer which runs under the hereby approved development and a scheme for the protection or diversion of the sewer has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- To ensure the site is developed in a satisfactory manner.
15. Notwithstanding the submitted details the final details for the proposed means of enclosure which links the hereby approved extension to the centre shall be submitted to an agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of visual amenity.

Community Health Centre, Park Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04/06/09
	SCALE 1:5000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0198	REV

PLANNING UPDATE

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

UPDATE

2.1 This application was considered at the May meeting when it was deferred as matters were outstanding.

The Application and Site

2.2 The application site is an existing retail park located on the west side of Hartlepool close to the junction of the A689 and Brenda Road. It currently accommodates some 12,821 square metres of retail floorspace and a 2498 square metre bowling facility. 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.

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

2.4 The site already benefits from extant planning permissions some of which have been implemented and which are subject to various restrictive conditions. The application seeks planning permission to remove/vary these various conditions, in particular to extend the permitted floor space allowed within planning approval H/2005/5921 by a further 4,537 square metres to 11,017 square metres (restricted by condition 4). 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.

2.5 Instead the applicant proposes five new planning conditions. One would limit floor space for the sale of food to 8,851sq metres other than ancillary café, confectionery, hot snacks or meals or any other food which may be agreed by the

Local Planning Authority . A further proposed condition reserves 2,498 square metres of floorspace for D2 leisure floorspace. This relates to the existing Bowling facility. A third proposed condition seeks to restrict 5,350 square metres or twenty percent of the gross floorspace whichever is greater to the sale of DIY, home improvement goods, electrical and gas goods, garden materials and goods, furniture/soft furnishings and floor coverings and automotive and cycle products. A fourth proposed condition restricts the total amount of retail floorspace to 23,838 sq m. A fifth proposed condition restricts the minimum unit size to 465 sq m with the exception of units 18,19 and 20. A proposal seeking flexibility to allow three of the units to be occupied by Class A3 (Restaurant & Café) operators has subsequently been withdrawn.

2.6 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 some 26-27,000 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. Six units 11 to 16 will be provided in the south east corner of the estate effectively closing this corner. Unit 18, a stand-alone unit, will be provided to the north of the existing Halfords Unit. Units 19 & 20 will be provided in the centre of the site on the site of the former car wash. 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.

2.7 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.

2.8 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.

Relevant Planning History

2.9 The planning history of the site is complex.

2.10 In summary, outline permission was originally granted for a retail development within the Enterprise Zone regime of the 1980's. Thereafter numerous applications for revisions have sought to stimulate interest from retail operators to locate at the site but have repeatedly raised issues about potential impact on the town centre's viability and vitality.

2.11 Outline Planning Permission was original granted for a non food retail centre on the site in April 1986 (EZ2/3/OUT/519/85). A condition (4) on this "principal permission" restricted the sale of food from the premises other than confectionery, 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).

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

2.13 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. Unit 2 is now occupied by Aldi .

2.14 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).

2.15 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).

2.16 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).

2.17 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.

2.18 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 retail 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.

2.19 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. 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.

2.20 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

2.21 In considering the application legal advice has been sought on a number of 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.

2.22 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.

iii) The scope to add mezzanines to the existing units.

2.23 The applicant maintains that under existing permitted development rights

successive mezzanines of up to 200 square metres can be added to the existing units and has provided information to support his case. This proposition rests on the fact that the controlling order is loosely worded, a view expressed in an explanatory memorandum prepared by the Office of the Deputy Prime Minister (ODPM) and a decision in another planning authority. Our current legal advice however is that the legal position is not clear and that the view expressed in the explanatory memorandum would appear to run counter to the spirit of the relevant legislation introduced to control mezzanines. It is arguable that successive mezzanines could be added, if completed as separate operations, however until the proposition is tested in the courts, or on appeal, this uncertainty is likely to remain.

iv) The scope to subdivide existing units

2.24 The applicant maintains that he could subdivide the existing retail units (i.e. those already on the site) without requiring planning permission. The legal advice is that provided the works were internal, and remained in retail use, planning permission would not be required for their subdivision. However, any external alterations, i.e new doors, windows, shop fronts, would require planning permission and conditions could be imposed to prevent these alterations serving subdivided units.

Summary of Planning History

2.25 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.

2.26 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

2.27 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 food 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 E

Consultations

2.28 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 the Local Planning Authority.

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.

2.29 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

2.30 Planning Policy Statement 6 outlines the policy approach for planning of town centre uses with particular regard to retail development. It states that development should be focussed in town centres and discourages out of centre shopping.

2.31 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

2.32 The main planning considerations are considered to be 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.

POLICY

2.33 Government policy in relation to town centres and town centre uses such as retailing is set out in Planning Policy Statement 6: Planning for Town Centres. The Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres and by promoting and enhancing such centres and encouraging a wide range of services in a good environment, accessible to all.

2.34 The site is an out of centre retail park and is not located within a designated town or local centre and proposals for retail development need therefore to be carefully assessed. In accordance with PPS6 the applicant is required to establish that there is a need for the development, the scale is acceptable, that there is no sequentially preferable site available, that the development will not have an unacceptable impact on the vitality and viability of the town centre and nearby local centres and the site is accessible.

2.35 In line with PPS6 Policy Com 8 of the Hartlepool Local Plan 2006 advises that the preferred locations for shopping development are in sequential order of preference :

- Within Hartlepool Town Centre
- Edge of centre sites
- The out of centre Victoria harbour regeneration area

- Other out centre locations accessible by a choice of means of transport and which offer significant regeneration benefits.

2.36 The application site, an out of centre site is therefore fourth in the hierarchy of preference.

2.37 Again in line with PPS6 policy Com8 also requires proposals for retail development located outside the primary shopping area, in the town centre, to demonstrate there is a need for the development, that the scale is appropriate and that a sequential approach has been followed.

2.38 In support of the application the applicant has produced a retail assessment. The assessment concludes that:

- there is a need for the development
- the scale is appropriate
- there are no sequentially preferable sites available.
- that there will be little impact on the town centre from the proposed development.
- the site is sustainable and accessible.
- it would contribute to investment in the town, employment and regeneration.

2.39 The Council's retail adviser however has examined the case presented by the applicant and expressed extreme concern over the very high level of flexibility sought by the applicant in this out of centre location. She considers the proposals would result in a fundamental change to the nature of retailing at the Park, and its ability to accommodate open A1 retailers including smaller retailers, which would be harmful to the prospects of attracting investment for new development and retailers to the town centre. She considers that the need for the development has not been demonstrated, that the applicant has failed to demonstrate that there are no sequentially preferable sites available and that there will be no adverse impact on the town centre or any existing centre as a result of the development. She points out for example that there are a number of sequentially preferable sites available in the Town Centre which the applicant has dismissed for reasons which are not considered robust. It is understood for example that there are currently 30 vacant units in Middleton Grange Shopping Centre amounting to some 7367 sqm of vacant floorspace (March 2009). These include the relatively large unit recently vacated by Woolworths and potential retail floorspace available at Park Tower. Finally our retail advisor raises concerns that the development would be likely to have an adverse impact on investor and retailer confidence in the town centre, which is the priority for new retail development to the further detriment of the vitality and viability of the town centre.

2.40 It is clearly the applicant's intention to achieve flexible permissions which would result in a development which would be attractive to a wide range of retailers including smaller retailers, bulky goods and general retailers. Notwithstanding the control which would be afforded by the conditions suggested by the applicant any permission allowed on the basis sought by the applicant would allow a degree of flexibility in retail terms which potentially could significantly affect the vitality and

viability of the town centre and other centres. Whilst the applicant maintains he is primarily targeting retailers who would not, or do not, want to locate in Hartlepool Town Centre such a development would clearly potentially provide an attractive alternative to the town centre for retailers seeking to locate, or relocate, in Hartlepool. Retailers who might otherwise locate in the town centre may choose to locate at Tees Bay and similarly existing town centre retailers may choose to relocate to Tees Bay. The traders at the Park would also potentially take trade from the town centre traders. A permission here would set a precedent making similar proposals on other sites more difficult to resist. These scenarios could clearly have a significant impact on the vitality and viability of the town centre which might be exacerbated by a subsequent fall in confidence in the town centre and a spiralling down turn in investment. The current economic climate is uncertain and shopper surveys recently undertaken in connection with the emerging Hartlepool Retail Study suggest that since similar surveys in 2001 the town centres market share has reduced by 10%. The physical regeneration and employment benefits are acknowledged but the potential harm to the town centre arising from the development significantly outweighs the benefits and our retail consultant concludes that “for potential short term gains, the proposals would be likely to be harmful to the long term viability of the town centre, which must be the Council’s priority for investment”.

2.41 The applicant has suggested that by implementing the extant permissions (H/2005/5921) and (H/FUL/0101/04) and taking advantage of existing permitted development rights to subdivide units and insert small mezzanine floors he could contrive to achieve a similar “fall back” position in retail terms to that proposed in the current application. This is an argument the applicant has suggested that he will advance at appeal and which is a material consideration.

2.42 Given the limitations of existing permissions (which mean that some of the existing units are restricted from selling food and any unrestricted retailing would be spread over a number of units rather than consolidated), the limitations of permitted development rights (which for example would not allow for external alterations) and the logistical/organisational/contractual challenges the “fall back” position would appear to present, it is not clear that this “fall back” position is one of strength. At the moment for example the units where unrestricted or convenience retailing could be undertaken, if the relevant extant permission were implemented (H/FUL/0101/04), are split between three different units. The advice of our retail consultant is that this situation is a very different proposition in retail terms to that which could result from the consolidation of the unrestricted floorspace in a single unit, which could attract a major retailer, if the current application were permitted. She advises therefore that limited weight should be attached to any argument that a strong “fall back” position exists. The fact that the applicant has sought to pursue the current application rather than initiate a process which he maintains would achieve a similar outcome is again perhaps indicative of the problems with this “fall back” position.

2.43 In conclusion in policy terms the proposal is not considered acceptable.

HIGHWAYS

2.44 The site is an existing retail park and the permission seeks to vary an existing outline approval and conditions on existing permissions.

2.45 Traffic & Transportation have advised that they have no objections to the proposal but that car parking and cycle parking details should be conditioned. They have also advised that the legal agreement completed in connection with application H/2005/5921 which this application seeks in part to vary should continue to apply to this application. This legal agreement required a developer contribution for a cycle link and secured a travel plan.

2.46 In highway terms subject to conditions and appropriate legal agreements the proposal is considered acceptable.

FLOODING

2.47 The site lies within Flood Zone 1 which is a designation indicating a low risk of flooding and this has been confirmed by the applicant's own Flood Risk Assessment.

2.48 No objections have been raised on flood risk grounds by our Engineering Consultancy or the Environment Agency. The latter have requested a condition requiring the approval of the details of surface water drainage.

2.49 It is considered that appropriate conditions could be imposed were members minded to approve the application and therefore in flood risk terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURS

2.50 The site is an existing retail park with no nearby residential neighbours, similarly commercial neighbours are remote. It is not considered that the proposed development would affect the existing amenity of any residential or commercial neighbours.

CONSERVATION ISSUES

2.51 It is not considered that the proposal represents a risk to designated sites and there is only a limited possibility of damage and disturbance being caused to protected species, in this case breeding birds. Natural England and our own Ecologist have raised no objections to the proposal.

2.52 Our Ecologist has nonetheless asked that any detailed development take account of the pond along Brenda Road, the belt of semi mature trees and allow for additional tree planting. It is considered that appropriate conditions could be imposed to safeguard and enhance any biodiversity interests on the site were members minded to approve the application.

CONCLUSION

2.53 In terms of retail policy the applicant has failed to demonstrate that there is a need for the development, that there are no more suitable or viable sites within or on the edge of the town centre and that there will be no adverse impact on the town

centre or any existing centre. The proposed development would potentially result in a fundamental change to the Retail Park and its ability to accommodate open A1 retailers harmful to the prospects of attracting new development and retailers to the town centre. In many cases opportunities for retail development of the form and scale which the applicant would seek to accommodate exist in the town centre. The proposal is therefore contrary to the sequential test and would result in a development which has potential to attract traders to the site at the expense of the town centre. In attracting a wider range of retailers the development would also have potential to draw trade from the town centre. Finally our retail advisor raises concerns that the development would therefore be likely to have an adverse impact on investor and retailer confidence in the town centre to its further detriment. In addition it is considered that the proposal would set a precedent for cumulative development which would further impact detrimentally on the vitality and viability of Hartlepool Town Centre. In conclusion a permission here may revitalise the fortunes of Teesbay Retail Park but potentially could have a significantly detrimental impact on the vitality and viability of the Town Centre in already uncertain economic times. The proposal cannot therefore be supported.

RECOMMENDATION- REFUSE for the following reasons:

1. The application proposals fail to demonstrate quantative or qualitative need for the development in accordance with Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
2. The application proposals fail to demonstrate compliance with the Sequential test in accordance with the Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
3. The application proposals provides insufficient information to analyse the impact of this development on the town centre and so to demonstrate that the development will not have a detrimental impact on the vitality and viability of the town centre contrary to Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
4. The application would be likely to have an adverse impact on investor and retailer confidence in the Town Centre, which is the priority for new retail development and the refurbishment of existing retail properties and would therefore be detrimental to the vitality and viability of the town centre contrary to Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MALCOLM ARNOLD, SITE AT 18 GREENBANK COURT, HARTLEPOOL (H/2009/0143)

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the erection of a first floor bedroom extension.
- 1.2 The appeal is to be decided by written representations and the Authority is therefore requested to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced following neighbour concerns regarding the erection of a front boundary wall with fencing on top at a residential property in Crowland Road.
2. Officer monitoring recorded damage to a boundary wall in Jacksons Landing.
3. An investigation has commenced following a neighbour complaint about the display of an advertisement in Murray Street.
4. A neighbour complaint regarding a car repair business operating from a residential property in Silverwood Close.
5. A neighbour complaint regarding untidy residential property in Inchcape Road.
6. A neighbour complaint regarding a car breakers business operating from a residential property in Duncan Road.
7. Officer monitoring recorded the installation of UPVC windows to a residential property in Beaconsfield Street. The property is protected by an Article 4 Direction and lies in the Headland Conservation Area.
8. Investigations have commenced following neighbour complaints regarding the raising of rear boundary fences at properties in Catcote Road and Ventnor Avenue.
9. An investigation has commenced following a neighbour complaint regarding the removal of a protected boundary hedge in Bluebell Way.
10. A neighbour complaint regarding the paving of a driveway and erection of rear boundary wall to a residential property in Hutton Avenue. The property lies in the Grange Conservation Area.

11. Officer monitoring recorded the installation of UPVC windows to a residential property in Northgate. The property lies in Headland Conservation Area.
12. A neighbour complaint regarding the erection of an outbuilding in the rear garden and antisocial behaviour at a residential property in Claymore Road. The complaint has been re-directed to Hartlepool Housing for attention in the first instance.
13. A neighbour complaint regarding the taking in of land, erection of outbuildings and business operating from a home in Kipling Road. The property is Housing Hartlepool owned, therefore the complaint has been redirect for attention in the first instance.
14. An investigation has commenced following neighbour concerns regarding the erection of a rear conservatory in Bilsdale Road.
15. An investigation has commenced following neighbour concerns regarding noise generated by military enactments at Heugh Gun Battery in the Headland.
16. An investigation has commenced following an anonymous complaint regarding the erection of a side boundary fence in Kildale Road.
17. Officer monitoring recorded the display of a sign without advertisement consent on land linked to a food store in Middle Warren.
18. Complaints regarding the conversion of a garage to living space in breach of restrictive planning conditions to properties in Thornbury Close and Ashby Close.
19. A neighbour complaint regarding erection of an outhouse in the rear garden of a residential property in Conisdffe Road revealed the development benefited from 'permitted development' rights and as such did not require planning permission.
20. An investigation has commenced following a neighbours complaint regarding the erection of a tree house in Whitham Road, without the benefit of planning permission.
21. Officer monitoring recorded the installation of UPVC windows to a property in Park Road. The property lies in the Grange Conservation Area.
22. Officer monitoring recorded the erection of rear boundary in Montague Street. The property lies in the Headland Conservation Area.

- 23. An investigation has commenced regarding the erection of livery stables, and outdoor riding area in Hart.
- 24. A neighbour complaint regarding the erection of a fence along the top of the existing low front boundary wall in Hibernian Road.
- 25. An investigation has commenced regarding an untidy residential property in Sandingham Road.

2. RECOMMENDATION

- 2.1 Members note this report.