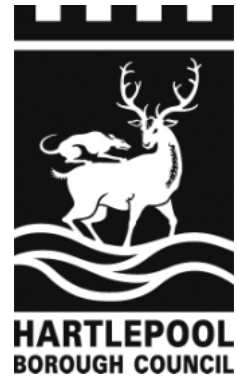


PLANNING COMMITTEE AGENDA



Wednesday 15 July 2009

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Allison, R W Cook, S Cook, Cranney, Fleet, Griffin, Laffey, G Lilley, London, J Marshall, McKenna, Morris, Plant, Richardson, Wallace and Wright.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 17th June 2009.

4. **ITEMS REQUIRING DECISION**

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

- | | | |
|----|-------------|-------------------------------|
| 1. | H/2009/0195 | 32 Egerton Road |
| 2. | H/2009/0284 | 15 Burwell Walk |
| 3. | H/2008/0155 | Adjacent Stadium, Brenda Road |
| 4. | H/2009/0211 | 8 Tynebrooke Avenue |
| 5. | H/2009/0243 | 424 Catcote Road |
| 6. | H/2009/0219 | Piercy Farm |

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

- 4.3 59 Egerton Road – Erection of a Two Storey Utility, Games Room and Bedroom/En-Suite Extension to Front and a Detached Garage to Side (H/2009/0151). Appeal Ref APP/H0724/A/09/2105928/WF) – *Assistant Director (Planning and Economic Development)*
- 4.4 The Headland Gate Northgate – Demolition of Public House and Erection of Four Retail Units with Four Self-Contained Flats Above and Associated Car Parking (H/2009/0111) Appeal Ref: APP/H0724/A/09/210766/NWF – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Mr Arthur Bell, 36 Hutton Avenue – *Assistant Director (Planning and Economic Development)*
- 4.6 Appeal by Craig Wilkinson, Site at Land Adjacent to Kiddicare Day Nursery, Warrior Drive, Seaton Carew, Hartlepool (H/2009/0154) – *Assistant Director (Planning and Economic Development)*
- 4.7 Appeal Ref: APP/H0724/A/09/2106524/NWF H/2009/0082 Change of Use to Car Valeting Centre Garage Site, 234 Stockton Road, Hartlepool TS25 5DE – *Assistant Director (Planning and Economic Development)*
- 4.8 Appeal Ref: APP/H0724/A/09/2106703/NWF H/2009/0171 Installation of a New Shopfront Including Alterations to Provide Separate Access to First Floor Flat Allsorts, 33 The Front, Seaton Carew TS25 1BS – *Assistant Director (Planning and Economic Development)*
- 4.9 Appeal by Mike Young, Site at Land at St Hilds Church of England School, King Oswy Drive, Hartlepool (H/2009/0102) – *Assistant Director (Planning and Economic Development)*
- 4.10 Appeal Ref APP/H0724/A/09/2097541/WF H/2008/0692 Retention of Railings to Garage Roof (Retrospective), 90 Hart Lane, Hartlepool TS26 0JN – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

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

7. EXEMPT ITEMS REQUIRING DECISION

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

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

9. FOR INFORMATION

Next Scheduled Meeting – Wednesday 12th August 2009 in the Civic Centre at 10.00 am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday, 12th August 2009 at 9.00am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17 June 2009

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

Present:

Councillor: Rob Cook (In the Chair)

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

In accordance with Council Procedure Rule 4.2 (ii), Councillor Christopher McKenna attended as a substitute for Councillor Pauline Laffey.

Officers: Richard Teece, Development Control Manager
Jim Ferguson, Senior Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Paul Mitchinson, Highways Services Manager
Jonathan Wright, Neighbourhood Co-ordinating Manager
Richard Waldmeyer, Team Leader, Policy, Planning and Information
Sarah Bowman, Planning Technician
Peter Frost, Traffic Team Leader
Richard Smith, Solicitor
Angela Hunter, Principal Democratic Services Officer

183. Apologies for Absence

Apologies for absence were received from Councillors Shaun Cook, Stan Kaiser, Pauline Laffey, Robbie Payne and Michelle Plant.

184. Declarations of interest by Members

Councillor Geoff Lilley declared a prejudicial interest in item 6 – H/2009/0194 and indicated he would leave the meeting during the consideration of that item.

Councillor Stephen Allison declared a prejudicial interest in item 8 – H/2009/0200 and indicated he would leave the meeting during the consideration of that item.

Councillor Mary Fleet declared a prejudicial interest in item 5 – H/2009/0186 and indicated she would leave the meeting during the consideration of that item.

185. Confirmation of the minutes of the meeting held on 20 and 29 May 2009

Confirmed.

186. Planning applications (*Assistant Director (Planning and Economic Development)*)

Number: H/2009/0179

Applicant: Mr T Lin Chen, 143 Oxford Road, Hartlepool

Agent: Mr T Lin Chen, 143 Oxford Road, Hartlepool

Date received: 15/04/2009

Development: Variation of opening hours permitted under planning application H/2006/0502 to include Sunday and Bank Holiday opening and opening 5pm – 12 midnight on Friday and Saturday on a permanent basis.

Location: 143 OXFORD ROAD, HARTLEPOOL

Decision: **Deferred for additional information and the outcome of an appeal about opening hours on a nearby takeaway**

Number: H/2009/0195

Applicant: Mr Ashley Hornsey, Egerton Road, Hartlepool

Agent: Malcolm Arnold, 2 Siskin Close, Hartlepool

Date received: 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

Decision: **Deferred for a Members' site visit**

Number: H/2008/0495

Applicant: Chase Property Developments

Agent: Mr T Adey, Savills, Fountain Court, 68 Fountain Street,

Manchester

Date received: 03/10/2008

Development: Application to allow additional floorspace to vary the size of units and extend the range of goods that can be sold

Representations: Mr J Hinds (Applicant) was in attendance and addressed the Committee

Location: TEESBAY RETAIL PARK, BRENDA ROAD, HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

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.

The Committee considered representations in relation to this matter.

Number: H/2009/0189

Applicant: Mr D Trebble, Sea View House, Hart Lane, Hartlepool

Agent: Mr D Trebble, Sea View House, Hart Lane, Hartlepool

Date received: 24/04/2009

Development: Outline application for alterations and extensions to form 3 dwellings (resubmitted application)

Representations: Mr Trebble (Applicant) was in attendance and addressed the Committee.

Location: SEAVIEW HOUSE, HART LANE, HARTLEPOOL

Decision: Outline Permission Approved

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the access, appearance, landscaping, layout and scale 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.

The Committee considered representations in relation to this matter.

Number: H/2009/0194

Applicant: Mr M Matharu, Elwick Road, Hartlepool

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

- Date received:** 21/04/2009
- Development:** Outline application for the erection of a 30 bed residential care home with associated car parking (resubmitted application)
- Representations:** Mr D Johnson (Applicant) was in attendance and addressed the Committee.
- Location:** 34 STATION LANE, HARTLEPOOL
- Decision:** **Outline Permission Approved**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the 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 interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2009/0209

Applicant: Ms Joanne Dobson, Hartlepool PCT

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

Date received: 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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
3. The extended premises shall only be open to the public between the hours of 8am and 6.30pm Mondays to Saturdays inclusive and at no 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.

Councillor Mary Fleet left the meeting due to her earlier declaration of interest in the following item.

Number: H/2009/0186

Applicant: Housing Hartlepool, Greenbank, Stranton, Hartlepool

Agent: Housing Hartlepool,, Greenbank Stranton, Hartlepool

Date received: 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

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 colour of the proposed render shall be agreed in writing with the Local Planning Authority prior to it being applied.
In the interests of visual amenity.

Councillor Stephen Allison left the meeting due to his earlier declaration of interest in the following item.

Number: H/2009/0200

Applicant: Care Partnerships 25 Ltd, Linthorpe Road, Middlesbrough

Agent: West & Machell Architects, 1 Northwest Business Park, Servia Hill, Leeds

Date received: 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

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. 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 will be used to assist large vehicles such as the screening vehicle 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 in accordance with details to be submitted to and 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 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.
In the interests of visual amenity.

187. Appeal by Malcolm Arnold, Site at 18 Greenbank Court, Hartlepool H/2009/0143 (*Assistant Director (Planning and Economic Development)*)

Members were informed that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a first floor bedroom extension. The appeal is to be decided on written representation and the Authority is therefore requested to contest the appeal.

Decision

Officers were given the authority to contest the appeal.

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

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

Decision

The report was noted.

The meeting concluded at 11.25 am.

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

Background

1.1 This application was deferred at the last meeting for a site visit by members. The original report updated as necessary is reproduced below.

The Application and Site

1.2 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.

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

1.4 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.

1.5 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)

1.6 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.

1.7 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

1.8 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

1.9 The following consultation replies have been received:

Highways – no objections

Planning Policy

1.10 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.

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

1.11 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.

1.12 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.

1.13 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.

1.14 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).

1.15 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.

1.16 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.

1.17 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.

1.18 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

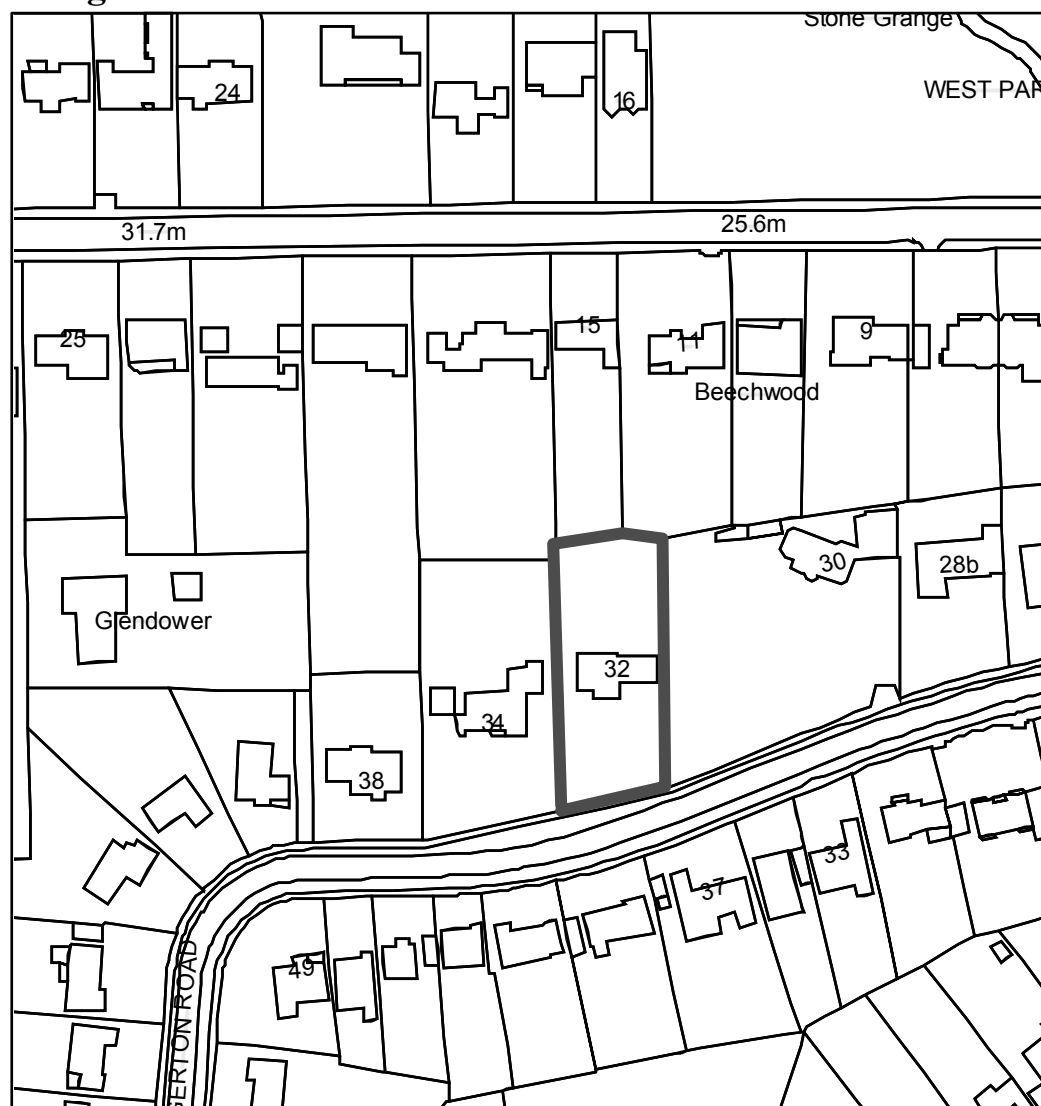
Appeal Decision APP/H0724/A/08/2091130

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/2009/0284
Applicant: Mr Michael Allen Sandgate Industrial Estate Hartlepool
 TS25 1UB
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26
 0SR
Date valid: 03/06/2009
Development: Outline application for the erection of a two storey
 dwelling to former garden area□
Location: 15 BURWELL WALK HARTLEPOOL

The Application and Site

2.1 The application site is located on the north side of Burwell Walk between 15 Burwell Walk and the Fens Primary School field on the Fens Estate. The site, which was formerly the side garden of 15 Burwell Walk, lies at the end of the cul-de-sac.

2.2 There are houses to the west and south with bungalows to the rear.

2.3 The site measures approx 36m in depth with an average width of 12m.

2.4 The application seeks outline consent for the erection of a two storey dwelling and double detached garage with all matters being reserved.

2.5 Planning consent was originally granted on appeal in 2003 (H/OUT/2002/0545) for the erection of a detached dwelling on this site with a subsequent approval in 2006 (H/2006/0448) for the renewal of the outline permission. This expires in August 2009.

Publicity

2.6 The application has been advertised by way of neighbour letters (7) and a site notice. To date, there have been 2 letters of no objection and 3 letters of objection.

The concerns raised are:

- 1) parking problems and manoeuvring in the cul-de-sac will be worsened
- 2) increase in traffic
- 3) public safety problems
- 4) problems caused by site vehicles
- 5) noise and disturbance to neighbours from development activities
- 6) an additional property could increase risk of further problems with sewers
- 7) the road could be further damaged by additional traffic
- 8) road is not wide enough for parking
- 9) the additional dwelling would impact on the view across the school field
- 10) objects to the double garage as it would not be in keeping with the street
- 11) the hammer head will be made inaccessible while building work is going on

- 12) emergency vehicles may be unable to gain access
 - 13) the original builder never intended for an additional building in the road
- Copy letter B

The period for publicity has expired.

Consultations

2.7 The following consultation replies have been received:

Northumbrian Water – no objections

Eng Consultancy – No objections

Traffic & Transportation – informally no objections

Public Protection – no objection

Planning Policy

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

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

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

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

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

2.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the proposal upon neighbouring properties in terms of visual amenity and on highway safety. Consideration must also be given to the previous appeal decision which allowed the erection of a detached dwelling on this site.

2.10 The original application (H/OUT/0545/02) to which the appeal decision relates was for the erection of a bungalow. The appeal decision makes reference to the erection of a dwelling upon the site rather than a bungalow and did not specify a housing type or a height limit within the attached conditions. The subsequent renewal was for a house.

2.11 This application seeks outline consent for the erection of a 2 storey dwellinghouse. As the site is in a residential area, within the limits to development, it is considered that the principle of residential development is appropriate and the development would not be out of keeping or out of character in the area.

2.12 The application site is larger than many other plots in the area and it is likely that separation distances normally required between residential developments, can easily be achieved. Whilst the current application is in outline, with all matters reserved, a layout plan has been provided which indicates that a two storey dwellinghouse could be satisfactorily accommodated upon the site meeting Council guidelines for this type of development. Concerns have been raised by residents regarding drainage problems in the area which could be exacerbated by further development. Northumbrian Water has raised no objection to the proposal and it is important to note that detailed drainage issues is a matter which will be subject to Building Regulation approval.

2.13 Although there have been a number of objections regarding parking and highway safety, the Council's highway engineer has stated that provided there is adequate parking for 15 Burwell Walk and for the new property no objections would be raised. The application site is now in separate ownership to 15 Burwell Walk (formerly the donor property) and as such has no link with this property. Notwithstanding this, 15 Burwell Walk has an attached garage with parking for 2 cars. The submitted application plan indicates a double garage located to front of the proposed house with driveway parking for 2 cars (4 spaces in total). As previously mentioned, all matters of design and siting have been reserved and the submitted plan is purely indicative, in order to demonstrate that adequate garaging/parking can be provided within the site.

2.14 Should approval be granted in outline, full details would be required to be approved before any development could commence.

2.15 The position of the garage is not considered to be unacceptable in terms of visual amenity. There are many similar garages located to the front of houses within the town.

2.16 With regard to the planning appeal, the Inspector assessed the potential increase in traffic generated by the new dwelling and its effect on highway safety. It was concluded that although the development would lead to an increase in traffic movements, this could be suitably accommodated. It was further concluded that the development would be unlikely to hinder the use of the turning head and noted that there was already an existing access taken from it.

2.17 Concerns have also been raised about views being affected across the school field. This is not a material planning application as views cannot generally be protected.

2.18 In conclusion, given the size of the site and the physical relationship to neighbouring properties, it is considered that a two storey dwellinghouse, as indicated on the submitted plans, would be adequately accommodated on the site without adverse impact on the amenities of neighbouring properties or on highway safety.

2.19 As the application is for outline approval only, the siting, design, external appearance, access and landscaping would be assessed at a later stage through a reserved matters application.

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 layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. The dwellinghouse hereby approved shall not exceed 2 storeys in height.
In the interest of the visual amenity of the occupiers of surrounding residential properties.
4. 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) 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.
5. 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.
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 7. 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.
In the interests of the amenities of the occupants of neighbouring properties.
 8. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
 9. 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.

15 Burwell Walk

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02/07/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0284	REV

No: 3
Number: H/2008/0155
Applicant: Sycamore Prop Developments Underhill Road Cleadon
 Sunderland Tyne & Wear SR6 7RS
Agent: Blackett Hart & Pratt Eldon Chambers 23 The Quayside
 Newcastle Upon Tyne NE1 3DE
Date valid: 14/03/2008
Development: Application to remove condition 2 attached to application
 EZ3/7/HO/577/83 to allow general industrial use (B2 use)
Location: ADJACENT STADIUM (FORMERLY EASTMANS)
 BRENDA ROAD HARTLEPOOL HARTLEPOOL

3.1 On the 29th October 2008 Planning Committee granted the removal of condition 2 attached to EZ3/7/HO/577/83 which restricted the use of a site on Brenda Road (formerly Eastmans). Condition 2 stated:

3.2 “Notwithstanding the provisions of the Town and Country Planning Use Classes Order, 1972 the site shall be used only for the manufacture of polyester granules unless the written consent of the local planning authority is first obtained to changes in the process or product.”

3.3 There is a section 52 agreement between the owner of the site and Hartlepool Borough Council which re-enforced condition 2, the site cannot operate another use than that specified in condition 2 until this agreement has also been varied or released.

3.4 It was stated in the original Committee report that the variation of the section 52 agreement would allow the Council additional controls over the use of the site; however a request has been received from the agent to release the legal agreement in full on the grounds that it is no longer required.

3.5 Officers have re-assessed the conditions imposed on application H/2008/0155 and it is considered that the conditions attached to the approval in 2008 have been imposed to protect the site and surrounding area from uses which may give rise to concerns. It is therefore considered that the section 52 agreement is no longer required.

3.6 A copy of the original report is attached.

Recommendation: Members note this proposed approach in this case.

ORIGINAL COMMITTEE REPORT FROM OCTOBER 2008

No: 2
Number: H/2008/0155
Applicant: Sycamore Prop Developments Underhill Road Cleadon
Sunderland Tyne & Wear SR6 7RS
Agent: Blackett Hart & Pratt Eldon Chambers 23 The Quayside
Newcastle Upon Tyne NE1 3DE
Date valid: 14/03/2008
Development: Application to remove condition 2 attached to application
EZ3/7/HO/577/83 to allow general industrial use (B2 use)
Location: ADJACENT STADIUM (FORMERLY EASTMANS)
BRENDA ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 The application site is a large industrial site formerly known as Eastmans on Brenda Road, adjacent to Stadium. The original outline planning permission for the site was approved in 1983 under reference: EZ3/7/HO/577/83 for the development of a factory for the manufacture of polyester resin, chemical plant, offices and storage. This approval was subject to several planning conditions.

2.2 This application proposes the removal of condition 2 which restricts the use of the site as follows:

“Notwithstanding the provisions of the Town and Country Planning Use Classes Order, 1972 the site shall be used only for the manufacture of polyester granules unless the written consent of the local planning authority is first obtained to changes in the process or product.”

2.3 A reserved matters application was subsequently approved in 1983 for this site under reference: H/EZ3/246/85 for the erection of plant for the production of polyester chips including ancillary warehousing, utilities building, offices and car park.

2.4 This application therefore proposes the removal of condition 2 associated with the outline application submitted in 1983 to allow general industrial use (B2 use), under reference EZ3/7/HO/577/83. The site is no longer operational.

Publicity

2.5 The application has been advertised by way of neighbour letter, site notice and press notice. No representations have been received.

The period for publicity has expired.

Consultations

2.6 The following consultation replies have been received:

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

Public Protection – No objection subject to conditions

Planning Policy

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

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

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

Planning Considerations

2.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of the potential uses which could be allowed due to this approval, and on the area in general. Highway safety issues also need to be considered.

2.9 The owner of the site considers condition 2 of the original planning approval restricted, for information the manufacture of polyester granules ceased in 2005. It is considered that the removal of this condition is acceptable, however given the range of uses which could be implemented on the site with an open B2 use classification there are concerns from the Council's Public Protection team, particularly with the potential uses as a construction yard and waste management facility. Therefore in the interests of the amenities of neighbouring premises and the area in general it is considered prudent to impose a condition requiring a dust suppression scheme and wheel washing facility should be first approved in writing by the LPA in the event that any such uses operate from the site.

2.10 There are also concerns that the uses could involve COMAH regulations/processes as per the Control of Major Accident Hazards Regulations 1999, which could have an adverse effect on the surrounding area therefore it is considered prudent to impose a condition restricting these types of uses.

Two other conditions are proposed which are similar to the previous outline consent conditions which are relevant in this instance relating to details of plant/machinery and stacking heights of materials and waste.

2.11 There is a section 52 agreement between the owner of the site and Hartlepool Borough Council which re-enforces condition 2. It should be noted that this site cannot operate another use than that specified in condition 2 until this agreement has also been varied. The agent is aware of this, however an informative on a decision notice is considered prudent. The variation of the section 52 agreement would allow the Council additional controls over the use of the site.

2.12 There are no major highway implications associated with this development. It is considered that bringing a large site back into employment use would benefit the town subject to controls on the use as described above.

RECOMMENDATION – APPROVE subject to the following conditions and agreement that a variation of the section 52 agreement can be negotiated is delegated to the Development Control Manager.

1. Notwithstanding the generality of this permission or the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modifications) prior to the undertaking on the application site of any proposed use as a construction yard or waste operation which would fall within the definition of a general industrial (B2) use within that class final details for 1) a dust suppression scheme, 2) wheel washing facility shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall be installed before the above use(s) commence(s) and shall thereafter remain operational and be available for their intended use at all times during the lifetime of the development. Any use referred to above where the details cannot be agreed by the Authority shall not be undertaken. In the interests of the amenities of the occupants of neighbouring properties.
2. Notwithstanding the provisions of Part 8 of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), details of all plant and machinery to be erected and/or operated at the site shall be submitted to and approved in writing by the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties.
3. The method of external storage of all materials and waste, including locations, screening and heights within the site shall be agreed in writing by the Local Planning Authority before any new use is commenced. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the generality of this permission or the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modifications) any use which involves COMAH regulations/processes is not permitted by this permission. For clarity COMAH

refers to The Control of Major Accident Hazards Regulations 1999 (or any other revoking or re-enacting that Order with or without modification).
To ensure the site is developed in a satisfactory manner.

INFORMATIVE

1. Please be aware that this planning permission cannot be implemented without the Section 52 Agreement dated 17th January 1985 being varied.

Adjacent Stadium, Brenda Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 03/07/09
	SCALE 1:4000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0155	REV

No: 4
Number: H/2009/0211
Applicant: Mr R Brown TYNEBROOKE AVENUE HARTLEPOOL
TS25 5JG
Agent: Mr R Brown 8 TYNEBROOKE AVENUE HARTLEPOOL
TS25 5JG
Date valid: 29/04/2009
Development: Erection of a detached garage
Location: 8 TYNEBROOKE AVENUE HARTLEPOOL
HARTLEPOOL

The Application and Site

4.1 The application site is the curtilage of a single storey property located on Tynebrooke Avenue. The property has an existing attached garage to the side. The adjacent property 10 Tynebrooke Avenue has an existing flat roof, detached garage to the rear, adjacent to the boundary with the application property. There is 2m high close boarded fencing to the boundary with 10 and 1.8m close boarded fencing to the rear boundary with 21 Trentbrooke Avenue. 21 Trentbnrooke Avenue has a single tree within its curtilage which provides partial screening between the two properties.

4.2 The application seeks consent for the erection of a detached garage within the rear garden of the property. The proposed garage has been amended during the course of the application to incorporate a hipped roof to the rear, facing 21 Trentbrooke Avenue.

4.3 The proposed garage will have an eaves of 2.55m and maximum height of 3.8m. The garage will be sited approximately 0.5m from the rear and side boundaries. The applicant has indicated via e-mail that the existing attached garage to the side would remain and a garage door inserted into the rear elevation. It is indicated that the proposed garage would be used to restore a vintage car by the applicant.

Publicity

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

4.5 The concerns raised are:

- a) The garage will block natural light and cast a shadow in garden;
- b) Potential noise pollution hazard;
- c) Garage will be any eyesore.

The period for publicity has expired.

Copy Letters D

Consultations

4.7 The following consultation replies have been received:

Head of Public Protection – No objections.

Planning Policy

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

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

4.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, particularly in relation to the impact on the amenity of neighbouring properties in terms of overlooking, overshadowing, poor outlook and/or noise and disturbance; the impact on the character of the existing dwelling and on the street scene.

4.10 It is considered the location of the proposed garage, in terms of its orientation and relationship with the neighbouring property 10 Tynebrooke is such that is considered unlikely that it will create any significant detrimental dominance issues. It is considered that the presence of the existing garage in the garden of 10, effectively screens the proposed garage from the neighbouring property, and it is considered unlikely that it will create issues of overlooking, overshadowing and/or poor outlook.

4.11 The garage is well distanced from 6 Tynebrooke Avenue and it is considered that it will have little impact on that property.

4.12 In terms of its relationship with the neighbouring property to the rear, 21 Trentbrooke Avenue, it is considered that the presence of screening in the form of 1.8m high fencing and the tree within the neighbouring garden, coupled with the 0.5m distance from the boundary, and the proposed hipped roof will reduce the impact of the garage such that it would be unlikely to unduly affect the amenity of 21 Trentbrooke Avenue in terms of loss of light, dominance and/or poor outlook. Whilst it is acknowledged that the garage would feature more strongly in the outlook from

the rear windows of 21 Trentbrooke Avenue, it is considered unlikely that the proposal would present a degree of intrusiveness or overbearing effect which could sustain a refusal.

4.13 With regard to the noise pollution, it is not considered that this should be significant for a domestic garage and in terms of noise and disturbance, the activities proposed in relation to the garage would not be significantly different from those usually associated with domestic garages. The Head of Public Protection has raised no objection in this instance and it is considered that the proposed garage would not unduly affect the amenity of neighbouring properties in terms of noise and disturbance.

4.14 Any excessive issues arising from construction noise and disturbance from a residential property can be controlled via the Council's Environmental Health section.

4.15 It is considered that the proposed garage respects the character and detailing of the dwelling and the scale is considered appropriate for a dwelling of such a size. The property benefits from a substantial garden area, and it is considered that the proposal would not be dominant or out of proportion.

4.16 The siting of the garage to the rear of the property means it is unlikely to have a detrimental impact on the street scene.

Conclusions

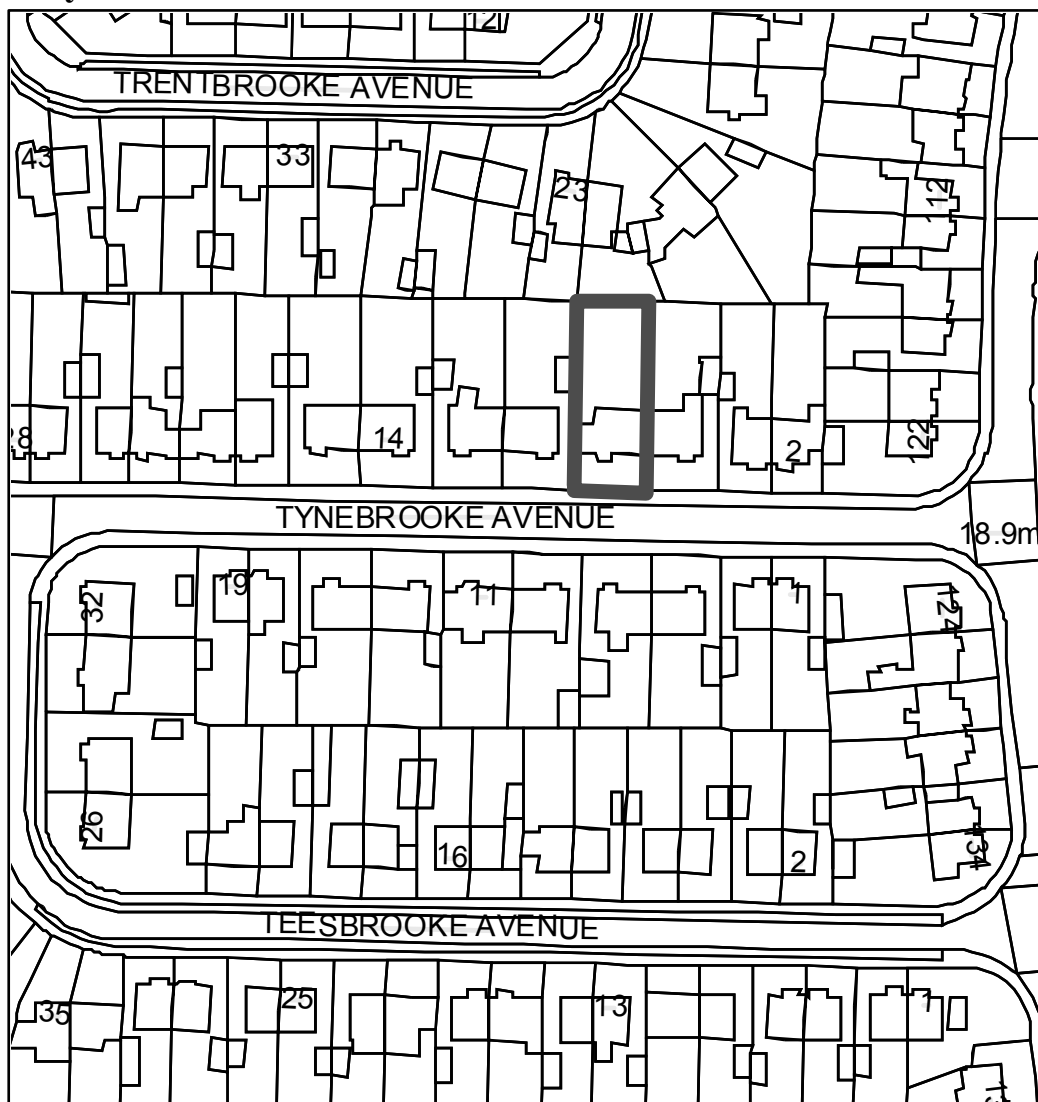
4.17 With regard to the relevant Hartlepool Local Plan (2006) policies as set out above, and with regard to the appropriate planning considerations as discussed above, the proposed garage is considered acceptable and is therefore recommended for approval subject to the conditions as set out below.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 16 06 09, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.
4. 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 21 Trentbrooke Avenue and 10 Teesbrooke Avenue without the prior written consent of the Local Planning Authority.
To prevent overlooking

5. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse including the restoration of a single vintage car at any time and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
6. The existing close boarded fence or a fence similar in design and height to that fence shall be retained at all times to the boundaries with 10 Tynebrooke Avenue and 21 Trentbrooke Avenue for the lifetime of the garage hereby approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.

8 Tynebrooke Avenue



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02/07/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0211	REV

No: 5
Number: H/2009/0243
Applicant: Mr Michael Heuck Walcott Street Hessle Road HULL East
Yorks HU3 4AU
Agent: Derek Morris Architects Malt Kiln Road Lincoln LN1
2EW
Date valid: 29/05/2009
Development: The erection of 5 air conditioning and remote chiller
compressors onto the flat roof to the rear of the property
(retrospective)
Location: 424 CATCOTE ROAD HARTLEPOOL

The Application and Site

5.1 The application site is the premises of Heron Frozen Foods, located at the Catcote Road shopping precinct, adjacent to Tesco Extra to the north and a barbers and bookmakers to the south. The proposal relates to the roof of the rear offshoot of the property in question, adjacent to the rear alley of the properties which is currently used for service access to the properties and access to the rear of the properties of Retford Grove and Stamford Walk. The shops have residential flats to the first floor which are accessed independently.

5.2 The application seeks retrospective consent for the installation of 5 air conditioning units and remote chiller compressors on the flat roof of the rear of the property.

5.3 The units are contained within security cabinets and are divided into 3 larger units and 2 smaller units. The larger units have a height of 1.4m and the smaller units have a height of 1.3m. The units have a maximum noise emission of 44db. The units are sited towards the rear of the roof, adjacent to the highway.

Publicity

5.4 The application has been advertised by way of neighbour letters (19) and site notice. To date, there have been 3 objections.

5.5 The concerns raised are:

- a) It will affect the value of property;
- b) Not appropriate for area;
- c) At night there is a steady hum;
- d) Noise from fans;
- e) Fans will be an eyesore.

Copy Letters C

The period for publicity expires after the meeting.

Consultations

5.6 The following consultation replies have been received:

Head of Public Protection – I would have no objections to this application. The level of noise is barely perceivable at the nearest residential property - the 1st floor flat directly above the shop unit. The level of noise even in the worse case scenario (i.e. all the units operating) would not cause a nuisance to the nearest residential premises.

Traffic and Transportation – No major highway implications.

Planning Policy

5.7 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.

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

5.8 The main issues for consideration in this instance are the appropriateness of the proposal in terms of Hartlepool Local Plan (2006) with regard to the impact on the amenity of neighbouring properties, the impact on the surrounding area and highway safety.

Neighbouring Properties

5.9 It is considered that by virtue of the size of the units and the siting to the rear of the premises, there is sufficient distance between the proposed unit and the residential properties of Stamford Walk and Retford Grove to negate any effect on visual amenity.

5.10 In terms of the impact on the first floor flats, it is considered that in visual terms that the units are relatively modest in terms of size and layout, and are sited an appropriate distance from the flats to negate any significant impact on the visual amenity of the occupiers.

5.11 In terms of the impact of noise on neighbouring properties, the Council's Principal Environmental Health Officer has raised no objections, and has indicated that the level of noise from the cooling units will not be perceivable at the nearest residential properties to the site, particularly 384 Catcote Road (the first floor flat above the shop unit in question). It is therefore considered that the unit will not unduly affect the amenity of either the neighbouring first floor flats or the neighbouring properties in Stamford Walk and Retford Grove in terms of noise and disturbance.

Surrounding Area

5.12 It is considered that the provision of an air conditioning unit is appropriate for such a use. Due to the height, the units are only largely visible from a significant distance within the context of the street scene and there are a number of other air conditioning units of a similar nature on the roof areas of other premises on the Catcote Road shops. The siting of the unit to the rear roof associated with the servicing area is considered acceptable in terms of visual impact and will not unduly affect the character of the surrounding area or the street scene.

Highways

5.13 The Council's Traffic and Transportation section has indicated that there are no major highway implications with the proposal. It is considered that the proposal will not have an adverse impact on highway safety.

Other Issues

5.14 In relation to the concerns raised by neighbours, the impact of a proposal on the value of property is not a material consideration and therefore can not be taken into account in the consideration of a planning application.

5.15 In terms of the comments regarding the noise of the units, the Council's Principal Environmental Health Officer has assessed the proposal in relation to the impact on the neighbouring properties. It is considered that the units would not cause a nuisance in terms of noise and even with all units operating simultaneously, it has been advised that the noise emission would not be sufficient to unduly affect neighbouring amenity in terms of noise.

5.16 In terms of the appropriateness of the proposal within the context of its location and the visual impact, it is considered that air conditioning units are common in such instances where they serve the operation of a variety of shops. There are a number of similar units located to the rear of other shops within the same shopping precinct. It is considered that the principal of siting the units is acceptable in this instance, and that the location of the units to the rear of the shops is appropriate in terms of its visual impact. Whilst the units will be visible from the flats adjacent and the nearby

properties of Stamford Walk and Retford Grove, it is considered that the units are not unduly large or dominant as to have a detrimental impact on the amenity of those properties.

Conclusions

.18 In conclusion, with regard to the relevant Hartlepool Local Plan (2006) policies as outlined above, and with consideration with the relevant issues as discussed, the proposal is considered acceptable in this instance and the application is therefore recommended for approval.

RECOMMENDATION - Minded to APPROVE but the final decision to be delegated to the Development Control Manager since publicity is outstanding.

424 Catcote Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02/07/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0243	REV

No: 6
Number: H/2009/0219
Applicant: Mr S Bates DALTON PIERCY ROAD HARTLEPOOL
TS27 3HS
Agent: Mr S Bates PIERCY FARM DALTON PIERCY ROAD
HARTLEPOOL TS27 3HS
Date valid: 03/06/2009
Development: Provision of internal access road to farm building and
stables (retrospective)
Location: PIERCY FARM DALTON PIERCY ROAD HARTLEPOOL

The Application and Site

6.1 The site that this application relates to is a livery business operated at Piercy Farm, Dalton Piercy. The application seeks permission for the retention of an internal access road which has been constructed. The road links the farm buildings and stables to the original farm track which runs parallel to the western boundary of the site. The road (as constructed) is fenced on both sides and as such creates two new paddocks. The applicant has stated that the road and associated fencing act as a barrier against cross contamination and the spread of infection between horses.

6.2 The site is situated outside the village envelope as defined by the adopted Hartlepool Local Plan. In planning terms the proposed development is situated within the open countryside.

6.3 Approval was granted in November 2008 for the erection of a 3/4 bedroom dwellinghouse on the site. The road acts as an additional access to the newly constructed property. At the closest point the access road is some 80 metres away from the nearest residential properties to the north western corner of the application site.

Publicity

6.4 The application has been advertised by way of neighbour letters (8) and site notice. To date, there have been two letters of objection and one letter of comments.

6.5 The concerns raised are as follows:

1. The site is situated outside the village envelope and within the open countryside
2. Traffic to and from the site is a noise nuisance late at night.
3. Access to the site is poor.
4. If permission is granted additional permissions for structures will prove difficult to resist (as is already the case).
5. To date planning permissions which have been granted have been abused and the conditions not adhered to.

The period for publicity has expired.

Consultations

6.6 The following consultation replies have been received:

Public Protection – No objections

Traffic and Transportation – No objections

Engineering Consultancy – No objections confirmed verbally, awaiting formal response

Northumbrian Water – No objections

Dalton Piercy Parish Council – To provide comment following Council's next meeting on July 16th

Planning Policy

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

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

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.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

6.8 The main issues in this case are the appropriateness of the access road in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact that the proposal has had on residential amenities.

6.9 The access road is visible from the residential properties located to the north of the site. However, it is considered that there is limited visual intrusion for these properties given the ample separation distances. Moreover, it is not considered that the access road and fencing have significantly detrimentally affected the visual appearance of the area and the open countryside.

6.10 Concerns have been raised regarding poor access to the site and issues relating to traffic nuisance late at night. However, in this instance no objections have been raised from the Traffic and Transportation team. The same objector sights concerns regarding noise disturbance related to traffic generation. Public Protection have not objected to this development.

6.11 Regardless of any alleged previous abuses of the planning system by the applicant with regard to this site, or the consideration of future applications relating to the site, this planning application and all future applications will be determined on their own merits.

Conclusion

6.12 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties and its appearance in relation to the open countryside in general the development is considered satisfactory. However given that the views of the Parish Council are outstanding it is recommended that the final decision be delegated to the Development Control Manager in consultation with the Chair of the Committee.

RECOMMENDATION – Minded to Approve but the final decision be delegated to the Development Control Manager in consultation with the Chair of the Committee.

Piercy Farm



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 02/07/09
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0219	REV

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 fence at a residential property in Crowland Road. A planning application has been submitted for the retention of the fence.
2. An investigation has commenced following concerns regarding the use of a first floor as a public house with live entertainment in Church Street without the benefit of planning permission.
3. A neighbour complaint regarding the increase in height of a rear boundary fence in Birchill Gardens. The property owner is considering lowering the fence.
4. An investigation has commenced following neighbour concerns about over tipped waste and operating outside of allowed working times at a landfill site in Windemere Road.
5. A neighbour complaint regarding a car repair business operating from a residential garage in Queensland Road.
6. A neighbour complaint regarding an untidy section of a rear garden in Islay Grove. The land had recently been brought the property owner. Following a site visit, the land had been cleared.
7. An investigation has commenced following neighbour concerns regarding a scrap business operating from a garage located in a block of garages in Lowthian Road. The complainant also raised concerns about fly tipping and scrap stored on grassed land behind the garages.
8. A neighbour complaint regarding the placing of a storage container on school field in Catcote Road.
9. Building Control Officers monitoring recorded a rear extension not built in accordance with the approved plans.

10. A neighbour complaint regarding vehicles driving over a footpath as a short cut to Merlin Road.
11. An investigation has commenced following a neighbour concerns regarding a neglected vacant property and garden in Kilmarnock Road.
12. A neighbour complaint regarding various extensions and installation of replacement windows to a commercial property in Church Street.
13. Neighbourhood Co-ordinators monitoring recorded and forward concerns regarding a neglected vacant garage in a block of garages in Wells Street.
14. Officer monitoring recorded works carried out to prepare a car valeting centre in Stockton Road, before a planning appeal has been determined.
15. An investigation has commenced following neighbour concerns regarding the erection of a lean-to extension in Kinterbury Close in breach of a restrictive planning condition.
16. An investigation has commenced following neighbour concerns regarding the continued display of a window companies advert board in the garden of a residential property in Elm Grove.
17. An investigation has commenced following a competitors concerns regarding the opening of a sandwich bar in Milton Road.
18. An investigation has commenced following neighbour concerns regarding a neglected property and garden in Tempest Road.
19. A competitor's complaint regarding the operation of a dog grooming saloon jointly with a pet supplies use in Murray Street. The owner has submitted an informal enquiry for determination.
20. Officer monitoring recorded the display of unauthorised signs on the perimeter fence of vacant commercial land on the junction of Brenda Road/Belle Vue Way.
21. An investigation has commenced following neighbour concerns regarding the erection of a boundary retaining wall and levelling of part rear garden in Hardwick Court.
22. A complaint regarding the erection of roof terrace in Dunston Road without the benefit of planning permission.

23. An investigation has commenced following neighbour concerns regarding alterations carried out to the roof and garage door and damage to a protected tree in Belmont Gardens.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning and Economic Development)

Subject: 59 EGERTON ROAD – ERECTION OF A TWO STOREY UTILITY, GAMES ROOM AND BEDROOM/EN-SUITE EXTENSION TO FRONT AND A DETACHED GARAGE TO SIDE (H/2009/0151)
APPEAL REF: APP/H0724/A/09/2105928/WF

1. PURPOSE OF REPORT

- 1.1 To inform members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the abovementioned extension and garage.
- 1.2 The appeal is to be decided by written representations.

2. RECOMMENDATION

- 2.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: THE HEADLAND GATE NORTHGATE –
DEMOLITION OF PUBLIC HOUSE AND ERECTION
OF FOUR RETAIL UNITS WITH FOUR SELF-
CONTAINED FLATS ABOVE AND ASSOCIATED
CAR PARKING (H/2009/0111)
APPEAL REF: APP/H0724/A/09/210766/NWF

1. PURPOSE OF REPORT

- 1.1 To inform members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the redevelopment of the Headland Gate Public House/restaurant site.
- 1.2 The appeal is to be decided by written representations.

2. RECOMMENDATION

- 2.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR ARTHUR BELL 36 HUTTON AVENUE

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the conversion to a bed and breakfast guest house (10 beds) at 36 Hutton Avenue, Hartlepool.
- 1.2 The appeal is to be decided by written representations and authority is therefore requested to contest the appeal

2 RECOMMENDATION

- 2.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY CRAIG WILKINSON SITE AT LAND ADJACENT TO KIDDICARE DAY NURSERY, WARRIOR DRIVE, SEATON CAREW, HARTLEPOOL (H/2009/0154)

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the erection of a detached dwelling with double garage (resubmitted amended application) (H/2009/0154) at the above site.
- 1.2 The appeal is to be determined by written representations and authority is requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That Members grant Officers authority to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL REF: APP/H0724/A/09/2106524/NWF
H/2009/0082
CHANGE OF USE TO CAR VALETING CENTRE
GARAGE SITE, 234 STOCKTON ROAD,
HARTLEPOOL, TS25 5DE

1. PURPOSE OF THE REPORT

1.1 To notify members of a notification of a planning appeal.

2. APPEAL

2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the change of use to a car valeting centre at 234 Stockton Road, Hartlepool, TS25 5DE.

2.2 The application was refused for the following reason:

“It is considered that because of the limited size of the site access arrangements and the potential for conflict with traffic coming to and from business premises to the rear that vehicles visiting the car valeting centre or business premises could be forced to stand or queue on the A689, a major approach road into and out of Hartlepool to the detriment of highway safety and the free flow of traffic contrary to policy GEP1 of the Hartlepool Local Plan (2006).”

2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

3.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL REF: APP/H0724/A/09/2106703/NWF
H/2009/0171
INSTALLATION OF A NEW SHOPFRONT
INCLUDING ALTERATIONS TO PROVIDE
SEPARATE ACCESS TO FIRST FLOOR FLAT
ALLSORTS, 33 THE FRONT, SEATON CAREW,
TS25 1BS

1. PURPOSE OF REPORT

1.1 To notify members of a notification of a planning appeal.

2. APPEAL

2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow the installation of a new shopfront including alterations to provide separate access to first floor flat at 33 The Front, Seaton Carew, TS25 1BS.

2.2 The application was refused for the following reason:

“It is considered that the installation of a separate access door, the loss of the recessed entrance, the raising of the stall riser and the reduction in the width of the glazing in the new shop front would unduly harm the character and appearance of the Seaton Carew Conservation Area and result in the loss of a traditional shop front contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan (2006).”

2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

3.1 That authority be given to officers to contest the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MIKE YOUNG SITE AT LAND AT ST HILDS CHURCH OF ENGLAND SCHOOL, KING OSWY DRIVE, HARTLEPOOL. (H/2009/0102)

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the erection of a new performing arts centre with associated car parking and landscaping at St. Hilds School (H/2009/0102).
- 1.2 Members will recall that Planning permission was finally granted for the New Life Centre on 2nd June 2009. (Application H/2009/0198). This followed the refusal of an earlier scheme by the Planning Committee. (H/2009/0102). The approved scheme (H/2009/0198) had been amended to address concerns regarding the relationship with neighbouring properties and crime & disorder which had precipitated the refusal. The appeal relates to the refused application. (H/2009/0102).
- 1.3 The appeal is to be determined by written representations and authority is requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That members grant Officers authority to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL REF: APP/H0724/A/09/2097541/WF
H/2008/0692 RETENTION OF RAILINGS TO
GARAGE ROOF (RETROSPECTIVE)
90 HART LANE, HARTLEPOOL, TS26 0JN

1. PURPOSE OF THE REPORT

- 1.1 To advise members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.
- 1.2 The appeal was dismissed.
- 1.3 A copy of the Inspector's decision is attached.

2. RECOMMENDATION

- 2.1 That members note the decision.



Appeal Decision

Site visit made on 22 June 2009

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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:
23 June 2009

Appeal Ref: APP/H0724/A/09/2097541 90 Hart Lane, Hartlepool TS26 0JN

- 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 Harry McDonald against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0692, dated 28 November 2008, was refused by notice dated 21 January 2009.
- The development proposed is retention of railings to the garage roof.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area; and
 - ii) on the living conditions of adjacent residential occupants in terms of outlook and privacy.

Reasons

3. The appeal dwelling is a corner property fronting the main road. Like neighbouring properties to its rear on the side road, it is set well above street level with several steps up to it. The appeal relates to ornamental painted wrought steel railings that have already been erected around the perimeter of the flat-roofed garage at the rear on this side. I have considered the appeal as one made in respect of an application for planning permission for development carried out before the date of the application.
4. Policy HSG10 of the Hartlepool Local Plan, 2006, (LP) requires residential alterations to be unobtrusive, not to harm the character of the street and not to significantly affect the amenities of occupiers of adjoining and nearby properties.
5. The garage stands well forward of the general building line and it is already visually prominent at this end of the side road. Whilst the railings around the flat roof match those that enclose the side entrance terrace to the appeal property, beside the garage, the roof level is around 1m above this. Consequently, the railings are substantially higher than these other ones and from both directions along the road they are particularly obtrusive and eye-catching. The railings have substantially increased the prominence of the

Appeal Decision APP/H0724/A/09/2097541

garage, which now dominates the street frontage and the railings are out of keeping with the low front walls to terraced front gardens along the street.

6. The whole flat roof area has been paved in a similar material to the rear yard. It is about 0.5m higher than this yard and is reached via a locked gate and fence from it. I accept that the roof area may be only infrequently accessed, to tend the ornamental potted plants that are set on it and there was no outdoor furniture on it. However, it directly flanks the front path at the adjacent property, No 71, close to its entrance and bay window. It is level with this window sill, well above the path, and I have no doubt that this elevated position has resulted in a strong sense of increased overlooking, both of this property and of the whole rear garden at the dwelling across the road.
7. The appellant considers the railings necessary to prevent intruders climbing on the roof as well as to ensure the safety of children and prevent them falling from the flat roof. However, I am not convinced that railings around its complete perimeter are the only way to prevent access onto it and this is not a sufficiently compelling reason to outweigh the harms I have identified. My attention has been drawn to a similar development nearby, but I am unaware of the planning circumstances in that case.
8. I conclude that the proposal has harmed the character and appearance of the surrounding area and the living conditions of adjacent residential occupants in terms of outlook and privacy, contrary to local policy.

Wenda Fabian

Inspector