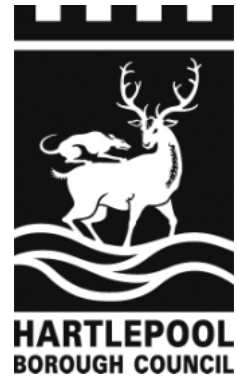


# PLANNING COMMITTEE AGENDA



**Wednesday 4<sup>th</sup> November 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 7<sup>th</sup> October 2009
- 3.2 To confirm the minutes of the meeting held on 12<sup>th</sup> October 2009

### **4. ITEMS REQUIRING DECISION**

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

- 1. H/2009/0497 Land off Merlin Way, Middle Warren
- 2. H/2009/0522 Land at Charles Street, Surtees Street
- 3. H/2009/0195 32 Egerton Road
- 4. H/2009/0519 Glendower, Egerton Road
- 5. H/2009/0527 Marlowe Road / Catcote Road junction
- 6. H/2009/0542 Briar Court, 59 Hutton Avenue
- 7. H/2009/0421 91 York Road
- 8. H/2009/0521 Land at Seaton Lane
- 9. H/2009/0179 143 Oxford Road
- 10. H/2009/0500 Niramax, Thomlinson Road

#### **4.2 Appeal by Mr Brian Elder (Elder Monsen Ltd) at the Headland Gate, Northgate – Assistant Director (Planning and Economic Development)**

- 4.3 Appeal Ref APP/H0724/D/09/2110473: H/2009/0248 Erection of a replacement boundary enclosure and gates, West Allen, Elwick Road, Hartlepool TS24 9PB – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Miss Elizabeth Robinson Appeal Ref: APP/H0724/D/09/2110475 Site at 153 Mowbray Road, Hartlepool, TS25 2NE – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal Ref: APP/H0724/A/09/2106524 H/2009/0082 Change of use to car valeting business garage site, 234 Stockton Road, Hartlepool, TS25 5DE – *Assistant Director (Planning and Economic Development)*
- 4.6 Update on current complaints – *Assistant Director (Planning and Economic Development)*

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

**6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**EXEMPT ITEMS**

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

**7. EXEMPT ITEMS REQUIRING DECISION**

- 7.1 Complaint Files to be closed – *Assistant Director (Planning and Economic Development)* (Para 6)
- 7.2 Enforcement Action – Tunstall Court, Grange Road – *Assistant Director (Planning and Economic Development)* (Paras 5 and 6)
- 7.3 Enforcement Action – 1 Lamberd Road – *Assistant Director (Planning and Economic Development)* (Paras 5 and 6)

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

**9. FOR INFORMATION**

Next Scheduled Meeting – Wednesday 2<sup>nd</sup> December 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, 2<sup>nd</sup> December at 9.00am

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

7 October 2009

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

### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Steve Allison, Shaun Cook, Kevin Cranney, Mary Fleet, Pauline Laffey, Geoff Lilley, Frances London, John Marshall, Chris McKenna, George Morris, Carl Richardson and Edna Wright

In accordance with Council Procedure Rule 4.2 (ii), Councillor Jonathan Brash attended as a substitute for Councillor Sheila Griffin

Officers: Richard Teece, Development Control Manager  
Jim Ferguson, Senior Planning Officer  
Mike Blair, Transportation and Traffic Manager  
Adrian Hurst, Principal Environmental Health Officer  
Sarah Scarr, Landscape Planning and Conservation Manager  
Richard Smith, Solicitor  
Jo Wilson, Democratic Services Officer

### **51. Apologies for Absence**

Apologies were received from Councillors Sheila Griffin and Michelle Plant.

### **52. Declarations of interest by Members**

Councillor Rob Cook declared a personal non-prejudicial interest in item H/2009/0385 and indicated he would leave the meeting during consideration of this item.

### **53. Confirmation of the minutes of the meeting held on 9 September 2009**

Agreed subject to the following amendments:

- That a member's request for a deferral in the matter of item H/2009/0374 The University Hospital of Hartlepool, Holdforth Road, be noted

- That the reason for the proposed site visit to Hillston Close be included in accordance with the new code of practice.

## **54. Planning Applications** *(Assistant Director (Planning and Economic Development))*

**FOLLOWING HIS EARLIER DECLARATION OF INTEREST COUNCILLOR ROB COOK LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM. COUNCILLOR GEORGE MORRIS TOOK THE CHAIR**

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<b>Number:</b>	H/2009/0385
<b>Applicant:</b>	Mr Mark Griffin HILLSTON CLOSE HARTLEPOOL
<b>Agent:</b>	Mr Mark Griffin 28 HILLSTON CLOSE HARTLEPOOL
<b>Date received:</b>	27/07/2009
<b>Development:</b>	Erection of a part single and part two store two storey extension to provide family room, utility and garage with bedroom and en suite above
<b>Location:</b>	28 HILLSTON CLOSE HARTLEPOOL
<b>Representations</b>	<b>The applicant, Mr Griffin, attended the meeting and answered questions accordingly</b>
<b>Decision:</b>	<b>Planning Permission Approved</b>

### 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. 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 extension facing 27 Hillston Close without the prior written consent of the Local Planning Authority.  
To prevent overlooking

The Committee considered representations in relation to this matter

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# **COUNCILLOR ROB COOK RETURNED TO THE MEETING AND RESUMED THE CHAIR**

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<b>Number:</b>	H/2009/0352
<b>Applicant:</b>	Adrienne Simcock Hartlepool Borough Council, Children Services
<b>Agent:</b>	GWK Chartered Architects Charlotte Henry First Floor Cathedral Building Dean Street Newcastle upon Tyne
<b>Date received:</b>	01/07/2009
<b>Development:</b>	Erection of primary school, nursery and associated works including car parking, drop off facilities, CCTV, landscaping, sports field and multi-use games area
<b>Location:</b>	LAND AT JESMOND GARDENS AND CHESTER ROAD HARTLEPOOL
<b>Representations</b>	<b>The agent, Charles Greenall, attended the meeting. Mrs Price (objector) attended the meeting and answered questions accordingly.</b>
<b>Decision:</b>	<b>Planning Permission Approved</b>

## **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, including the hereby approved living wall shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 30th June, 3<sup>rd</sup> July and 3rd September 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. 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 visual amenity.

5. 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.
6. Final details of the drop off lay by, including one-way signage and white lining 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 school and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
7. A scheme to demonstrate that service vehicles can access the site and manoeuvre within the site safely shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
8. A scheme for parking restrictions on Jesmond Gardens including a programme of works 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 at the developer's expense, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
9. 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.  
In the interests of highway safety.
10. A scheme detailing the design, location and final number of secured cycle parking places including a programme of works 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 interest of sustainable transport and visual amenity.
11. Final details of the bin store 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.
12. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures which shall include roller shutters 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 interests of crime prevention.
13. Final details including number and locations of the CCTV cameras 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 crime prevention and in the interests of privacy.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Moorhead Sutton & Lang Ltd., ref: 3799M, dated June 2009, and the following mitigation measures detailed within the FRA:  
Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

15. 1. Site Characterisation

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

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

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

## 2. Submission of Remediation Scheme

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

## 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

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

16. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To ensure the discharge of surface water from the site does not



- increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
17. Final details of the construction of the mini-soccer pitch (which shall comply with Sport England Design Guidance Notes 'Natural Turf for Sport') shall be submitted to and approved in writing by the Local Planning Authority. The mini-soccer pitch shall be constructed in accordance with the approved design and layout details, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
  18. Final details of the construction, surfacing and means of enclosure of the proposed MUGA shall be submitted to and approved in writing by the Local Planning Authority. The MUGA shall be constructed in accordance with the approved design and layout details, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
  19. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
  20. Prior to the commencement of development a temporary fence shall be erected within the site at the limit of the crown spread of the retained trees adjacent to Chester Road, in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The fence shall be retained in the approved position during construction works on the development, unless otherwise agreed in writing by the Local Planning Authority.  
In order to ensure the retained trees are protected from accidental damage during construction works.
  21. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
  22. A scheme to incorporate sustainable energy systems 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

The Committee considered representations in relation to this matter

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**Number:** H/2009/0390

**Applicant:** Chase Property Developments

**Agent:** Savills Mr T Adey Fountain Court 68 Fountain Street Manchester

**Date received:** 27/07/2009

**Development:** Application to remove planning conditions on planning permission references EZ2/3/OUT/519/85, H/FUL/0619/91 and H/2005/5921 relating to the amount of floorspace that can be provided, unit size and the range of goods permitted to be sold

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

**Representations:** The applicant, Paul Pearce, attended the meeting and answered questions accordingly

**Decision:** Members took the view that with the proposed additional restrictions suggested by the applicant since the last application for a similar development was considered and refused, the fact that the development is likely to claw back trade from other areas outside Hartlepool and there are significant regeneration and employment benefits associated with the development that the application was satisfactory. Therefore they were minded to **APPROVE** this application subject to a legal agreement under S106 of the Planning Act and appropriate conditions, including additional conditions to those suggested by the applicant as part of the submission. The final details of both the legal agreement and conditions were delegated to the Development Control Manager. The agreement was to provide for a targeted labour and training agreement, a cyclelink contribution and the provision of a travel plan. However as the application is a departure from the Hartlepool Local Plan 2006 it was resolved that the application be referred to the Government Office for the North East in the first instance for consideration under the terms of the Town and Country Planning (Consultation) (England) Direction 2009.

The Committee considered representations in relation to this matter

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<b>Number:</b>	H/2009/0493
<b>Applicant:</b>	Mr KJOHNSON CARMEL ROAD SOUTH DARLINGTON
<b>Agent:</b>	Jackson Plan Mr Ted Jackson 7 Amble Close HARTLEPOOL
<b>Date received:</b>	08/09/2009
<b>Development:</b>	CHANGE OF USE FROM OFFICES (A2) TO HOT FOOD TAKEAWAY (A5)
<b>Location:</b>	88 YORK ROAD HARTLEPOOL
<b>Representations:</b>	<b>The agent, Ted Jackson, attended the meeting and answered questions accordingly.</b>
<b>Decision:</b>	<b>Subject to the consideration by the Development Control Manager of any further representations received before the expiry of the time period for representations, Planning Permission Approved subject to the following conditions</b>

## 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 occupation of the residential accommodation above the takeaway shall be restricted to the owner of the takeaway, or a person employed in the takeaway, and their dependents.  
As indicated by the applicant and in the interests of the amenity of future residents.
3. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed.  
Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
4. The development hereby approved shall not be brought into use until a traffic regulation order on York Road has been amended and guard

rails provided on York Road in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing with the Local Planning Authority.

In the interests of highway safety.

5. The premises shall not be open to customers, including for customer telephone orders and deliveries, between the hours of 24:00 hours and 09:00 hours on any day.

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

6. Unless otherwise agreed in writing by the Local Planning Authority the use hereby approved shall not commence until a scheme for the provision of CCTV has been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained for the lifetime of the development.

In the interests of crime prevention and the prevention of antisocial behaviour.

The Committee considered representations in relation to this matter

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<b>Number:</b>	H/2009/0404
<b>Applicant:</b>	Mr John Reed FEWSTON CLOSE HARTLEPOOL
<b>Agent:</b>	CLC Construction Services Ltd Chris Linton 1a Hillcrest Grove Elwick Hartlepool
<b>Date received:</b>	01/09/2009
<b>Development:</b>	Erection of a two storey garden room and bedrooms extension to the rear and a first floor bathroom and ensuite extension and a ground floor study extension to side (amended scheme)
<b>Location:</b>	21 FEWSTON CLOSE HARTLEPOOL
<b>Representations:</b>	<b>The agent, Mr Linton, and Mrs Taylor (objector) attended the meeting and answered questions accordingly</b>
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 21 September 2009, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt.
4. The proposed window(s) facing 3 and 4 Chelker Close shall be glazed with obscure glass which shall be installed before the study and ensuite and bathroom extension are brought into use and shall thereafter be retained at all times while the window(s) exist(s).  
To prevent overlooking.
5. 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 extension facing 22 Fewston Close and no additional window(s) shall be inserted in the extensions facing properties on Chelker Close without the prior written consent of the Local Planning Authority.  
To prevent overlooking

The Committee considered representations in relation to this matter

**Number:** H/2005/5254

**Applicant:** Starford Holdings Ltd  
Suites 7b and 8b 50 Town Range Gibraltar

**Agent:** SCA Planning Lazenby House St Mongahs Court  
Coproove Harrogate

**Date received:** 30/03/2005

**Development:** Outline application for residential development open space and associated means of access (AMENDED SCHEME)

**Location:** BRITMAG LTD OLD CEMETERY ROAD  
HARTLEPOOL

**Decision:** **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act in the terms outlined in the report to Committee but**

**including maintenance of the ecological areas and open space within the development, ecological mitigation, provision and maintenance of the proposed coastal footpath, improvement of the neighbouring cemetery wall, off-site open space/play contribution, affordable housing, lighting of the Brus tunnel, bus stop improvements, targetted labour agreement, site decontamination and initial site clearance and the following conditions. Further, Members requested the Planning Inspector to consider the latest amendments positively at the impending Public Inquiry into the development of the site.**

## **CONDITIONS AND REASONS**

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of five 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, appearance of the building(s) and landscaping (herein 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. Save for the area of Enhanced Dune Management and associated planting shown within area A of the Illustrative Concept Master Plan, the Master Plan and details of the building heights submitted with the application shall be treated as being for illustrational purposes only and shall not be taken as an approval by the Local Planning Authority of the layout of the site, the disposition of buildings thereon or building heights. Such details shall be considered as part of the reserved matters application(s) required by condition 1.  
For the avoidance of doubt and to clarify the extent of the permission.
4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. If the site is developed on a phased basis the applicant shall provide with each phase all reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions below for approval by the Local Planning Authority.  
To clarify the extent of the permission.
5. Within 1 month from the grant of this permission a scheme indicating how the application sites will be cleared and levelled as an interim measure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be cleared and levelled in

accordance with approved scheme within 3 months of the date of approval of the scheme unless otherwise agreed in writing by the Local Planning Authority.

In the interests of amenity.

6. Notwithstanding the submitted details and the provisions of condition 4 no development shall take place unless in accordance with a mitigation scheme for the protection of breeding birds and other ecological receptors to be first submitted to and approved in writing with the Local Planning Authority.  
To conserve protected species and their habitat.
7. Notwithstanding the provisions of condition 4 no development shall commence until a scheme for the fully detailed final design and extent of the proposed longstop defence works including a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved longstop defence works shall be carried out in accordance with the approved details and prior to occupation of any dwelling within any of the agreed phases where the longstop is to be provided, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the longstop defence works are provided in a satisfactory manner.
8. Unless otherwise agreed in writing by the Local Planning Authority a scheme for a designated construction corridor in connection with the construction of the approved longstop defence works shall be submitted to and agreed in writing with the Local Planning Authority before works on its construction commence. Equipment to be used during these construction works shall be tracked excavators or soft - tyred excavators only, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the protection of the SPA.
9. Unless otherwise agreed in writing with the Local Planning Authority the construction of the approved longstop defence works shall only take place between April and October indusively.  
In the interests of protection of wintering waterfowl and migratory species.
10. Notwithstanding the provision of condition 4 a Habitat Restoration and Management Plan for the Enhanced Dune Management and associated planting area identified in area A on the submitted Illustrative Concept Master Plan, including a programme of works 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 by the Local Planning Authority.  
In the interests of enhancing the nature conservation value of the area.
11. No development shall commence until a scheme for the provision of the coastal footpath/cycleway including access points, any necessary temporary diversions during the construction stage and signage to the beach shall be submitted to and agreed in writing by the Local Planning Authority; thereafter the approved scheme shall be implemented in accordance with a programme of works to be agreed with the Local

Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of providing recreational routes and in the interests of the protection of the SPA.

12. 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.

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

13. The development hereby permitted shall not be commenced until 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:
  - a) human health,
  - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - c) adjoining land,
  - d) groundwaters and surface waters,
  - e) ecological systems,
  - f) 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'.

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



14. The development hereby permitted shall not be commenced until 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.
- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].
15. 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.
- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].
16. 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 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, 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 17.
- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks

to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

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

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

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

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

18. If as a result of the investigations required by conditions 13-17 above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, 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), none of the dwelling(s) hereby approved which incorporate gas protection measures shall be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures

19. No development approved by this permission shall be commenced until a scheme for the provision of surface water and foul water drainage works including flow attenuation and proposals for overcoming any capacity shortfall in the public sewers and pumping stations to which the development would connect has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

20. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

To prevent pollution of the water environment.

21. Unless otherwise agreed in writing by the Local Planning Authority  
Roof drainage downpipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.  
To prevent pollution of the water environment.
22. Unless otherwise agreed in writing by the Local Planning Authority prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.  
To prevent pollution of the water environment.
23. During the construction period, and where relevant afterwards, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
To prevent pollution of the water environment.
24. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been agreed submitted to, and approved in writing by, the Local Planning Authority. No buildings hereby permitted shall be occupied until such improvements and/or extensions have been fully commissioned in accordance with the approved scheme.  
To prevent pollution of the water environment.
25. Notwithstanding the submitted plans, details of the siting and design of an emergency vehicular access to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the occupation of more than 50 dwellings and retained in accordance with the approved details.  
In the interests of highway safety.
26. The Brus Tunnel shall not be used by vehicular traffic unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
27. The development layout shall be designed to facilitate a bus service, unless otherwise agreed in writing by the Local Planning Authority.  
To promote alternative means of access.
28. Unless otherwise agreed in writing by the Local Planning Authority no dwelling hereby approved shall be occupied until
  - 1) A scheme for lighting the Brus Tunnel including a programme for implementation has been submitted to and approved in writing by the Local Planning Authority

- 2) A scheme for traffic regulation orders and traffic calming measures on Old Cemetery Road including a programme for implementation, has first been submitted to and agreed in writing by the Local Planning Authority.  
Thereafter the development shall be carried out in accordance of the approved details.  
In the interests of highway safety and in the interests of providing a safe pedestrian route.
29. A scheme for pedestrian crossings on 1) West View Road and 2) Old Cemetery Road, including a programme for implementation 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, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
30. Notwithstanding the submitted plans, final details for the roundabout, including sections and levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout shall be provided in accordance with the approved details.  
In the interests of highway safety and potential affect on a Listed Building.
31. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings shall be completed and occupied prior to the completion of the link road and roundabout, which shall be available for use at all times thereafter.  
In the interests of highway safety.
32. Prior to the occupation of the first dwelling, a 'Travel Plan Framework' shall be submitted to and agreed by the Local Planning Authority. Such a Travel Plan Framework shall clearly indicate the measures to be undertaken to reduce dependency on private cars associated with the development together with targets and timescales for the achievement of such measures. Thereafter a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of the first occupation of the development. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of controlling vehicle congestion on the highway network.
33. A scheme for the provision of public art/landmark features, including a programme of works, which are identified on the hereby approved Master Plan 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.  
In the interests of visual amenity.
34. A scheme to incorporate energy efficiency measures and embedded renewable energy generation in the dwelling houses hereby approved 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.

To encourage sustainable development.

35. No development or clearance shall take place until the applicant, or their agents or successors in title,
  - 1) Has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.
  - 2) Has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

Where important archaeological remains exist provision should be made for their preservation in situ. Thereafter this development/clearance shall be carried out in accordance with the approved scheme.

As the building is of historic significance the specified record is required to mitigate impact and the site is of archaeological interest.
36. A geophysical survey shall be submitted to and approved in writing by the Local Planning Authority, prior to any underground works/clearance, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of mitigation for any unexploded ordnance.
37. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures including a programme of works shall be submitted and agreed in writing with the Local Planning Authority before any phase of the development hereby approved commences. The scheme shall be implemented in accordance with the approved details and shall be completed in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of crime prevention.
38. For the avoidance of doubt this permission relates to the provision of 484 dwellings, unless otherwise agreed in writing by the Local Planning Authority.
- To clarify the permission.

The Committee considered representations in relation to this matter

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**55. 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))*

The Development Control Manager advised members that this appeal had been dismissed. The Inspector had concluded that the incidental open space upon which the dwelling house was to be built contributed positively to the area and the proposed development would adversely affect the character and appearance of the area.

### Decision

That the appeal decision be noted.

- 56. 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))*

The Development Control Manager advised members that this appeal had been dismissed through the written representations procedure. A copy of the Inspector's decision was attached.

### Decision

That the appeal decision be noted.

- 57. Appeal Ref: APP/H0724/A/09/2099083 H/2008/0616 – Variation of Condition 2 of Planning Permission H/2006/0839 to allow opening on a Sunday between the hours of 10am and 11pm – Site at 132 Oxford Road, Hartlepool, TS25 5RH** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager advised members that this appeal had been allowed through the written representations procedure, subject to conditions. A copy of the Inspector's decision was attached.

### Decision

That the appeal decision be noted

- 58. Appeal by Mr Peter Frank, Site at P E Coaches, Usworth Road, Hartlepool, TS25 1PD (H/2009/0338)** *(Assistant Director (Planning and Economic Development))*

The Development Control Members that an appeal had been lodged against the refusal of Hartlepool Council to allow the change of use and alteration of offices to provide living accommodation for security purposes at the above site. The application had originally been refused under delegated powers through the Chair. The appeal was to be decided by written representation, authority was requested to contest the appeal.

**Decision**

That officers be given authority to contest the appeal.

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

The Development Control Manager drew members' attention to 24 ongoing issues which were being investigated.

Regarding a residential property in Northwold Close currently under investigation a member queried what could be done about parking issues in this area. He acknowledged that the use of the property as a supported care residence was not a material change of use however neighbours were having significant problems in terms of parking. The Development Control Manager advised that this was something for the operators to address however the concerns of members would be passed on to them.

**Decision**

That the report be noted

**60. Hartlepool Retail Study 2009** (*Assistant Director (Planning and Economic Development)*)

Members were advised that the Hartlepool Retail Study 2009 had been completed by Drivers Jonas, subject to minor editing. Previous studies had been carried out in 2002 and 2005. The Study provided an assessment of the need for further development for retail uses up to 2026. It also addressed deficiencies in current provision and the capacity of existing centres to accommodate new development, particularly that of Hartlepool Town Centre.

The findings of study were summarised within the report for members' attention, including recent trends in retail and leisure, shopper surveys and areas of major concern. The report concluded that there was a higher than average number of vacant units in the Town Centre, insufficient expenditure to justify further retail floorspace and extreme caution should be exercised in permitting new floorspace in locations outside the Town Centre and Local Centres within Hartlepool.

**Decision**

That the findings of the 2009 Retail Study be noted.

**61. Response to DCLG Consultation on Planning Policy Statement 15 – Planning for the Historic Environment** *(Assistant Director (Planning and Economic Development))*

The Landscape Planning and Conservation Manager outlined the response to the Department for Communities and Local Government regarding their consultation on Planning Policy Statement 15 – Planning for the Historic Environment. This was part of an ongoing reform of particular aspects of the heritage protection system through the white paper 'Heritage Protection for the 21<sup>st</sup> Century' published in 2007. A key area in supporting this white paper was the development of a new planning policy statement bringing together all aspects of the historic environment. This would replace the existing Planning Policy Guidance Documents relating to the historic environment and archaeology.

The document was currently out to public consultation, to conclude 30<sup>th</sup> October. Officers were generally supportive however it was felt that some issues still needed to be addressed. The detailed comments of officers were appended to the report, as were those from Tees Archaeology. These comments would be presented to the Portfolio Holder for Community Safety and Housing prior to their submission to the Department for Communities and Local Government.

**Decision**

That the report be noted

**62. Local Government (Access to Information) (Variation Order) 2006**

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

Minute 63 – Complaint Files to be closed (Para 6 - namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.)

Minute 66 – Oxford Road Hot Food Takeaways – (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and Para 6 - namely information which reveals that the authority proposes (a) to give under any enactment a notice



under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.)

- 63. Complaint Files to be closed** (*Assistant Director (Planning and Economic Development)*). This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Members' approval was sought to close two outstanding complaint files, details of which were set out in the exempt section of the minutes.

#### **Decision**

That the case files referred to be closed and no further action taken

### **64. Minutes of the meeting held on 9 September 2009**

A member queried a reference in the exempt minutes of the previous meeting whereby householders who had installed UPVC windows would be given a choice of replacement with appropriate UPVC sliding sash windows or timber sliding sash windows, in line with planning policy. Concerns were raised that the letter sent by officers to owners was unclear. The Development Control Manager felt that the letter set out both options clearly however a copy of the letter would be provided for members' attention.

#### **64a Any other exempt items which the Chairman considers are urgent**

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

Minute 64b – Oxford Road Hot Food Takeaways (*Assistant Director (Planning and Economic Development)*)

**64b Oxford Road Hot Food Takeaways** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Members were updated as to the current position in relation to hot food takeaways on Oxford Road and asked for a consensus in relation to the approach to opening hours. Details set out in the exempt section of the minutes.

**Decision**

That the position in regard to opening hours be noted and agreed.

The meeting concluded at 2.15pm

CHAIRMAN

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

12 October 2009

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

**Present:**

Councillor: Rob W Cook (In the Chair)

Councillors: Shaun Cook, Kevin Cranney, Mary Fleet, Sheila Griffin, Pauline Laffey, Geoff Lilley, Frances London, Christopher McKenna, George Morris, Carl Richardson and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Alison Lilley attended as a substitute for Councillor Stephen Allison.

**Also in attendance:**

Councillor Hilary Thompson

Officers: Stuart Green, Assistant Director (Planning and Economic Development)  
Richard Teece, Development Control Manager  
Christine Pipe, Principal Planning Officer  
Mike Blair, Transportation and Traffic Manager  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Traffic Team Leader  
Richard Smith, Solicitor  
Alastair Rae, Public Relations Manager  
Angela Hunter, Principal Democratic Services Officer

### **65. Apologies for Absence**

Apologies for absence were received from Councillors Stephen Allison, Michelle Plant and Stephen Wallace.

### **66. Declarations of interest by Members**

None.

## 67. Planning Applications *(Assistant Director, Planning and Economic Development)*

<b>Number:</b>	H/2009/0335
<b>Applicant:</b>	North Tees & Hartlepool NHS Foundation Trust University Hospital of North Tees North Wing, Hardwick, Stockton on Tees
<b>Agent:</b>	Entec UK Ltd, Ms. Katherine Britton, Northumbria House, Regents Centre, Gosforth
<b>Date received:</b>	16/06/2009
<b>Development:</b>	Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre
<b>Location:</b>	Land at Wynyard Park, Billingham
<b>Representations:</b>	Ms K Britton (applicant's representative) and Mr T Grief and Mr G Richardson (objectors) were in attendance and addressed the Committee.
<b>Decision:</b>	<b>Minded to APPROVE subject to a legal agreement under S106 of the Planning Act relating to linking the opening of the new hospital to other elements of the integrated health care programme, the provision of public transport services, the provision of off site highway improvements, cycleway provision, the provision of a contribution towards the proposed Billingham interchange, a commitment towards a targetted labour and training agreement for employment opportunities and a commitment to the terms of the submitted Travel Plan and Car Parking Management Plan all as outlined in the report to Committee and the following conditions. The final terms of the S106 agreement and conditions were delegated to the Development Control Manager</b>

### 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 layout, scale and appearance of the building(s), 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 development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and supporting documents submitted with the application unless provided for in any other condition attached to this permission or unless otherwise agreed in writing by the Local Planning Authority.

The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process

4. The layout and scale of the final development shall be carried out in substantial accordance with the details submitted in the Environmental Statement and supporting documents of the hereby approved application, unless otherwise agreed in writing by the Local Planning Authority.

The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.

5. The proposed building shall not exceed 6 storeys in height and the floorspace shall not exceed 100,000m<sup>2</sup> (Gross Internal Floor Area).

The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.

6. The landscaping scheme required by condition 2 shall:
  - 1) be designed so as to prevent vehicular parking on areas not identified for car parking. The scheme shall be implemented prior to the hospital becoming operational and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
  - 2) include a scheme for the protection of trees within the site. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
  - 3) include a scheme for the replacement of trees lost by the development. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
  - 4) include a scheme for strengthening the site boundary plantations. 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.

7. A detailed ecological/environmental management plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This should include details of mitigation measures and a detailed "balance sheet" of the residual adverse effects set against the compensatory/enhancement measures, including the long term sustainability of those measures. Thereafter the agreed measures shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that appropriate biodiversity enhancements are achieved.
8. No development shall take place until a scheme for the parking of vehicles within the site has been submitted for the consideration and approval of the Local Planning Authority. 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, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
9. The hospital hereby approved shall not be brought into use until the proposed bus services, as detailed in the legal agreement accompanying this decision are operational, unless otherwise agreed in writing by the Local Planning Authority. In the interests of accessibility.
10. The hospital hereby approved shall not be brought into use until a scheme for cycleway provision/improvements to the site has been implemented in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety and promoting sustainable forms of transport.
11. A scheme for cycle storage including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the hospital hereby approved is first occupied. Thereafter the scheme shall be implemented 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.
12. Prior to commencement of development works on the site, details of improvements to the A19/A689, as illustrated in principle on AECOM drawings Figure 33 revision C, Figure 34 revision C, Figure 35 revision C, Figure 36 revision C, Figure 37 revision C, Figure 39 revision D (all dated October 2009) shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall be subject to a Stage 2 (detailed design) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of safety and the free flow of traffic on the A19 and its junctions.
13. Prior to first use or occupation of any part of the development, the required improvements to the A19/A689 (as set out in Condition 12) shall be completed to the satisfaction of the Local Planning Authority.

This would need to be procured via a Section 278 Agreement with the Highways Agency and would require a Stage 3 (completion or construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of safety and the free flow of traffic on the A19 and its junctions.

14. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 12 and 13) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority.

In the interests of safety and the free flow of traffic on the A19 and its junctions.

15. The development hereby approved shall implement the agreed Travel Plan prepared by AECOM (Revision 2 dated 01/09/09).

In the interest of reducing the traffic impact of the development on the Strategic Road Network.

16. The development hereby approved shall implement the agreed Car Park Management Plan prepared by AECOM (dated 08/10/09).

In the interest of reducing the traffic impact of the development on the Strategic Road Network.

17. The hospital hereby approved shall not be brought into use until the road linking the A689/The Wynd roundabout and A689/Glenam Road roundabout (through Wynyard 3) has been implemented and is operational, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of safety and the free flow of traffic.

18. The development shall not be brought into use until an alternative diversion access route to the hospital hereby approved is identified, tested and publicised in the event the A19 is closed to through traffic, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of safety and the free flow of traffic.

19. A scheme for the inclusion of a bus stop(s) including a programme of works shall be submitted to and agreed in writing by the Local Planning Authority before development commences, 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 accessibility.

20. The development hereby permitted shall not be commenced until such time as a scheme for the satisfactory management of surface water from the development has been submitted to, and approved in writing by, the Local Planning Authority. Surface water must be attenuated to greenfield rates as detailed within the submitted Flood Risk Assessment using loH124 methods. The system must be able to operate without flooding up to the 30 year peak storm event, and up to the 100 year peak storm event without risk to people or property. Sustainable forms of drainage should be used wherever possible as stated in the submitted Flood Risk Assessment. The scheme shall be

fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

21. Maximum surface water discharge from the development must be attenuated to 30.8 l/s.

To ensure flood risk downstream is not increased.

22. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor, unless otherwise agreed in writing by the Local Planning Authority.

To prevent pollution of the water environment.

23. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

24. A scheme for the location of the proposed helicopter pad including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Thereafter the helicopter pad shall be provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of minimising any possible impact of noise on neighbouring properties.

25. Details of any fixed plant and associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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 minimising any possible impact of noise on neighbouring properties.

26. A scheme for lighting of the development including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To minimise light pollution.



27. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures, including the provision of CCTV and a programme of works shall be submitted and agreed in writing with the Local Planning Authority before the building hereby approved is first occupied. 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 crime prevention.
28. A scheme for the provision of public art/landmark features, including a programme of works, 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.
29. A scheme for refuse storage including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the hospital hereby approved is first occupied. 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.
30. 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 a scheme to be agreed in writing by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared in accordance with a scheme to be submitted to and agreed in writing by 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.  
To ensure the site is developed in a satisfactory manner.

The Committee considered representations in relation to this matter

The meeting concluded at 4.35 pm.

CHAIRMAN

**No:** 1  
**Number:** H/2009/0497  
**Applicant:** Bellway Homes (NE) Ltd Peel House Main Street  
 Ponteland Newcastle upon tyne NE20 9N  
**Agent:** Bellway Homes (NE) Ltd Peel House Main Street  
 Ponteland NE20 9N  
**Date valid:** 15/09/2009  
**Development:** Substitution of house types on 51 plots (1074A-1083A)  
 including 50 for affordable housing  
**Location:** LAND OFF MERLIN WAY AREA 6/7 MIDDLE WARREN  
 ADJACENT LOCAL CENTRE HARTLEPOOL

## The Application and Site

1.1 The application site is located at the northern end of Middle Warren between the A179 (West View Road) and Merlin Way.

1.2 The site, which has a current planning approval for housing – 33 plots, includes land in Silverbirch Road and Poppy Close.

1.3 This area is currently undeveloped and building work has ceased on the approved scheme. The surrounding dwellings are a mixture of semi-detached and detached houses.

1.4 The current proposal involves the erection of a mixture of semi-detached and terraced houses together with one detached house, creating a total of 51 plots. The detached house (for sale) has an integral garage and driveway. There are 83 parking spaces for the other 50 new homes, some within the curtilage and some in small blocks within the cul-de-sacs. The road layout is as existing i.e. the same as the previously approved scheme. This application has been submitted under the Government's Kickstart Housing Delivery programme and aims to provide 50 affordable houses – 15 for rent and 35 for rent to buy. These will be managed by a registered social landlord (Housing Hartlepool).

## Publicity

1.5 The application has been advertised by way of neighbour letters, site notice and press advert. To date, 3 letters of support and 159 letters of objections have been received.

The objections include:

- a) devaluation of property
- b) properties have been mis-sold by Bellway
- c) moved to estate for a better standard of living
- d) will encourage anti-social behaviour
- e) will impact on existing houses and the owners' enjoyment
- f) will have a negative impact on existing occupants
- g) houses have already dropped in value
- h) houses will be difficult to sell if social housing is built in the area

- i) rented houses are often not properly cared for in the same way as privately owned houses
- j) would not have bought this house if had known about this development
- k) out of keeping with the area
- l) parking problems with extra houses/cars
- m) overcrowding
- n) plans would radically change the overall feel of the area
- o) contrary to Local Plan policy
- p) no demand for this type of housing
- q) will adversely impact upon residential satisfaction and community well-being
- r) will be detrimental to the visual amenities of the area and will affect the 'sense of space'
- s) lack of garages could lead to external storage and the construction of non-uniform structures by future residents
- t) visually out of character with the whole of Middle Warren
- u) parking arrangements will have a detrimental impact on visual amenities of the area
- v) the increase in density is unacceptable
- w) a 'sub community' could be created. This would increase the potential for crime and anti-social behaviour
- x) increase in traffic will impact on highway safety and noise/disturbance
- y) lack of suitable facilities in the area
- z) social isolation of proposed development
- aa) area not well served by public transport
- bb) drains will not cope with extra demand
- cc) will change reputation of area
- dd) will create a sub-community
- ee) no recreational or school facilities on site
- ff) affordable housing shouldn't be in this area
- gg) no space for children to play
- hh) supposed to be executive estate
- ii) massive increase in traffic
- jj) should use other site in town i.e. brownfield
- kk) will lead to mass exodus of people from Middle Warren
- ll) nowhere to store bins/recycling bags
- mm) nowhere for kids to play
- nn) will affect visual amenities of existing occupants of properties
- oo) were lead to believe that Middle Warren was an executive estate
- pp) no call for social housing in area
- qq) will be detrimental to town's economy

### **Copy letters A**

The period for publicity expires before the meeting.

### **Consultations**

1.6 The following consultation replies have been received:

Head of Public Protection – no objections

Transportation & Traffic – no objections

Northumbrian Water – no objections

### **Planning Policy**

1.7 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.

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

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

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

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

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

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the

maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

The following policies in the Regional Spatial Strategy 2008 are relevant to the determination of this application:

**Policy 2: Sustainable Development**

Planning proposals should support sustainable development and construction through the delivery of environmental, social and economic objectives in order to ensure everyone has the opportunity of living in a decent and affordable home.

**Policy 30: Improving Inclusivity and Affordability**

Planning proposals should address the problems of local affordability in both urban and rural areas and have regard to the level of need for affordable housing, including the use of planning obligations in the development of all housing sites, including when considering the renewal of lapsed planning consents.

**Policy 38: Sustainable Construction**

New developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable low-carbon sources.

## **Planning Considerations**

1.8 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, National Government guidance, the impact of the development on the surrounding area and on the amenities of nearby residents, highway safety, parking, and the design of the scheme itself.

## **Principle of Development**

1.9 The site lies within the limits to development as set out in the Hartlepool Local Plan. Outline planning consent was first applied for in 1995 (H/OUT/0148/95) for the residential development of Middle Warren. A large number of planning and reserved matters applications have subsequently been submitted and approved for various phases of this large development. These applications also include plans for the current site (H/2006/0784 and H/2008/0686).

1.10 In this particular case, the proposal for the substitution of house types and the increase in numbers, on a site previously allocated and approved for housing, is therefore considered to be in accordance with the Local Plan policy.

1.11 Planning Policy Statement 3: Housing, sets out the national policy framework for delivering the Government's housing objectives. This reflects the Government's commitment to improve the affordability and supply of housing in all communities. The already built units at Middle Warren and those unimplemented planning permissions still to be completed almost exclusively consist of private dwellings. It should be noted however that when the original outline application was approved there was no policy framework to require the provision of affordable/social housing

within the overall scheme. Through negotiation some provision was made for social housing within the development as part of a legal agreement (S106 agreement). This legal agreement required the provision of a minimum of 2 hectares in total of social housing, one hectare to the north and one hectare to the south of the green wedge. This minimum obligation has been met with the development to date. It is important therefore to note that the provision of social housing has always been an objective in the Middle Warren development and that 2 hectares was always seen as a minimum provision.

1.12 This current application to provide affordable housing would be in line with the desire to bring forward sustainable housing developments and is therefore in accordance with PPS3. This reflects Government advice that the planning system should deliver “a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.” In commenting on affordable homes in relation to the proposed new Infrastructure Levy, the Housing Minister stated on 28 January 2008 that “Families across the country need more affordable homes... they need to be in high quality neighbourhoods with proper infrastructure and local facilities too”.

1.13 A number of housing studies have been undertaken within the Borough which provide evidence indicating that there is a need for affordable housing. The Hartlepool Strategic Housing Market Assessment (HSHMA), commissioned in 2007, identified a general shortfall across the Borough of 393 dwellings (1-2 beds, 3-plus beds and older person). This includes the Elwick/Hart/Throston sub-areas of which Middle Warren is a part. The shortfall of affordable housing in this area is 76 dwellings. This determination was supported by the Tees Valley Housing Market Assessment (2008).

1.14 The latest study, the Affordable Housing Economic Viability Assessment (AHEVA) commissioned by Hartlepool Borough Council in January 2009, also demonstrates that across the Borough there is little scope to deliver any affordable housing, secured as part of new private developments, due to prevailing market conditions.

1.15 In conclusion, it would appear that there is a robust case for the provision and need for affordable housing in the Borough as a whole and that there is a specific localised need in the area of which Middle Warren is a part.

### **Design of the Scheme and Impact on the Surrounding Area**

1.16 The proposed development, which seeks to provide one detached house, 22 pairs of semi-detached and 2 small terraces of 3 houses, is located at the northern end of the Middle Warren estate and will form the remainder of Silverbirch Road and all of Poppy Close.

1.17 To the north is the A179 which is separated from the housing by a wide landscaped buffer zone. Neighbouring properties comprise a variety of detached and semi-detached new dwellings together with apartments on Merlin Way. The newly developed Local Centre to the west provides a public house, small

supermarket, hot food takeaway and bookmakers. Medical services are provided within the nearby Hartfields development.

1.18 The proposed development uses the existing road layout and services already in place.

1.19 Although no garages have been provided with the new dwellings (apart from the detached house which is for sale) there are 83 parking spaces, many within curtilage.

1.20 Whilst the number of dwellings has increased from 33 to 51, the size of the new dwellings and garden areas compare favourably with various other areas of the estate, e.g. Rosebud Close to the west. The dwellings are well distanced from neighbouring properties and meet the Council's guidelines for separation distances and overlooking.

### **Lettings and Tenure Policy**

1.21 Whilst a large number of objections have been received which relate to the nature of the development and the provision of affordable housing in what has been described as an area for 'executive housing', the social standing of future residents is not a material planning consideration. Other issues such as property devaluation and the marketing practices of the developer also cannot be considered.

1.22 Notwithstanding the comments in the paragraph above, information is provided here on the lettings and tenure policy for clarification. Housing Hartlepool, a Registered Social Landlord, will take over the management of the proposed 50 affordable houses. Fifteen of the properties will be for social rent by applicants registered with Housing Hartlepool. Social rented tenancies with Housing Hartlepool are Assured Tenancies which have strict responsibilities and obligations for both tenants and landlords alike.

1.23 The 35 remaining properties are intermediate rent or rent to homebuy. This scheme is aimed at people who want to be home owners but for one reason or another are unable to get on the first rung of the housing ladder. Rents for these properties are set at 80% of the market value allowing the occupant to save 20% towards a mortgage deposit. There is an expectation that occupiers will be in a position to purchase or part-purchase their house within 5 years. Options will be reviewed periodically during this period. Tenancies can be terminated and occupiers offered alternative rented accommodation after 5 years or offered extended tenancies should purchase be a realistic option.

1.24 Part-purchase of these properties is also available on an incremental scale, increasing over time the occupier's ownership.

1.25 It is unlikely that people receiving full housing benefits would be eligible for this scheme.

## Highway Safety

1.26 The Council's Highways Engineer has stated that the increase in traffic created by the alterations to the layout should have a minimal impact on the surrounding highway network when compared to the estate as whole.

1.27 The parking provision for this type of development (affordable housing) is normally 1.5 spaces per property. In this case, 83 parking spaces have been provided for 50 dwellings. This is considered to be acceptable (75 spaces would have been the minimum requirement).

1.28 A number of objections refer to the increase in traffic that would be generated as a result of the development which could lead to congestion and highway safety problems. The existing roads and proposed parking spaces meet the criteria set out in the current "Design Guide and Specification for Residential and Industrial Estates" published and updated by Hartlepool Borough Council in conjunction with neighbouring Local Authorities. In view of this it is unlikely that an objection could be sustained on highway safety grounds.

## Conclusion

1.29 Whilst it is acknowledged that there have been a large number of objections to this development, many in opposition to the provision of social housing, the application must be considered in the relevant planning terms.

1.30 From the above discussion, it would appear that the proposed development is in accordance with both national and local policies, and in terms of layout, design, amenity and highway safety, is considered to be both appropriate and acceptable.

## RECOMMENDATION – APPROVE, subject to the following conditions:

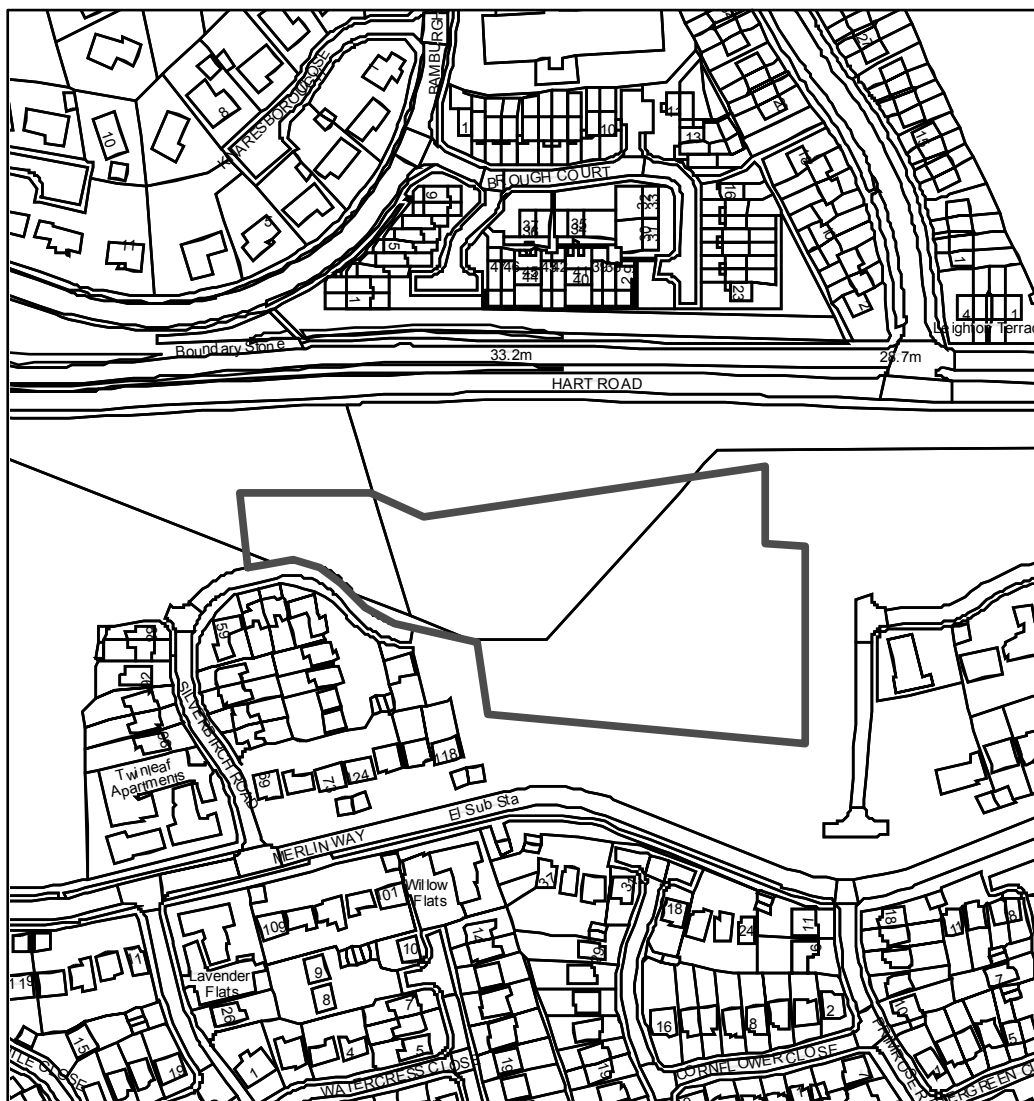
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Notwithstanding the submitted details: 1) the external finishing materials; 2) walls, fences and other means of enclosure; 3) the finished floor levels; 4) method for disposal of surface water land drainage; 5) land formation to the rear gardens of plots 1076, 1077 and 1078; and 6) provision of retaining walls; shall be in accordance with the details approved by the Local Planning Authority under application reference H/2006/0784, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. 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.

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), 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.

**MERLIN WAY**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/10/2009</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0497</b>	REV

**No:** 2  
**Number:** H/2009/0522  
**Applicant:** Mr Stephen Bell Stranton HARTLEPOOL TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland Terrace Newcastle NE2 1QQ  
**Date valid:** 23/09/2009  
**Development:** Erection of 20 dwellings with associated parking, access and works  
**Location:** LAND AT CHARLES STREET SURTEES STREET HARTLEPOOL

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### The Application and Site

2.1 The application site is an area of unused Council owned land located between Charles Street and Huckelhoven Way.

2.2 This edge of town centre site, which was cleared of its original buildings a number of years ago, is mainly laid to grass but still has the original back streets. Neighbouring uses/properties include residential to the south of Huckelhoven Way, with offices, drug rehabilitation unit, a variety of industrial and commercial uses to the north, east and west. There is a vacant and run down grade II listed building to the north east on Lynn Street (the former Newmarket public house).

2.3 The proposal (phase 1) involves the erection of 20 (twenty) new houses and bungalows together with associated parking, access and landscaping as follows:

2 No.	4 – bedroom at 2½ storeys
10 No.	2 – bedroom at 2 storeys
6 No.	3 – bedroom at 2 storeys
2 No.	2 – bedroom bungalows

2.4 All properties, which are intended for affordable housing, will have gardens (some front, all rear) and will be of a traditional design incorporating 'secured by design' principles.

2.5 A parking provision of 1.1 space per dwelling has been provided throughout the site with the main vehicular access from Surtees Street to the north.

2.6 Both hard and soft landscaping is to be provided throughout the development. This includes a small, shared use square in the centre of the site.

2.7 As with most applications for housing, the developer is required to make a financial contribution to play facilities within the town. A payment of £250 per dwelling has been included in the capital receipts for this site.

## **Publicity**

2.7 The application has been advertised by way of neighbour letters (12) site and press notices. To date 2 letters of no objection have been received.

The period for publicity expires before the meeting.

## **Consultations**

2.8 The following consultation replies have been received:

**Head of Public Protection** – Awaited but informally no objections

**Head of Property Services** – No objection

**Head of Community Services** – Supports the scheme

**Economic Development** – Awaited but informally no objections

**Landscape/Conservation** – No objections

**Northumbrian Water** – Require a detailed scheme for diversion of existing apparatus. A scheme has subsequently been submitted by the applicant/Yuills.

**Environment Agency** – Awaited

**Cleveland Police** – Awaited

**Neighbourhood Services** – Awaited

**Traffic & Transportation** – No objection regarding parking. All works must be to adoptable standards. Parking restrictions will be required on Surtees Street and existing parking bays to be amended at developer's expense. Parking within the development will have to have residents parking scheme and will have to be arranged prior to commencement of works. Additional details of area between plot 8 and plots 11/12 should be provided to indicate how vehicles are to be prevented from unauthorised access to and from the site.

**Engineering Consultancy** – Requires the standard planning condition relating to contamination (desk top study). Has reviewed the geo-environmental appraisal which has been submitted with the application and has recommended the use of piled foundations and remediation works to deal with the raised levels of lead concentration found in the site. Would also require written confirmation that remediation and gas monitoring works are to be carried out.

## **Planning Policy**

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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**

2.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, national policy guidance, the impact of the development on the surrounding area and on the amenities of nearby residents and uses, highway safety and the design of the scheme itself.

### Principle of development

2.11 The site lies within the limits to development as set out in the Hartlepool Local Plan on a brown field site, to the east of Hartlepool Town Centre. Local Plan Policy states that uses not specified will be considered on their own merits.

2.12 Although the site is in a mixed use area previously considered suitable for a range of uses which could enhance the town centre, such as business and education, the use for residential purposes is not considered to be incompatible with such uses. It lies in close proximity to existing residential properties to the south of Huckelhoven Way. The site is well served by public transport (train station to the north, bus links to north, south and east) and is close to a large number of shops and services in the main town centre and in Church Street.

2.13 Further, the site which has remained undeveloped for a long time, has recently been identified for social housing. Recent studies (HSHMA) and reports have highlighted a general shortfall within the Borough of affordable housing including social rented and intermediate dwellings.

### Design of the scheme and impact on surrounding area

2.14 The new dwellings, which are of a traditional style, have been designed to incorporate 'secured by design' and sustainable energy features such as heat recovery systems, double glazing and high standards of insulation.

2.15 They will provide a high standard of accommodation for a wide range of family requirements ranging from 2 bedroom bungalows to 4 bedroom town houses.

2.16 As previously mentioned, all properties will have gardens with sheds, are well distanced from neighbouring properties/uses and meet the Council's guidelines for separation distances and overlooking.

2.17 Although some hard and soft landscaping has been indicated on the submitted plans, the appropriate planning condition can secure further details of planting and surface treatments.

### Highway Issues

2.17 In terms of parking provision, this type of development (rented social housing) requires a minimum of 0.75 spaces per dwelling for residents and visitors. As the scheme provides 25 spaces throughout the site for the 20 dwellings it is considered that parking provision is acceptable.

2.18 No objections have been raised in terms of highway safety by the Highway Engineer provided that all works are to adoptable standards and that alterations are made to the existing permit parking on Surtees Street. Further details are required to show how vehicles would be prevented from accessing the site from Huckelhoven Way between plot 8 and plots 11/12. All works are to be carried out at the developer's expense. These can be required/safeguarded by conditions.

**RECOMMENDATION** – APPROVE, subject to the following condition(s):

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. 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.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
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), 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.
7. 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.
8. No development shall take place until further details of the means of enclosure between plot 8 and plots 11/12 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.

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

In the interests of highway safety.

10. 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

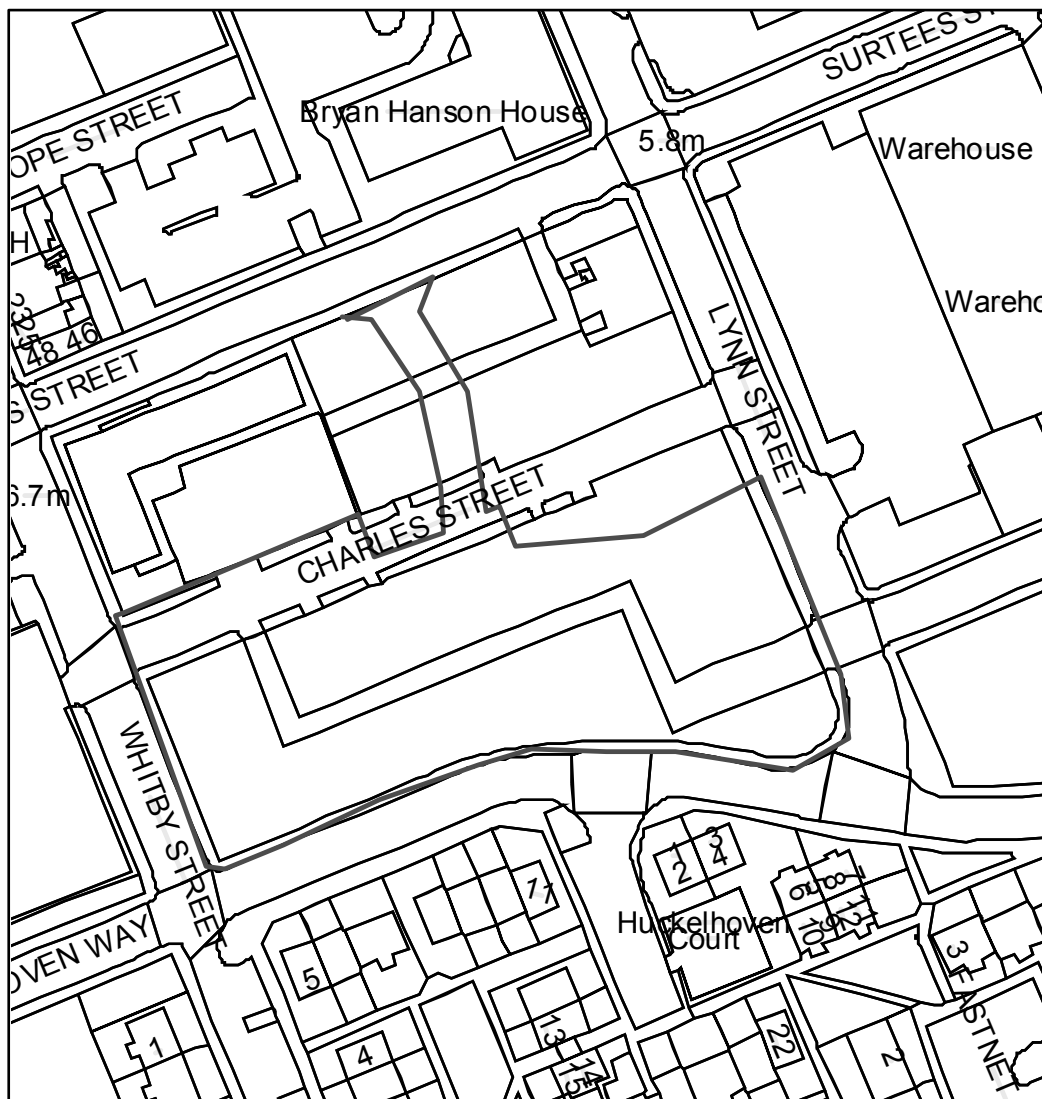
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

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.

11. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 October 2009, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
12. Unless otherwise agreed in writing by the Local Planning Authority, none of the houses hereby approved shall be occupied until the existing permit parking scheme on Surtees Street has been amended to take account of the development hereby approved.  
In the interests of highway safety.

**CHARLES STREET**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2009/0522</b>	REV

**No:** 3  
**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

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3.1 Members may recall that this application was deferred in June 2009 in order for a site visit to take place. Since then, further issues have arisen regarding works that had been carried out at 32 Egerton Road in 2006, and a neighbour dispute that has ensued.

3.2 Briefly, the works to create a retaining wall between 32 Egerton Road and 34 Egerton Road are now alleged to be causing structural damage to the neighbour's property (34 Egerton Road).

3.3 As investigations into this issue have been ongoing for some time, it is considered prudent to delay the final decision on the current application until further discussions have been undertaken between all interested parties. This is on the basis that should planning consent be granted for this current extension, the finished structure could prevent access to the retaining wall. In view of this, members are requested to defer the application.

3.4 The original report is reproduced below.

## **RECOMMENDATION – DEFER**

**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

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## 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](mailto: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

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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**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>02/07/09</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0195</b>	REV

**No:** 4  
**Number:** H/2009/0519  
**Applicant:** MR M FLETCHER EGERTON ROAD HARTLEPOOL  
TS26 0BW  
**Agent:** MR M FLETCHER GLENDOWER EGERTON ROAD  
HARTLEPOOL TS26 0BW  
**Date valid:** 17/09/2009  
**Development:** Erection of a detached dormer bungalow  
**Location:** GLENDOWER EGERTON ROAD HARTLEPOOL  
HARTLEPOOL

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### The Application and Site

4.1 The application site currently constitutes the garden area of ‘Glendower’ – a detached two-storey dwelling located to the rear of the properties on Egerton Road and accessed via a private drive between 38 and 40 Egerton Road. The application site is bounded on all sides by the curtilage of surrounding residential properties.

4.2 The application site was subject to a recent application and subsequent appeal in 2008/2009 for the erection of a detached bungalow. The application (H/2008/0309) was refused (dated 14 July 2008) by the Local Planning Authority on two grounds. Firstly, that the proposed development would have an adverse impact on highway safety; concerns related to the intensification of the existing access leading to the increased conflict between vehicles using the access, and subsequently vehicles and pedestrians using Egerton Road. Secondly, on the basis that the proposed dwelling would result in substantial noise and disturbance issues upon the occupants of both surrounding residential properties and the proposed dwelling itself.

4.3 The decision was appealed (APP/H0724/A08/2081827) and determined at a hearing. The appeal was dismissed (dated 18 February 2009). The Inspector considered that the proposal would cause significant harm to the living conditions of the occupants of 40 Egerton Road (and 38 to a lesser extent) and it was considered justifiable to refuse permission on those grounds. The Inspector, however, found no material harm in relation to the matter of highway safety.

4.4 The Inspector noted that vehicle conflicts in the access road would occur only occasionally and in such circumstances it is as likely as not that priority would be given to the vehicle entering the site. Whilst it was accepted that occasionally vehicles may reverse back on to Egerton Road and driver's visibility be restricted, it was considered that none the less drivers and pedestrians on the road would have a good view of emerging vehicles. The Inspector noted that, “given this, the likely speed of the reversing vehicle and the infrequency of such an occurrence, I considered that, even at peak times, the proposal would be unlikely to result in any significant harm to vehicular or pedestrian safety”. A copy of the decision letter is attached with this report.

4.5 The current application seeks consent for the erection of a detached dormer bungalow, with attached garage. In terms of floor area, the proposed dwelling

(including garage) is to measure 14.9m in width and 8.09m in depth (excluding garage). Additionally, a porch is proposed to the front of the property with a floor area of 4.02m<sup>2</sup>. The proposed garage is to be set back 1.59m from the front elevation of the property. The property has been reduced in width by approximately 3.1m from the previously refused scheme with an eaves height of 2.5m is proposed, with a ridge height of 7.9m.

4.6 The proposed site plan indicates that the proposed dwelling will be sited towards the centre of the application site, with the rear elevation to be 10.3m from the boundary with 21 Coniscliffe Road, a distance of 4m between the side elevation (east) and the boundary with 38 Egerton Road (increased from the previous 2m), and 11.5m from the rear boundary of 40 Egerton Road (south). The western gable end of the proposed dwelling is to be approximately 20m from the donor property, Glendower.

### **Publicity**

4.7 The application has been advertised by site notice and neighbour letters (8). To date, 3 letters of objection have been received. The concerns raised are:

1. Dwelling too large for the site;
2. Increased pressure on drainage and sewage systems;
3. Poor access;
4. Conflict of vehicles, entering and leaving the site;
5. Access of emergency vehicles;
6. Waste storage required to the front of properties on Egerton Road for collection;
7. Potential for vehicle accidents on Egerton Road;
8. Parking issues on Egerton Road;
9. Extra traffic will deteriorate road surface on Egerton Road further;
10. Foundations for proposed wall will impact on the root systems of trees;
11. The proposed wall will amplify noise rather than prevent it;
12. Cars parked on the proposed driveway will infringe on access to Glendower;
13. No remedies proposed for noise impacts on 38 Egerton Road;
14. Impact of proposal on wildlife;
15. A number of queries in relation to the information provided on the application forms;
16. There are trees on site;
17. Potential for future applications in gardens of Coniscliffe Road;
18. Wall would be visually intrusive and would restrict views;
19. Acoustic fence would not fit in with the rural aspect of the neighbourhood;
20. The proposed dwelling would be visually intrusive and dominate views;
21. Overlooking issues in relation to separation distances and lack of privacy;
22. Increased level of vehicular movements – increased noise and disturbance;
23. Damage to neighbouring property during construction;
24. Safety of pedestrians;
25. Driveway condition and maintenance.

The period for publicity has expired.

Copy Letters D

## **Consultations**

4.8 The following consultation replies have been received:

Head of Public Protection and Housing – Comments awaited – informally no objections

Traffic and Transportation Section – The driveway is approximately 40m long and under 4.1m wide, the driveway is therefore not wide enough for 2 vehicles to pass by. This will have consequences for highway safety if vehicles reverse back onto Egerton Road. I would therefore object to this application.

Northumbrian Water – No objections to the proposal.

## **Planning Policy**

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

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

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

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

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

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

## **Planning Considerations**

4.10 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, notably with regard to the principle of development, the effect of the proposed development upon the amenity of surrounding residential properties in terms of overlooking, overshadowing, dominance, outlook and noise and disturbance, the effect of the proposed development on the character and visual amenity of the area, highway safety, tree issues and flooding.

4.11 Details in relation to the proposed boundary treatments/acoustic barriers between the proposed property and 40 Egerton Road are awaited and are expected to be provided shortly. Additionally, comments are awaited from the Council's Head of Public Protection in relation to issues of noise and disturbance. It is anticipated these will be received prior to the meeting and a comprehensive update report discussing all planning considerations as set out above will be provided.

**RECOMMENDATION** – Update to follow



## Appeal Decision

Hearing held on 3 February 2009  
Site visit made on 3 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  
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Bristol BS1 6PN

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Decision date:  
18 February 2009

**Appeal Ref: APP/H0724/A/08/2081827**

**Glendower, Rear 38/40 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 M Fletcher against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0309, dated 16 May 2008, was refused by notice dated 14 July 2008.
- The development proposed is dormer bungalow with attached garage.

### Application for costs

1. At the Hearing an application for costs was made by Mr M Fletcher against Hartlepool Borough Council. This application is the subject of a separate Decision.

### Decision

2. I dismiss the appeal.

### Main issues

3. The main issues of the appeal are the effect of the proposal on:
  - vehicular and pedestrian safety; and
  - the living conditions of the occupants of 38 and 40 Egerton Road, and of the proposed dwelling itself, having particular regard to noise/disturbance.

### Reasons

4. The proposed dwelling would be served by the existing access road to Glendower. The access is around 33m in length and it is common ground that it is not wide enough for two vehicles to pass each other. Neither party have provided details of the number of vehicle trips the proposal would be likely to generate or, also taking account of the vehicles travelling to/from Glendower, of the probability of "opposing" vehicles meeting on the access road. However, bearing in mind the sizes of Glendower and the proposed dwelling and therefore the volume of traffic likely to be generated, I consider that vehicle "conflicts" in the access road would be likely to occur only occasionally. Moreover, it seems probable to me that in such circumstances it is as likely as not that the vehicle leaving the site would reverse, giving priority to the vehicle entering the access road from Egerton Road.
5. I accept that very occasionally it would be likely to be necessary for a vehicle entering the site to have to reverse along the access back on to Egerton Road.

Appeal Decision APP/H0724/A/08/2081827

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Whilst the driver's visibility would be restricted at the junction with Egerton Road, drivers and pedestrians on this road would have a relatively good view of the emerging vehicle. Given this, the likely speed of the reversing vehicle and the infrequency of such an occurrence, I consider that, even at peak times, the proposal would be unlikely to result in any significant harm to vehicular or pedestrian safety. I have also borne in mind that there are a number of nearby properties on Egerton Road from which I envisage vehicles reverse on to the road on a daily basis. In accordance with policy GEP1 of the adopted *Hartlepool Local Plan* I have taken account of the proposal's effect on highway safety and conclude that it is unlikely that material harm would be caused.

6. Although not referred to in the Council's decision notice I have been provided with a copy of Supplementary Note 1 of the Local Plan. This states that private accesses to dwellings should be a minimum of 4.1m wide and no longer than 25m in length. Whilst in conflict with this guidance, I consider that this does not justify refusal of permission for the proposal given that I have found that no significant harm to highway safety would be likely to be caused. I have also given some weight to the appellant's comment that, in view of the width of many modern cars, an access of 4.1m width would, in reality, be likely to operate as a single track road.
7. Whilst I consider that the potential for vehicle "conflicts" would be minimal it is nevertheless likely that the proposal would result in a significant increase in vehicle movements into and out of the site. Given the distance of the habitable room windows of nos 38 and 40 from the access road and the presence of the close boarded fence (and having heard a vehicle pass along the access road from within no 38) I consider that the noise of additional traffic would be unlikely to cause unacceptable disturbance to the residents of these properties when in their homes. The Council also raises concern about disturbance caused to the residents of the proposed dwelling by vehicles passing to/from Glendower although I note that the passing vehicles would be no closer to the front of the new dwelling than is the case with many houses fronting residential roads.
8. Nevertheless, the shared access road and the reversing area for the proposed dwelling would either directly abut or be in close proximity to the rear garden of no 40, and in particular its patio area in the corner of the garden most likely to benefit from afternoon and evening sun. Moreover, the proposal would reroute the existing driveway to Glendower significantly closer to, and along the full length of the rear boundary of, no 40's garden. It is argued that such a rerouting could take place without the need for planning permission although it seems to me unlikely that this would happen in the absence of permission being granted for the appeal proposal.
9. I note that the Council's Head of Public Protection has no objection to the scheme. Nonetheless, I consider that the noise of the additional vehicular movements likely to be generated by the proposal, including cars manoeuvring into/out of its garage, within a few metres of no 40's main sitting out area, together with the closer proximity of vehicles travelling to/from Glendower, would be likely to cause an unacceptable level of disturbance to, and therefore harm to the living conditions of, no 40's occupants in using their rear garden. Bearing in mind that the access is adjacent to only one side of no 38's garden more limited disturbance would be likely to be caused to the residents of this



Appeal Decision APP/H0724/A/08/2081827

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dwelling in using their garden. Although the harm to no 38's occupants would not be sufficient to, alone, justify refusal of permission for the proposal, it has added some weight to my decision on this issue. In accordance with Local Plan policy GEP1 I have taken account of the effect of the proposal on general disturbance likely to be caused to occupiers of nearby properties and I conclude that significant harm would be caused. The proposal also conflicts with the requirement of Local Plan policy Hsg9 which indicates that the location of new residential development should be such that there is no significant detrimental effect on the occupiers of existing development.

10. The appellant refers to the views of acousticians that they would be unable to calculate a material difference in ambient noise levels as a result of the proposal. I accept that average noise levels in the vicinity would be effectively unaltered by the scheme. However, this does not mean that individual vehicle movements cannot be heard from within the gardens of nos 38 and 40 and I have found that a significant increase in the frequency of such movements would be likely to cause unacceptable disturbance. The appellant also refers to a number of Council and appeal decisions concerning schemes which he argues are similar to the proposal before me. The limited details provided about these schemes primarily refer to the relationship of the access road to the side elevations of the adjacent dwellings, which I have found to be acceptable in this instance. It is not clear to me that any of these schemes are comparable with this proposal in terms of its effect on the main sitting out area of a neighbouring garden. Reference is made to the scheme at 14 Owton Manor Lane with which I am familiar having determined that appeal. However, I am satisfied that that development, resulting in only one dwelling to the rear of the existing properties, is not comparable with the proposal now before me.
11. Whilst I have found the proposal to be acceptable in terms of vehicular and pedestrian safety it would cause significant harm to the living conditions of the occupants of 40 Egerton Road (and to a lesser extent those of no 38), which I consider justifies refusal of permission for the scheme. I recognise that, in accordance with national policy, the proposal would make efficient use of previously developed land and would enable the appellant to "downsize" whilst continuing to live in the area. However, I consider that this does not outweigh the harm the scheme would cause.
12. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Malcolm Rivett*

INSPECTOR

Appeal Decision APP/H0724/A/08/2081827

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**APPEARANCES**

**FOR THE APPELLANT:**

E Jackson	7 Amble Close, Hartlepool, TS26 0EP
M Fletcher	38A Egerton Road, Hartlepool, TS26 0BW

**FOR THE LOCAL PLANNING AUTHORITY:**

Russell Hall BA Hons, DipTP MRTPI	Hartlepool Borough Council
Peter Frost	Hartlepool Borough Council
Chris Roberts	Hartlepool Borough Council

**INTERESTED PERSONS:**

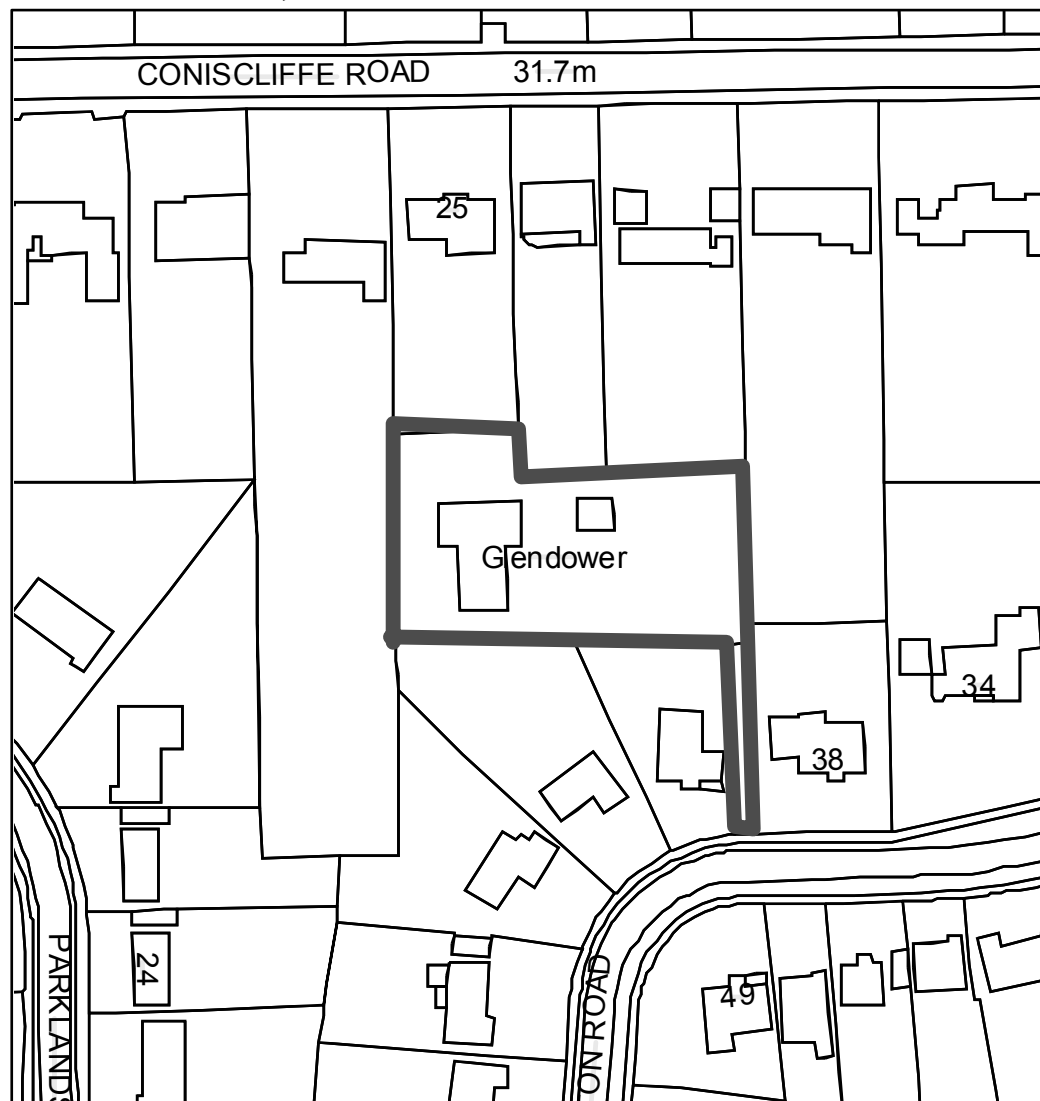
R Smailes	10 Valley Drive, Hartlepool, TS26 0AX
Alan Moore	40 Egerton Road, Hartlepool, TS26 0BW
P Crowhurst	38 Egerton Road, Hartlepool, TS26 0BW

**DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Complete copy of the Council's delegated report
- 2 Copy of email from Mike Pearson to Russell Hall concerning flooding
- 3 Written application for costs by the appellant
- 4 Written rebuttal of application for costs

**PLANS SUBMITTED AT THE HEARING**

- A Planning application drawing no F0104.1/B

**GLENDOWER, EGERTON ROAD**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0519</b>	REV

**No:** 5  
**Number:** H/2009/0527  
**Applicant:** Mr Ian George Almondsbury Park Bradley Stocke Bristol  
 BS32 4QJ  
**Agent:** Harlequin North Mr Christopher Mein 14 Wemyss  
 Cottage Billy row Green Billy Row DL15 9TA  
**Date valid:** 25/09/2009  
**Development:** To determine whether the prior approval of the Local  
 Planning Authority is required to the siting and  
 appearance of 11.79m high lamppost mast and antenna,  
 equipment cabinet and meter pillar  
**Location:** MARLOWE ROAD/CATCOTE ROAD JUNCTION  
 HARTLEPOOL

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### The Application and Site

5.1 The application is for the erection of an 11.79m lamppost with one antenna. The application site is located on Marlowe Road, just off Catcote Road. The site is located adjacent to the local shops opposite The Church of Jesus Christ of the latter day Saints.

5.2 It is proposed to install a small equipment cabinet and a electric feeder pillar next to the column. The mast would be coloured black and the cabinet green. The nearest housing to the site is approximately 40 metres away.

5.3 The application has been submitted under the provisions of Schedule 2 Part 24 of the Town and Country Planning (General Permitted Development) Order 2001 (amended). Accordingly, the Borough Council is required to determine the application within 56 days of its submission. The application was received on 25<sup>th</sup> September 2009 and a decision is required to be made no later than 19<sup>th</sup> November 2009 or the proposed development can proceed regardless.

### Publicity

5.4 The application has been advertised by way of neighbour letters (66) and site notice. To date, there have been 9 responses received including four letters of objection.

5.5 The concerns raised are:

- 1) Unsightly views
- 2) Health and safety implications
- 3) Proximity to housing
- 4) Serves no purpose to the majority of local residents
- 5) Serves no purpose to the emergency or local services
- 6) Out of keeping with the local environment

(Copy Letters C)

5.6 The period for publicity has expired.

### **Consultations**

5.7 The following consultation replies have been received:

**Community Safety – 13/10/2009** - Hartlepool Borough Council Community CCTV system includes a CCTV camera at the junction of Marlowe Road and Catcote Road, which was installed to address crime and anti-social behaviour issues. This camera is monitored live at HBC CCTV Control Centre with images being transmitted to a radio link at Brierton School. Consequently we would need positive and strong confirmation that this proposed installation and operation of a mast would in no way interfere with the current CCTV operations. Any interference would be detrimental to addressing local issues of security and safety within the objectives of Safer Hartlepool Partnership.

**21/10/2009** - The proposed frequencies proposed/utilised by Orange are substantially apart from those currently operating for our CCTV camera transmission purposes. However our CCTV engineers advise that hamonics and receiver saturation will, in all likelihood, come into play and do create camera image transmission interference. There is already considerable transmission traffic in the locality – Brierton School has a number of roof top mast transmission/receiver hubs for a start – and we do incur minor interference to our camera image transmission although currently to a manageable and acceptable level. However we feel there should be consideration of some form of agreement/conditioning that were image transmission interference to increase in direct relation to operations undertaken by Orange, then they would meet any HBC cost to ensure we maintain a quality of image transmission/reproduction commensurate with monitoring and recording processes to laid down standards.

**Head of Public Protection – No objections**

**Traffic and Transportation –** A dropped crossing will be required on Walpole Road in vicinity of proposed dropped bollards to allow access for cherry picker. The footway subject to loading from the cherry picker will have to be reinforced to specification in HBC design guide and specification to protect underground services. Hinged dropped bollards to be approved by Highways Department before installation.

**Estates – No objections**

### **Planning Policy**

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

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway

network and the scale, function, character and appearance of the area.

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

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.

PU8: Seeks to find the optimum environmental solution for telecommunications developments and states that proposals within areas of particular environmental importance should be sensitively designed and sited. The policy also sets out the requirements to be submitted with an application in respect of ICNIRP guidelines, minimisation of visual impact, possibility of sharing masts and of erecting equipment on existing structures. (Policy not saved but PPG8 considerations are material)

## Planning Considerations

5.9 The main planning considerations in this case are the appropriateness of the development in terms of the policies and proposals contained within the Hartlepool Local Plan and the effect of the proposal in terms of the general effect on the surrounding area health considerations and the visual effect of the development.

5.10 Factors which need to be considered within the remit of this application are the appearance of the mast and apparatus, including colour, design and materials. Factors concerning siting involve:

- the height of the site in relation to surrounding land;
- the existence of topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side, including from outside the authority's own area;
- the site in relation to areas designated for their scenic or conservation value;
- the site in relation to existing masts, structures or buildings, including buildings of
- a historical or traditional character;
- the site in relation to residential property; and
- any other relevant considerations.

5.11 The proposed site is within close proximity to a 10-metre high column mounted CCTV camera (H/2008/0098) located on the eastern side of Catcote Road, adjacent to the bungalows at 47a and 49 Catcote Road. Several street lights are also located within the immediate area. The proposed equipment is slim line and is of a similar style and appearance to typical street lighting. There are similar masts within the Borough, some of which are closer to residential properties than the proposed. A

mast located upon Wynyard Road was approved in October 2004 which is within 10 metres of residential properties. Due to the location of the proposed mast in the streetscene it is considered that the visual impact of the works and associated cabinets is unlikely to be significant.

5.12 Further to the above, it is considered prudent to acknowledge an inspectors decision for a mast of the same size again located on Wynyard Road. The inspector considered that because the site would be sited wholly within the urban environment consisting of street lighting columns etc, the slim profile of the installation would blend easily into the existing street scene and there would be no over dominant impact.

5.13 In light of the above it is considered that it would be difficult to substantiate any objection to the proposal on visual grounds and its proximity to residential housing.

5.14 The applicants have submitted a certificate to confirm that the proposal will operate within the ICNIRP guidelines. Given this and previous appeal decisions in Hartlepool and acknowledging that health related matters are a material consideration it is considered that it would be difficult to substantiate any objection to the proposal on health grounds.

5.15 Planning Policy Guidance Eight (PPG8) – Telecommunications, outlines the Government's stance that the planning system is not in place for determining health safeguards:

*"It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base stations meets ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health and safety aspects and concerns about them".*

5.16 It is considered that the other concerns raised by neighbouring residents, are not material planning considerations in the determination of this application.

5.17 In terms of highway safety, the adopted highway on which the mast and cabinets will be sited is very wide. There is adequate space in front of the proposal to use the footpath safely. The Head of Traffic and Transportation has indicated that a dropped crossing will be required.

5.18 The Head of Community Safety has expressed concern with regard to the potential inference which may be caused to the operation of the CCTV camera located on Catcote Road, adjacent to the bungalows at 47a and 49. The applicant has responded with regard to the concerns and has expressed his confidence that no interference will be created. The response states:

*"Orange PCS holds a licence from Ofcom for a specific frequencies of 1800MHz (2G) and 2100MHz (3G) and as such no one else should be operating in those frequencies. There are many examples of Telecommunications equipment being*

*operated close to CCTV installations with no reported interference particularly in city centres.*

*The second factor which allows my client to be confident that there is no possibility of interference is the separation of the existing CCTV column from the proposed telecommunications installation. Telecommunications installations operate adjacent to CCTV installations employing radio links with separations of as little as 5 metres. In this case the proposed installation is over 30 metres from the CCTV camera.*

*I am therefore pleased to be able to provide 'positive and strong' confirmation that the proposed installation will not interfere with the CCTV site”.*

5.19 The Head of Community Safety has received the above response. Whilst this has eased initial concerns he still considers there to be likely interference to the transmission of the CCTV camera. A request for consideration of an agreement/condition with regard to any loss of transmission quality or cost incurred has been suggested.

5.20 PPG8 identifies significant and irremediable interference with other electrical equipment as a potential material planning consideration. However, there is no clear evidence to suggest that significant interference will be created by the proposal and, notwithstanding the above, PPG8 advises that it is unlikely that refusal of planning permission would be justified on the grounds of radio interference from a transmitter or non-radio equipment alone, except in extreme cases.

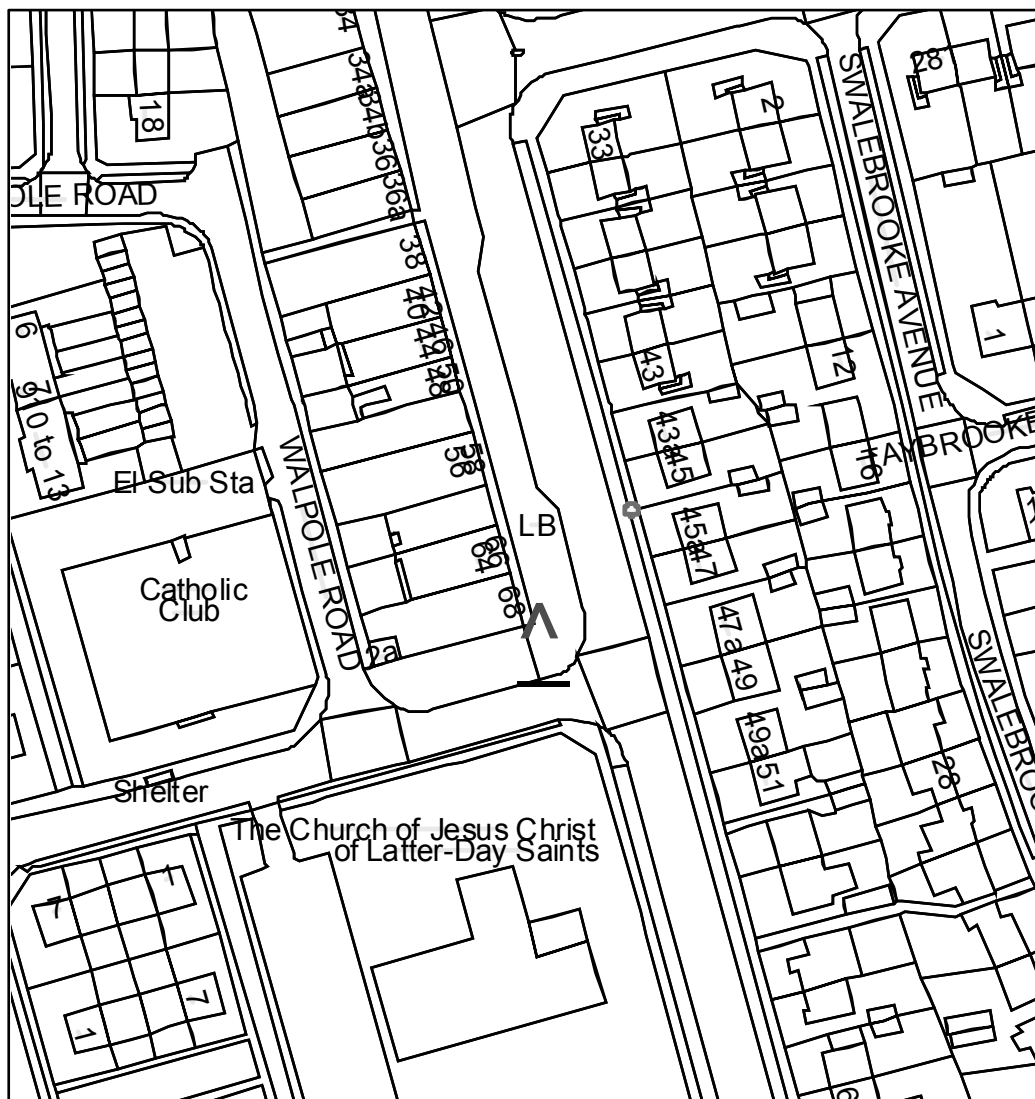
5.21 Notwithstanding the above, the nature of this application is specifically focussed on assessing the siting and appearance of the proposal. It is considered that any potential interference is outside the remit of this application. Therefore the request for an agreement/condition with regard to interference is not attainable in this instance.

5.22 The applicant has considered alternative sites and has provided justification to show these are unsuitable. This includes the option of installing a larger mast to the north or west of the town which would be in excess of 15 metres in height and situated in the open countryside with limited options for screening.

5.23 Having regard to the policies identified in the adopted Hartlepool Local Plan 2006 above, PPG8 and in particular consideration of the effects of the development on neighbouring properties, health considerations and the streetscene in general in terms of visual amenity, it is considered that the proposal would not unacceptably ham the streetscene and amenities of nearby residents by reason of its siting, height and design.

## **RECOMMENDATION – PRIOR APPROVAL REQUIRED AND GRANTED**



**MARLOWE ROAD/CATCOTE ROAD**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0527</b>	REV

**No:** 6  
**Number:** H/2009/0542  
**Applicant:** MR TOM WILSON CHESTNUT STREET DARLINGTON  
CO DURHAM DL1 1QL  
**Agent:** Anthony Keith Architects Ltd Mr D Cogdon 19 Lansowne  
Terrace Gosforth Newcastle upon Tyne NE3 1HP  
**Date valid:** 30/09/2009  
**Development:** Alterations and erection of a part single and part two  
storey extensions to side and rear to provide day room  
and two new bedrooms and internal alterations to update  
en suite facilities to some existing bedrooms  
**Location:** BRIAR COURT 59 HUTTON AVENUE HARTLEPOOL

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### The Application and Site

6.1 The application site is a large detached property located on the south side of Hutton Avenue, within the Grange Conservation Area. The property, which has been in use as a residential care home for a number of years, provides 24hr care for people with learning disabilities. There are gardens to the front and rear with parking to the side and rear.

6.2 Situated in a predominantly residential area, the building is surrounded by a wide variety of houses of various ages and styles. The adjacent property at 57 Hutton Avenue, which is in the same ownership, also offers residential care facilities. To the west of the application site is a pedestrian link between Hutton Avenue and Wilton Road/Avenue.

6.3 The proposal involves a number of internal alterations together with the erection of a single storey extension and first floor extension over an existing ground floor side extension (western elevation). These works are intended to update the existing facilities for residents of the home and will provide a new day room and 2 en-suite bedrooms. The extensions have been designed to complement the existing house whilst maintaining the look of an extension. The existing flat roof extension was built before the designation of the Conservation Area.

6.4 The extensions will have a painted render in order to provide a contrast with the existing red brick finish of the original property.

### Publicity

6.5 The application has been advertised by way of neighbour letters, a press advert and a site notice. To date, there have been no objections.

The period for publicity expires after the meeting (13/11/09).

## **Consultations**

6.6 The following consultation replies have been received:

Traffic and Transportation – No objections

Northumbrian Water – No objections

## **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.

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.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: Encourages environmental improvements to enhance conservation areas.

HE4: Identifies the circumstances in which demolition of buildings and other features and structures in a conservation area is acceptable - where it preserves or enhances the character or appearance of the conservation area, or its structural condition is such that it is beyond reasonable economic repair. Satisfactory after use of the site should be approved and committed before demolition takes place.

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

## **Planning Considerations**

6.8 The main issues to be considered in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on the surrounding area and on the amenities of nearby residents, highway safety and the impact on the Grange Conservation Area.

## **Principle of Development**

6.9 The site lies within a well established residential area and has a long standing use as a care home, providing residential care for people with learning difficulties. One of the aims of this facility is to provide progressive care for residents within the community in order for them to develop a degree of independence. The extensions to this property are therefore considered to be in accordance with planning policy.

## **Impact of Development in Neighbouring Properties**

6.10 The proposed extensions, which have been designed to provide improved facilities for residents of the home, are well distanced from neighbouring houses and should not have a significant effect on visual amenities in terms of overshadowing, loss of light and visual intrusion.

6.11 The closest property, 61 Hutton Avenue, is located to the north west of the application site, across the 'alley way'. Although there will be windows in the front and rear elevations of the first floor extensions, neighbouring properties are well distanced. There are no windows in the side elevation of this extension at first floor level. The smaller ground floor day room extension will have a parapetted flat roof. Due to the relationship of the existing property with the surrounding houses, it is unlikely that the extensions would have a detrimental impact in terms of visual amenity.

6.12 Further, due to the relationship of the proposed extensions to houses to the north west and south west, it is also unlikely that visual amenity would be significantly affected for most of the day. The 'alley way' which runs to the west of the property is already bounded on both sides by high garden walls and is likely to be already partly overshadowed by existing dwellings and trees.

## **Impact on the Conservation Area**

6.13 As previously mentioned, the property lies within the Grange Conservation Area which is characterised by a wide variety of residential properties. Whilst there are a large number of detached and semi-detached Victorian and Edwardian houses in the area, there are also a number of mid to late 20<sup>th</sup> Century properties including modern houses and bungalows.

6.14 A wide variety of external finishes are visible in the area together with many large extensions. The extensions have been designed to give the impression of an extension. The walls are to be rendered and painted and the pitched roof will be lower than the existing main roof.

6.15 The existing single storey extension, which was approved before the area was designated a Conservation Area, appears out of character and does little to contribute to the appearance of either the building itself or the street scene in general. The Council's Landscape & Conservation Manager has no objections to the proposals.

6.16 There are a number of small trees within the front garden of this property which are afforded protection by way of the Conservation Area status. Although there is no intention to remove any of these trees, some works may be necessary to allow the erection of scaffolding. The Council's arborist, who has no objection to some minor tree pruning, has recommended the appropriate planning conditions to deal with this matter.

6.17 It is considered therefore that the proposed extension and its finishing materials will enhance the character of the building itself and the appearance of the Conservation Area in general.

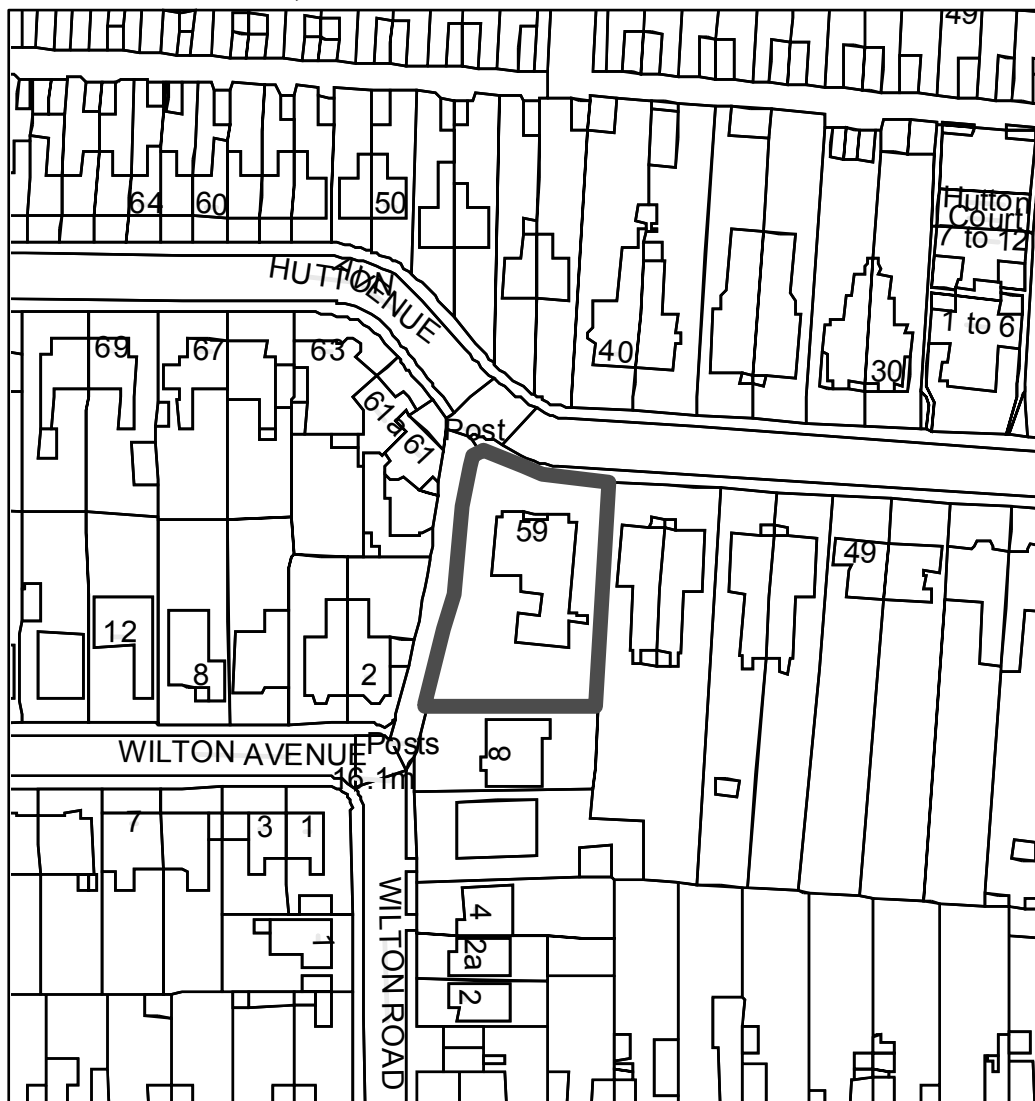
**RECOMMENDATION** – subject to no objections before the expiry of the publicity period - APPROVE, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. Notwithstanding the 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 extension facing 61 Hutton Avenue without the prior written consent of the Local Planning Authority.  
To prevent overlooking
4. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).
5. A site visit shall be arranged between the person who will carry out any tree work that may be necessary and the Council's Arboricultural Officer prior to

that work beginning and with 48 hours prior notice of the intention to carry out the works in order to establish the final extent of the works.

In the interests of the health and appearance of the preserved tree(s).

6. Any tree work shall comply with BS 3998:1989 paying particular regard to sections 13.1 "Cuts", 13.2 "Formative pruning", 13.3 "Removal of heavy branches", 13.4 "Crown reduction/or re-shaping", 13.5 "Crown lifting" and 13.6 "Crown thinning". In all cases the tree(s) shall retain the symmetry of natural shape and shall not exhibit untidy branch stubs or tearing of the bark. In the interests of visual amenity.

**BRIAR COURT, HUTTON AVENUE**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0542</b>	REV

**No:** 7  
**Number:** H/2009/0421  
**Applicant:** Mr D Rezai York Road Hartlepool TS26 8AD  
**Agent:** Jackson Plan Mr Ted Jackson 7 Amble Close  
HARTLEPOOL TS26 0EP  
**Date valid:** 14/08/2009  
**Development:** Alterations, extension and part change of use to form  
licensed restaurant and hotel  
**Location:** 91 YORK ROAD HARTLEPOOL

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### The Application and Site

7.1 The application site is an existing restaurant with a flat above located on the edge of the Town Centre. The restaurant extends over two floors with the flat occupying part of the first and second floor. It is located on the west side of York Road between its junctions with Alma Street and Milton Road. The remnants of the latter street/road, truncated by the Barbara Mann Court development, form cul-de-sacs north and south of the site. It is located on a largely commercial frontage with two takeaways and hairdressers with flats above to the south. To the north is an Indian Restaurant. On the opposite side of York Road are a bingo hall, a vacant restaurant, a Pizzeria and offices. To the south east are shops and offices some with flats above. Close by to the west are residential properties and an associated parking area, these are fenced off from the cul-de-sacs. Further to the north towards Elliott Street the area becomes residential in character.

7.2 Full planning permission is sought to extend, alter and change the use of part of the premises to create a licensed restaurant on the ground floor and a twelve bedroom hotel. In order to accommodate the development the existing building will be extended and altered. In particular a two and two and a half storey extension will be added to its southern and western side. On the north elevation an additional first floor window will be added. The licensed restaurant use currently extending over two floors will be restricted to the ground floor. The hotel use will extend over three floors with a ground floor reception/lounge, ten first floor bedrooms, two second floor bedrooms and a second floor porters station. The site accommodates no off street parking.

7.3 In support of the application the applicant states that

- He has invested significantly in the property, which was derelict.
- The improvements received a Civic Society award.
- His aspiration is to create a high class Hotel Restaurant.
- The restaurant area will be reduced and so there will be less traffic.
- The development would create jobs and attract investment.
- He has always looked after the area in terms noise, litter and crime.
- He has traded for 10 years without any problems.



## **Planning History**

7.4 The site has a complicated planning history. All the applications referred to below in this section have been made by the current applicant.

7.5 Planning permission for a restaurant on the site was first approved in July 1998 subject to various conditions these included a condition restricting the use of the premises to a restaurant use and the hours to between 8am and midnight Mondays to Saturdays with no opening on Sundays (H/FUL/0296/98). These conditions were imposed in the interests of the amenities of nearby flats.

7.6 In November 1999 an application, to vary conditions applied to the above approval to allow a bar on the ground floor with restaurant at first floor open 7 days a week was refused for reasons relating to the amenity of nearby residential properties. (H/FUL/0440/99). A subsequent appeal was dismissed in 2000.

7.7 In December 2001 planning permission was approved for an extension to the restaurant again a condition restricted the use to a restaurant use only and the hours of operation to between the hours of 8am and midnight Mondays to Saturdays with no opening on Sundays (H/FUL/0548/01).

7.8 In September 2002 planning permission was granted for alterations and extensions to provide an enlarged restaurant. Again a condition restricted the use to a restaurant use only and the hours of operation to between the hours of 8am and midnight Mondays to Saturdays with no opening on Sundays. (H/FUL/0452/02).

7.9 In November 2002 permission to use the premises on a Sunday between 10:30 and 22:30 for private functions was granted on a temporary basis (H/FUL/0540/02). This was given a permanent permission in June 2003 (H/FUL/0290/03).

7.10 In April 2005 a temporary planning permission was granted for the general use of the restaurant on a Sunday between the hours of 10:30 to 22:30 (H/FUL/0146/05).

7.11 In September 2006 planning permission was granted to allow the restaurant to open between 12:00 to 24:00 on a Sunday on a permanent basis. (H/2006/0505)

7.12 In July 2007 planning permission to change the use of the premises from a restaurant to a mixed use of restaurant and bar was refused. (H/2007/0335). It was considered that a mixed bar and restaurant use would have a detrimental impact on the amenities of the occupiers of nearby residential accommodation by reason of noise, general disturbance and anti social behaviour.

## **Other Relevant Appeals in the vicinity**

7.13 A number of other appeals in the vicinity are also considered of relevance to the current application.

7.14 Members may recall a recent application to change the use of 86/88 York Road on the opposite side of the road, to the south east of the application, to a public house on the ground floor with a restaurant on the first floor. This application was

refused following its consideration by Committee on 16<sup>th</sup> September 2004 for highway reasons and reasons relating to the amenity of the occupiers of nearby residential properties. The applicant appealed against this decision. The Inspector did not support the highway reason for refusal. The Inspector did conclude however that the development would have a harmful effect on the living conditions of the occupants of nearby residential properties and the appeal was therefore dismissed in 2005 (see decision letter appendix 2).

7.15 Also on the opposite side of the road at 78 York Road, and on the applicant's side to the north at 87/89 York Road applications to change the use of the premises to restaurants were allowed on appeal subject to conditions restricting their use to a restaurant use. This was at a time when a restaurant fell within the same A3 use class as a public house, which meant that unless restricted by condition, the use could change between the two. (They now fall within different use classes and so planning permission is required). The imposition of these conditions reflected the Inspector's concerns in relation to residential amenity and the differing environmental impacts associated with other A3 uses which without such a condition could otherwise be established.

7.16 At 85 York Road on the same side of York Road but to the north of the application site an appeal against the refusal of permission for a hot food takeaway was also dismissed the Inspector concluding that the use would generate unacceptable disturbance and would ham the living conditions of nearby residents.

### **Publicity**

7.17 The application has been advertised by site notice and neighbour notification (45).

Five letters of objection, three letters of no objection, and one letter where the writer does not state a view have been received.

The objectors raise the following issues

- i) Parking/traffic.
- ii) Noise
- iii) Nuisance/Antisocial behaviour
- iv) Will Hartlepool really benefit from this type of development.
- v) Loss of light
- vi) Security with more people about.
- vii) Where will smokers stand?

The design of the proposed extension has been amended and the description of the application has been made clear that it involves part use as a hotel and the neighbours re-notified. The time period for representations expires on 4<sup>th</sup> November 2009.

Copy letters **G**

## Consultations

7.18 The following consultation replies have been received:

**Head of Public Protection** - This restaurant has been established for a number of years and I am not aware of any problems with noise emanating from the premises. The replacement of the first floor bar and the 60 covers to the first floor restaurant balanced against the provision of a 12 bedroom hotel in my opinion can only improve the current situation as there will be less customer movements to and from the premises. I would therefore have no objections to this proposal.

**Traffic & Transportation** – We would have no objections to this proposal as it stands, as any parking requirements can be accommodated in nearby town centre car parks. Servicing of the premises should be carried out on Alma Street.

**Economic Development** - We would be supportive of the application to alter the 3 storey extension to side / rear and part change of use to form licensed restaurant on the ground floor with bedrooms to rear and above. The project would provide additional accommodation within the town centre. The change of use could also provide a more sustainable approach by offering a mixed use restaurant and accommodation function. We would support the expansion of an existing business with the opportunity of job creation for local people.

**Northumbrian Water** – No objections.

**Engineering Consultancy** - No objections.

**Cleveland Police** – No objections.

## Planning Policy

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

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

## **Planning Considerations**

7.20 The main planning considerations are considered to be policy, design/impact on the street scene, the impact of the proposal on the amenity of nearby residential properties and highways.

### **POLICY**

7.21 The application site accommodates an existing licensed restaurant and lies in an edge of town centre location. Policy Com 4 of the Hartlepool Local Plan states that a range of uses will be permitted uses in this location. The policy excludes drinking establishments and takeaways but specifically refers to restaurant uses being acceptable. The policy does not specifically refer to hotel uses but it is considered that a hotel use, on the basis proposed would be acceptable. It is considered that the uses proposed are acceptable in principle in this location.

### **DESIGN/IMPACT ON THE STREET SCENE**

7.22 The proposed extensions/alterations are mainly located on the south and west side of the site. The extensions are therefore not so prominent in views from York Road however they are prominent in views from Barbara Mann Court.

7.23 The design has been amended following discussions. The roof of the main two and a half storey section has been hipped to reflect the design of the existing building, pitched roofs added to previously proposed flat roofed elements, window details have been altered and a break has been introduced into the rear sections.

Materials will be conditioned as appropriate. The amendments have ensured the proposed extensions are more in keeping with the existing building and helped to reduce the mass of the west elevation.

7.24 It is considered that the amended proposals are acceptable in design terms and will have an acceptable impact on the street scene.

#### IMPACT ON THE AMENITY OF NEARBY PROPERTIES

7.25 It is not considered that the proposed development will adversely affect the commercial premises in the vicinity to the north, south and across York Road to the east. In terms of the nearby residential neighbours the use of the building and the physical impact of the works needs to be considered. Highway issues are considered separately.

7.26 The application site lies at the north western edge of the town centre where commercial uses give way to residential areas of the town. In close proximity to the rear (west) of the premises are residential properties (Barbara Mann Court) whilst there are also flats above commercial premises in the vicinity. The area already experiences a good deal of disruption and anti-social behaviour associated with late night leisure uses (pubs, clubs and takeaways) in the vicinity. In light of the above in the recent past proposals for bars and takeaways in this edge of centre area have been successfully resisted and current local plan policy advises that these types of uses are not acceptable.

7.27 The current proposal however is for a mixed hotel and licensed restaurant use. The site is currently occupied by a licensed restaurant and the hotel whilst it will occupy the proposed extensions, will also take up some of the existing restaurant space. The applicant points out that whilst twelve hotel rooms will be provided the capacity of the restaurant will actually be reduced by 60 covers. The Head of Public Protection has advised that he is not aware of any problems regarding noise emanating from this particular premises. He has raised no objections to the proposal. He concludes that “the replacement of the first floor bar and the 60 covers to the first floor restaurant balanced against the provision of a 12 bedroom hotel in my opinion can only improve the current situation as there will be less customer movements to and from the premises.”

7.28 The restaurant use is existing. It is considered there may be potential for a degree of additional disturbance associated with the new hotel use, including on occasion late night disturbance when guest might for example arrive, or return, late at night. However, the hotel element is relatively small and this potential for disruption must be balanced against the existing situation where a larger restaurant could potentially result in more customer movements than the hotel/restaurant proposed. On balance it is not considered that the proposals will unduly affect the existing amenity of the residential neighbours, nor create significant additional nuisance/antisocial behaviour issues. The proposed uses are acceptable in this location.

7.29 In terms of the physical impacts of the development on the residential neighbours the proposed extensions are on the west and southern side of the

building. The existing buildings already have a substantial presence and this needs to be considered when the additional impact of the extensions is considered. The closest residential neighbours to the site are in the Barbara Mann Court development to the west and flats above the shops to the south and east.

7.30 In terms of Barbara Mann Court the closest residential block is located some 14m from the site and faces towards existing two storey buildings on the western side. The alterations closest to these residential properties are limited to the replacement of a flat roof with a ridged roof on an existing rear two storey offshoot. Here whilst the ridge will increase the overall height of this part of the building slightly, the closest part, the eaves, will be reduced in height. A two storey and a two and a half storey extension will extend south from this along the western boundary however these elements are located further to the south east of the residential block. The largest extension, the two and a half storey part, will be located some 16m to the south east and views towards it from these dwellings will be oblique. Given the existing situation, the relative location of the proposed extension and the residential block it is not considered that the proposed extensions will unduly affect the existing amenity of the closest neighbours in terms of loss of light, outlook or in terms of any issue of overdominance. In terms of issues of privacy/overlooking the elevations immediately opposite the residential block are largely blank whilst the windows further down the elevation will serve a bathroom and two bedrooms. The bathroom window can be conditioned to be obscure glazed whilst views from the bedroom windows towards the housing block will be oblique. It is not considered that the proposal will unduly affect the privacy of the adjacent residential block.

7.31 In terms of the other closest residential block in Barbara Mann Court, this block is located some 15.5m to the south west of the site and faces towards it with a largely blank gable save for two small secondary windows. Given the existing situation, the relative location of the proposed extension and the residential block, it is not considered that the proposed extensions will unduly affect the existing amenity of these neighbours in terms of loss of privacy, light, outlook or in terms of any issue of overdominance.

7.32 In terms the flats above commercial blocks to the south, north and east given the existing situation, the relative location of the proposed extension it is not considered that the proposed extensions will unduly affect the existing amenity of the closest neighbours in terms of loss of privacy, light, outlook or in terms of any issue of overdominance.

## HIGHWAYS

7.33 The site does not enjoy the benefit of any off street parking. Traffic & Transportation have advised that they would have no objections to the proposals as they consider that any parking requirements could be accommodated in nearby town centre car parks. It is also the case again that the potential parking demands of the hotel will be offset by a reduction in the potential parking demands of the restaurant. In highway terms the proposal is considered acceptable.

## CONCLUSION

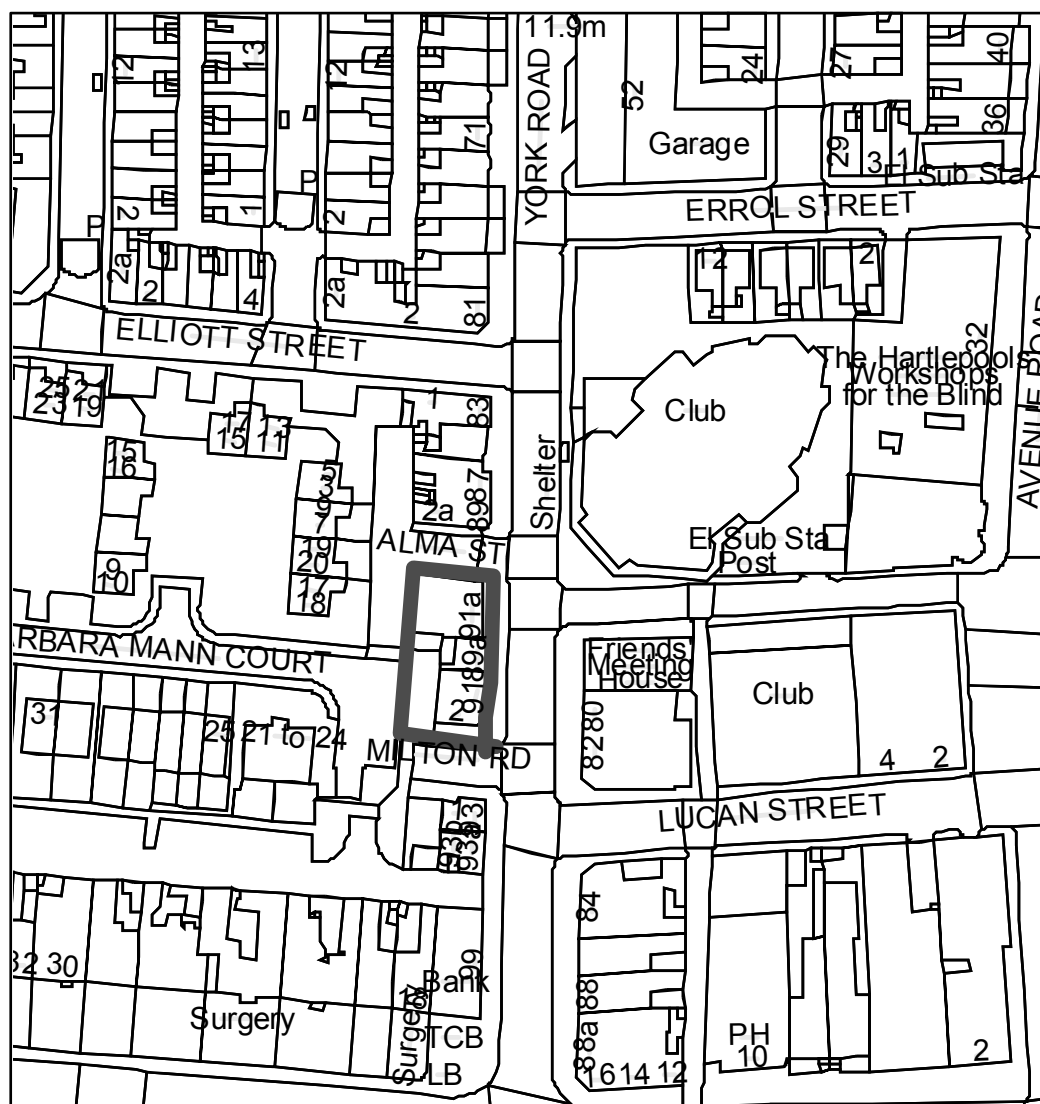
7.34 The proposal is considered acceptable and is recommended for approval.

**RECOMMENDATION – APPROVE** subject to 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 development hereby approved shall be carried out in accordance with the amended plan(s) no(s) R0104.4/1,6f,7f,8f,9f,10f,11f received on 9th October 2009, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt.
3. The premises shall be used for a restaurant A3 and hotel C1 for no other purpose (including any other purpose in Class A1 or A2 or C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing with the Local Planning Authority the disposition of the hotel and restaurant use shall be in accordance with the approved drawings and shall be retained as such for the lifetime of the development.  
As shown on the approved plans and in order to allow the Local Planning Authority to consider the implications of any proposed changes to the disposition of the uses in the interest of the amenity of the nearby residents and highway safety.
5. Unless otherwise agreed in writing the site, the hotel and restaurant, shall be retained and used as a single planning unit.  
Given the interrelationship between the two the Local Planning Authority would wish to consider any changes that may result from their independent use.
6. No bar, or other licensed facilities, shall be provided other than as ancillary to the A3 restaurant use. For the avoidance of doubt no such facilities, whether ancillary or not, shall be provided within the hotel element of the development. In accordance with the approved plans and in the interests of the amenity of the occupiers of nearby residential properties.
7. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
8. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.  
In the interests of the amenities of the occupants of neighbouring properties.
9. The proposed first floor ensuite window(s) in the west elevation facing towards Barbara Mann Court shall be glazed with obscure glass which shall be installed before the hotel is occupied and shall thereafter be retained at all times while the window(s) exist(s).  
To prevent overlooking.

10. The restaurant shall only be open to the public between the hours of 08:00 and 24:00 Mondays to Saturdays inclusive and between the hours of 12:00 and 24:00 on Sundays.  
In the interests of the amenities of the occupants of neighbouring properties.
11. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development details for ventilation filtration and fume extraction equipment to reduce cooking smells, shall be submitted to and approved in writing by the Local Planning Authority. All approved items shall thereafter be installed in accordance with a timetable agreed with the Local Planning Authority. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties. The proposals require alterations to the existing ventilation filtration and fume extraction equipment and this condition will ensure that the amended scheme is acceptable and provided in accordance with an agreed timetable.
12. Servicing of the premises shall take place from Alma Street.  
In the interests of highway safety.
13. Any amplified music arising within the premises shall not be audible outside the premises.  
In the interests of the amenities of the occupants of neighbouring properties.



**91 YORK ROAD**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0421</b>	REV

**No:** 8  
**Number:** H/2009/0521  
**Applicant:** Mr Stephen Bell Stranton HARTLEPOOL TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland Terrace Newcastle NE2 1QQ  
**Date valid:** 22/09/2009  
**Development:** Erection of 25 dwellings including associated car parking, access and works (AMENDED PLANS)  
**Location:** LAND AT SEATON LANE HARTLEPOOL

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### **The Application and Site**

8.1 The application site is an area of unused Council owned land located between 139 Seaton Lane and Golden Flatts Primary School, with open space of Golden Flatts then the steel works to the south of the site. There is a belt of mature and semi mature trees and shrubs along the Seaton Road boundary.

8.2 The proposal is part of a phased scheme (3) with this being phase 1. The works involve the erection of 25 new houses together with associated parking, access and landscaping. The properties are a mix of 2 and 3 bedroom.

8.3 All properties, which are intended as affordable housing, will have gardens and will be of a modern design incorporating 'secured by design' principles. The properties will be level 4 'Code for Sustainable Homes' which is to be achieved by a mixture of passive and low or zero carbon design which include insulation, heat recovery system, photo voltaic cells for solar heating, double glazing and sheds.

8.4 A parking provision of 40 spaces has been provided throughout the site with the main vehicular access from Seaton Lane.

8.5 Both hard and soft landscaping has been provided throughout the development. The scheme has been amended to avoid the loss of a significant tree and to improve relationships within the site. These amendments have recently been advertised.

### **Publicity**

8.6 The application was first advertised by way of neighbour letters (16) site and press notices. To date 2 letters of no objection have been received. The most recent plans have been re-advertised.

8.7 The period for publicity expires after the meeting.

### **Consultations**

8.8 The following consultation replies have been received:

**Head of Public Protection** – Awaited but informally no objections

**Head of Property Services** – No objection

**Head of Community Services** – Supports the scheme

**Economic Development** – No objections

**Landscape/Conservation** – Awaited but had concerns about the effect on one tree in particular. The amended plans should overcome these concerns.

**Northumbrian Water** – Raise no objection but requests a condition to require a detailed scheme for the disposal of surface water. If sewer is the only option the developer will need to agree discharge points and rates.

**Environment Agency** – No objections but requests conditions relating to disposal of surface water.

**Tees Archaeology** – No objections but request watching brief condition.

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

**Neighbourhood Services** – No objections

**Traffic & Transportation** – No objection regarding parking. All works must be to adoptable standards. A right turn lane should be provided on Seaton Lane prior to the commencement of works. Traffic calming measures need to be provided.

**Engineering Consultancy** – Requires a condition for final ground levels to be submitted. Requires a condition relating to ground contamination and remediation scheme, and a condition relating to landfill gas protection.

## **Planning Policy**

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

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

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or

adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GEP13: POLICY NOT SAVED - NATIONAL GUIDANCE IS A MATERIAL CONSIDERATION (Policy Stated that the felling of trees with TPOs or within Conservation Areas will be not granted unless certain criteria listed in the policy are met. Tree surgery works to protected trees will only be approved where there is danger to human life, property is being damaged or it is in the interests of the well-being of the tree. Replacement planting will be required where permission is given to fell protected trees.)

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

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

GEP6: POLICY NOT SAVED - NATIONAL GUIDANCE A MATERIAL CONSIDERATION (Policy stated that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.)

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

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

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

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

densities.

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

### **Planning Considerations**

8.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, national policy guidance, the impact of the development in the surrounding area and on the amenities of nearby residents, highway safety, flooding and drainage and trees and ecology.

8.1 For the most part the proposal appears acceptable however the applicant has been asked to address a number of issues, including the retention of a particularly significant tree. It is anticipated that comments on the amended plans provided to address these issues will be available before the meeting. A comprehensive update will follow.

**RECOMMENDATION** – Update report to follow

## SEATON LANE



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0521</b>	REV

**No:** 9  
**Number:** H/2009/0179  
**Applicant:** Mr T Lin Chen 143 OXFORD ROAD HARTLEPOOL TS25 5RJ  
**Agent:** Mr T Lin Chen 143 OXFORD ROAD HARTLEPOOL TS25 5RJ  
**Date valid:** 15/04/2009  
**Development:** Variation of opening hours permitted under planning application H/2006/0502 to include Sunday and Bank Holiday opening and opening 5 p.m -12 midnight on Friday and Saturday on a permanent basis  
**Location:** 143 OXFORD ROAD HARTLEPOOL HARTLEPOOL

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## Background

9.1 This application was withdrawn from the agenda at the meeting of 17 June 2009 to allow officers to assess the proposal in light of the outstanding appeal decision in relation to Sunday opening at 132 Oxford Road.

9.2 That appeal decision has now been received, a copy of which is attached. The Inspector allowed the appeal, subject to a condition restricting opening until 11pm every day of the week. The Inspector concluded that an extension of late night opening until midnight would be likely to result in “increased noise and disturbance to nearby residents”.

## The Application and Site

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

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

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

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

## Planning History

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

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

- i. The junction of Oxford Road and Shrewsbury Street opposite the application site is a heavily trafficked bus route. It is considered that on street parking close to or at this junction and the regular comings and goings of vehicles using the proposed takeaway could be detrimental to highway safety and the free flow of traffic contrary to policies GEP1, Com5 and Com12 of the adopted Hartlepool Local Plan 2006.
- ii. It is considered that vehicles visiting the proposed use could park in adjoining streets which are predominately residential in character or outside houses on the opposite side of Oxford Road and that noise and general disturbance from the comings and goings of the users of those vehicles could be detrimental to the amenities of the occupiers of those houses particularly at times of the day when they could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1, Com5 and Com12 of the adopted Hartlepool Local Plan.

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

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

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

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

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



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

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

9.15 The Head of Public Protection highlighted no complaints regarding the use of the property as a hot food takeaway in terms of noise and disturbance and no formal objections were received regarding the proposed extension to the hours of operation. It was, however, considered prudent for a temporary 1-year permission to be granted to assess the effect of the extended hours upon the amenities of the occupants of the surrounding residential properties in the light of experience. Application reference H/2007/0732 was therefore approved subject to relevant conditions which read:

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

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

### **Other relevant planning history**

9.17 Reference has already been made above to the recent appeal at 132 Oxford Road. That appeal allowed, opening times to 11pm every day of the week.

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

9.19 Complaints had subsequently been received from residents in relation to the opening outside of the approved hours of operation of both 132 and 122 Oxford Road, and the subsequent impact of the opening on the amenity of neighbouring residents. Both matters were investigated by Council officers into the alleged breach of conditions. Following verbal and written warnings, Breach of Condition Notices

were served recently on the operators of both premises requiring their compliance to operate within their approved hours.

### **Publicity**

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

9.21 The concerns raised are:

1. Gathering of youths, girls, noise and litter;
2. A lot more litter and young people on my garden and the corner of my property.
3. Concerns that the area suffers from high levels of anti-social behaviour.
4. Escalation of shops converting to hot food takeaways, how many do we actually need?
5. A change in opening hours would compound the anti-social behaviour problems faced and increase litter in the area.

9.22 The period for publicity has expired.

Copy Letters E

### **Consultations**

9.23 The following consultation replies have been received:

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

**Head of Public Protection** – In an original consultation reply indicated I am not aware of any problems associated with this takeaway over the period of the temporary permission. I would therefore have no objections to this application. In the light of the recent appeal decision at 132 Oxford Road has expressed concern about opening after 11pm noting the objection from rear neighbour. Suggests a consistent approach to takeaways in this area.

### **Planning Policy**

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

Com 12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

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

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

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

### **Planning Considerations**

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

### **Policy Considerations**

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

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

### **Highway Safety**

9.28 The Traffic and Transportation section have indicated that as the premises benefits from an existing permission for a hot food takeaway and is located on a shopping parade, it would be difficult to sustain an objection on highways grounds. Additionally, it is considered that there would be less vehicular traffic at the times for which permission is sought in this application. It is therefore the opinion of the Traffic

and Transportation section that there are no major highway implications with the application. It is considered therefore that the proposal will not have a significant detrimental impact on the safety of the surrounding highway network.

### **Amenity of Neighbouring Properties**

9.29 The Council's Head of Public Protection had indicated that he is now aware of any problems that have arisen with the use of the premises as a hot food takeaway during the hours permitted by the temporary permission. However in the light of the recent appeal decision at 132 Oxford Road feels a consistent approach to opening hours would be preferable.

9.30 Whilst the applicant is seeking a variation of the condition to allow opening until midnight on Fridays and Saturdays following a trial period, it is considered that opening beyond 11pm could have a significant effect on the amenity of those residential properties in close proximity – these are immediate neighbour objector's and the Inspector in the recent appeal decision at 132 Oxford Road concluded that "the closure at 23.00 hours remains appropriate to protect the living conditions for nearby residents". Additionally, within the original appeal decision for the change of use at 132 Oxford Road (H/2006/0839) the Inspector noted that the imposition of a condition to restrict opening until 11pm would "prevent any undue level of disturbance at unsociable hours".

9.31 It is therefore considered opening until 11pm would be more appropriate in the light of the issues discussed above.

9.32 In relation to Sunday and Bank Holiday opening, the Inspector on the recent 132 Oxford Road appeal concluded there is "no convincing evidence" that Sunday opening would have an adverse effect on the amenity of surrounding properties, subject to a condition restrict early morning opening on those days. The original condition imposed on 132 Oxford Road restricting Sunday opening was only done so in the interests of consistency with 143 Oxford Road. Moreover, the Inspector's decision on the nearby 122 Oxford Road to allow Sunday opening was done so as it was considered that it would not be necessary or reasonable to prevent the opening of the proposal on such days given that other shops in the vicinity are open on these days.

9.33 In addition, monitoring of the premises by officers on Sundays up until 11pm has taken place and it was not considered that the operation of the premises gave significant rise to noise and disturbance issues on those occasions.

9.34 It is therefore considered, in light of the Inspectors findings on recent appeals notably at 132 Oxford Road but also the application site and 122 Oxford Road, in light of the experience of the 1 year temporary permission, and in light of monitoring by officers, the proposed opening on Sundays and Bank/Public Holidays would not unduly affect the amenity of surrounding residential properties.

### **Conclusions**

9.35 With regard to the relevant Hartlepool Local Plan (2006) policies as set out above, and with regard to the relevant planning considerations as discussed above,

it is considered that the variation in opening hours to allow Sunday and Bank/Public Holiday opening is acceptable subject to a condition restricting opening until 11pm every day of the week in addition to other conditions as set out below.

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 8.00 – 23.00 Mondays to Saturdays (inclusive), and 10.00 – 23.00 Sundays, Bank or Public Holidays, and at no other time.  
For the avoidance of doubt.
3. Unless otherwise agreed in writing by the Local Planning Authority notwithstanding appeal decision APP/H0724/A/06/2025540, within one month of the date of this permission, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the scheme shall be either installed or retained (if existing is considered acceptable) as such throughout the lifetime of the development. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.  
In the interests of the amenities of the occupants of neighbouring properties.



## Appeal Decision

Site visit made on 3 July 2009

by **Don Rankin 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](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**10 September 2009**

### Appeal Ref: APP/H0724/A/09/2099083

#### Pizza Palace, 132 Oxford Road, Hartlepool, Cleveland, TS25 5RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Adel Atfi against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0616, dated 11 August 2008, was refused by notice dated 23 December 2008.
- The application sought planning permission for change of use to hot food takeaway without complying with a condition attached to planning permission Appeal Ref: APP/H0724/A/07/2039548, dated 5 July 2007.
- The condition in dispute is No (ii) which states that: the use hereby permitted shall not be open to customers outside the hours of 08:00 to 23:00 Mondays to Saturdays and at no other time on Sundays, Bank or Public holidays.
- The reason given for the condition is: to prevent any undue level of disturbance at unsocial hours, and to be consistent with a similar condition imposed at No. 143 Oxford Road.

### Decision

1. I allow the appeal and grant planning permission for a change of use to a hot food takeaway at Pizza Palace, 132 Oxford Road, Hartlepool, TS25 5RH in accordance with application Ref H/2008/0616, dated 11 August 2008, without compliance with condition number (ii) previously imposed on planning permission appeal decision Ref: APP/H0724/A/07/2039548, dated 5 July 2007, but subject to the condition that the premises may only be open to the public between the hours of 08:00 to 23:00 Monday to Saturday; and 10:00 to 23:00 Sunday and Bank Holidays and to the other conditions attached to that permission so far as they are still capable of having effect.

### Main issue

2. The main issue is the effect on the living conditions for nearby residents arising from additional opening hours.

### Reasons

3. The appellant seeks to open from 10:00 to 24:00 hours seven days a week. This would be at variance not only with the condition restricting Sunday opening but also with the current permitted opening hours from 08:00 to 23:00 Monday through Saturday.
4. No.132 opens onto Oxford Road, a busy street where there are other shops and hot food takeaways. Although the rear yard of the shop does conjoin with No 37 Marlborough Street, the main objections are to increased duration of the

Appeal Decision APP/H0724/A/09/2099083

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activity leading to increased pedestrian and vehicular traffic movements, general disturbance and litter. Any effects arising from this increased activity would be from customers and largely confined to the Oxford Road frontage where there are a number of similar late and Sunday opening takeaways, not least at No.143 across the street where a recent permission for a limited period was granted for opening till 24:00 hours on Friday and Saturday, and 23:00 hours on Sundays.

5. With regard to extending opening hours to 24:00 I note the previous appeal decisions referred to by the Council (Ref: APP/H0724/A/06/2025540 & APP/H0274/AS/06/2028579) where the issue of late night opening was addressed. The common theme in these previous decisions was the effect of any disturbance resulting from opening after 23:00. Although the Head of Public Protection has not received any complaints regarding noise and disturbance I note the weight of objections which have been received in response to the current proposal to extend the hours and the very real concerns of local residents regarding antisocial behaviour in the Oxford Road Shopping Area. There is therefore good reason to assume that there was previously a problem arising from late night opening which is likely to continue. There are a number of houses in very close proximity to the appeal site the residents of which would be adversely affected by noise and disturbance from customers were the proposal to operate later into the evening.
6. Whilst I note the decision to permit opening to 24:00 at No. 143 for a similar use, that permission was for a limited period to gauge the effect on living conditions for local residents. I do not have details of all of the material considerations which led to that decision and I have considered this case on its merits. I conclude that an extension of late night opening to 24:00 would be likely to result in increased noise and disturbance to nearby residents.
7. With regard to Sunday opening there is no convincing evidence that the proposed opening of the Pizza Palace at No.132 on Sundays would have any greater effect than the other hot food outlets which now operate on a Sunday. No complaints have been received during the extended period of opening of No.143 or during that period regarding noise and disturbance from No.132. I accept that there has been concern regarding unauthorised opening of No.132 which is currently a matter of planning enforcement. Subject to a condition to restrict early morning opening on Sundays and bank holidays, which I regard as similar to Sundays for this purpose, I consider that there would not be adverse effects from the Sunday opening, and it would in consequence not be contrary to policies GEP1 and Com12 of the Hartlepool Local Plan 2006 (HLP).
8. For the reasons given above, and having regard to all other matters raised, I conclude that the closure at 23:00 hours remains appropriate to protect the living conditions for nearby residents but that Sunday opening would not so harm those living conditions. The appeal is therefore allowed subject the conditions below.

*Don Rankin*

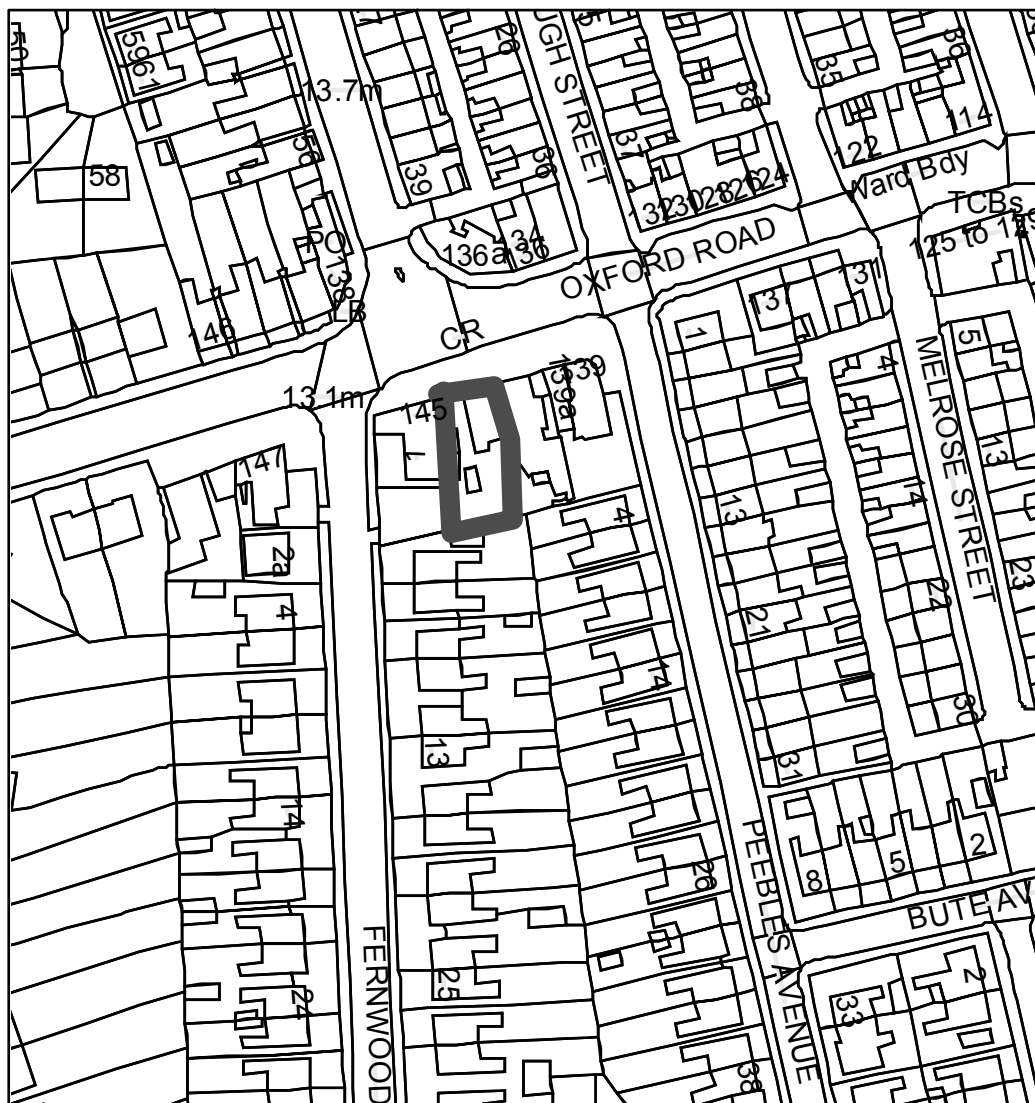
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Appeal Decision APP/H0724/A/09/2099083

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Inspector



**143 OXFORD ROAD**

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

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

**No:** 10  
**Number:** H/2009/0500  
**Applicant:** Mr Kevin Wanless Longhill Industrial Estate Thomlinson Road Hartlepool TS25 1NS  
**Agent:** Axis Mrs Amanda Stobbs Unit 11 Well House Barns Bretton Chester CH4 0DH  
**Date valid:** 10/09/2009  
**Development:** Upgrading and extension of existing waste management facilities  
**Location:** NIRAMAX THOMLINSON ROAD HARTLEPOOL

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### The Application and Site

10.1 The site to which this application relates is the former SWS landfill and waste site located on Thomlinson Road (now operated by Niramax), within the Longhill Industrial Estate - an area comprising a number of established industrial sites. The larger Niramax site comprises a landfill forming the eastern boundary of the site, adjacent to the railway line, sited opposite the properties of Harvester Close, and a waste transfer station and recycling facility. The application site in this instance relates to an existing large industrial building, the 'Black Sand Shed', situated on the west of the site which is currently vacant. The adjacent landfill has been in operation since 1989 (application reference HCOU/0579/89) and was subsequently increased by virtue of a superseding permission in 1995 (CM/H/3/95). The life of the landfill was extended until 2018 in 2002 by virtue of application ref: HFUL/0144/01.

10.2 The waste transfer station element of the site has been in operation since 1981, as approved by application reference CH/705/81 which allowed for paper and metallic waste only. A Certificate of Lawful Use or Development was granted in 2002 for the use of the waste transfer station for the transferring and processing of non-hazardous commercial, industrial and construction waste including incidental quantities of putrescible waste. An additional waste transfer station adjacent to the existing received approval in 2002 (H/FUL/0412/01), allowing for the same waste types as that agreed under the LDC.

10.3 The existing 'black sand shed' which the application relates to is currently vacant, with a previous permission in 1981 for a change of use from former power station to industrial units.

10.4 Currently, it is indicated that approximately 2,500 tonnes of waste is received per week (approx 130,000 tonnes per annum). Existing waste streams incorporate non-hazardous commercial and industrial (C&I), construction and demolition (C&D) and inert soils and hardcore. Such waste types are permitted by virtue of the aforementioned LDC. Existing operations at the site comprise manual waste classification for the separation of recyclable materials with residual waste disposed of at the adjoining landfill.

10.5 It is indicated at present that:

- 1,000 – 1,500 tonnes of residual waste per week is disposed of at the landfill;
- 300 – 400 tonnes of ‘fines’ are disposed of at the landfill towards restoration;
- The estimated life of the landfill at the current operation rates is 18-24 months;
- The amount of recyclable materials separated and recycled is approximately 335 tonnes per week, with ferrous material approximately 10 – 20 tonnes per week and non-ferrous 5 – 10 tonnes per week.

10.6 The application seeks consent primarily for the installation and operation of a plant for gas conversion by thermal treatment of waste by pyrolysis/gasification to produce syngas which will fuel the generation of electricity. In addition, external alterations are proposed to facilitate the proposed plant.

10.7 Consent is also sought as part of the application for the receipt and process of Municipal Solid Waste (MSW) within the waste transfer station and the proposed plant.

10.8 Construction of the proposal is proposed in three phases. Firstly, phase 1 will constitute the installation of a high level conveyor (5m rising to 6.2m above ground level) between the existing reclamation shed (within the waste transfer station) and the black sand shed, followed by the installation of a waste classification plant within both the reclamation shed and the black sand shed.

10.9 Phase 2 will incorporate the installation of a briquette plant within the black sand shed. Phase 3 will incorporate the installation of the pyrolysis/gasification plant and electricity generation plant. Additionally, phase 3 would require the construction of a flare stack and exhaust stack to the south west elevation of the black sand shed. It is indicated that the stacks would have a maximum height of 25m.

10.10 In terms of operation, the proposed development aims to increase recycling of waste, reduce the volume of waste disposed at the landfill and recover energy from waste through the aforementioned thermal treatment process. The processes would comprise waste classification, waste compression and thermal treatment of waste.

#### Waste Classification

10.11 In the first instance, waste would be deposited within the existing reclamation shed and fed manually onto picking lines. Recyclable materials would be manually separated, stored and transported off-site for re-processing. The remaining waste would be shredded and fed into the existing screening plant, which sorts the waste by size. Smaller waste (fines) is transferred to the adjacent landfill and used for restoration. Larger waste is transferred to the black sand shed via the proposed enclosed high level conveyor.

10.12 Within the black sand shed the waste is further sorted based on density. Heavier waste is to be separated into ferrous (15-25 tonnes per week) and non-ferrous (10-15 tonnes per week), temporarily stored within the existing bays in the

external storage yard before being transported off-site for processing. Residual waste is temporarily stored externally before being disposed of within the adjacent landfill. Light waste (less than 150kg/m<sup>3</sup>) is outputted and shredded to produce a refuse derived fuel (RDF) which is transported off-site for commercial sale. It is anticipated that the RDF will be taken off-site until the installation of the briquette plant is complete.

#### Waste Compression

10.13 The proposed briquette plant sole function is to densify the aforementioned flock to form cubes via compression waste into cubes, producing 10 tonnes of briquettes per hour. The briquettes are then used on site as part of the thermal treatment of waste rather than being transported off-site for commercial sale.

#### Thermal Treatment of Waste

10.14 The waste feedstock (briquettes) is fed into the plant via hoppers then inserted into the collecting/drying zone. Temperatures in the zone are controlled at a maximum of 200°C. The feedstock is then transferred and heated in ovens at temperatures up to 800°C, without oxygen. The waste is then heated at higher temperatures with oxygen to produce syngas. The gas is to be fed into electricity generators which are proposed to produce 830kw electricity and 700kw thermal electricity, provided to the National Grid. It is indicated that enough electricity will be provided to power 20,000 homes within Hartlepool. It is indicated that the applicant is currently in discussions with National Grid with regard to the processes of electricity generation.

10.15 The process involves the emission of ash which is non-hazardous and disposed of in the adjoining landfill. It also produces residual water which is cleaned and treated. The only air emission is that produced via the proposed exhaust. It is indicated that the proposed exhaust is to be fitted with a catalytic converter and subject to monitoring and sampling.

10.16 Current operation hours for the receipt of waste are 7am – 7pm Monday to Friday and 8am – 1pm Saturdays. It is indicated that the proposed plant would operate on a constant basis and only shut down for maintenance purposes, however, the hours for the receipt of waste would remain unchanged.

10.17 The proposed exhaust stacks are to be a maximum height of 25m and diameter of 0.6m. The proposed flare stack is to have a maximum height of 10m and a diameter of 0.6m.

10.18 The proposal would involve the change of use of 5872m<sup>2</sup> of internal floor space.

10.19 It is indicated by the applicant that the operation of the proposed development would achieve:

- An increase in input to the site of 3,000 tonnes per week;
- A reduction in waste disposed of at landfill by approximately 96%, reducing volume to 10 – 50 tonnes per week;

- An increase in the life of the landfill until 2018 (as per existing permission);
- An increase in the volume of recyclable materials;
- An increase in volume of ferrous materials separated and recycled;
- An increase in volume of non-ferrous materials separated and recycled;
- Recovery of energy from waste providing approximately 20,000 homes with electricity.

## Publicity

10.20 The application has been advertised by site notice, press advert and neighbour letters (74). To date, 13 letters of objection have been received and 1 letter of non-objection. The concerns raised are:

- 26.Noise;
- 27.Dust;
- 28.Hartlepool is the capital dumping ground of the UK;
- 29.Four waste management facilities in three mile radius;
- 30.The site should not have been allowed in first place;
- 31.Site is an eyesore/unsightly;
- 32.Dirt from the site;
- 33.Odour issues;
- 34.Vermin/seagulls;
35. Litter issues;
36. Visual impact of landfill;
37. Proposals will exacerbate existing problems on site;
38. Size of proposed flare stacks;
39. Safety of emissions;
40. Control over emissions;
41. Confusion over the extension to the life of the landfill;
42. Proximity of residential area;
43. Impact on house prices/selling property;
44. Concerns over the safe operation of the proposed processes;

The period for publicity has expired.

Copy Letters E

## Consultations

10.21 The following consultation replies have been received:

**Head of Public Protection and Housing** – Full comments are awaited. No objections in principle.

**Traffic and Transportation Section** – Concerns that the increase in business would exacerbate highways issues on Thomlinson Road. However, further comments are expected following discussions with the applicant's agent regarding the likely generated level of traffic from the proposed development.

**Northumbrian Water** – No objections.

**Engineering Consultancy** – Comments are awaited.

**Estates** – No objection.

**One North East** – Acknowledged that pyrolysis/gasification reduces the amount of landfill from present situation. Process is relatively new and should be carefully managed. Encourage continuing discussions between operator and National Grid. Welcome moves to establish an Energy Services Company to support supplying 20,000 households with electricity. Electricity generation element should be controlled by appropriate conditions. Consideration should be given to achieving appropriate design quality and energy efficiency measures.

**Association of North East Councils** – Principle of development in accordance with RSS Policy 6. Consistent with RSS Policy 4. Should contribute towards sustainable communities by maximising pedestrian and cycle links. Consistent with the objectives of RSS Policy 45. Acceptable in terms of environmental principles – vehicle volumes should be kept to a minimum. Inclusion of SUDS measures should be provided. Development supports RSS objectives for 10% of energy supply from renewable energy. Proposals in general conformity with RSS.

**Environment Agency** – No objection on lack of PRA given that no intrusive ground works are proposed. Risk to controlled waters is low. Applicant is required to vary existing environmental permits. Any permit for pyrolysis will require monitoring of aerial emissions. The provision of monitoring points should be considered at design stage. Details on effluent treatment and disposal routes are not included, such discharges may require a separate consent from the EA.

**Tees Valley JSU** – Comments are awaited.

## Planning Policy

10.22 National Planning policy guidance is set out in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS). Guidance relevant to this application is:

- PPS 1 - Delivering Sustainable Development
- PPG 4 - Industrial, Commercial Development and Small Firms
- PPS 4 (Draft) - Planning for Sustainable Economic Development (Dec 2007)
- PPS 10 - Planning for Sustainable Waste Management
- PPS 11 - Regional Spatial Strategies
- PPS 12 - Local Spatial Planning
- PPG 13 - Transport
- PPS 22 - Renewable Energy
- PPS 23 - Planning and Pollution Control
- PPS 25 - Development and Flood Risk

10.23 The Statutory Development Plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy (RSS) for the North East (2008). 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.

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

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

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.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

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

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

PU5: Highlights the Council's precautionary approach in developments which include high voltage lines and equipment in or near the built up area. Amenity concerns will be taken into account.

PU7: States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the

area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

Dco1: States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

10.24 The following policies in the Regional Spatial Strategy for the North East (2008) are relevant to the determination of this application:

- RSS Policy 3 – Climate Change
- RSS Policy 4 – The Sequential Approach To Development
- RSS Policy 6 – Locational Strategy
- RSS Policy 8 – Protecting and Enhancing the Environment
- RSS Policy 24 – Delivering Sustainable Communities
- RSS Policy 34 – The Aquatic and Marine Environment
- RSS Policy 35 – Flood Risk
- RSS Policy 37 – Air Quality
- RSS Policy 38 – Sustainable Construction
- RSS Policy 39 – Renewable Energy Generation
- RSS Policy 45 – Sustainable Waste Management

## **Planning Considerations**

10.25 The main planning considerations in this instance are the appropriateness of the proposals in policy terms, the impact of the proposal on the amenity of surrounding properties and the effect on the character of the surrounding area, particularly with regard to noise, odour, dust, emissions, air quality and pollution; design and visual impact, highways, ecology, drainage/flooding and contamination.

### Policy

10.26 The Tees Valley Joint Minerals and Waste Development Plan Document is currently at submission stage and covers guidance on minerals and waste development within the five Boroughs of the Tees Valley. Policy MWC6 of the draft indicates sustainable management of waste will be achieved via promoting facilities and development that moves waste management up the waste hierarchy. It is considered in this instance that the proposed development is supported by the policies in the submission draft.

10.27 National Planning Guidance PPS 10 supports the proposal in terms of moving the management of waste up the waste hierarchy of reduction, re-use, recycling and composting, using waste as a source of energy, and only disposing of waste as a last resort.

10.28 Policy RSS 45 Sustainable Waste Management supports the proposal in terms of developing and implementing waste minimisation plans and schemes. Policy 45 states that development should be based on the principles of the waste



hierarchy. Comments from ANEC have indicated that the proposals are in general conformity with the provisions of the RSS.

10.29 In terms of Hartlepool Local Plan (2006) policies, part of the site lies within Sandgate Industrial Area under Ind6, however, the majority of the lies within the Longhill Industrial Estate under policy Ind5(b).

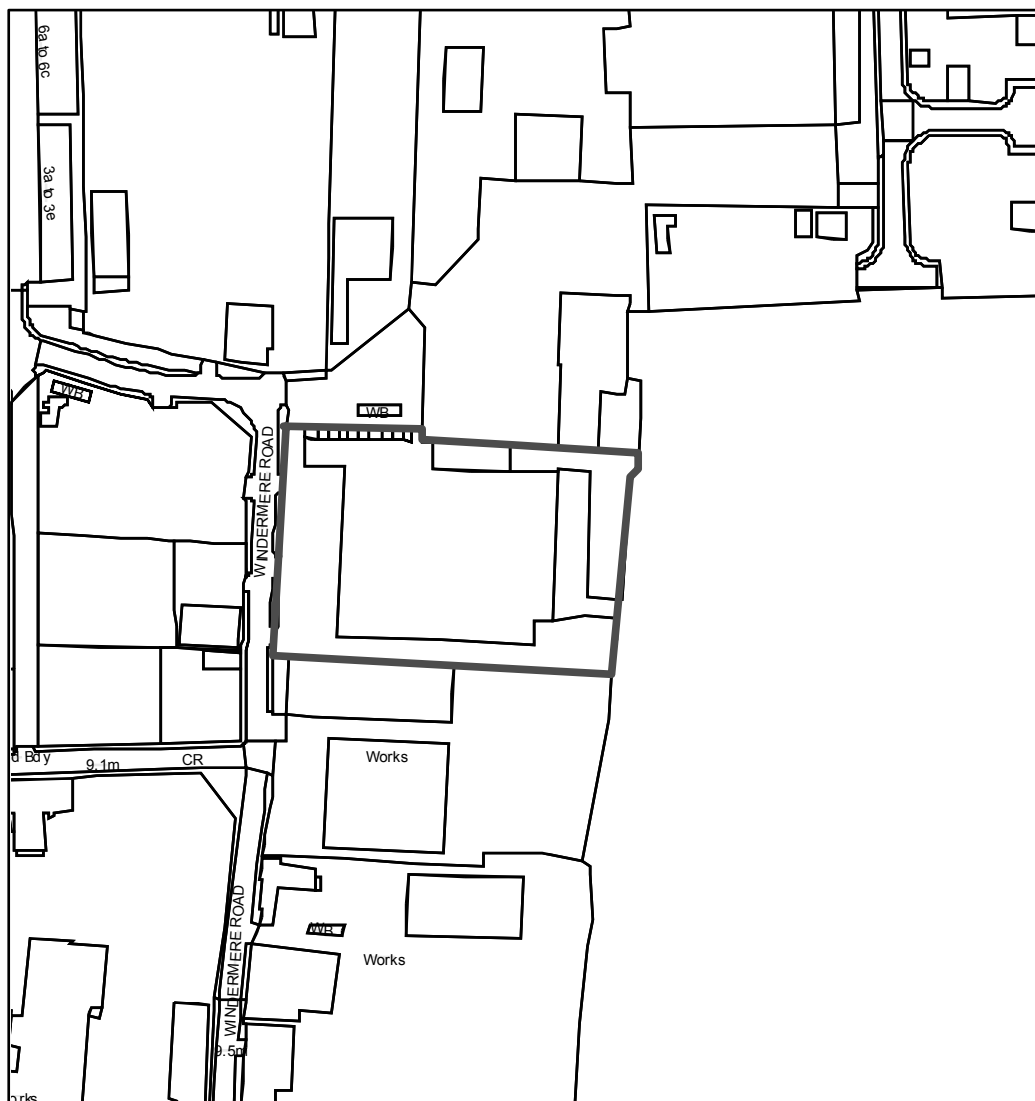
10.30 Policy Ind5 allows for B2 industrial uses and uses which are complimentary to the existing use of the site within Longhill, subject to consideration of the effects on nearby occupiers and adjacent potential development sites which is to be discussed in the appropriate sections of the report. Policy Ind6 states that proposals for ‘bad neighbour’ uses will only be permitted in the Sandgate area provided there is no significant nuisance to adjacent premises or highways users, the site is not visually prominent from a main road or railway, the site is screened, of a sufficient size and there is adequate car parking and servicing provision. As indicated only a small part of this site is within the Sandgate area. However, given the nature of the existing use and the complimentary nature of the proposed use, it is considered that the proposals are acceptable in principle. However, it is considered appropriate to also apply the tests set out in Ind6, the details of which will be discussed in the appropriate sections of the report.

10.31 In policy terms the principle of the development is considered acceptable subject to the detailed consideration outlined above.

#### Outstanding Matters

10.32 A number of key consultation responses are outstanding, notably the detailed comments of the Council’s Head of Public Protection are awaited in relation to the environmental impacts of the proposal. Furthermore additional comments from Traffic and Transportation are awaited in relation to highways issues and the Council’s Engineering Consultancy in relation issues of land contamination. It is envisaged that these comments will be received shortly and a comprehensive update report discussing all planning considerations as set out above will be provided.

**RECOMMENDATION** – Update to follow.

**THOMLINSON ROAD**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0500</b>	REV

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

**Subject:** APPEAL BY MR BRIAN ELDER (ELDER MONSEN LTD) AT THE HEADLAND GATE, NORTHGATE

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**1. PURPOSE OF REPORT**

- 1.1 To inform members that the above planning appeal has been determined by the Planning Inspectorate following a Public Inquiry. The appeal was allowed.


**2. INFORMATION**

- 2.1 A planning appeal was lodged against the refusal of Hartlepool Borough Council for the demolition of the existing public house and the erection of a two-storey unit with ground floor retail units and four first floor apartments with associated access and car parking.
- 2.2 The appeal was decided by written representations and allowed by the Planning Inspector. A copy of the decision letter is attached with this report.

**3. RECOMMENDATION**

- 3.1 That Members note the decision.

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	<h2 style="margin: 0;">Appeal Decision</h2> <p style="margin: 0;">Site visit made on 22 September 2009</p> <p style="margin: 0;"><b>by Simon Berkeley BA MA MRTPI</b></p> <p style="margin: 0;"><small>an Inspector appointed by the Secretary of State for Communities and Local Government</small></p>	<p style="margin: 0;"><small>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</small></p> <p style="margin: 0;"><small>☎ 0117 372 6372 email: <a href="mailto:enquiries@pins.gsi.gov.uk">enquiries@pins.gsi.gov.uk</a></small></p> <p style="margin: 0;"><b>Decision date:</b> 13 October 2009</p>
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**Appeal Ref: APP/H0724/A/09/2107266**

**The Headland Gate, Northgate, Hartlepool TS24 0LY**

- 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 Brian Elder (Elder Monsen Ltd) against the decision of Hartlepool Borough Council.
  - The application reference H/2009/0111, dated 27 February 2009, was refused by notice dated 29 May 2009.
  - The development proposed is the demolition of the existing public house and erection of a two storey unit with ground floor retail units and four first floor apartments with associated access and car parking.
- 

**Decision**

1. I allow the appeal, and grant planning permission for the erection of a two storey unit with ground floor retail units and four first floor apartments with associated access and car parking at The Headland Gate, Northgate, Hartlepool TS24 0LY in accordance with the application, reference H/2009/0111, dated 27 February 2009, and the plans submitted with it, subject to the seven conditions set out in the attached schedule.

**Procedural matter**

2. The description of development given includes the demolition of the existing public house on the site. As this does not require planning permission, I have excluded it from my formal decision.

**Main issues**

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area, and on highway safety.

**Reasons**

*Effect on the character and appearance of the surrounding area*

4. The Headland Gate is a detached former public house at the junction of Northgate and Durham Street. There is a parade of business premises diagonally opposite it, including a local shop, hairdressers and two hot food takeaways. In this vicinity, both roads are lined with residential properties, including terraced and semi-detached houses, and some flats. Whilst brick is the predominant material used in buildings here, coloured render elements are also common, especially on Durham Street and the commercial row. This streetscape, though, is dominated by a high, long wooden fence along Northgate and views of the industrial units and cranes associated with the
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Appeal Decision APP/H0724/A/09/2107266

docks beyond. Overall, in my view, this area has a somewhat mixed character and appearance as a result.

5. The existing building is of some vintage and is traditional in design, and I recognise that the longevity of its use as a public house lends it some historic interest. However, it is not of any particular architectural merit and is not a listed building. Consequently, there are no grounds for resisting its demolition, which could be undertaken without the need for planning permission.
6. Including a 'butterfly' roof and semi-cylindrical glass column feature in the front elevation, the proposed building would be of a considerably more modern design. It would be decidedly different to other buildings around it. But in the surrounding context, I see no reason why that, in itself, would be a drawback. In my opinion, the individual form and composition of the building, along with the materials proposed, would add to the variety here.
7. On this sharp corner, the site is prominent along the main route to the historic Headland area. The building would face directly down the A1049 Headland approach road, such that most people visiting or otherwise travelling to the Headland would clearly see it. Because of this, and its contemporary architectural styling, it would stand out in views towards the Headland, despite the substantially larger scale of the industrial premises nearby.
8. This, to my mind, would be an advantage. As a result, the proposed building would function as an appropriately dominant visual gateway to the Headland area, and would be something of a local landmark. Its presence would visually enliven the streetscape, and help to underpin the sense of community identity and distinctiveness here.
9. In addition, limited to two storeys in height, the building would be of a generally domestic scale. Consequently, whilst its design would attract one's eye, it would not overpower the neighbouring properties, or diminish the contribution that other buildings make.
10. I therefore conclude that the proposed building would not harm the character and appearance of the surrounding area. As such, it would not conflict with Policies GEP1 and GEP7 of the Hartlepool Local Plan. The former requires that the external appearance of the development and its relationship with the surrounding area are taken account of. The latter seeks a particularly high standard of design and landscaping which will improve the visual environment along the Headland approach.

*Effect on highway safety*

11. Three different accesses are proposed to be used in connection with this building, although I note that one, for deliveries to the retail units, is not included within the application area. Whilst fewer means of access may be preferable, this alone need not necessarily be a problem.
12. The Council's reason for refusing the scheme on this point relies in part on the notion that the roads and junction involved are busy. However, I have been given no traffic flow data or other evidence to support this argument, and my observations on my site visit do not bear it out. In short, I am not convinced

Appeal Decision APP/H0724/A/09/2107266

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that the levels of traffic are so high that the scheme should be foiled without first considering other factors affecting its impact on highway safety.

13. I acknowledge that the proposed entranceways may be more intensively used than has previously been the case, in connection with the public house. Nevertheless, with the larger of the two car parking areas having only seven spaces, the number of vehicle movements in and out would be unlikely to be excessive. In any event, because of the quite wide pavement around the site, combined with the rather straight line of the roads involved, the visibility from each access would be good in both directions. In this context, the car park and delivery accesses would be sufficiently distant from the junction and each other. In my view, their use would not give rise to any significant safety risks. The Council's assertion that the junction here is busy does not alter my conclusion on this point.
14. Each of the four two bedroom flats would have one car parking space, and seven spaces are proposed for customers of the four retail units. In light of this, it seems likely to me that the scheme would lead to some additional on-street parking. However, I doubt that this would occur continuously, or be a substantial problem, and I saw on my site visit that on-street spaces are not difficult to find in the vicinity. Even though this may result in some inconvenience for local residents accustomed to parking in front of their homes, it would not amount to a safety hazard, or otherwise mean the project should be rejected.
15. Despite the number of retail units proposed, the overall floor space would not be large, and the number of deliveries would, in all probability, be correspondingly limited. Given this, even though it would not be possible for vehicles to turn within the servicing access, the frequency of vehicles reversing on the road would be low. Indeed, it seems likely to me that delivery vehicles would stop on the highway in preference to undertaking such a manoeuvre. As I see it, whilst not ideal, that would not cause considerable difficulties here, taking into account the decent road width, drivers' visibility levels and traffic volumes.
16. I note the Council's concern about the potential for conflict between pedestrians and cars moving around the site. I understand this to relate to the car park in front of the shops. But a footway is proposed along the front of the building, between the retail frontage and the car park, and there is sufficient space for this. In short, this is a normal relationship, and I disagree that there is any particular probability of accidents being caused as a result.
17. Overall, I conclude that the proposed development would not harm highway safety. Consequently, it would not conflict with Local Plan Policy GE1, which requires that this issue be taken into account. Even if any on-street parking or deliveries would interrupt the flow of traffic, I conclude that this would not result in especially dangerous situations, and is not a compelling reason in itself to withhold permission.

#### **Other matters**

18. I note the other concerns raised by local residents and businesses. However, as the proposed retail floorspace is below 500 square metres, Local Plan Policy Com8 does not require any demonstration of the need for that element.

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Consequently, in my view, it would be unreasonable to prevent the scheme on this basis, despite other units in the area remaining vacant. While it may be the view of some that an entirely residential development would be better, or that the Council could occupy the ground floor, none of this forms part of the application before me, which I have determined on its merits.

19. I understand that, in relation to security concerns, Cleveland Police have recommended that the development meets *Secured by Design* standards. Although I have no specific details on this matter, it seems to me that this would be resolved by the treatment of the site boundaries and other details, which I shall require the Council's approval of through a condition. That being said, I disagree with the fear raised by others that the proposed development would result in anti-social behaviour. To my mind, this is not an inevitable consequence of the project.

#### Conditions

20. I have considered the conditions suggested by the Council in the light of advice in Circular 11/95. It is necessary for the Council to approve samples of the building's external materials, and any refrigeration or air cooling units to be installed, to make sure that it has a satisfactory appearance. For the same reason, tree and shrub planting is needed, along with measures to lay out and surface the site's open areas, and to enclose it. To protect neighbours' living conditions, especially from noise and disturbance, I agree that the opening hours of the retail units should be restricted to between 7.00am and 11.00pm, and that servicing and deliveries should be limited to between 7.00am and 8.00pm. An acoustic barrier is also necessary to achieve this aim, between the new building and 114/116 Northgate and 2/4 Durham Street.
21. To ensure that the development is safe, the Council should approve details of the new access onto Durham Street, and the works to re-instate the lane between the new building and 114/116 Northgate. Approval of the position and details of lighting within the scheme is also necessary for this reason, and to avoid problems for neighbours. Cycle parking is also needed, to adequately provide for those travelling to the site by that mode of transport. Though not listed, because of the existing building's vintage and use as a public house, I accept that it is of some historic interest. Consequently, I agree that a record of it should be made. I shall impose appropriate conditions accordingly.
22. The Council suggests a condition to prevent combining the retail units. However, why this is necessary to protect the vitality of the nearby local centre has not been explained, and I see no reason why this would cause increased parking problems. Similarly, I have no evidence to suggest that the site is likely to be contaminated, such that site investigations and other works should be required. Consequently, justification for these conditions has not been clearly demonstrated and, in this context, I am not persuaded that they would be necessary.
23. In my opinion, despite the position of the new building in relation to 114/116 Northgate, views from the proposed windows facing towards that neighbouring property would not be so direct, or in such close quarters as to unacceptably affect the privacy of its occupiers. This relationship would not be dissimilar to that commonly found in conventional housing layouts, and to that between

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other homes in this area. Consequently, there is no need to require obscure glazing.

24. I do not doubt that road markings reminding users of the existing crossing points on Durham Street to look left or right is desirable, and that the two bus lay-bys would benefit from improvement. However, I see little connection between that and the proposed development. In my view, a condition requiring such works would be unnecessary.
25. Finally, I acknowledge the comments from PD Ports, suggesting that noise insulation measures be considered for the proposed flats. But I have no information about the levels of noise from the docks. It was not particularly loud or intrusive during my site visit, and such measures have not been recommended by the Council's environmental health advisors. On this basis, it would be unreasonable and unnecessary to impose a condition in relation to this.

#### **Conclusion**

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Simon Berkeley*

INSPECTOR

#### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The retail units hereby permitted shall not be open to customers outside the hours of 07.00 and 23.00, and no servicing or deliveries shall be undertaken outside the hours of 07.00 and 20.00.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The soft landscaping scheme shall include tree and shrub planting, indicating the sizes, types and species of plants. The hard landscaping scheme shall include: the layout and surfacing materials for all open spaces, including the car parking areas; details of the new access onto Durham Street, including existing and proposed ground levels; provision for cycle parking; details and positions of external lighting; details of works to re-instate the lane between the building hereby approved and 114/116 Northgate, including those for the removal and infilling of the public house delivery hatch; and the means of enclosing the site boundaries, which shall include an acoustic barrier between the site and 114/116 Northgate and 2/4 Durham Street.



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- 5) Before the first occupation of any part of the building hereby approved, the hard landscaping scheme shall have been implemented in accordance with the approved details. These features shall be retained thereafter. All planting, seeding or turfing comprised in the approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 6) Refrigeration and air cooling units shall only be installed in accordance with details of their siting and design which shall first have been approved in writing by the local planning authority.
- 7) No development shall take place until a programme of building recording and analysis has been implemented in accordance with a written scheme of investigation approved in writing by the local planning authority.

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

**Subject:** APPEAL REF APP/H0724/D/09/2110473:  
H/2009/0248 ERECTION OF A REPLACEMENT  
BOUNDARY ENCLOSURE AND GATES WEST  
ALLEN ELWICK ROAD HARTLEPOOL TS24 9PB

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**1. PURPOSE OF REPORT**

- 1.1 To advise members of the outcome of above appeal.
- 1.2 The appeal related to the erection of a replacement boundary wall and gates at West Allen, Elwick Road. The application was refused under delegated powers, through the Chairman of the Planning Committee, for reasons relating to highway safety.
- 1.3 The Inspector dismissed the appeal concluding that the proposal would harm highway safety. The decision letter is attached.

**2. RECOMMENDATION**

- 2.1 That members note the outcome of the appeal.



## Appeal Decision

Site visit made on 22 September 2009

by **Simon Berkeley BA MA MRTPI**

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

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**Decision date:**  
30 September 2009

### Appeal Ref: APP/H0724/D/09/2110473

#### West Allen, Elwick Road, Hartlepool TS26 0DW

- 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 Paul Tennant against the decision of Hartlepool Borough Council.
- The application reference H/2009/0248, dated 17 May 2009, was refused by notice dated 4 August 2009.
- The development proposed is described on the Council's decision as the erection of replacement boundary enclosure and gates.

#### Decision

1. I dismiss the appeal.

#### Procedural matter

2. The application form gives a considerably detailed description of the development. In the interests of concision, I have repeated here that given by the Council on the decision notice, which sets out the main elements of the scheme for which permission is sought.

#### Main issue

3. The main issue is the effect of the additional vehicular access on highway safety.

#### Reasons

4. Elwick Road and Park Road meet at a T junction controlled by traffic lights. The appeal property is a detached house at the head of the junction, between the lights, generally facing eastwards down Park Road.
5. There is currently one vehicular access to the house, located quite centrally on the junction. Given the traffic controls present and rather busy nature of the two roads involved, I agree with the appellant that this is not ideal. Indeed, I acknowledge that the appellant's intention here is to improve levels of safety in connection with driving in and out of the site.
6. However, from the position of the proposed vehicular access, drivers would find it difficult to see the traffic lights around the junction. The closest, opposite the proposed access, faces southwards at right angles. From there, the cowling around each light presents them at a very oblique angle. In my view, ascertaining the colour shown would not be easy, especially at times of bright sunshine. The only other light visible from the proposed access is to the south,

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beyond the existing entrance. Viewing that would involve pulling further onto the highway, to bring the driver's eye past the proposed frontage wall. In essence, I am not convinced that drivers leaving the property from this access would be able to see the traffic lights around the junction clearly, without moving out onto the highway. In my view, this would be an unsafe situation, and worse than the current position, where the light diagonally opposite the existing access can be seen reasonably well.

7. Furthermore, the additional vehicular access would be very close to the pedestrian crossing to the north. Vehicles turning left out of the site would be almost immediately onto the crossing. In all probability, it would be necessary to pull out onto the highway, to some extent, before the area of pavement around the crossing's button control could be fully seen, because of the proposed frontage wall. To my mind, there would be a quite significant risk to the safety of pedestrians walking or waiting there.
8. The reason for refusal says that the proposed additional vehicular entrance would cause problems for the free flow of traffic. Given my views about the visibility of the traffic lights, this seems quite likely. In my view, interrupting traffic need not be a problem in itself. However, causing traffic to stop on and around this rather busy junction would, in my opinion, increase the risk of accidents. This adds to my concerns about the scheme.
9. I therefore conclude that the proposed additional access would harm highway safety here. As such, it would conflict with the underlying aims of Policy GE1 of the Hartlepool Local Plan, which seek to avoid this.
10. The Council is concerned that vehicles intending to enter the site would need to wait in the road for the proposed electronic gates to open. Even if I accept that the mobile telephone technology used to open the gates would avoid such a situation, this does not address my fundamental concerns about the position of the additional access sought. That there appears to have been an opening here previously does not alter this.
11. I acknowledge that oncoming vehicles may not be as close to the kerb around the proposed access as is sometimes the case with the present one, and I note the presence of the access to the neighbouring property. Nevertheless, these factors do not persuade me that the appeal scheme would be safe. The other significant risks to people's safety I consider it would bring about are sufficient to warrant withholding permission.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Simon Berkeley*

INSPECTOR

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

**Subject:** APPEAL BY MISS ELIZABETH ROBINSON  
APPEAL REF: APP/H0724/D/09/2110475  
SITE AT 153 MOWBRAY ROAD,  
HARTLEPOOL, TS25 2NE

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**1. PURPOSE OF REPORT**

- 1.1 To advise members of a planning appeal decision.

**2. THE APPEAL**

- 2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two-storey side extension and a single storey rear extension at the above address under the scheme of delegation.
- 2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate insofar as it relates to the two-storey side extension. The Inspector allowed the appeal insofar as it relates to the rear single storey extension. A copy of the decision is set out below.

**3. RECCOMENDATION**

- 3.1 That Members note the decision.



## Appeal Decision

Site visit made on 22 September 2009

by **Simon Berkeley BA MA MRTPI**

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

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Decision date:  
30 September 2009

### Appeal Ref: APP/H0724/D/09/2110475 153 Mowbray Road, Hartlepool TS25 2NE

- 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 Miss Elizabeth Robinson against the decision of Hartlepool Borough Council.
- The application reference H/2009/0275, dated 26 May 2009, was refused by notice dated 22 July 2009.
- The development proposed is to demolish existing garage, erect new two storey extension to side to form garage with bedroom/en-suite over, erect new kitchen/dining extension to rear.

### Decision

1. I dismiss the appeal insofar as it relates to the two storey side extension.
2. I allow the appeal insofar as it relates to the rear single storey extension, and grant planning permission for that element at 153 Mowbray Road, Hartlepool TS25 2NE in accordance with the terms of the application reference H/2009/0275, dated 26 May 2009, and the plans submitted with it, so far as they are relevant to that part of the development permitted by this decision, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Main issue

3. The main issue is the effect of the proposed two storey side extension on the living conditions of the occupiers of 2 Fenton Road, in terms of visual impact and daylight.

### Reasons

4. Number 2 Fenton Road is a bungalow and its rear elevation faces the side of 153 Mowbray Road to the north. The two buildings are separated by a narrow passageway to the rear of number 2 and the appeal property's side driveway, with a high fence running along the boundary.
5. The proposed side extension would project towards number 2, almost up to the fence. Though slightly lower than the main house, it would be two storeys in height. In my view, it would be high and close to the neighbouring bungalow.

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6. I recognise that the side addition would not extend the full depth of the existing house, and would not overlap with the bungalow's facing dining room/kitchen window. But it would be close to it, and clearly visible from the room. Despite the angle involved, given its size and proximity, the extension would be visually overbearing on that part of the interior. As I see it, it would be oppressive and would, in all probability, noticeably reduce the levels of daylight reaching that room. It would, put simply, be unsatisfactory in these respects.
7. In addition, I agree with the point made in the Council's officer report about the impact on the passageway along the rear of the bungalow. Although not that property's primary outdoor space, the height and closeness of the extension would tightly enclose a significant portion of the passageway's length. The visual effect there would be dominating and obtrusive. This adds to my concerns.
8. The extension would run parallel with most of the bungalow's facing bathroom window. I consider it would reduce the amount of daylight penetrating the obscured glazing. That being said, this should not be a significant problem, in the context of the nature of that room's use. To my mind, this should not weigh against the proposals to any material degree.
9. Overall, though, I conclude that the proposed two storey side extension would unacceptably harm the living conditions at 2 Fenton Road, in terms of visual impact and daylight. As such, it would conflict with the aims of Policies GE1 and HSG10 of the Hartlepool Local Plan. These require that the effect on the amenities of occupiers of adjoining properties are taken into account in determining planning applications, and seek to prevent extensions that would significantly affect such amenities.
10. Both of the main parties agree that demolishing the existing garage would benefit living conditions at the bungalow, and I concur. Nevertheless, this is insufficient to outweigh the harm I judge the two storey extension would cause, and would not prevent that occurring.
11. I note the other concerns raised. However, given the orientation of the two properties, I disagree that the levels of sunlight reaching number 2 would be significantly reduced. I see no reason why the proximity of the extension would represent a particular fire risk. Whilst the building works would generate some noise, this should not prevent the scheme.
12. The Council has no objections to the single storey rear extension. I agree that it would not cause any problems. It would be lower and more distant from number 2. Privacy there would not be harmed even if further windows were installed in the facing elevation, given the height of the intervening fence. Consequently, the condition suggested by the Council on that point is unnecessary. However, a condition is needed to make sure the materials used match the main house, to ensure the two elements blend.
13. The proposed rear addition is clearly severable from the two storey side extension. They are physically and functionally independent. I am therefore issuing a split decision in this case, allowing the appeal insofar as it relates to the former element, dismissing the appeal in relation to the latter element.

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**Conclusion**

14. For the reasons given above I conclude the appeal should be dismissed insofar as it relates to the two storey side extension, and allowed insofar as it relates to the single storey rear extension.

*Simon Berkeley*

INSPECTOR



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

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

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**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 allowed subject to conditions.
- 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 September 2009

by **Simon Berkeley** BA MA MRTPI

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**Decision date:**  
**9 October 2009**

**Appeal Ref: APP/H0724/A/09/2106524**

**Garage Site, 234 Stockton Road, Hartlepool TS25 5DE**

- 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 Akam Ali against the decision of Hartlepool Borough Council.
- The application reference H/2009/0082, dated 6 February 2009, was refused by notice dated 1 May 2009.
- The development proposed is the change of use to car valeting business.

### Decision

1. I allow the appeal and grant planning permission for the change of use to car valeting business at the Garage Site, 234 Stockton Road, Hartlepool TS25 5DE in accordance with the terms of the application, reference H/2009/0082, dated 6 February 2009, and the plans submitted with it, subject to the following conditions.
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on drawing number 02 received by the local planning authority on 6 April 2009.
  - 3) Before the development commences, signs indicating the site entrance and exit shall have been installed, and the valet ports and queuing lanes shall have been marked out, in accordance with details that shall have been previously approved in writing by the local planning authority. The signs and surface markings shall remain in place thereafter, and the entrance and exit shall be used only for their respective purposes.
  - 4) Before the development commences, details of the alterations to the site office and canopy over the valet ports shall be approved in writing by the local planning authority. The alterations shall be carried out in accordance with the approved details.

### Procedural matter

2. The application plans appear to show the existing columns supporting the canopy above this former garage site incorrectly placed. However, I consider that the columns' true positions would not significantly interfere with the proposed layout. I have, therefore, determined the appeal on this basis.

### Main issue

3. The main issue is the effect of the proposed use on highway safety.

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### Reasons

4. The appeal site is a former garage off the A689 Stockton Road, which is a dual carriageway. Three businesses, which I understand are called Auto Refinishers, Autocare and JRM Motors, are located to the rear. These share the existing site access, which is proposed to be used as the entrance as part of a one-way system through the site.
5. This site is quite generous in area. The proposed operational arrangements show that four valet ports would be used. Cars entering the site would initially queue single file, but then divide into three lanes approaching the valet ports. In short, there would be sufficient space for quite a substantial number of vehicles to wait within the site. It seems likely to me that queuing activities would be confined there for most of the time, especially given the short period taken to wash each car.
6. From the evidence, I see no particular reason why occasional queuing on the A689 would cause significant safety problems. It seems unlikely to me that such queues would extend back as far as the junction with Brierton Lane, with any degree of regularity. Visibility approaching the site along Stockton Road is decent, and the sweeping bend does not impede this to any great extent. Consequently, drivers would be aware of queuing traffic sufficiently in advance of reaching it. The speed of traffic here is limited to forty miles per hour and, in my view, there would be adequate distance to stop.
7. Any queuing would occur in the inside lane. Other drivers on the A689 would have the option of passing by on the outside lane. On the whole, because of the degree of visibility here, this could be achieved before reaching queuing traffic. On my site visit, I saw that drivers sometimes do this when approaching a queue on the inside lane at the signalised junction. I acknowledge that some vehicles may reach a stop before successfully pulling across to the outside lane, and in some instances vehicles turning out of or into Brierton Lane may have to cross queuing traffic. Nonetheless, manoeuvres of this sort are not uncommon, and can be undertaken safely. In my opinion, given the speeds involved, this would not result in significant risks to safety here. Whilst the reversing manoeuvre needed in relation to valet port 1 is not ideal, this would be undertaken at very low speeds within the site, and need not cause a hazard there.
8. Overall, I consider that the proposed development would, in all probability, lead to only infrequent queuing on the A689 which, when it occurs, would not result in significant safety problems, or be dangerous. Whilst it seems likely that the flow of traffic would be interrupted from time to time, on the A689 in either direction and on Brierton Lane, that is not a strong reason to reject the scheme.
9. I therefore conclude that the proposed use would not materially harm highway safety. Consequently, it would not conflict with Policy GEP1 of the Hartlepool Local Plan, which says that, in determining planning applications, highway safety must be taken into account.
10. I acknowledge that vehicles queuing within the site would obstruct the access to the commercial units beyond it. However, it seems to me that many visiting vehicles could gain passage, with some minor manoeuvring within the queue.

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In addition, when I visited the site, the level of traffic to and from those businesses was rather low. Although this observation relates to one point in time, there is nothing to suggest that this is not generally representative. On this point, I am mindful that delays to vehicles going to or leaving those premises would, by and large, be short. Given this, I consider that whilst the appeal scheme may result in some inconvenience to the neighbouring uses, it is improbable that this would be significantly disruptive. In the context of the very low vehicle speeds involved, this would not be a dangerous arrangement.

11. I have considered the conditions suggested by the Council in the light of advice in Circular 11/95. My judgements about queuing rely on the proposed layout shown on the plans. To prevent highway safety problems, conditions are needed to ensure this arrangement is adhered to, including the operation of the proposed one-way system, which should be clearly signed for visiting clients. As no details of the alterations proposed to the site office and canopy have been provided, these should be approved by the Council, to make sure that the development has a satisfactory appearance. I shall impose appropriate conditions accordingly.
12. The appellant has suggested that a barrier could be erected at the site entrance. However, as this would not guarantee that queuing cars would move on, and given my conclusion about the frequency of queuing, I consider it unnecessary.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Simon Berkeley*

INSPECTOR

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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## **1. PURPOSE OF REPORT**

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

1. An investigation has commenced following a Councillor's concerns regarding the delays in completing a development and Health and Safety issues on a site in Durham Street.
2. A neighbour complaint regarding non-compliance with an opening hours condition attached to a planning consent for a take-away in Murray Street.
3. A neighbour complaint regarding a community allotment for use by children in Dalton Piercy.
4. An investigation has commenced following a neighbour complaint regarding the erection of a first floor balcony to the rear of property in Moor Parade. The property is located in the Headland Conversation Area and protected by an Article 4 Direction.
5. A neighbour complaint regarding the erection of a garden shed to the rear of a property in Stockton Road.
6. A neighbour complaint regarding a rear extension under construction not benefiting from 'permitted development rights' has been investigated. A retrospective planning application has been requested from the property owner.
7. An application to vary a licensing application has revealed an opening hours planning condition breach for premises in Tower Street.
8. An application to vary a licensing application has revealed an expired temporary use planning condition for a club house in Brierton Lane.
9. Officer monitoring recorded the tipping of demolition waste on land in Brenda Road.

10. Officer monitoring recorded the change of use from showroom to shop in Oxford Road.
11. Officer monitoring recorded an untidy vacant commercial building in Northgate.
12. Officer monitoring noted a building regulation application for the provision of a dormer unit also required planning permission in Spring Garden Road.

## **2. RECOMMENDATION**

- 2.1 Members note this report.