

# PLANNING COMMITTEE AGENDA



**Wednesday, 21<sup>st</sup> December, 2005**

**at 10.00 a.m.**

**in Committee Room "B"**

**MEMBERS: PLANNING COMMITTEE:**

Councillors Allison, Belcher, Clouth, Cook, Ferriday, Flintoff, Hall, Iseley, Kaiser, Kennedy, Lilley, Morris, Richardson, M Waller, R Waller, 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 23<sup>rd</sup> November, 2005 (to follow).

**4. ITEMS REQUIRING DECISION**

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

1. H/2005/5972 – Rear of 2A Eldon Grove – bungalow (plan to follow)
2. H/2005/5861 – Cromer Walk – pouch box
3. H/2005/5884 – Ward Jackson – hours
4. H/2005/5744 – Fens Shops – stairwell enclosure
5. H/2005/5697 – Meadowcroft – 4 houses
6. H/2005/5822 – Middle Warren – Retirement Village
7. H/2005/5141 – 26 Courageous Close (plan to follow)
8. H/LBC/0973/04 – M.A.S. Agra Palace (plan to follow)
9. H/2005/5929 – Queens Meadow – 14 units
10. H/2005/5387 – 34 Grange Road – UPVC windows
11. H/2005/5644 – 65 Seaton Lane – bungalow

- 12. H/2005/5782 – Ruswarp Grove – house
- 13. H/2005/5882 – Wiltshire Way – Health Centre
- 14. H/2005/5893 – Owton Grange Farm – mast
- 15. H/2005/5939 – 49 Middleton Grange Shopping Centre – A2 use
- 16. H/2005/5709 – Golden Flatts – housing
- 17. H/2005/5930 – Middle Warren – S106

4.2 Land to Rear of 42 Bilsdale Road – Planning Appeal – *Assistant Director (Planning and Economic Development)*.

4.3 Appeal by M P Allen - Site at Land Adjacent to Old Mill, Elwick, Hartlepool – *Assistant Director (Planning and Economic Development)*.

4.4 Update on Current Enforcement Related Matters – *Assistant Director (Planning and Economic Development)*.

4.5 Untidy Land and Derelict Buildings – A Co-ordinated Approach to Their Improvement - *Assistant Director (Planning and Economic Development)*.

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

**6. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 16<sup>th</sup> January 2006 at 9.30 am

Next Scheduled Meeting – 18<sup>th</sup> January 2006.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

23<sup>RD</sup> November, 2005

**Present:**

Councillor Councillor Bill Iseley (In the Chair)

Councillors Stephen Belcher, Rob Cook, Bob Flintoff, Gerard Hall, Stan Kaiser, Jean Kennedy, Geoff Lilley, Dr George Morris, Carl Richardson, Ray Waller and Edna Wright.

Also Present: In accordance with Paragraph 4.2(ii) of the Council's Procedure Rules, Councillor John Marshall as substitute for Councillor Derek Allison

Officers: Peter Devlin, Principal Solicitor  
Richard Teece, Development Control Manager  
Roy Merrett, Principal Planning Officer  
Adrian Hurst, Environmental Health Officer  
David Cosgrove, Principal Democratic Services Officer  
Jo Wilson, Democratic Services Officer

### **78. Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Derek Allison and Maureen Waller

### **79. Declarations of interest by members**

Councillor Hall declared a personal and prejudicial interest in items H/2005/5699 and H/2005/5698 and indicated that he would leave the meeting while these were being considered

### **80. Confirmation of the minutes of the meeting held on 26<sup>th</sup> October 2005**

Confirmed

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

The Committee considered the following applications for planning permission to carry out developments under the Town and Country Planning legislation and, in accordance with their delegated powers, made the decisions indicated below:-

<b>Number:</b>	H/2005/5744
<b>Applicant:</b>	Dr Lustman 56 The Drive Gosforth
<b>Agent:</b>	Storey SSP Higham House New Bridge Street West Newcastle Upon Tyne
<b>Date received:</b>	10/10/2005
<b>Development:</b>	Erection of enclosures to external stairs, including access gates
<b>Location:</b>	The Fens Shopping Centre Catcote Road Hartlepool
<b>Decision:</b>	<b>Deferred for further discussions with the applicant</b>
<b>Number:</b>	H/2005/5709
<b>Applicant:</b>	Bellway Homes (NE) Ltd Peel House Main StreetPonteland
<b>Agent:</b>	Bellway Homes Limited Peel House Main Street Ponteland NEWCASTLE UPON TYNE
<b>Date received:</b>	31/08/2005
<b>Development:</b>	Erection of 70, 2 and 3 bedroom houses and 12 flats
<b>Location:</b>	Land At The Former Golden Flatts Public House And Adjacent Land Seaton Lane And Brenda Road Hartlepool
<b>Decision:</b>	<b>Deferred for further information</b>

**Number:** H/2005/5644

**Applicant:** Mrs J A JBoyle  
C/O Agent

**Date received:** 11/08/2005

**Development:** Outline application for the erection of a detached dormer bungalow

**Location:** 65 SEATON LANE HARTLEPOOL

**Decision:** **Deferred for further information**

**Number:** H/2005/5387

**Applicant:** Mr IMiah  
34 GRANGE ROAD HARTLEPOOL

**Agent:** Mr I Miah 34 GRANGE ROAD HARTLEPOOL

**Date received:** 11/07/2005

**Development:** Provision of UPVC windows and door (retrospective application)

**Location:** 34 GRANGE ROAD HARTLEPOOL

**Decision:** **Deferred for further discussions with the applicant**

Ted Jackson (agent) and Mr D Payne (objector) were present and addressed the Committee

**Number:** H/2005/5833

**Applicant:** Mr THorwood  
c/o agent

**Agent:** Jackson PlanMr Ted Jackson 7 Amble Close  
HARTLEPOOL

**Date received:** 04/10/2005

**Development:** Erection of 4 dwellings with detached garages

**Location:** 42 BILSDALE ROAD SEATON CAREW HARTLEPOOL

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

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed resultant development of this greenfield site would conflict with the objectives of PPG3 and which are incorporated in Policy Hsg XX of the emerging Hartlepool Local Plan 2005.
2. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of local residents by virtue of noise and disturbance associated with comings and goings to the site contrary to policy Gen1 of the Hartlepool Local Plan and GEP 1 of the emerging Hartlepool Local Plan 2005.

The Committee considered representations in relation to this matter.

Ted Jackson (agent) and Mr Waller (objector) were present and addressed the Committee

**Number:** H/2005/5699

**Applicant:** Mr J Rasul  
34 Hutton Avenue Hartlepool

**Agent:** Business Interiors Group 73 Church Street  
HARTLEPOOL

**Date received:** 07/09/2005

**Development:** Listed building consent for alterations and conversion to form 10 self-contained flats

**Location:** UNITED REFORMED CHURCH DURHAM STREET  
HARTLEPOOL

**Decision:** **Listed Building Consent Approved**

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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. All external doors shall be retained as part of this development and be repaired in conjunction with a scheme to be submitted and agreed by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.  
To protect that part of the listed building to be retained.

4. Notwithstanding the submitted details the windows proposed shall match the existing windows, large scale details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.  
To protect that part of the listed building to be retained.
5. Before any work is undertaken in pursuance of this consent the applicant shall take such steps and carry out such works as shall, during the progress of the works permitted by this consent, secure the safety and stability of that part of the building to be retained in the long term. Such measures shall be first agreed in writing by the Local Planning Authority and shall include, where necessary, the strengthening of any wall or vertical surface; the supporting of any floor, roof or horizontal surface; and the provision of protection for the building against the weather.  
To protect that part of the listed building to be retained.
6. Notwithstanding the submitted details, a scheme detailing ventilation will be submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.  
To protect the listed building.
7. Notwithstanding the submitted details, a scheme detailing all external repairs and enhancements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
8. Notwithstanding the submitted details, a scheme detailing the enhancement of the front railings and a scheme for the railings proposed at the rear shall be submitted and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
9. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 24th October 2005, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
10. Notwithstanding the submitted details a photographic survey of United Reform Church and Sunday School shall be carried out with officer(s) of the Local Planning Authority to establish the final extent of the features to be retained and where required restored. The survey together with a method statement for the proposed works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
To protect the listed building.

The Committee considered representations in relation to this matter.

**Councillors Flintoff and Iseley asked that their votes in favour of the above application be recorded**

Ted Jackson (agent) and Mr Waller (objector) were present and addressed the Committee

**Number:** H/2005/5698

**Applicant:** Mr J Rasul  
34 Hutton Avenue Hartlepool

**Agent:** Business Interiors Group 73 Church Street  
HARTLEPOOL

**Date received:** 07/09/2005

**Development:** Alterations and conversion to form 10 self contained flats

**Location:** UNITED REFORMED CHURCH DURHAM STREET  
HARTLEPOOL

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

There are no off street parking facilities associated with the proposed development and it is therefore considered that the proposed development would lead to an increase in on-street parking to the detriment of the amenities of the occupiers of nearby residential properties, the character of the Headland Conservation Area and the free flow of traffic contrary to Policies Gen1, Ho11 and Co2 of the adopted Hartlepool Local Plan 1994 and policies GEP1, Hsg7 and HE1 of the draft deposit Hartlepool Local Plan 2003.

The Committee considered representations in relation to this matter.

**Councillors Flintoff and Iseley asked that their votes in favour of the above application be recorded**

Malcolm Arnold (Agent) was present and addressed the Committee

**Number:** H/2005/5670

**Applicant:** Mr S McNicholas  
The Wheelhouse The Green Wolviston

**Agent:** Malcolm Arnold 2 Siskin Close HARTLEPOOL

**Date received:** 22/08/2005

**Development:** Reserved matters application for the erection of a detached dormer house with attached garage



**Location:** Rear of 2A ELDON GROVE HARTLEPOOL

**Decision:** **Reserved Matters Refused**

### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

It is considered that the proposed house by reason of its design would appear out of keeping and detrimental to the character and appearance of the Grange Conservation Area contrary to policies Gen1 and Co2 of the adopted Hartlepool Local Plan 1994 and policies GEP1 and HE1 of the draft deposit Hartlepool Local Plan 2003.

The Committee considered representations in relation to this matter.

**Councillor Belcher asked that his vote against the above application be recorded**

**Number:** H/2005/5821  
**Applicant:** Hartlepool Borough Council Civic Centre Victoria Road Hartlepool  
**Agent:** James Gilchrist Suite 6 Municipal Buildings Church Square Hartlepool  
**Date valid:** 03/10/2005  
**Development:** Provision of 2.4 metre high boundary fencing with access gates  
**Location:** Allotments Waverley Terrace Hartlepool  
**Decision:** **Planning Permission Approved**

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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 3rd October 2005, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. Details of the gates to be used 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. The gate(s) hereby approved shall open into the application site only and not out over the highway.  
In the interests of highway safety.
5. 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, and be implemented in accordance with the approved details.  
In the interests of visual amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Members asked that their concern that the views of local residents be fully taken into account by the Portfolio Holder in any decisions relating to phasing be relayed to the Portfolio Holder.

**Number:** H/2005/5798

**Applicant:** Street Broadcast Ltd  
6 The Pavillions Amber Close Tamworth

**Agent:** Street Broadcast Ltd 6 The Pavillions Amber Close Tamworth

**Date received:** 19/09/2005

**Development:** Display of an illuminated double-sided poster display panel

**Location:** Lampost Outside L & P Motors York Road Hartlepool

**Decision:** **Advertisement Consent Approved**

#### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The permission is for a temporary period of 1 year whereafter the advertisements hereby approved shall be removed unless permission has been granted for extension of this period.  
To allow the visual impact of the development to be observed

The Committee considered representations in relation to this matter.

**Number:** H/2005/5801

**Applicant:** Street Broadcast Ltd  
6 The Pavillions Amber Close Tamworth

**Agent:** Street Broadcast Ltd 6 The Pavillions Amber Close Tamworth

**Date received:** 19/09/2005

**Development:** Display of 3 illuminated double-sided poster display panels

**Location:** 3 Lamposts In York Road between Park Road & Lister Street Hartlepool

**Decision:** **Advertisement Consent Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The permission is for a temporary period of 1 year whereafter the advertisements hereby approved shall be removed unless permission has been granted for extension of this period.  
To allow the visual impact of the development to be observed.

The Committee considered representations in relation to this matter.

**Number:** H/2005/5802

**Applicant:** Street Broadcast Ltd  
6 The Pavillions Amber Close Tamworth

**Agent:** Street Broadcast Ltd 6 The Pavillions Amber Close Tamworth

**Date received:** 19/09/2005

**Development:** Display of 4 illuminated double-sided poster display panels

**Location:** 4 Lamposts In York Road between Elwick Road & Lister Street Hartlepool

**Decision:** **Advertisement Consent Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The permission is for a temporary period of 1 year whereafter the advertisements hereby approved shall be removed unless permission has been granted for extension of this period.  
To allow the visual impact of the development to be observed.

The Committee considered representations in relation to this matter.

**Number:** H/2005/5804

**Applicant:** Street Broadcast Ltd  
6 The Pavillions Tamworth

**Agent:** Street Broadcast Ltd 6 The Pavillions Tamworth

**Date received:** 19/09/2005

**Development:** Display of 4 illuminated double-sided poster display panels

**Location:** 4 Lamposts In York Road between South Road & Thornton Street Hartlepool

**Decision:** **Advertisement Consent Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The permission is for a temporary period of 1 year whereafter the advertisements hereby approved shall be removed unless permission has been granted for extension of this period.  
To allow the visual impact of the development to be observed.

**Number:** H/2005/5807

**Applicant:** Street Broadcast Ltd  
6 The Pavillions Amber Close Tamworth

**Agent:** Street Broadcast Ltd 6 The Pavillions Amber Close Tamworth

**Date received:** 19/09/2005

**Development:** Display of 3 illuminated double-sided poster display panels

**Location:** 3 Lamposts In York Road Between Dalton Street & Thornton Street Hartlepool

**Decision:** **Advertisement Consent Approved**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The permission is for a temporary period of 1 year whereafter the advertisements hereby approved shall be removed unless permission has been granted for extension of this period.  
To allow the visual impact of the development to be observed.

The Committee considered representations in relation to this matter.

**Number:** H/2005/5775

**Applicant:** Mr PRoss  
15 Surbiton Road Fairfield Stockton On Tees

**Agent:** C M Scott 15 Surbiton Road Fairfield Stockton On Tees

**Date received:** 30/09/2005

**Development:** Change of use and alterations to provide 3 flats

**Location:** 5 WINDSOR STREET HARTLEPOOL

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. Windsor Street lies within an area where a New Deal for Communities (NDC) initiative is being pursued. The NDC's Housing Plan seeks to reduce the number of homes in its area and to improve the quality of the environment of the regenerated area. It is considered that the proposal is contrary to these aims and would be detrimental to the amenities of the occupiers of housing there. This would also be contrary to policies Gen1 and Ho11 of the adopted Hartlepool Local Plan 1994 and policies GEP1 and Hsg7 of the draft deposit Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

**Number:** H/2005/5685

**Applicant:** Dr Thakur  
113 Durham Street Hartlepool

**Agent:** HMA Architects 114 Station Parade Harrogate

**Date received:** 07/09/2005

**Development:** Erection of an infill extension to form treatment room and provision of 2 replacement parking spaces

**Location:** Land In Groves Street Headland

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

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s)  
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 9 November 2005, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
4. No more than 3 doctors shall work at the surgery at any one time.  
To ensure the surgery does not operate in a way which would lead to excessive parking demands which would be detrimental to the amenities of the occupiers of nearby housing/for the avoidance of doubt.

The Committee considered representations in relation to this matter.

### **82. Appeal by O2 (UK) Ltd, Site at Junction of Hart Lane and Dunston Road, opposite Aldi, High Throston, Hartlepool** *(Assistant Director, Planning and Economic Development)*

Members were advised of a planning appeal that had been lodged against the refusal of the Committee to allow prior approval to erect a 12.5 metre high flexicell column with associated equipment cabinet and electrical meter cabinet. The appeal was to be decided by written representation and authority was requested to contest the appeal.

#### **Decision**

That officers be authorised to contest the appeal

### **83. Appeal by Mr Armstrong, 44 Newquay Close, Hartlepool** *(Assistant Director, Planning and Economic Development)*

A planning appeal had been lodged against the refusal of the Committee to allow the erection of a two-storey side extension to include utility room, family room, bathroom and en-suite and a rear lobby. The appeal had been decided by written representations and notification had now been received from the Planning Inspectorate that the appeal had been allowed. The Inspector had concluded that the proposed extension would have no harmful effects on neighbouring properties or on the street scene. A copy of the decision letter was submitted as an appendix.

**Decision**

That the report be noted

**84. Appeal by Mr and Mrs Kirtley, 18 Coatham Drive, Hartlepool** *(Assistant Director ,Planning and Economic Development)*

A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a rear first floor conservatory at 18 Coatham Drive. Notification had now been received from the Planning Inspectorate that the appeal had been dismissed. The Inspector concluded that the proposed conservatory would unacceptably harm the living conditions of the neighbouring residents through loss of privacy, visual dominance, and an overbearing effect coupled with increased overshadowing and potential noise disturbance and would harm the night time character of the area contrary to Local Plan policies. A copy of the decision letter was submitted as an appendix.

**Decision**

That the report be noted.

**85. Update on Current Enforcement Related Matters** *(Head of Planning and Economic Development)*

Members were advised that during the four (4) week period prior to the meeting fifteen (15) planning applications had been registered as commencing and checked. Twelve (12) had required site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to eighteen (18) current ongoing issues, brief details of which were set out in the report.

**Decision**

That the report be noted.

W ISELEY

CHAIRMAN

**PLANNING COMMITTEE 21 DECEMBER 2005**

1.	H/2005/5972	Rear of 2A Eldon Grove - bungalow	JF
2.	H/2005/5861	Cromer Walk – pouch box	RH
3.	H/2005/5884	Ward Jackson – hours	JF
4.	H/2005/5744	Fens Shops – stairwell enclosure	RH
5.	H/2005/5697	Meadowcroft – 4 houses	JF
6.	H/2005/5822	Middle Warren – Retirement Village	CP
7.	H/2005/5141	26 Courageous Close	PB
8.	H/LBC/0973/04	M.A.S. Agra Palace	PB
9.	H/2005/5929	Queens Meadow – 14 units	RM
10.	H/2005/5387	34 Grange Road – UPVC windows	JF
11.	H/2005/5644	65 Seaton Lane – bungalow	JF
12.	H/2005/5782	Ruswarp Grove – house	JF
13.	H/2005/5882	Wiltshire Way – Health Centre	CP
14.	H/2005/5893	Owton Grange Farm – mast	CP
15.	H/2005/5939	49 Middleton Grange Shopping Centre – A2 Use	RH
16.	H/2005/5709	Golden Flatts – housing	CP
17.	H/2005/5930	Middle Warren – S106	CP



**No:**  
**Number:** H/2005/5972  
**Applicant:** Mr Sean McNicholas The Wheelhouse The Green  
 Billingham TS22 5LN  
**Agent:** 2 Siskin Close Bishop Cuthbert Hartlepool TS26 0SR  
**Date valid:** 01/12/2005  
**Development:** Reserved Matters Application for the erection of a  
 detached dormer house with attached garage  
**Location:** REAR OF 2A ELDON GROVE HARTLEPOOL

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## The Application and Site

1.1 The application site is located to the rear of 2A Eldon Grove and is within the recently designated Grange Conservation Area. It was until recently part of a garaging court. The nine garages have since been removed. The land on the east side which was until recently occupied by five garages has been incorporated into the curtilage of 2A Eldon Grove (H/FUL/0481/04 refers). The site is bounded to the north, south and west by the rear gardens of surrounding residential properties. Access to the site is taken from an existing access to the south of 2A Eldon Grove

1.2 Outline planning permission for the erection of a two storey dwellinghouse was granted on appeal in June 2005 (H/OUT/0479/04) see attached appeal letter. The current application seeks approval of reserved matters in relation to the siting, design and external appearance of the building. The proposal is for a two storey three bedroomed dwellinghouse with an attached garage. The dwellinghouse will extend to some 7 metres in height. The first floor will be accommodated largely within the roof space of the dwellinghouse with the bedrooms and bathroom served by dormer windows.

## Background

1.3 A similar proposal was refused by the Planning Committee at the meeting of 23 November 2005 (H/2005/5670 refers). Members refused the application on the grounds that the proposal was out of keeping with the character and appearance of the Conservation Area. The applicant has noted the Committees' concerns and submitted further information clarifying the rational behind the chosen design and proposing amendments to the materials (attached). He makes the following points.

1. The design was agreed with officers prior to submission.
- 2 The design is loosely based on a design used in Wynyard Village, which sought to create the feel of a turn of the century village.
- 3 The Inspector's comments encouraged a dormer design.
- 4 The applicant could substitute the proposed design for a three-storey property similar to those in Clifton Avenue and Linden Grove but this would affect the adjacent bungalow.
- 5 The adjacent bungalow has been modernised and extended and has UPVC windows and a UPVC rear Conservatory.

- 5 The proposal is a fair compromise given the site is not visible from the road frontage and is sympathetic to the Conservation Area.
- 6 Given the concerns of the Planning Committee the design has been modified to include the use of timber casements and reclaimed bricks from the demolished garage block. A double Pantile style concrete roof tile will also be used.

## Publicity

1.4 The application has been advertised by site notice, in the press and by neighbour notification (14).

1.5 At the time of writing the report no representations had been received. The time period for representations expires on 28<sup>th</sup> December 2005. Any representations received before the meeting will be reported.

## Consultations

1.6 The following consultation replies have been received:

**Public Protection** - No comments received. (No objections received in relation to outline application).

**Northumbrian Water** - No comments received. (No objections received in relation to outline application).

**Landscape & Conservation** - No comments received. (No objections to previous application).

**Head of Highways and Transportation** - No comments received. (No objection to previous application).

**Engineers** - No comments received. (Condition requiring site investigation and appropriate remediation if required requested in relation to previous application).

**NEDL** – No comments received.

## Planning Policy

1.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Co1: states that in Conservation Areas proposals should usually be submitted in detail.

Co5: identifies the circumstances in which demolition of buildings and other features in a Conservation Area is acceptable. Demolition will be allowed where it preserves or enhances the character or appearance of the Conservation Area, or where the structural condition renders it unsafe or where the structure is beyond reasonable

economic repair. Proposals for satisfactory after-use of the site should be committed before demolition takes place.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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

HE1: states that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation 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.

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.

H07: States that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg10(A): Supports housing proposals contributing towards reaching brownfield targets for development subject to the effect on the overall housing strategy for reducing the imbalance between housing supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought.

Hsg12(A): Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and 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

1.8 The principle of two-storey residential development on this site has been accepted following the decision of the Planning Inspector to allow the appeal. It is only the reserved matters (siting, design, external appearance and landscaping), which are under consideration.

1.9 The main planning considerations in this case are the impact of the proposal on the character and appearance of the conservation area and the impact of the development on the amenity of the occupiers of nearby residential properties.

1.10 The site is located to the rear of properties fronting Eldon Grove, Clifton Avenue and Linden Grove. To the north are substantial three storey semi-detached Edwardian/Victorian villas, to the east a modern bungalow to the south two storey interwar semis. The site is in a backland area, not readily visible in public views and is closely constrained by the surrounding development. It would be very difficult to accommodate a dwelling of the scale and character of the neighbouring Edwardian/Victorian villas without seriously affecting the amenity of the neighbouring properties in terms of loss of light, privacy and in overdominance. A dwelling of the scale and character of the two storey interwar semis though to a lesser degree would raise similar concerns. This difficulty was acknowledged by the Inspector in her decision letter when she stated “It is clear from the application form that the proposed dwelling would be 2 storeys high. Given the height of the relatively tall properties on Linden Grove to the rear and the relatively tall bungalow to the Eldon Grove frontage I consider that a modest two storey property, possibly with first floor accommodation provided partly in the roof space could be designed so that it would reflect the character of housing in the area without being unduly obtrusive when glimpsed from the surrounding streets”. In formulating his proposals the applicant has clearly given consideration to the advice of the Planning Inspector, officers and the impact the development might have on the neighbouring properties. The applicant has also now considered the concerns of the Committee. In light of these concerns the has agreed to incorporate timber casement windows, a clay pantile style roof and to reuse bricks reclaimed from the garage blocks to enhance the development. It is not considered that the proposal will detract from the character and appearance of the Conservation Area.

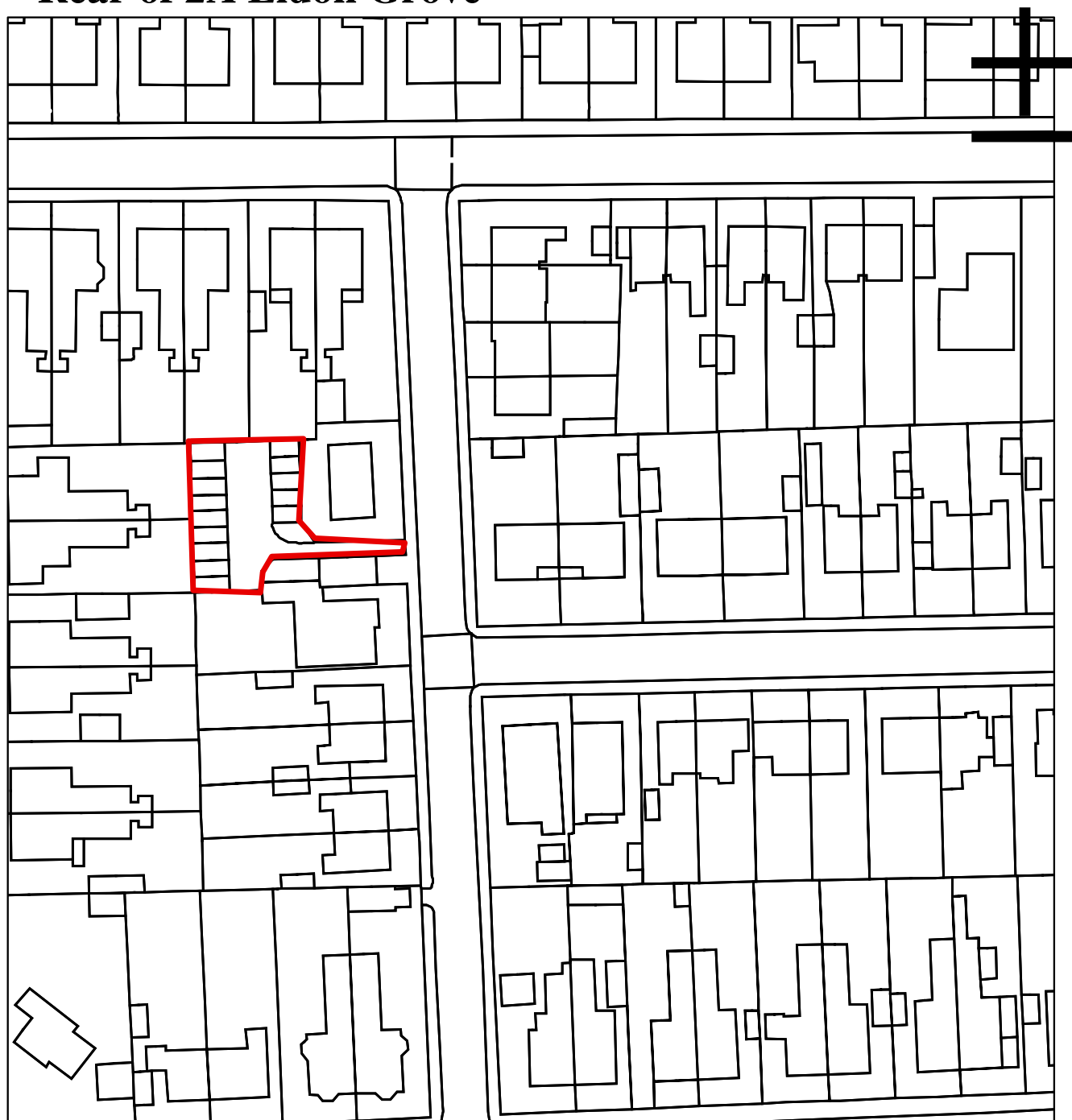
1.11 The site is closely constrained on all sides by residential properties and their associated gardens. Objections have previously been raised by adjoining properties in relation to loss of light and privacy. It is difficult to conceive a design for a two storey property in this location which would not impinge in some way on the amenity of adjoining properties in terms of privacy, loss of light and over dominance and the original outline application was resisted for these reasons. However the Inspector considered that this site was suitable for a two-storey dwelling house. At 7m high it is of the height of a conventional two-storey property however the fact that the first floor accommodation is in the roof space has helped to reduce the massing at first floor level, which helps the situation somewhat. The first floor windows will be close to the rear boundary (some 5m) and there will be a certain amount of overlooking of the garden area of the adjoining property however the proposed development meets current separation distances between main elevations.

**RECOMMENDATION** – APPROVE subject to no significantly different objections to those originally submitted and subject to the following conditions

1. 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.
2. Window frames shall be timber and shall be painted white or such other colour as may be agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the dwellinghouse facing 2a Eldon Grove, 33 & 35 Linden Grove without the prior written consent of the Local Planning Authority.  
To prevent overlooking
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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 Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. The proposed first floor bathroom window(s) shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist.  
To prevent overlooking
8. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c)

Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority. To ensure that any site contamination is addressed.

## Rear of 2A Eldon Grove



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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>15.11.05</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5972</b>	REV





### **Statement regarding the Proposal**

Whilst the Planning Committee decided that the Proposal submitted at the Meeting in November 2005 was out of keeping with the Character of the Conservation area, this design was agreed with The Planning Officers and Conservation Officer prior to being sent to Committee.

The design was loosely based on the former Pesimmon Housetype RUSKIN which was included in their Development at Wynyard in the area around the Duck Pond. This Development was meant to recreate a turn of the Century Village theme in order to blend with the remaining Listed Salters Houses on the Village Green that were to be retained. Photographs of one of the Housetypes here are included in the Attachments to the Planning Application to show the likeness. The larger Housetypes in the Eldon Grove area are also of this age and era.

Whilst the large properties surrounding the Plot I am involved in are notably high three storey units with rooflights on the second floor level, The Appeal stated that consideration should be given to a Dormer Housetype. My Client felt it would be advisable to adhere to the Inspectors recommendations in this regard.

My Client would be delighted to substitute the Dormer design for a three storey dwelling which would blend in with the same types in Clifton Avenue and Linden Grove but is aware of the affect this would have on the adjoining modernised Bungalow in front of the plot (2A Eldon Grove).

This property was recently granted Approval for extensions and updates to lift it from a 1960's looking unit to the modernised unit that exists now. Please note that this property has full UPVC double glazed units together with a large UPVC Conservatory at the rear (Photos enclosed with Application).

My Client feels that the design proposed is a fair compromise on a site that is not viewed from any road frontage and is sympathetic to the Grange Conservation area.

Notwithstanding all of the above points my Client is still willing to modify certain aspects of the design in order to further ease the concerns of the Planning Committee. He is willing to substitute Timber Casements in lieu of UPVC proposed initially/ use the reclaimed & hand cleaned bricks from the demolition of the Garage blocks to enhance the authentic feel of the Development/ use a concrete double Pantile style tile on the roof.

We hope that the above points are helpful in deciding the outcome of revised Application.



## Appeal Decision

Site visit made on 23 May 2005

by Zoë Hill BA(Hons), MRTPI, DipBtgCons(RICS), IHBC

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
409 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail enquiries@planning-  
inspectorate.gov.uk

Date 15 JUN 2005

**Appeal Ref: APP/H0724/A/04/1163563**

**Land at the rear of 2A Eldon Grove, Hartlepool TS26 9QS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by D Concannon against the decision of Hartlepool Borough Council.
- The application Ref: H/OUT/0479/04, dated 7 June 2004, was refused by notice dated 16 September 2004.
- The development proposed is a dwelling.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

### Procedural Matters

1. The application to which this appeal relates was submitted in outline with only means of access to be considered at this stage and all other matters reserved for subsequent consideration. However, an indicative layout plan was submitted and I have taken account of this in coming to my decision.
2. Since the planning application was determined by the Council's Planning Committee, the site has become included in an area which has been designated as the Grange Conservation Area.

### Main Issues

3. The main issues in this case are:
  - (a) whether or not the proposed development would preserve or enhance the character or appearance of the Grange Conservation Area; and,
  - (b) the effect of the proposed development on the living conditions of neighbouring residential properties, with particular regard to loss of light, privacy and visual impact.

### Planning Policy

4. The development plan for this area includes the Hartlepool Local Plan (HLP) adopted in 1994. From the numerous policies provided, the following are most pertinent to this appeal. Policy Gen1 sets out general principles and matters that will be considered when determining applications. These include the relationship of the development with the surrounding area and the effect on the amenities of occupiers of adjoining or nearby properties, for example in terms of privacy or visual intrusion. Policy Ho7 supports residential development within defined limits provided, amongst other things, that it is appropriate to the locality, that there is no significant detrimental effect on the occupiers of both new and existing development. Policy Co1 requires that development in conservation



areas should normally be submitted with full details. Policy Co2 supports development in conservation areas provided that it will preserve or enhance the character or appearance of the area and does not adversely affect the occupiers of nearby properties. This policy sets out specific matters that will be considered in terms of detailed design. Policy Co5 seeks to limit the demolition of buildings in conservation areas, but where demolition would help to preserve or enhance a conservation area it would be acceptable.

5. The local plan is currently being reviewed. Amongst the policies submitted the following seem most pertinent to this case. Policy GEP1 is a general development control policy. Policy Hsg10(A) generally supports housing which contributes to the re-use of previously developed land subject to various criteria, including compliance with policy GEP1. Policy Hsg12(A) relates to new residential development and requires, amongst other matters, that it is appropriate to the character of the area, provides adequate amenity space, that there is no detrimental effect on the occupiers of existing properties. It also resists tandem development. Policy HE1 seeks the protection and enhancement of conservation areas, requiring that full details are submitted and setting out matters that will be considered. Policy HE4, which relates to demolition in conservation areas, reflects adopted policy Co5.
6. The policies from the emerging local plan are at revised deposit stage and a public inquiry has been held. Given there is scope at this stage for changes to policies following that inquiry the weight I can attach to the emerging plan is limited. Nevertheless in many respects it repeats the adopted local plan or follows more recent national planning advice.
7. The Council also refers to its Supplementary Note 3: Guidelines for House Extensions, which, as it forms part of the adopted local plan written statement, I accord considerable weight. Whilst that note is not strictly relevant to this proposal, guideline 7 sets out separation distances which I have considered as set out below.

#### **Reasons**

##### **Conservation Area**

8. This part of the Grange Conservation Area is characterised by substantial Victorian/Edwardian semi-detached houses and more modest interwar properties, including bungalows. To the front of the appeal site there is a modern bungalow. The dwellings in this area are generally of a frontage form, with small front gardens and larger rear gardens, creating a pleasant, relatively spacious layout.
9. The appeal site, which consists of a garage court does not have road frontage. It takes access between 2 and 2A Eldon Grove using an established driveway. The garages immediately to the rear of 2A would be demolished and the area used in association with that frontage property. The garages abutting the boundary with 33 and 35 Linden Grove would be demolished to provide for the proposed dwelling, however the high rear wall would remain.
10. In my opinion the dilapidated garage court is out of keeping with the general character of the area so that demolition of the garages would enhance the Grange Conservation Area and thus would comply with HLP policy Co5 and emerging local plan policy HE4.
11. The application was submitted in outline with only means of access to be considered at this stage. However, the Council was aware of the impending conservation area designation and did not seek full details from the appellant in anticipation of this. To my mind this situation



is not a normal circumstance, thus whilst this is contrary to the requirements of emerging plan policy HE1, I do not find the proposal conflicts with HLP policy Co1 or consider that the appellant has behaved unreasonably in this respect. In any event an indicative siting plan has been provided and to my mind it gives a good indication as to how a dwelling could be accommodated on the site.

12. It is clear from the application form that the proposed dwelling would be 2 storeys high. Given the height of the relatively tall properties on Linden Grove to the rear and the relatively tall bungalow to the Eldon Grove frontage I consider that a modest two storey property, possibly with first floor accommodation provided partly within the roof space, could be designed so that it would reflect the character of housing in this area without being unduly obtrusive in views when glimpsed from the surrounding streets. The driveway would be no different in its character than it is at present and, based upon the illustrative layout submitted, the existing trees, outside but close to the site boundary, would not be likely to be harmed. To my mind an imaginatively designed dwelling, reflecting the detailing of its surroundings albeit on a smaller plot, over which the Council would have control in a reserved matters application, would preserve and could enhance the character and appearance of the Grange Conservation Area. As such, the proposal would accord with HLP policy Co2 and emerging local plan policy HE1.

#### ***Living Conditions***

13. The Council accepts that, based upon the illustrative layout, minimum separation distances in accordance with the Council's standards would be achieved, with exception of the distance to a proposed conservatory for the dwelling at 2A Eldon Grove. That distance would be some 2 metres short of their standard, however, when taken to the existing house wall of 2A the separation distance would exceed their standard by some 2 metres. Thus, on balance, I do not consider that this alone would be sufficient to prevent development. Moreover, as the layout is illustrative, this matter could, be addressed by suitable design at the reserved matters stage.
14. Given the separation from the surrounding dwellings, particularly to the north and south, I consider that a house could be designed which would not have a harmful effect on the existing privacy of the occupiers of the neighbouring properties on Eldon Grove, Linden Grove or Clifton Avenue. Nor, given the separation and orientation, do I consider that a dwelling on this site would result in an unacceptable overshadowing of, or have a harmful visual impact when seen from within, these neighbouring properties. Thus, I conclude that the proposal would not have a detrimental impact on the living conditions of the occupiers of the dwellings adjoining or near to the site.
15. Whether or not the site is the location for antisocial activity, the site is a garage court which could generate significant vehicular activity. This reinforces my view that development of the site with a dwelling would be acceptable and confirms my opinion that the development would not represent unacceptable tandem development as detailed in the supporting text to emerging local plan policy Hsg12(A). In addition, the information in respect of use of the garages indicates that they are not used to provide parking for nearby residents. Bearing this in mind, I do not consider a single dwelling on the site would lead to a significant increase in traffic or on-street parking in this locality. Thus, I consider that the proposal accords with policies Gen1 and Ho7 of the HLP and policies GEP1, Hsg10(A) and Hsg12(A) of the emerging local plan.

**Conditions**

16. In addition to the standard time conditions and requirement for submission of reserved matters details, which I shall impose in model condition form as set out in Circular 11/95 *The Use of Conditions in Planning Permissions*, the Council requests submission of details of means of enclosure, which I consider is reasonable in this conservation area location. I have amended the condition by requiring that details of the walls to be retained are shown for clarity as well as requiring compliance with the details once approved. In addition the Council seeks removal of permitted development rights. However, as these rights are already restricted by virtue of the location of the site within a conservation area, I do not consider that it is necessary or reasonable to restrict them further.

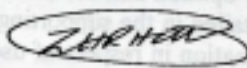
**Conclusions**

17. I have considered this appeal on its own merits and, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

**Formal Decision**

18. I allow the appeal, and grant planning permission for a dwelling at land at the rear of 2A Eldon Grove, Hartlepool TS26 9QS in accordance with the terms of the application, Ref: H/OUT/0479/04, dated 7 June 2004, and the plans submitted therewith, subject to the following conditions:

- 1) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall begin either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 3) Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority before any development begins.
- 4) Plans and particulars of the reserved matters referred to in condition 3 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted to and approved in writing by the local planning authority and shall be carried out as approved.
- 5) Details of walls, including those to be retained, fences and other means of boundary enclosure shall be submitted to and approved in writing by the local planning authority before the development hereby approved is commenced. Development shall be carried out in accordance with the approved details.

  
 Inspector



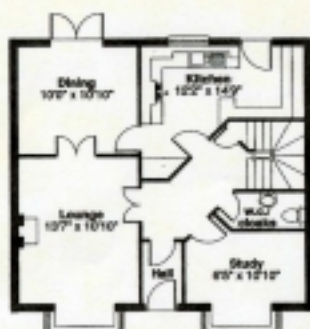
## HOUSE STYLES



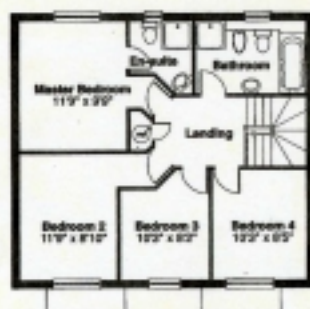
### CONSTABLE

#### HOUSE STYLE E

No village would be complete without a Victorian style residence complete with walk in bays and delicate brickwork detailing. The CONSTABLE combines superior four bedroom accommodation with elegant room proportions encompassing a unique hall and kitchen layout. A house designed for family living based on traditional values.



Ground Floor



First Floor

These dimensions are for guidance only. They are not intended to be used for carpet sizes, appliance spaces or sizes of furniture, and purchasers should satisfy themselves by inspection of their individual property regarding any critical dimensions. Alcoves and wardrobe spaces are additional to dimensions shown.



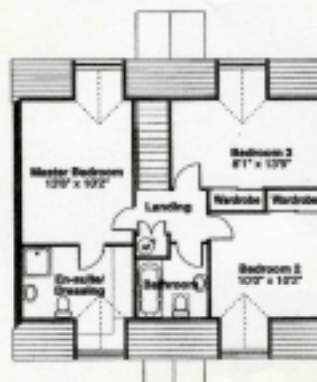
### RUSKIN

#### HOUSE STYLE F

With its delicate timber porches The RUSKIN combines spacious ground floor accommodation with the special character created by the bedrooms being located in the roof space. This property contains numerous unique features ranging from the en-suite dressing room off the master bedroom to a ground floor shower room, spacious kitchen breakfast area and distinctive combined lounge dining room.



Ground Floor



First Floor

IMPORTANT: (A) The above illustrations are only indicative of elevation design, ask for details of your plot.











**No:** 2  
**Number:** H/2005/5861  
**Applicant:** Royal Mail Clark Street Hartlepool  
**Agent:** Royal Mail Clark Street Hartlepool TS24 7AA  
**Date valid:** 17/10/2005  
**Development:** Siting of a Royal Mail pouch box  
**Location:** Land Opposite 1 Cromer Walk Hartlepool

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## The Application and Site

2.1 The site to which this planning application relates is an area of open space to the south of Kesteven Road opposite 1 Cromer Walk. The proposed siting of the pouch box is upon the grassed area to the south of the existing informal parking area serving the locality.

2.2 The application seeks to erect a Royal Mail pouch box upon the land for use in conjunction with postal deliveries on foot. Mail can be stored in the box while the postman or woman delivers a small number of letters to specific areas on his or her round. The proposed pouch box incorporates a grey metal box (which will stand 1.36m in height at its highest point, 45cm wide and 40cm deep) on top of a 70cm high pedestal.

## Publicity

2.3 The application has been advertised by way of neighbour letters (5). To date, there have been 3 letters of objection and 1 letter of comments

2.4 The concerns raised are:

1. Graffiti (similar to NTL box nearby)
2. The box will be subject to vandalism
3. Use as a congregation point
4. increase existing anti -social behaviour
5. Pouch box will be subject to criminal damage and theft

2.5 The period for publicity has expired.

## Consultations

2.6 The following consultation replies have been received:

**Head of Public Protection and Housing:** – no objection

**Head of Traffic and Transportation:** – no objection

**Cleveland Police:** – no objection

**Anti Social Behaviour Unit:** – no objection

## **Planning Policy**

2.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

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

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

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

## **Planning Considerations**

2.8 The main considerations in this instance are the potential impact of the development upon the character of the street scene, highway safety and the potential to attract anti-social behaviour.

2.9 It is anticipated that the pouches will be delivered to the boxes between 8:30 and 9:30 on a morning (but could be later depending on volume of mail). The Postman or woman would pick up the pouches from the boxes between 10:00 – 12:30. It is envisaged that the deliveries would only be made once a day. It is therefore considered unlikely that the proposed deliveries/collections would be at times of the

day which would have the potential to create detrimental noise disturbance to the amenities of the nearby residential properties.

2.10 The scale of the proposed pouch box in relation to the surrounding single-storey and two-storey properties is such that it is unlikely to create a dominant or detrimental impact upon the character of the street scene.

2.11 The pouch box is situated a significant distance away from the ground floor primary windows of the surrounding dwellings and given the height of the proposed box, and proposed colour it is unlikely that it will create a detrimental effect upon the outlook enjoyed by the residents of the surrounding properties.

2.12 The proposed pouch box is set back (approximately 9m) from the road frontage and as such it is considered unlikely that the proposal would have a detrimental dominant effect upon the street scene.

2.13 The Council's Traffic and Transportation Engineer has raised no objection to the proposed development as it is considered unlikely to have a detrimental impact upon highway safety. Given there is informal off-road parking provision directly to the north of the proposed site of the pouch box it is considered unlikely that the proposal would hinder the free flow of traffic along Kesteven Road during the delivery of mail to the pouch box.

2.14 As the proposal is located upon the grassed area and not upon the pavement it is considered unlikely that the proposal would have a detrimental impact upon the free flow of pedestrians upon the pavement.

2.15 The nearby residents have raised the potential for anti-social behaviour as an objection to the proposal. However, The Council's Anti Social Behaviour Unit and Cleveland Police Anti Social Behaviour Unit have raised no objection to the siting of pouch boxes. They advise that generally they are not large enough to act as a gathering point. They have also highlighted that they have no records of anti-social behaviour associated with them. The proposed siting of the pouch box is in a relatively open location and as such there is sufficient scope for natural surveillance from the surround properties and public highway.

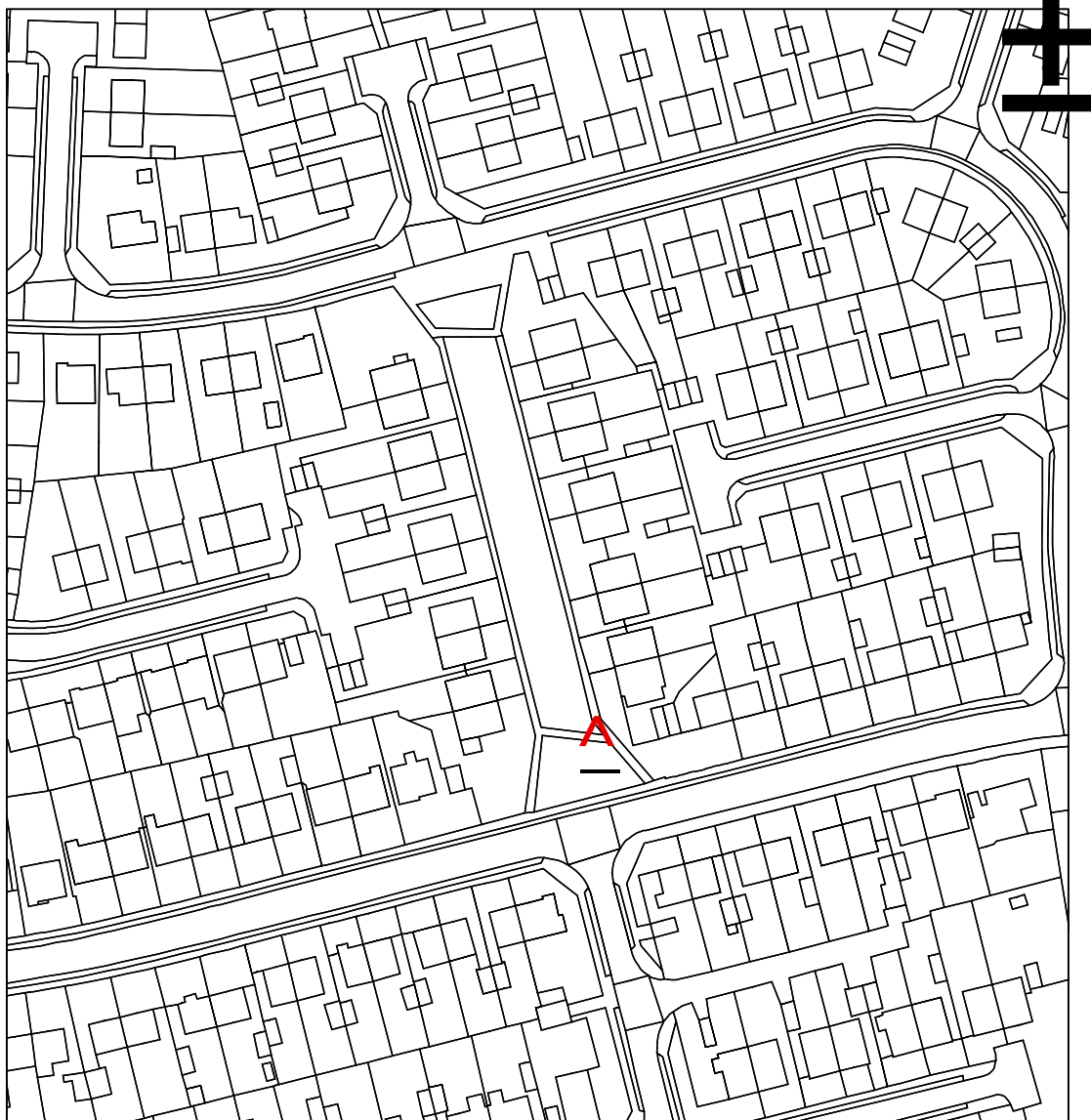
2.16 It is for the reasons stated above that the planning application is recommended for approval.

**RECOMMENDATION - APPROVE** (subject to the following conditions):-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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. Prior to the commencement of the development hereby approved, details of the exact location of the development shall be submitted to and agreed in writing by the Local Planning Authority.  
In the interests of highway safety.

## Cromer Walk



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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>05.12.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5861</b>	REV

**No:** 3  
**Number:** H/2005/5884  
**Applicant:** J.D. Wetherspoon PLC C/O Agent  
**Agent:** Hephher Dixon Bridewell Gate 9 Bridewell Place London EC4V 6AW  
**Date valid:** 02/11/2005  
**Development:** Variation of condition 2 of planning permission H/FUL/0101/02 to permit longer opening hours of 7am - 1am Sundays to Thursdays, 7am -2.30am Fridays to Saturdays, 7am - 3.30am or 2.00am on special days and 7am to 1.30 am on Thursdays and Sundays preceding Good Fridays and Bank Holiday Mondays respectively.  
**Location:** The Ward Jackson 3-9 Church Square Hartlepool

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### The Application and Site

3.1 The application relates to 3-9 Church Square which has a long and complicated planning history. The most relevant application is the permission for the change of use of the building from banking premises to A3 (food and drink) use which was approved in June 2002 (H/FUL/0101/02 refers). Condition 2 attached to the approval restricted the hours of operation to between 9.00am and 12.00 midnight.

3.2 Permission is sought to vary this condition to allow for longer opening hours to bring the planning permission into line with the recently approved licence for the premises. The proposed hours will be:

- 1 Sunday - Thursday 7am – 1am
- 2 Friday - Saturday 7am - 2.30am
- 3 Christmas Eve, Boxing Day and New Years Day 7am - 3.30am Thursdays preceding Good Friday and Sundays preceding Bank Holiday Mondays 7am – 1.30am.
- 4 Burns Night (25<sup>th</sup> January), Australia Day (26<sup>th</sup> January), St David's Day (1<sup>st</sup> March), St Patrick's Day (17<sup>th</sup> March), St George's Day (23<sup>rd</sup> April), St Andrew's Day (30<sup>th</sup> November ) 7 am –2am (if falls on Sunday – Thursday), 7am – 3.30am (if falls on Friday - Saturday)

3.3 The site is a former bank which fronts Church Square. It is located within the Church Street Conservation Area. It is a modern flat roofed three storey building. To the rear are a beer garden and car parking area. The area adjacent to the development is mostly commercial in character although there is some residential accommodation at the southern end of Scarborough Street (number 22) at the junction with Exeter Street and on the upper floors of adjacent properties on Tower Street and Church Square.

## Publicity

3.4 The application has been advertised by neighbour notification (21). Site notice and in the press. The period for publicity has expired on 15 December 2005.

At the time of writing five responses have been received all with no objections.

## Consultations

**Head of Public Protection & Housing** : No objections.

**Transportation & Traffic**: No objection.

**Police** : No comments received

## Planning Policy

3.5 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Co1: states that in Conservation Areas proposals should usually be submitted in detail.

Co2: states that proposals which preserve or enhance the character or appearance of conservation areas and do not adversely affect neighbours will normally be approved. Criteria are identified by which these are to be assessed.

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com3, Com13A, Com14 and Rec14. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces. The Borough Council will seek to secure the re-use of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to the provisions of Rec13 and Com18 and will be controlled by the use of planning conditions.

COM18: 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.

Ec16: identifies the Church Street Fringe area, which includes the application site, for retail, office, business and leisure uses, subject to noisy entertainment uses being restricted to the ground floors of properties, provision of servicing and compliance



with Policy Co2. Residential use may also be allowed where it will not prejudice the further development of commercial activities. Car parking requirements may be relaxed where appropriate.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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. 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**

3.6 The main planning considerations in this case are the appropriateness of the proposed development in terms of national and local policies, impact on the character of the Church Street Conservation Area and the impact of the proposal on the amenity of the area.

### **POLICY**

3.7 The premises is an existing public house in an area defined as town centre fringe in terms of the local plan and town centre in the emerging Hartlepool Local Plan 2005 where uses of this type are acceptable in principle. It also lies within the late night uses zone as defined by Policy Rec 13 of the emerging Hartlepool Local Plan where in principle late night uses are acceptable, uses operating after midnight.

### **IMPACT ON THE CHARACTER OF THE BUILDING/CHURCH STREET CONSERVATION AREA**

3.8 No alterations are proposed to the building and it is not considered that the proposal will have a detrimental affect upon the character of the Conservation Area.

### **IMPACT OF THE PROPOSAL ON THE AMENITY OF THE AREA**

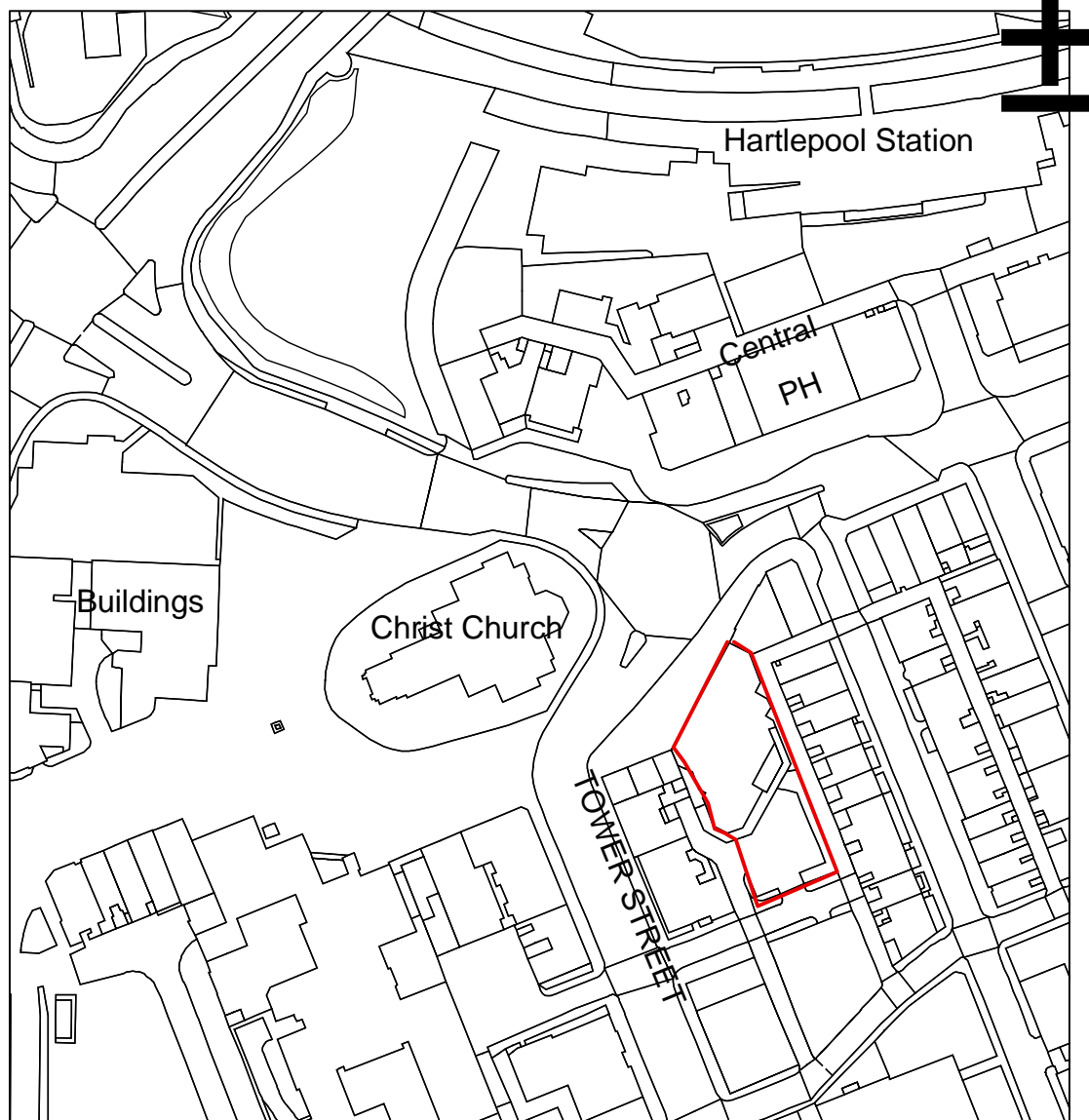
3.9 The premises is in a largely commercial area however there is a residential property to the rear of the site (22 Scarborough Street), there are also some residential flats above businesses in Church Square and Tower Street. The use of the property as a public house has previously been approved and it is only the proposal for extended opening hours for which permission is sought. The Head of

Public Protection & Housing has raised no objections to the proposal. It is considered appropriate however in the interests of the amenity of the area to exclude by condition the external areas including the beer garden from the hours extension in order to discourage activity to the rear and help maintain the amenity of residential properties in the vicinity.

**RECOMMENDATION - APPROVE**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
For the avoidance of doubt
2. This permission shall relate only to the building itself and shall not include the use of the parking areas (other than for the parking of vehicles) and beer garden.  
For the avoidance of doubt and in the interests of the amenity of the area.

## Ward Jackson



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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>05.12.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5884</b>	REV

**No:** 4  
**Number:** H/2005/5744  
**Applicant:** Dr Lustman  
**Agent:** Storey SSP  
**Date valid:** 10 October 2005  
**Development:** Erection of enclosures to external stairs, including access gates  
**Location:** The Fens Shopping Centre, Catcote Road, Hartlepool

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### **Update**

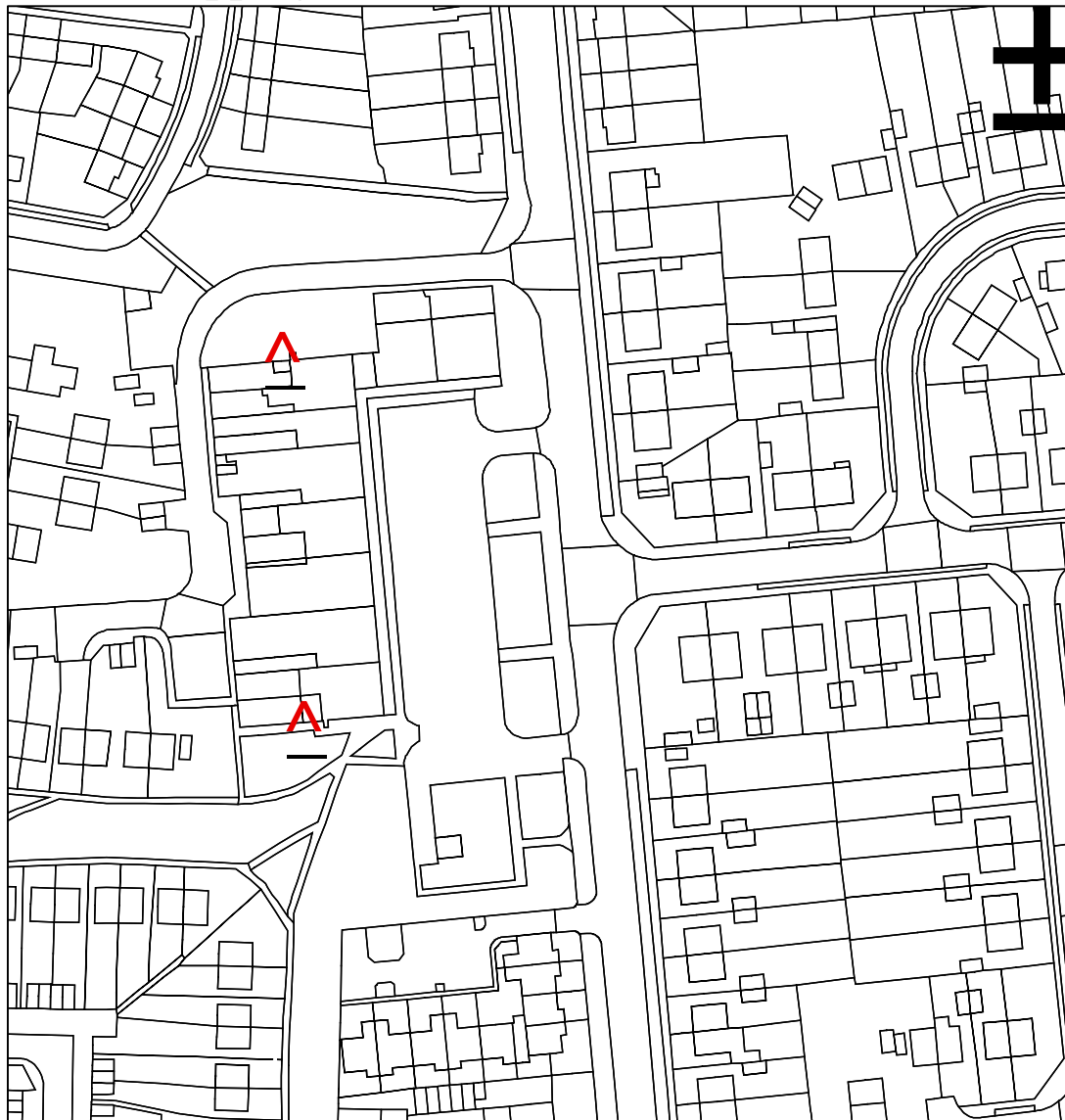
The application was deferred at the 23<sup>rd</sup> of November 2005 Planning Committee.

Given that further information has been requested from the applicant and Cleveland Police it is considered that the application should be deferred.

### **RECOMMENDATION – Defer**

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## Fens Shopping Centre



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.11.05</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5744</b>	REV

**No:** 5  
**Number:** H/2005/5697  
**Applicant:** Mr & Mrs P Hopper  
**Agent:** Derek Stephens 17 Lowthian Road HARTLEPOOL  
 TS24 8BH  
**Date valid:** 22/09/2005  
**Development:** Outline application for the erection of 4 detached dwellings  
**Location:** MEADOWCROFT ELWICK ROAD HARTLEPOOL  
 HARTLEPOOL

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## The Application and Site

5.1 Outline planning permission is sought for the erection of four detached dwellings. The applicant has asked that the means of access and siting are considered with the other matters (design, landscaping and external appearance) reserved. One of the dwellings will be located to the east of the entrance to Meadowcroft from Elwick Road on a site largely enclosed by high brick walls on two sides and a fence. The other three dwellings will be located in an open paddock to the south of Meadowcroft and the neighbouring property Meadowside. Indicative sketch proposals showing substantial houses have been submitted to indicate the type of dwelling proposed the design and appearance of the dwellings however would be reserved. Access to the dwellinghouses in the paddock will be via a new access road, some 160m long and 3.1m wide, through the woodland to the west side of Meadowcroft. To accommodate the new access it is understood two trees and a Cypress hedge will be removed (The applicant has only recently proposed to increase the width of the access from the 2.5m originally proposed to 3.1m and this proposal is under consideration). The access will be constructed to minimise damage to trees. The applicant has indicated that the woodland would be enhanced and managed. It is also indicated that gates would be provided along the existing access to Meadowcroft.

5.2 Meadowcroft and the adjoining Meadowside are grade II listed buildings located within the Park Conservation Area and originally together formed a single large villa. The listing describes the building as "Large villa, now as 2 dwellings. Dated 1895 on plaque in left gable end. Red brick with ashlar dressings; clay tiled roof; quasi Tudor style. Main garden front....". Access to Meadowcroft is taken from Elwick Road. On the east side of the access is a high brick wall which compromises visibility at its junction with Elwick Road. The house is set within extensive grounds which include a walled garden, a woodland and the paddock area referred to above. The woodland is protected by a tree preservation order. The properties are oriented to face southwards and enjoy terraced gardens to the south fringed by trees with views across the paddock towards the open countryside beyond. The applicant has provided two statements in support of the application and these will be available in the members room before the meeting.

## Planning History

5.3 In November 1996 outline planning permission for the erection of 9 detached dwellings together with access improvements and landscaping, including the removal of trees subject to a Tree Preservation Order was refused (H/OUT/0283/96). The proposal briefly related to the provision of three dwellings on the frontage onto Elwick Road, three in the woodland to the west of Meadowcroft and three dwellings in the paddock to the south and alterations to the access including the realignment of the roadside wall. The application was refused for reasons relating to the adverse impact on the character and appearance of the listed buildings, adverse impact on the character and appearance of the Conservation Area and the adverse affect on the character of the woodland.

5.4 In February 1998 outline planning permission for the erection of 3 detached dwellings and associated internal access and related tree works was refused (H/OUT/0553/97). The proposal related to the provision of three dwellinghouses in the paddock area to the rear of Meadowcroft. The application was refused for reasons relating to highway safety, adverse affect on the character and setting of the listed buildings, adverse impact on the character and appearance of the Conservation Area and the amenity of the area. The applicant appealed against the refusal. A Planning Inspector dismissed the appeal concluding that the proposed development would have a significant adverse effect on the setting of the listed building and on the character of the Park Conservation Area. He did not consider however that the proposal would compromise highway safety on Elwick Road.

## Publicity

5.5 The application has been advertised by neighbour notification (11), site notice and by press advert. The time period for representations has expired.

Seventeen letters of objection and two letter of no objection were received.

One of those raising no objections comments that the development will be in keeping with the existing housing in the area.

The objectors raise the following issues:

- 1) Adverse impact on character & setting of listed building.
- 2) Adverse impact on character & appearance of Conservation Area
- 3) Detrimental impact on character of woodland.
- 4) Impact on/disturbance of wildlife and loss of habitat.
- 5) Damage to/loss of trees.
- 6) Highway safety/dangerous access onto busy road/increase in traffic.
- 7) Loss of attractive meadow/paddock/rural ambience.
- 8) Adverse impact on Meadowsides, loss of privacy, property value and security.
- 9) Inadequate access for emergency vehicles.
- 10) Loss of views.
- 11) Similar proposal refused on appeal.
- 12) No demand.

- 13) Enough redevelopment in area already. Briarfields, Cameron's Hospital, Tunstall
- 14) Court & The Woodlands do not impinge on neighbours.
- 15) Loss/damage to archaeology.
- 16) Precedent - will encourage further development.
- 17) Dwellings will be out of character.
- 18) Proposed gatehouse will dominate.
- 19) Proposals vague in relation to design, appearance and materials.

Copy Letters D

## Consultations

5.6 The following consultation replies have been received:

**Head of Public Protection & Housing** - No objections.

**Highways** - The applicant has shown 5 properties off a private drive, which is normally acceptable. However the visibility of the junction to the proposed development with Elwick Road is poor especially for vehicles wanting to turn right. There would be highway safety concerns about the increase use of the junction if no visibility improvements were carried out. Road marking improvements at the junction are proposed which would address these concerns.

Under the Council design guide specification, the width of a private drive should be a minimum of 4.1m and the access should be no longer than 25 metres. The applicant has shown passing bays on the private road which should accommodate passing traffic on the road and would be acceptable.

The junction is already split into a private road and drive. The private road is part of a Public Right of Way.

With regards to refuse collection, residents of the proposed development would have to bring their refuse to the entrance of the private drive. This would encourage the use of private vehicles taking rubbish to the entrance due to the distance of the drive.

**Conservation Officer** - from the information provided this application appears to adversely affect the character of the Park Conservation Area and the setting of the listed building.

The gatehouse is on a large footprint that does not reflect the houses of a similar description in the area. Such a large house would dominate the entrance to the main listed building and adversely affect its setting.

The wooded area to the left of the building stretches down the side of the garden and round the rear of the property. From historic plans of the property, showing its development over time, it is clear that this area has always contributed to the setting of the listed building regardless of ownership. The materials and finishes of the proposed road have not been submitted however it seems that any new intervention through this area will change the character of the space and it will no longer retain



the wooded feel which is currently existing. This would harm the setting of the listed building and in turn the character of the conservation area.

This property has been planned to appreciate the views to the rear. Previously a garden stair to the south of the building was grade II listed. The paddock area to the rear, which I understand was purchased in the 1960's, is more strongly connected with the rural and open area to the rear of the house. The proposed dwellings would alter the character of this area and this would adversely affect the setting of the listed building.

**English Heritage** - Recommend that the application is refused on the ground that the proposed development would detrimentally affect the character and appearance of the Park Conservation Area and the setting of the Grade II listed building.

**Ecologist** - The grounds of Meadowcroft are reported to provide habitat for several species of wildlife in most cases this will be feeding habitat which shouldn't be affected by the development. A number of trees have woodpecker or other holes which might provide for nesting birds and roosting bats again this shouldn't be affected by the development. Whilst all woodland is of value to wildlife this woodland is sub-optimal because of its lack of diversity in structure and species. The meadow area is of very limited value for wildlife. From my observations there is nothing to indicate that the development will have a negative effect on any protected or priority species. Recommends conditions requiring landscaping and woodland management schemes.

**Arboriculturalist** - My main concern lies with the construction of the access road and its ability to cope with construction traffic. Roadside lighting is not indicated but may be required at a later date. The removal of any trees can be mitigated by sensitive planting and I consider the loss of trees to be minimal and unlikely to affect the high canopy aspect of the woodland. I need to be convinced that the access road can support heavy traffic during the building phase, that any new entrance into this woodland area is designed to avoid any mature trees and that where trees have been removed a new scheme of planting is put forward to reflect the visual amenity the site provides. There will also be a need to move the house positioned closest to the tall Leyland Cypress hedge at the rear as this will put additional demand on the owner of the hedge.

**Cleveland Fire & Rescue** - A road width of 2.43m wide will not be wide enough for access of a fire engine. The road needs to be 3.7m wide from kerb to kerb or 3.1m wide gatepost to gatepost anything less than this is not acceptable, the figures are from the approved document B, section B5. Also, has the applicant thought of water supplies in the form of fire hydrants.

**Tees Archaeology** - The site is located immediately to the north and east of the deserted medieval village of Morleston (SMR No 0778) and is of archaeological interest. A visit to the development site in October 1995 demonstrated that ridge and furrow earthworks survive in the south western part of the site. The earth works should be recorded. Due to the proximity of the site to the deserted medieval village of Morleston and Manor at Tunstall an archaeological watching brief should be conditioned so that any peripheral village features revealed during ground works can

be recorded. I am concerned at the proximity to surviving village earthworks at Morleston and provision should be made for their protection during development works.

**Northumbrian Water** - No objections to proposed connection of foul sewage to public sewers. Alternative means should be found for the disposal of surface water.

**Engineer** - Condition requiring site investigation and appropriate remediation in relation to any contaminants identified on the site requested.

**Ramblers Association** - No objection.

**Tees Forest** - No comments received.

### Planning Policy

5.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Co1: states that in Conservation Areas proposals should usually be submitted in detail.

Co10: states that traditional materials and sympathetic designs should normally be used in works to Listed Buildings and adjoining properties. These should be in keeping with the character of the building and should thereby preserve its setting and that of the surrounding area.

Co2: states that proposals which preserve or enhance the character or appearance of conservation areas and do not adversely affect neighbours will normally be approved. Criteria are identified by which these are to be assessed.

Co5: identifies the circumstances in which demolition of buildings and other features in a Conservation Area is acceptable. Demolition will be allowed where it preserves or enhances the character or appearance of the Conservation Area, or where the structural condition renders it unsafe or where the structure is beyond reasonable economic repair. Proposals for satisfactory after-use of the site should be committed before demolition takes place.

En15: states that the felling of trees included in TPOs or within Conservation Areas will not normally be permitted. Replacement planting will normally be required where permission is given to fell such trees.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen4: 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.

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.

GEP13: states 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 normally be required where permission is given to fell protected trees.

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.

HE10: states that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

Ho7: states that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg12(A): sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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**

5.8 The main planning considerations relate to Policy, the impact of the development on the setting of the listed building and the character of the Conservation Area, the relationship with neighbours, highway considerations ,the impact of the development on woodland/wildlife and archaeology.

## **POLICY**

5.9 The site lies within an area where in principle residential development is acceptable. However policy advises that new development in the vicinity of listed buildings should take account of listed buildings and their settings. Development which adversely affects the setting of a listed building will not be approved. Policy also advises that development in Conservation Areas will be approved only where it can be demonstrated that the development will preserve or enhance the character and appearance of Conservation Area. These policies reflect national guidance. Policies also advise that in determining applications the Borough Council will take account of the impact of a development on highway safety, protected trees and the relationship with neighbours, these matters are considered in more detail below.

#### THE IMPACT OF THE DEVELOPMENT ON THE SETTING OF THE LISTED BUILDING AND THE CHARACTER OF THE CONSERVATION AREA

5.10 The application site is in a sensitive location, Meadowcroft and Meadowsides are listed whilst the site itself is within the Park Conservation Area. Policies seek to protect such areas from inappropriate development.

5.11 The proposal involves three elements, the erection of three houses in the Paddock to the south of Meadowcroft, an access road through the adjacent Woodland to serve these dwellings and a new dwellinghouse at the entrance from Elwick Road.

5.12 The Conservation Officer and English Heritage have been consulted in relation to the application and have expressed concerns that the proposal will have a detrimental impact on the setting of the listed building and the character and appearance of the Conservation Area.

5.13 A similar application for the erection of three houses in the southern Paddock was refused on appeal some years ago. In considering the proposal the Inspector considered that the vista across the appeal site from Meadowsides and Meadowcroft of particular importance. The position and orientation of the original villa is such that it has been designed to take advantage of the open south facing aspect towards open countryside. The proposed housing would obscure this open aspect and have a detrimental impact on the setting of the listed building. The development in the Paddock would, particularly in winter be visible from footpaths crossing land due south of the site and change the character of a part of the Conservation Area which has a more rural aspect. It would be prominent and intrusive and would not preserve or enhance the character and appearance of the Conservation Area.

5.14 The access road through the woodland had been reduced in width to 2.5m (from the 4.00m originally proposed in the application which was the subject of the failed appeal) in order to minimize its impact. However in order to address concerns raised in relation to the width the applicant is proposing an increased width of 3.1m, which is currently under consideration (see below). Given the length of the access and the fact that it passes through a wood it is considered likely that some form of lighting would also be required. The applicant has indicated that this could be through small roadside lights. The woodland has a relatively undisturbed character and it is considered that the proposed access road would be an intrusive and

incongruous feature which would harm the character of the woodland and so the setting of the listed building and the character and appearance of the Conservation Area. It is not considered that the applicant's proposal to manage the woodland would offset the harm caused by the new access road.

5.15 In relation to the proposed house at the entrance onto Elwick Road, the footprint and details submitted indicate that this would be a substantial building. It would be prominently located and dominate the entrance to the site. In the indicative form it would not be acceptable. However the applicant has advised that the design and scale of the building could be reserved and would be appropriate. Given the historical precedence for gatehouse buildings in the Conservation Area a small lodge type building appropriately designed might be appropriate.

5.16 In correspondence the applicant has compared the development to the proposed Tunstall Court development which is also within the Conservation Area. However each site must be considered on its own merits and this proposal is of a different character, amongst other things Tunstall Court itself is not listed only the ancillary lodges were, and that site is more fully within the urban area.

#### THE RELATIONSHIP WITH NEIGHBOURS

5.17 The proposal is in outline however it appears that in terms of their siting the proposed dwellinghouses would more than meet this Authorities specifications in relation to the separation distances to neighbouring properties. However the north eastern most property located in the Paddock would at its closet point be within 2m of the boundary with 309 Elwick Road. It appears oriented to face towards this boundary. The boundary is currently formed by a high conifer hedge and whilst on the face of it this would preserve the privacy of 309 Elwick Road it would tend to have an oppressive impact on the occupiers of the new dwellinghouse. In that event it is likely that this would lead to pressure from the future occupants of the new dwellinghouse to have the hedge reduced in height under the recently enacted high hedges legislation. This potentially would open up the rear garden of 309 to an unacceptable degree of scrutiny. The situation could be resolved by the resiting of this dwellinghouse further from the boundary, which the applicant is willing to do, however as it currently stands the relationship between between 309 Elwick Road and the closest dwellinghouse is considered to be unacceptable.

#### HIGHWAY CONSIDERATIONS

5.18 Access to the site from the public road (Elwick Road) will be via the existing access serving Meadowcroft. The visibility at its junction with Elwick Road is below standard for vehicles wanting to turn right where visibility is restricted by a substantial brick wall associated with Meadowcroft. The removal/resiting of the wall to accommodate improved visibility would not be acceptable in Conservation terms. The situation is exacerbated by the lack of a distinct line separating the access and the public road. Highways are proposing to undertake additional road marking at the junction which they consider will address their concerns in relation to highway safety. The additional road markings will clearly define the junction and improve its relation with Elwick Road in safety terms.

5.19 In relation to the failed appeal the Inspector whilst supporting the Council's position in relation to the other reasons did not uphold the highways reason for refusal. The Inspector concluded "The speed of traffic approaching from both directions is unlikely to exceed the speed limit due to the proximity of the right angle bend in Elwick Road about 60 metres to the west. Visibility in this direction is unrestricted allowing drivers of vehicles exiting the junction when they are no vehicles approaching from the west to concentrate on traffic approaching from the east. Given also that five properties are accessed off the lane and that I have seen no evidence to suggest that the safety of traffic is currently at risk it is my opinion that the additional traffic associated with the proposed development would not adversely affect highway safety on Elwick Road."

5.20 In light of the impending road marking improvements to the access the Highway Authority have confirm that they have no objections to the proposal on the grounds of highway safety at the junction.

5.21 The proposed access road has recently been increased in width to 3.1m from that originally proposed. It does not meet Highway Authority design guidance which requires a width of 4.1m and a maximum length of 25m. The applicant considers that the revised width would allow access for refuse vehicles and emergency vehicles. Highways and the Fire Brigade have been asked for their comments on the 3.1m width proposed by the applicant. These matters will be reported to the meeting.

#### THE IMPACT OF THE DEVELOPMENT ON THE WOODLAND/WILDLIFE

5.22 The applicant initially indicated that only two trees and a Cypress Hedge at the entrance to the access road would be required to be removed to accommodate the access. It is not indicated as to whether other tree works would be required (i.e. crown lifting). However concerns were raised by the Arboriculturalist in relation to the adequacy of the access to accommodate the heavy vehicles associated with construction traffic and emergency vehicles. In order to address this concern the applicant has recently proposed in writing a minimum access width of 3.1m and advised the road would be constructed prior to the erection of the houses. The further views of the Arboriculturalist and Highways have been sought on the access and will be reported to the meeting. The applicant has not, at this stage, provided further drawings detailing the amended access or confirmed whether any additional trees would need to be removed or tree works would be required. However notwithstanding the receipt of these details, whilst the removal of individual trees might be compensated for by the appropriate replanting it is considered that the proposed access road would be an intrusive and incongruous feature which would harm the relatively undisturbed character of the woodland and so the setting of the listed building and the character and appearance of the Conservation Area.

5.23 The Ecologist has visited the site in order to assess its ecological potential. He has concluded that whilst all woodland is of value to wildlife this woodland is sub-optimal because of its lack of diversity in structure and species and that the meadow area is of very limited value for wildlife.



## ARCHAEOLOGY

5.24 The site is located immediately to the north and east of the deserted medieval village of Morleston (SMR No 0778) and is of archaeological interest. Tees Archaeology have recommended appropriate conditions and the applicant is agreeable to these in principle.

## CONCLUSION

5.25 It is considered that the proposed development would adversely affect the setting of the listed building and character and appearance of the Park Conservation Area.

5.26 It is considered the relationship between the northeastern most dwelling in the paddock with 309 Elwick Road is unacceptable.

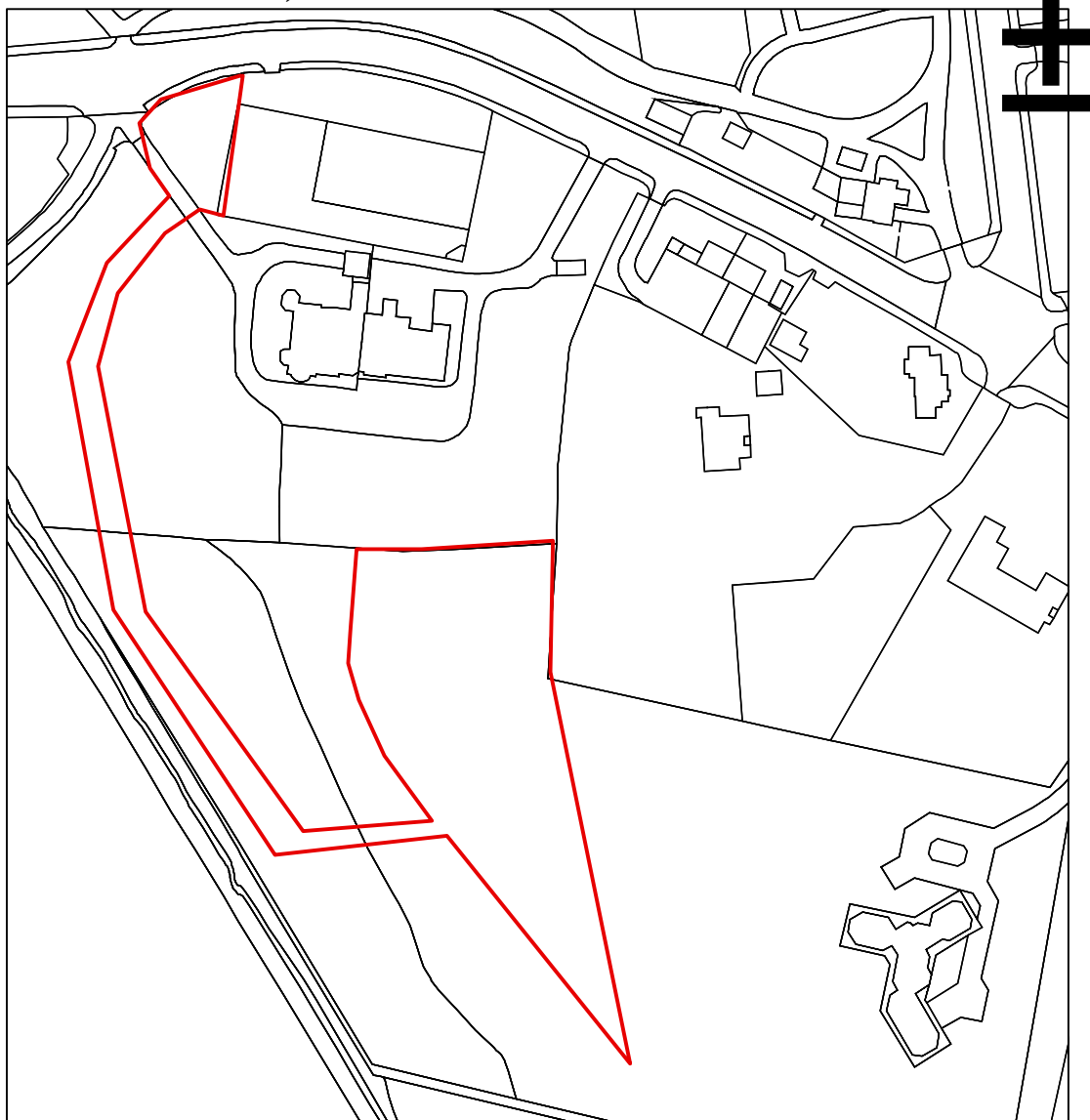
5.27 The impact and adequacy of the proposed access road through the woodland is currently under further consideration following the applicant's recent proposal to increase its width to 3.1m from the 2.5m original proposed. The outcome will be reported to Members before the meeting.

**RECOMMENDATION** – That permission be **refused** for the following reasons:

1. It is considered that the proposed development by reason of the close proximity of the proposed houses to Meadowcroft and Meadowside, a grade II listed building, and its impact on features which contribute to its setting, notably the woodland to the west and the paddock to the south, would adversely affect the character and setting of the listed building contrary to policies Gen 1 and Co10 of the adopted Hartlepool Local Plan (1994) and policy Gep 1 and HE10 of the emerging Hartlepool Local Plan 2005.
2. It is considered that the proposed development by reason of the close proximity of the proposed houses to Meadowcroft and Meadowside, a grade II listed building, and its impact on features which contribute to its setting and which are important features in the Conservation area, notably the woodland to the west and the paddock to the south, would adversely affect the character and appearance of the Park Conservation Area contrary to policies Gen 1, Co2, Ho7 of the adopted Hartlepool Local Plan (1994) and policy Gep 1, HE1 and Hsg 12(A) of the emerging Hartlepool Local Plan 2005.
3. It is considered that the relationship between the north eastern most dwelling in the paddock and 309 Elwick Road is unacceptable. The boundary is currently formed by a high conifer hedge which would tend to have an oppressive impact on the occupiers of the new dwellinghouse. In that event it is likely that this would lead to pressure from the future occupants of the new dwellinghouse to have the hedge reduced in height under the recently enacted high hedges legislation. This potentially would open up the rear garden of 309 to an unacceptable degree of scrutiny. It is considered therefore that the proposal is contrary to policies Gen 1 and Ho7 of the

adopted Hartlepool Local Plan (1994) and policy Gep 1 and Hsg 12(A) of the emerging Hartlepool Local Plan 2005.

## Meadowcroft, Elwick Road



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.12.05</b>
	SCALE <b>1:1200</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5697</b>	REV

**No:**  
**Number:** H/2005/5822  
**Applicant:** Joseph Rowntree Foundation HT The Homestead 40  
 Water End York YO30 6WP  
**Agent:** PRP Ferry Works Summer Road Thames Ditton Surrey  
 KT7 0QJ  
**Date valid:** 04/10/2005  
**Development:** Erection of an Extra Care Retirement Village with  
 associated car parking  
**Location:** Land West Of Easington Road Middle Warren Hartlepool

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## The Application and Site

6.1 The application site is part of land within the approved Middle Warren development. To the north of the site is proposed future residential development, to the east there is structure planting bounding onto Easington Road, to the south lies the Green Wedge and the proposed neighbourhood park lies to the west. The site is proposed to be served from an access road constructed from the existing roundabout at the corner of Bluebell Way, this road would also serve the neighbourhood park and future residential developments.

6.2 The proposal involves the development of a 'continued care retirement village' that will provide a range of different accommodation choices for elderly residents. These are proposed to vary in terms of their degree of independence by virtue of their relationship to the village centre where the care team, management and principal village centre facilities are proposed to be located.

6.3 The residential accommodation is proposed to be in different forms:

- Close care flats which are proposed in the large H shaped block, four storeys in height; this also incorporates a restaurant, healthy living centre, day centre, shop, hairdressing salon, offices etc.
- More independent flats in three free standing apartment blocks ranging from 2-4 storeys in height.
- Bungalows clustered around parking courts.

6.4 The tenure is proposed to be mixed between 60-75% made up of affordable/rented and low cost home ownership and the remainder of the dwellings will be leasehold sale. The range of accommodation would include two bedroom bungalows, large two bedroom flats, intermediate size two bedroom flats and some one bedroom flats. In total there are 214 flats and 28 bungalows.

6.5 The scheme proposes associated car parking which would also provide a shared car park with the neighbourhood park and substantial landscaping within the site.

## Publicity

6.6 The application has been advertised by way of neighbour letters (85), site notices (3) and a press notice. To date, there have been 10 letters of no objection, 1 letter of comment and 1 letter of objection.

6.7 The concerns raised are:

1. Additional traffic and speed of traffic, concerns regarding crossing of Easington Road.
2. Concerns regarding the four storey building, not being in keeping with the area, the apartments within Middle Warren are 3 storey.

Copy letters B

The period for publicity has expired.

### **Consultations**

6.8 The following consultation replies have been received:

**Chief Solicitor** - Awaiting comments

**Head of Public Protection** - No objection

**Northumbrian Water** - Drainage issues, discussions are on-going

**The Ramblers Association** - No comments

**Head of Transportation and Traffic** - Discussions on-going, in principle no objection

**Community Services** - No objection

**Environment Agency** - Awaiting comments on further information submitted

**Sport England** - No objection

**Engineering Consultancy** - Discussions on-going

**Cleveland Archaeology** - No objection

**Police** - Awaiting comments

**Hart Parish Council** - Awaiting comments

**Neighbourhood Services** - Awaiting comments

### **Planning Policy**

6.9 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

En1: identifies this area as lying within a green wedge where new development involving the erection of buildings etc will not normally be permitted. Certain outdoor recreational developments and extensions to existing premises may be allowed.

En2: states that green wedges will be enhanced by landscaping and the provision of appropriate informal recreation uses.

En5: states that landscaped open space should be provided as an integral part of new housing developments. In particular landscaped corridors should be provided and should include, where appropriate, an adequate footpath network.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

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

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



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

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

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

GEP9: states that where appropriate 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 would be sought.

GN2: strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

GN3: strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife.

Ho12: States that proposals for residential institutions will only be approved if there is no significant detrimental effect on neighbours or the surrounding area, the property is accessible to public transport, shopping and other community facilities and adequate parking and amenity open space are provided.

Ho2: Allocates 78 hectares of land at Middle Warren for housing development. Development is to be phased and legally binding agreements sought to ensure the full provision of the landscaped infrastructure, link road and of recreational and community facilities.

Ho7: States that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg12(A): Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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.

Hsg15(A): 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.

PU8: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

Re2: States that a neighbourhood park incorporating equipped play areas will be provided in this area.

Re4: States that proposals for development which result in the loss of outdoor playing space will not normally be approved unless satisfactory alternative replacement facilities are provided.

Rec5: States that land in this location is identified for outdoor recreational playing space and associated facilities.

Rec9: Identifies this location for the development and improvement of sports pitches. States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

Tr5: States that new access points will not normally be allowed along the A19, A689, A179 and A178 south of Seaton Carew.

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

## **Planning Considerations**

6.10 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, the affect of the proposals upon the surrounding area in general, and in relation to drainage and highway safety considerations.

### Local Plan Policy

6.11 The majority of the site is within the area previously allocated for housing in the adopted Hartlepool Local Plan 1994 and covered by the 1997 planning permission for the development of Middle Warren. However it should be noted that the scheme has encroached slightly into the structure planting to the south of the site allocated for housing, this has been due to the final layout of the drainage system to the north of the site. It is considered that the loss of the structure planting shown on the Master Plan will be compensated by the large amount of amenity planting within the application site.

6.12 The scheme appears to accord with the principles of the previous s106 legal agreement for the provision of social housing north of the Green Wedge, and the

policies and proposals contained within the adopted and emerging Hartlepool Local Plans.

6.13 It is considered that the availability of sites for a development of this nature at this scale are limited within the town. More fundamentally, the development is seen as a prestigious scheme for Hartlepool in terms of its concept of integrating housing and care based on the philosophy of taking care of older people in their own homes rather than taking people into a more formal care environment.

#### Effects on the surrounding area

6.14 The scale of the development is largely four storeys and will be perceived from the Green Wedge and beyond as a series of blocks of equal height with the last block on the south east corner presenting a longer elevation that turns the corner to form an L-shaped building. The view from Easington Road to the east would suggest a development of lesser scale as the L-shaped block steps down to accommodate the scale of the bungalows in the north-eastern area of the site.

6.15 It is considered that although the development is large scale it is anticipated that once the landscaping surrounding the Green Wedge has reached maturity the entire development will be softened from the south and east. The position of the scheme at a lower level than the residential development to the west Merlin Way, and set back from Easington Road by structure planting that the development would not look visually intrusive or dominant.

6.16 Within the site the concept for the landscape proposals is the creating of a series of courtyard gardens. In addition to the garden/amenity areas on the site the residents will have access to both neighbourhood park with its proposed facilities as well as the surrounding Green Wedge, which will be attractively landscaped and traversed with pedestrian footpaths. The bungalows will benefit of private rear gardens.

#### Security

6.17 It is proposed to erect a perimeter around the site with a combination of 2m high walls, wall with railings and railings. It is proposed to install CCTV at key points and automatic entry controls to key doors, as well as provide good external lighting within the parking areas and along pedestrian routes.

#### Highway Considerations

6.18 The access road from the Bluebell Way roundabout is proposed to serve future residential development to the north, the neighbourhood park and the proposed extra care village. The access road would form the northern boundary of the site. It is proposed to form an entrance from the access road to access the main H block (village square), which would also allow access into the shared neighbourhood park car park, further to the east access is proposed to separate parking courts for the residents and to access the health living suite.

6.19 Although there have been an objections raised to the increase in traffic on Easington Road the Head of Transportation and Traffic has no objection to the scheme and does not consider any speed restrictions or pedestrian access on Easington Road to be appropriate in this instance. It is considered that one access in and out of the site is acceptable on highway safety grounds.

6.20 Adequate parking facilities are proposed within the development, although part of the car parking is proposed to be shared with the proposed neighbourhood park.

#### Drainage Issues

6.21 There are outstanding issues relating to the drainage of the site, discussions are on-going between technical officers within the Council, the Environment Agency and Northumbrian Water. It is anticipated that issues will be resolved in time for the Planning Committee.

#### Relationship to the Original Master Plan

6.22 The original Master Plan for this area made no provision for this specialist development. In order to accommodate it a number of changes to the Master Plan are proposed. Reference has already been made to the peripheral planting area which has been incorporated into the application site. In addition the proposed Neighbourhood Park has been amended. Two acres of the site allocated for the park has been included in the development site. To compensate for the loss of this area Joseph Rowntree has proposed that facilities within their development facilities closest to the remaining park area, will be open to residents of Middle Warren and the town. A community use agreement is proposed to guarantee this. Thus the healthy living suite will be available on a membership basis to the over 60's. The café/restaurant will be open in part to others on a managed basis and the day care centre which will be managed by Social Services will be generally available.

6.23 Facilities in the remaining parts of the park have been reviewed by officers and revisions are proposed. In broad terms, a car park, fully equipped children's play area, MUGA and possibly a bowling green are now envisaged. The timing of the provision of these facilities such that some will be available earlier than originally planned is still under discussion.

#### Conclusion

6.24 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted and emerging Hartlepool Local Plans. There is a strong presumption towards an approval of this application once all of the issues are resolved. It is anticipated that the outstanding issues will be resolved in advance of the Committee. There are tight deadlines involved with the land transaction for this development which must be completed by early 2006 if the development is to proceed. A final recommendation will follow.

**RECOMMENDATION - UP DATE TO FOLLOW**

**No:** 7  
**Number:** H/2005/5141  
**Applicant:** Mr I Grieveson 26 COURAGEOUS CLOSE  
HARTLEPOOL TS25 1EU  
**Agent:** Mr B Grieveson Jesmond The Parade Grange Road  
Hartlepool  
**Date valid:** 22/02/2005  
**Development:** Erection of a front boundary wall with pillars(retrospective  
application)  
**Location:** 26 COURAGEOUS CLOSE SEATON CAREW  
HARTLEPOOL HARTLEPOOL

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## The Application and Site

7.1 Retrospective planning consent is sought for the erection of a 0.890m high front boundary wall with pillars. The property is a modern recently extended 4 bedroom detached property, located at the entrance to a cul-de-sac in an attractive residential estate of Seaton Carew ( Warrior Park).

## Publicity

7.2 The application has been advertised by way of neighbour letters (4). To date, there has been one letter of objection. The concerns raised are:

- a. Estate built with “open plan” principles.
- b. Approval would set a precedent to allow further walls/fences on the estate
- c. Children playing on the footpath would be at risk regarding sight lines being obscured for vehicles leaving the drive.

7.4 The period for publicity has expired.

## Consultations

7.5 The following consultation replies have been received:

**Head of Technical Services – No comments.**

## Planning Policy

7.6 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features , wildlife and habitats, and the need for high standards of design and landscaping.

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

### **Planning Considerations**

7.7 The main planning considerations in this instance are the appropriateness of the development in terms of policies and proposals held within the adopted and emerging Hartlepool Local Plan, and effect on the character and appearance of the street scene.

7.8 Policies Gen 1 and GEP1 of the adopted Hartlepool Plan 1994 and the emerging Hartlepool Local Plan 2005 sets criteria for the assessment of development proposals, including the external appearance of development and its relationship with the surrounding area. It is considered that the front boundary wall and pillars is in conflict with these policies and is harmful to the character and appearance of the street scene and the surroundings.

7.9 The applicants' agent has indicated in a supporting letter (Copy letter...) it was never the applicants' intention to breach planning legislation but having seen similar walls erected around properties on the Warrior Park estate it was considered acceptable. It should be noted that not all the housing estates on Warrior benefit from open plan conditions and a planning application is judged on its individual merits. In this instance the protection of the open plan appearance is relevant.

7.10 It is considered the wall introduces a significant feature to the street scene that would be out of keeping with its present open character and conflict with the open plan condition attached to the estates planning permission.

7.11 For the reasons given above, I conclude, therefore, that the development should be refused. I would also seek agreement for the Development Control Manager, in consultation with the Chief Solicitor be authorised to take enforcement action, if necessary, to secure the removal of the wall and make good the resulting groundwork's.

### **RECOMMENDATION - REFUSE**

1. In the opinion of the Local Planning Authority the development would introduce a significant feature to the street scene that would be out of keeping with its present open character reinforced by an open plan condition attached to the planning consent for the estate. On this basis it is considered that the development would conflict with the objectives of policy Gen1 of Hartlepool Local Plan 1994 and policy GEP1 of emerging Hartlepool Local Plan 2005.

## 26 Courageous Close



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.11.05</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5141</b>	REV



**No:** 8  
**Number:** H/LBC/0973/04  
**Applicant:** M.A. Ali  
**Agent:**  
**Date valid:**  
**Development:** Repainting of Building  
**Location:** M.A.S. Agra Palace, Lynn Street

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## The Application and Site

8.1 Retrospective listed building consent is sought for the painting of the façade of M.A.S. Indian restaurant in Lynn Street. The building has a grade 2 listing and is located outside the Church Street Conservation Area. The original colour of the building was white and has been painted a biscuit colour with dark detailing to the ornate features on the ground floor restaurant. Also included is the painting of a tiled area with a green colour.

## Publicity

8.2 The application has been advertised by way of neighbour letters (1). There have been no responses.

8.3 The period for publicity has expired.

## Consultations

8.4 The following consultation replies have been received:

**Landscape/Conservation Manager** – Concerns that the listed building (Grade 11) owner had previously been advised that the building should not be re-painted. No objections to painting of the upper stories however, the re-painting of the ground floor is inappropriate and harmful to the listed building. Suggested refuse the application on the grounds that the works that have been carried out are contrary to policy Co10/HE8.

## Planning Policy

8.5 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Co10: states that traditional materials and sympathetic designs should normally be used in works to Listed Buildings and adjoining properties. These should be in keeping with the character of the building and should thereby preserve its setting and that of the surrounding area.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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.

HE 8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

## **Planning Considerations**

8.6 The main considerations in this instance are the policies and proposals within the adopted and emerging Hartlepool Local Plan 2005, and whether the re-painting of the building would preserve or enhance the appearance of the listed building.

8.7 The owner has discussed with the Councils Conservation Officer about ways of removing the green coloured paint from the ornate tile on the front of the building, however, he elected to leave the paint on and have the planning application determined.

8.8 It is considered that the re-painting of the building and ornate features the tiles is not at odds with the buildings listed status or out of character with the surrounding area which is mostly commercial.

8.9 There are however concerns in relation to the paint applied to the ornate tiles on the front of the building. This clearly affects the appearance of the listed building and would conflict with policies Co 10 and HE 8 of the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005.

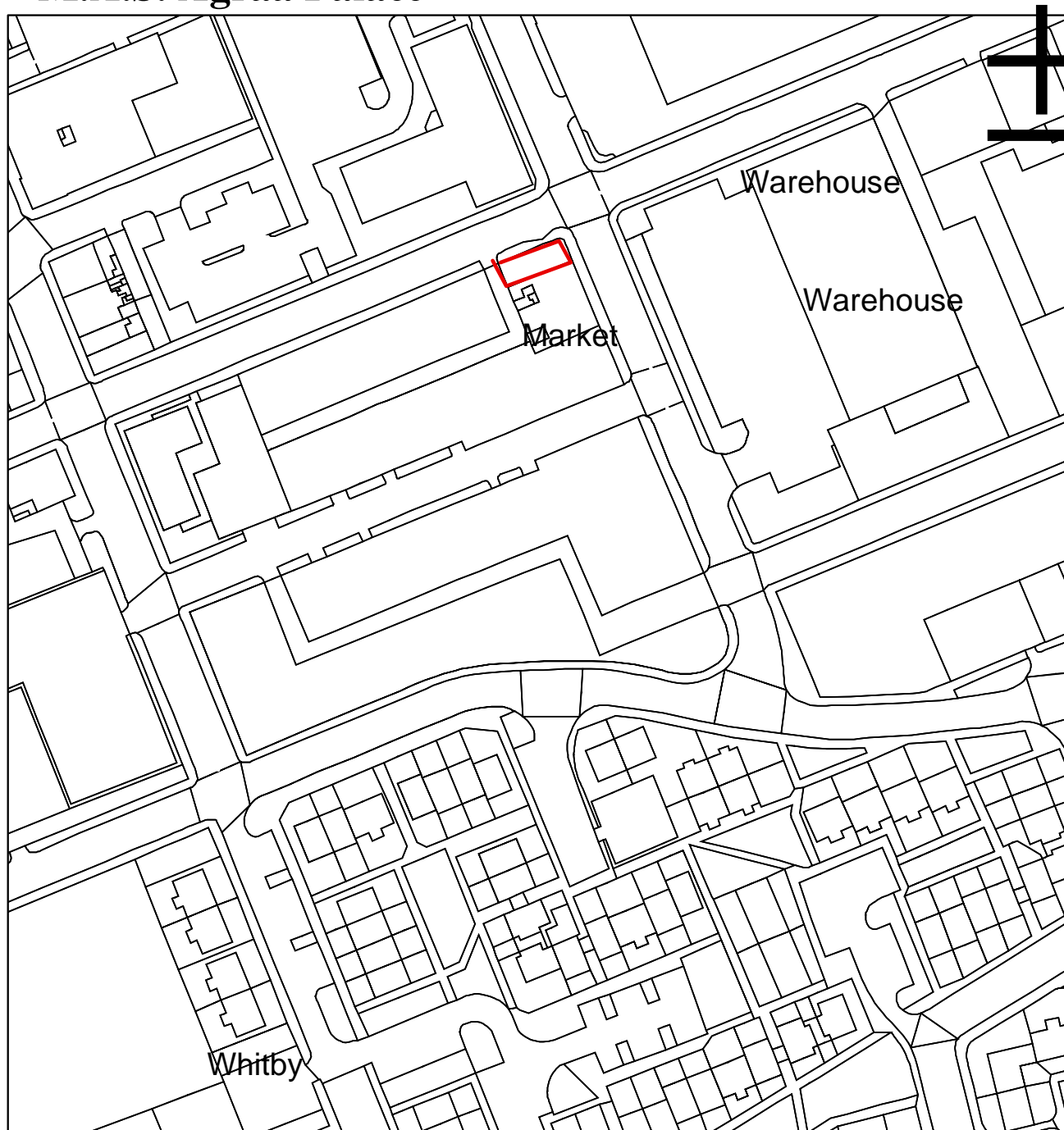
8.10 For the reasons given above, it is suggested that that the application should be allowed in part and refused in part.

8.11 Agreement is therefore sought for the Development Control Manager, in consultation with the Chief Solicitor to take enforcement action, if necessary, to secure the removal of the green paint from the ornate tiles and restore them to their original appearance.

**RECOMMENDATION – APPROVE IN PART AND IS REFUSE IN PART, AS SET OUT IN THE REPORT**

1. It is considered that the painting of ornate tiles detracts from the character and appearance of the listed building contrary to policy Co 10 of the Hartlepool Local Plan 1994 and policy HE 8 of emerging Hartlepool Local Plan 2005.

## M.A.S. Agraa Palace



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.11.05</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/LBC/0973/04</b>	REV

**No:** 9  
**Number:** H/2005/5929  
**Applicant:** Rivergreen Developments PLC The Rivergreen Centre  
 Aykley Head Durham DH1 5TS  
**Agent:** J. Darbyshire & D. Kendall Millmount Ponteland Road  
 Newcastle Upon Tyne NE5 3AL  
**Date valid:** 10/11/2005  
**Development:** Erection of 14 business units and associated works  
**Location:** Queens Meadow Business Park Stockton Road  
 HARTLEPOOL

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## The Application and Site

9.1 Detailed planning permission is sought for the erection of 14 business units on land at Queens Meadow Industrial Estate. The units would vary in size and would be contained within 8 separate rectangular shaped buildings.

9.2 There would be two vehicular access points to the site from the Queens Meadow distributor road.

9.3 Each of the units would be served by car parking and servicing areas.

9.4 The site comprises an essentially level area of land situated between the main entrance to the estate and the UK Steel Innovation Centre development which is currently nearing completion.

9.5 The buildings would feature curved roofs and would comprise a range of external cladding materials including red facing brick, dark grey profiled cladding and natural cedar cladding. This would be a speculative development accommodating various types of industrial or storage uses.

## Publicity

9.6 The application has been advertised by way of neighbour letters (3) and also by site and press notice

9.7 To date there has been one letter of no objection received.

## Consultations

9.8 The following consultation replies have been received:

**Northumbria Water** – No objections

**Environment Agency** – Comments awaited

**Head of Public Protection & Housing** – No objections

**Head of Technical Services** – Comments awaited

**Greatham Parish Council** – Concern that general industrial development would spoil the image of the estate.

### **Planning Policy**

9.9 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Ec3: states that proposals for business development will normally be approved in this area which is identified as a prestige/high quality industrial site. Storage and general industrial uses may also be appropriate in certain circumstances.

En13: states that particularly high standards of design and landscaping to improve the visual environment will be required in respect of developments along this major corridor.

En7: states that a high standard of design is required on this industrial estate road frontage.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

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

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

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

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

Ind3: states that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do

not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

PU1: states that industrial development on this site will be approved if surface water drainage is adequate. Sustainable drainage is encouraged.

Se2: states that industrial development on this site will be approved if surface water drainage is adequate.

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

### **Planning Considerations**

9.9 The main issues to be considered in this case are the appropriateness of the site for the proposed use, highway safety, parking provision, visual impact and drainage issues.

### **Policy Issues**

9.10 In policy terms the site is part of the Queens Meadow Industrial Estate. The principle of industrial development is acceptable and indeed represents a major economic development opportunity. In order to protect the image of the estate and the amenities of other industrial operators a condition could be imposed to prohibit activities that by virtue of noise or other emissions could be regarded as bad neighbour uses.

### **Visual Impact**

The proposal is considered to be of a high standard of design in a prominent gateway location.

### **Highway/Drainage Issues**

The views from the Head of Technical Services and Environment Agency are awaited and will be provided in an update report.

**RECOMMENDATION** – Update to follow





**No:** 10  
**Number:** H/2005/5387  
**Applicant:** Mr I Miah 34 GRANGE ROAD HARTLEPOOL TS26 8JB  
**Agent:** 34 GRANGE ROAD HARTLEPOOL TS26 8JB  
**Date valid:** 11/07/2005  
**Development:** Provision of UPVC windows and door (retrospective application)  
**Location:** 34 GRANGE ROAD HARTLEPOOL

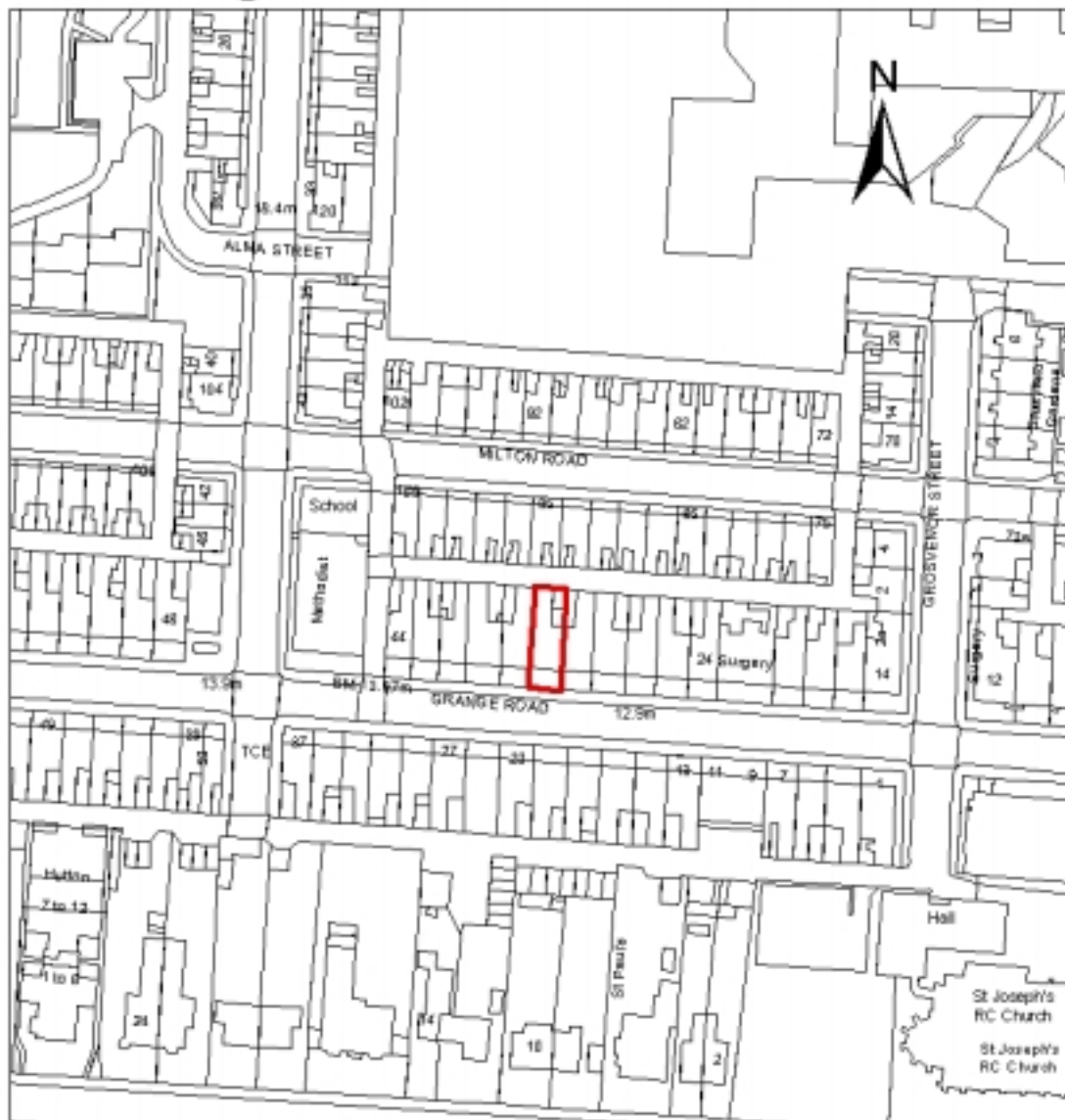
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### **Background**

10.1 This application was reported to the planning committee of 31 August 2005 with a recommendation of refusal. It was deferred and has been subsequently deferred to allow time for further discussions with the applicant. The discussions are on going.

Recommendation **DEFER**

## 34 Grange Road



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.8.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5387</b>	REV

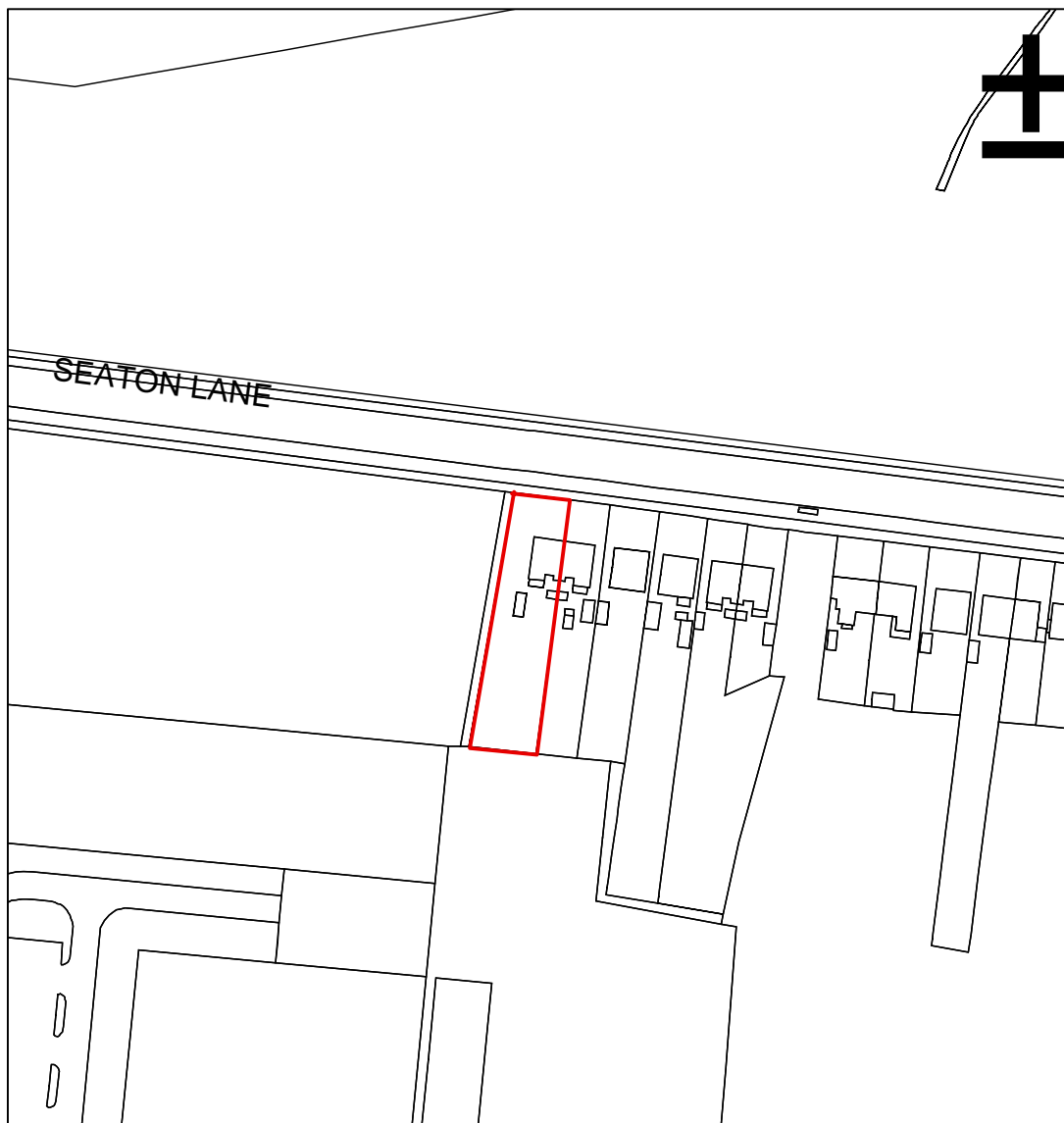
**No:** 11  
**Number:** H/2005/5644  
**Applicant:** Mrs J A J Boyle  
**Agent:** Jackson Plan, Mr Ted Jackson  
**Date valid:** 11 August 2005  
**Development:** Outline application for the erection of a detached dormer bungalow  
**Location:** 65 Seaton Lane, Hartlepool

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## UPDATE

11.1 This application was considered at the meeting of the Planning Committee of 23 November 2005 when it was deferred as a number of issues were outstanding in particular the relationship with adjacent industrial development and flooding. These matters are still under discussion/consideration and an update report may follow.

## 65 Seaton Lane



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.11.05</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5644</b>	REV

**No:** 12  
**Number:** H/2005/5782  
**Applicant:** Mrs J Shield c/o Agent  
**Agent:** Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP  
**Date valid:** 03/10/2005  
**Development:** Outline application for the erection of a detached bungalow  
**Location:** LAND ON THE EAST SIDE OF 30 RUSWARP GROVE  
 HARTLEPOOL

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### **The Application and Site**

12.1 Outline planning permission is sought for the erection of a detached bungalow. The application site is located at the end of a cul-de-sac and currently forms part of the side garden of 30 Ruswarp Grove. It is proposed that the bungalow will share the access to 30 Ruswarp Grove and half of the existing double garage. The applicant has asked that siting and the means of access are considered with the other matters (design, landscaping and external appearance) reserved.

12.2 The site is enclosed by a timber fence to the north beyond which the rear gardens of properties on Deacon Gardens. To the east is a chain link and partial timber fence beyond which are flats fronting Regal Close. A number of mature trees are located to the east and north boundaries. To the south is number 31 a bungalow, this has a drive to the side closest to the site, a wall forms the boundary with the application site. To the west is the donor property, this has an access drive leading to a double garage closest to the site and a porch and high level window to the side elevation. An arched gateway feature stands at the entrance to the drive.

### **Planning History**

12.3 In November 1980 an application was received for the erection of a detached bungalow. It appears that the application was deferred when considered by committee pending the receipt of drainage details and confirmation of the accuracy of the plans. It appears that no formal decision was made and the application is considered therefore to be a deemed refusal (H/0/976/79 refers).

12.4 In January 1981 planning permission was granted for the erection of a rear dormer extension (H/940/80).

12.5 In December 1993 planning permission was granted for the erection of a porch to the side and pitched roof garage extension (H/FUL/0609/03).

### **Publicity**

12.6 The application has been advertised by way of neighbour letters (20). To date, there have been 13 letters of objection which raise the following concerns:

1. Inadequate vehicular access/egress.
2. Flooding
3. Traffic/parking problems
4. Loss of privacy
5. Noise
6. Loss of mature trees
7. Too near flats
8. Loss of mature trees
9. Loss of light
10. Detrimental to area.
11. Loss of value
12. Disturbance during building works
13. Previous refusal.

The period for publicity has expired.

Copy letters E.

### **Consultations**

12.7 The following consultation replies have been received:

**Head of Public Protection & Housing:** - No objections.

**Highways:** - A legal agreement will be required to share the driveway on this new property and the drive should be a minimum of 6m otherwise there are no Traffic or Highway implications.

**Engineers:** - No comments in respect of contaminated land and land drainage.

**Northumbrian Water:** - No comments received.

**Environment Agency:** - No comments received.

### **Planning Policy**

12.8 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate



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 as appropriate 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.

Ho7: states that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg10(A): supports housing proposals contributing towards reaching brownfield targets for development subject to the effect on the overall housing strategy for reducing the imbalance between housing supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought.

Hsg12(A): sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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**

12.9 The main planning consideration in this case are considered to be policy, relationship with neighbouring properties including the donor property, highways, flooding and trees.

### **POLICY**

12.10 The application site is within the urban fence where residential development is considered acceptable in principle.

### **RELATIONSHIP WITH NEIGHBOURING PROPERTIES INCLUDING THE DONOR PROPERTY**

12.11 The site of the proposed bungalow is surrounded on all sides by existing development. It appears that the proposed siting of the building would fail to meet the current guidelines in relation to separation distances between dwellings. The applicant considers these could be achieved however has failed to demonstrate how. It is considered therefore that the proposal as submitted would represent an overdevelopment of the site which would adversely affect the living conditions of the adjacent occupiers by reason of the proximity of the development. It is also considered that the living conditions of the future occupants of the bungalow itself would be adversely affected by the surrounding development.

12.12 In relation to the donor property the application site will share a drive. The donor property has a porch to the side and an arched gate currently erected across the entrance to the drive. The applicant has however indicated that if required the applicant is willing to remove the porch and arch. He is also willing to brick up openings on this side. The drive narrows to what is effectively a single carriageway to the front and notwithstanding the proposed amendments to the building suggested by the applicant it is considered that the proposed relationship with the donor property would be unacceptable. It is considered that the use of the shared drive, the comings and goings associated with the new property, would have a detrimental impact on the living conditions of the donor property.

### HIGHWAY CONSIDERATIONS

12.13 It is proposed that the application site will share a drive with the donor property. The applicant has not prepared a detailed plan showing how this would work however it appears that in theory the site could accommodate a shared drive and parking for both properties particularly if the donor properties porch and gate were removed which could be conditioned. Highways have not therefore objected to the proposal provided a drive width of 6m is maintained and a legal agreement is secured. In practice however the access narrows to effectively single carriageway width as it approaches Ruswarp Grove and any careless parking by either householder would effectively obstruct the access.

### FLOODING

12.14 The issues of flooding has been raised by several objectors who advise that the area is prone to flooding. The applicant maintains that the donor dwelling property has not flooded. This matter has been discussed at some length with the Engineers. It appears that historically flooding has occurred to the rear of properties on Ruswarp Grove. It is thought that initially this related particularly to flash flooding from adjacent playing fields. It appears that this situation was resolved a number of years ago by the digging of land drains. The problem resurfaced recently when the new housing was erected on the adjacent site however it appears that this was due to inadvertent interference with the land drain and the situation has been investigated and resolved. The Engineers have raised no objection to the proposal.

12.15 Objectors have also raised the concern that the area has been designated a flood risk area. It appears that this concern relates to the Indicative Flood Maps produced by the Environment Agency which identify large parts of Seaton Carew including much of Ruswarp Grove as a Zone 3 flood zone. It appears that these maps relate to concerns in relation to coastal inundation. The comments of the Environment Agency have been sought, however as the site is clearly located in a developed area it is considered unlikely that an objection on these grounds could be sustained.

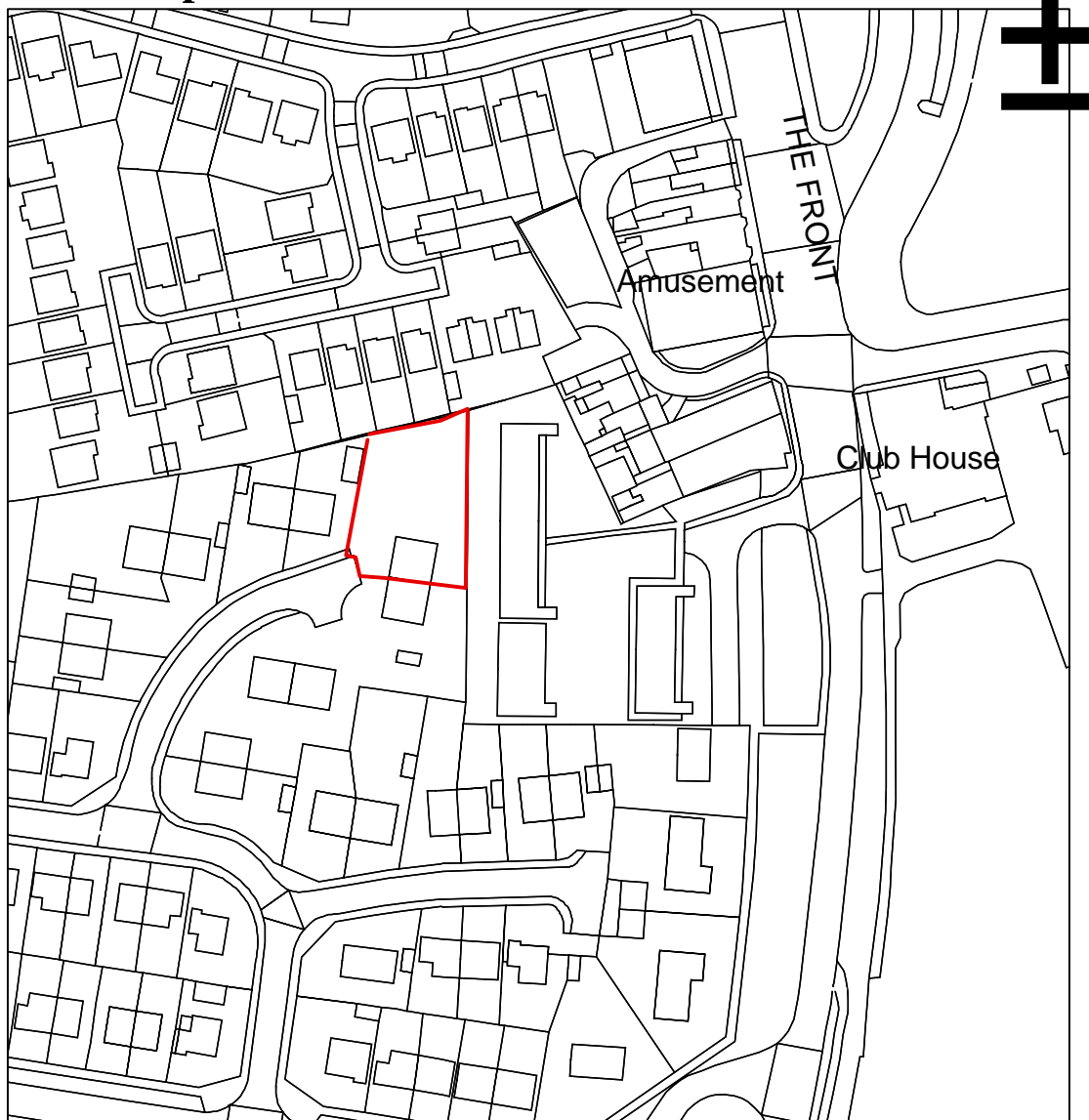
### TREES

12.16 The site contains a number of mature trees on the periphery of the site. The Arboriculturalist has been consulted and considers that the dwelling could be accommodated without requiring the removal of the trees.

**RECOMMENDATION – REFUSE** for the following reasons

1. It is considered that the proposed relationship between the proposed development and the donor property would be unacceptable. It is considered that the use of the shared drive, the comings and goings associated with the new property, would have a detrimental impact on the living conditions of the donor property. The proposal is therefore considered contrary to policies Gen1 and Ho7 of the adopted Hartlepool Local Plan (1994) and policy Gep1 and Hsg12(A) of the emerging Hartlepool Local Plan 2005.
2. It appears that the proposed siting of the dwellinghouse would fail to meet the current guidelines in relation to separation distances between dwellings. The applicant has failed to demonstrate that these could be achieved. It is considered therefore that the proposal as submitted would represent an overdevelopment of the site which would adversely affect the living conditions of the adjacent occupiers by reason of the proximity of the development. It is also considered that the living conditions of the future occupants of the bungalow itself would be adversely affected by the surrounding development. The proposal is therefore considered contrary to policies Gen 1 and Ho7 and supplementary note 3 of the adopted Hartlepool Local Plan (1994) and policy Gep1 and Hsg12(A) and supplementary note 5 of the emerging Hartlepool Local Plan 2005.

## Ruswarp Grove



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.12.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5782</b>	REV

**No:**  
**Number:** H/2005/5882  
**Applicant:** Elliott & McCarthy 86 WILTSHIRE WAY HARTLEPOOL  
 TS26 0TB  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 25/10/2005  
**Development:** Erection of a two-storey extension to dental  
 surgery/health centre  
**Location:** 86 WILTSHIRE WAY HARTLEPOOL HARTLEPOOL

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## The Application and Site

13.1 The application site is a large detached building on Wiltshire Way comprising a doctors surgery, dentist surgery and pharmacy, there is public car park to the northwest and south east of the application site.

13.2 The application proposes to erect a large two-storey extension to the southwest of the building, on land which is currently grassed, with a footpath and accommodates 6 car parking spaces.

13.3 The floor plans detail the dental surgery accommodating the new two-storey extension and also include two beauty rooms at first floor level, which are proposed to be used for cosmetic dentistry.

## Publicity

13.4 The application has been advertised by way of neighbour letters (19), and site notice. To date, there have been 1 letter of no objection and 1 letter of comments from the Hartlepool Access Group regarding access for all.

13.5 The period for publicity expires prior to the Planning Committee should any representations be received after the writing of this report these shall be reported to the Committee in the form of an update report.

## Consultations

13.6 The following consultation replies have been received:

**Head of Public Protection:** - No objections

**Head of Transportation and Traffic:** - No objections

**Northumbrian Water:** - Awaiting comments

**Police:** - Awaiting comments

**Engineering Consultancy:** - No objection subject to condition regarding the need for a desk top study in relation to possible contamination.

## Planning Policy

13.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

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

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

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

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

Pu8: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

## Planning Considerations

13.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, and the affect of the proposals upon neighbouring properties and the surrounding area in general.

13.9 The proposed extension, although large is not considered to be dominant or out of keeping with the existing building or surrounding area. Signage appropriate to the use is proposed to the front, rear and gable of the extension as well as external up and down lights which would light the building and are not perceived to be detrimental to the streetscene.

13.10 The maximum car parking requirements for this development is 14 parking spaces, however the Head of Transportation and Traffic does not object to the proposed loss of 6 car parking given that there is good public transport links and public parking which is available around the site.

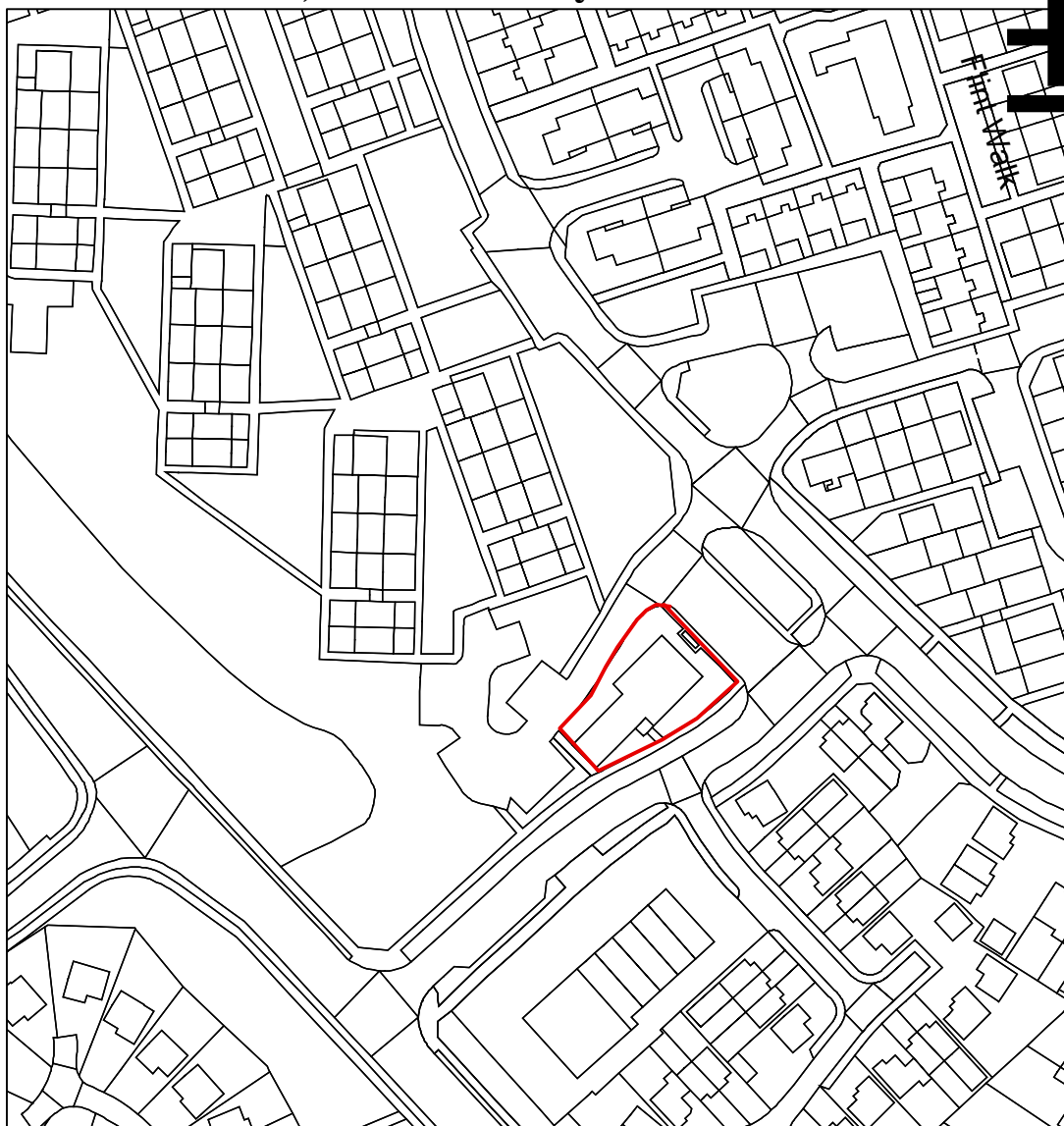
13.11 There have been recent discussions by engineers' with residents around this area regarding the proposed construction of a new controlled junction, link road from Hart Lane to Throston Grange Lane and associated car parking. Although there is no planning application in for these works the proposed extension to the surgery does not prejudice the highway plans.

**RECOMMENDATION** – Subject to no objections before the meeting APPROVE

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



## Health Centre, Wiltshire Way



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.12.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5882</b>	REV

**No:** 14  
**Number:** H/2005/5893  
**Applicant:** MR RICHARD LILL 4 EXCHANGE QUAY SALFORD  
 MANCHESTER GREATER MANCHESTER M5 3EE  
**Agent:** Commpro Telecommunications Commpro  
 Telecommunications Unit 4, Wentworth  
 Industrial Park Maple Road Tankersley Tankersley S75  
 3DP  
**Date valid:** 03/11/2005  
**Development:** Erection of a 25 metre high column with 3 antennas, 2  
 transmission dishes and 6 equipment cabinets and  
 compound  
**Location:** OWTON GRANGE FARM OWTON FENS BILLINGHAM

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### The Application and Site

14.1 The application site is located to the west of Owton Manor, within close proximity to an agricultural building at Owton Grange Farm. Access is currently gained via a mature tree lined access track off Macrae Road.

14.2 The proposed development consists of a 25m high column, which will accommodate three dual band polar antennas and two transmission dishes. Six associated equipment cabinets will be located at ground level within a 6m x 6m compound around the column. A landscaping scheme is also proposed.

14.3 The proposed installation is required to replace existing Orange equipment currently installed at Brierton School on Catcote Road.

### Publicity

14.4 The application has been advertised by way of neighbour letters (23). To date, there have been 2 letters of objection no reasons were given. Copy letters A.

The period for publicity expires prior to the meeting

### Consultations

14.6 The following consultation replies have been received:

**Community Services:** - No objection

**Head of Public Protection:** - No objection

**Head of Transportation and Traffic:** - No objection

**The Ramblers:** - Awaiting Comments

## Planning Policy

14.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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.

PU7A: 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.

Ru1: States that the spread of the urban area into the surrounding countryside and undeveloped areas of coast beyond the urban fence line will be strictly controlled. Development other than that relating to countryside activities will not normally be permitted (the application site lies beyond the urban fence line).

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur6, Rur10a, Rur11, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network.

Planning Conditions may be attached and legal agreements sought in relation to planning approvals.

Rur6: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Se4: States that proposals for telecommunications developments will normally be approved provided the Council is satisfied that there is no prospect of sharing facilities and the siting and design minimise the visual impact on the surrounding area.

### **Planning Considerations**

14.8 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 and the visual effect of the development.

14.9 The proposed site is 520metres away from the housing within the Owton Manor area of the town. The site is relatively screened by mature planting, although it is proposed to remove 3 trees, a comprehensive landscaping scheme is proposed to replace these with 11 trees. It is also proposed to colour the equipment brown with a green top section to minimise visual effect. There is also a large agricultural building within close proximity, which would help soften the visual impact of the mast.

14.9 The slim profile of the installation would blend easily into the surrounding area and it is considered there would be no over dominant impact.

14.10 In the light of the above it is considered that it would be difficult to substantiate any objection to the proposal on visual grounds.

14.11 The applicants have submitted a certificate to confirm that the proposal will operate within the ICNIRP guidelines. Given this and recent appeal decisions in Hartlepool it is considered that it would be difficult to substantiate any objection to the proposal on health grounds.

14.12 PPG8 – Telecommunications reaffirms the Government's view that the planning system is not the place for determining health safeguards. The document states:

*"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 station meets ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an*

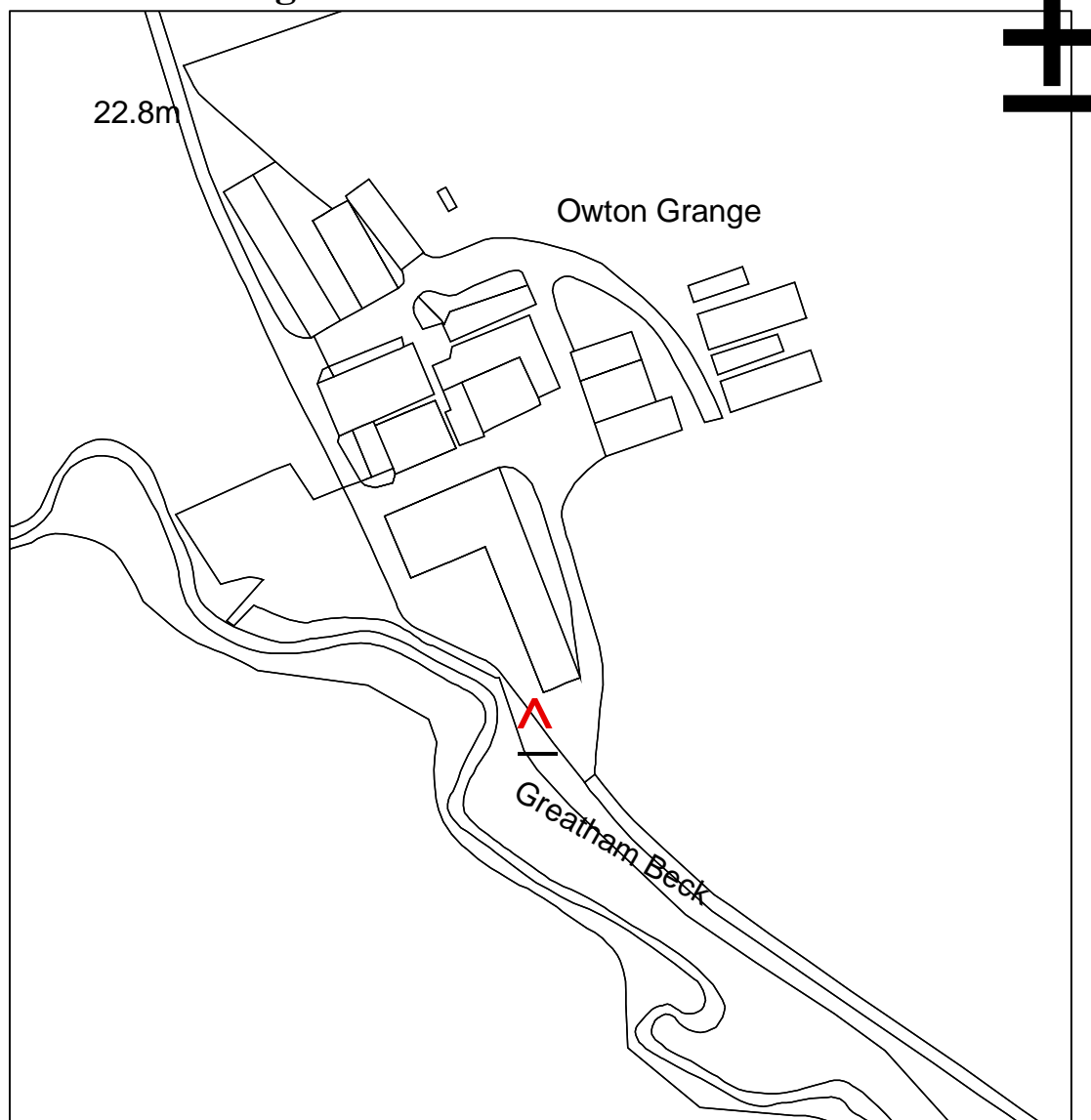
*application for planning permission or prior approval, to consider further the health aspects and concerns about them”.*

14.13 The applicant has considered alternative sites and has provided justification to show these are unsuitable.

**RECOMMENDATION** – APPROVE subject to no further objections

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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 7<sup>th</sup> December 2005, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. All planting, seeding or turfing comprised in the approved details of landscaping on plan GA 06 revB received on the 7<sup>th</sup> December 2005 shall be carried out in the first planting season following the installation of the equipment. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
4. The hereby approved equipment shall be painted in colours as detailed on the plans GA 04 revB and GA 10 revB received on the 7<sup>th</sup> December 2005 with the Local Planning Authority within 3 months of the equipment being erected.  
In the interests of visual amenity.

## Owton Grange Farm



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.12.05</b>
	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5893</b>	REV

**No:** 15  
**Number:** H/2005/5939  
**Applicant:** Pegasus Planning Group 4 The Courtyard Church Street  
 Lockington Derbyshire DE74 2SL  
**Agent:** 4 The Courtyard Church Street Lockington DE74 2SL  
**Date valid:** 14/11/2005  
**Development:** Change of use from shop use (A1) to financial and  
 professional services use (A2)  
**Location:** 49 Middleton Grange Shopping Centre Hartlepool

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### The Application and Site

15.1 The site to which this planning application relates is an A1 retail unit situated upon the external first floor element of the Middleton Grange Shopping Centre at the top of the ramp leading to/from York Road.

15.2 The application seeks to change the use of the existing A1 retail unit (shoe repairs and leather goods) into an A2 Use (financial and professional services).

### Publicity

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

The period of publicity will expire prior to the Planning Committee.

### Consultations

15.4 The following consultation replies have been received:

**Head of Public Protection:** - no objection

### Planning Policy

15.5 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com3, Com13A, Com14 and Rec14. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces. The Borough Council will seek to secure the re-use of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to the

provisions of Rec13 and Com18 and will be controlled by the use of planning conditions.

COM2: states that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area and where they accord with policies Rec13 and Com18. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

Ec14: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. Where non-retail uses are approved on the ground floor, window displays will normally be required to ensure that they do not detract from the shopping environment.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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

## **Planning Considerations**

15.6 The main issues to consider in relation to this application are the effect of the proposal upon the primary retail function of the primary shopping area and the effect upon the character and amenity of the surrounding area.

15.7 The emerging Hartlepool Local Plan (2005) gives scope to approve non-A1 retail development planning applications within the primary shopping area, which do not have an adverse effect upon the primary retail function of the area and do not adversely affect the character and amenity of the surrounding area.

15.8 It is acknowledged that the application site is within the boundaries of the Middleton Grange Shopping Centre, however, the open section at first floor appears to have a distinctly different feel in relation to the enclosed element of the Middleton Grange in terms of user and quality of frontage etc. The uncovered area appears to create a link between the commercial premises on York Road and the Middleton Grange Shopping Centre. The emerging Local Plan seeks to control the proposed use to peripheral parts of the Primary Shopping Area such as Park Road, Victoria Road and York Road.



15.9 It is considered that due to the peripheral location of the application site in relation to the Middleton Grange Shopping Centre proper and its close proximity to nearby financial premises on York Road, that the proposed use in this location and size of unit would be unlikely to create a detrimental impact upon the primary retail function of the Middleton Grange.

15.10 Policy Com2 of the emerging Hartlepool Local Plan (2005) gives a degree of flexibility in dealing with applications of this nature, it is important to recognise that future planning applications for similar uses will be considered on their own merits. As such, the fear of creating a precedent is not significant enough in this instance to warrant a recommendation of refusal.

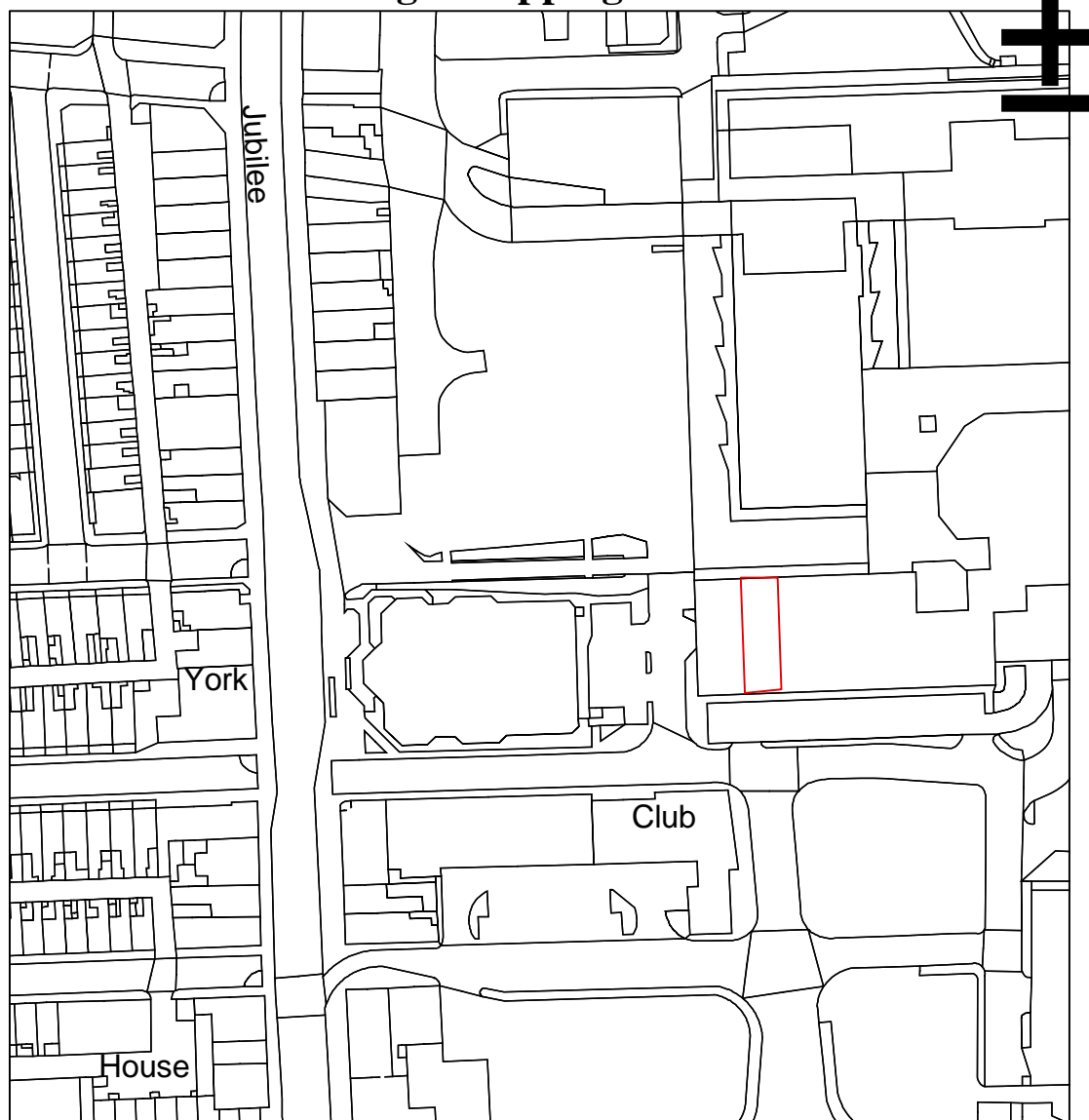
15.11 The applicant has indicated that should the application be successful a planning application for alterations to the shop front would be submitted. Paragraph 5.18 of the emerging Local Plan requires non-retail uses within the primary shopping area to create a display window frontage, an application would be assessed on its visual merits and would be required not to adversely affect the character and amenity of the surrounding area.

15.12 It is for the reasons stated above that the application is recommended for approval.

#### **RECOMMENDATION - APPROVE**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. A shop window display shall be provided and retained at the premises at all times unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.

## 49 Middleton Grange Shopping Centre



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.12.05</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5939</b>	REV

<b>No:</b>	16
<b>Number:</b>	H/2005/5709
<b>Applicant:</b>	Bellway Homes (NE) Ltd
<b>Agent:</b>	Bellway Homes Limited
<b>Date valid:</b>	31 August 2005
<b>Development:</b>	Erection of 70,2 and 3 bedroom houses and 12 flats
<b>Location:</b>	Land at the former Golden Flatts, Public House and adjacent land Seaton Lane and Brenda Road Hartlepool

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## The Application and Site

16.1 The application site is located at the junction of Brenda Road and Seaton Lane. The site currently accommodates the vacant Golden Flatts public house, a discussed warehouse and a parcel of grassed land fronting Seaton Lane.

16.2 To the north is open space, to the east are residential dwellings fronting onto Seaton Lane, to the south are various industrial premises and to the west is the Golden Flatts Primary School.

16.3 The application proposes to erect 70, 2 and 3 bedroom houses and 12 flats. The houses are proposed as terraced and semi-detached, and the flats are proposed on the corner of Seaton Lane/Brenda Road in the form of a three storey block.

## Publicity

16.4 The application has been advertised by way of neighbour letters (46), site notice and press notice. To date, there have been 5 letters of no objection, 1 letter of comment and 1 letter of objection. The concerns raised in the letter of comments are:

- 1) Concerns over access as traffic already a problem getting in and out of driveway.
- 2) Concerns regarding boundary fence
- 3) Concerns regarding noise from pumping station

The concerns raised in the letters of objection are:

- 1) Extra drainage/sewerage going into Seaton Lane where there is already a problem when there are flash floods.
- 2) Corus objects on the grounds that there will potentially be exposed to process noise from our works, which may result in complaints of noise nuisance. Complaints have been received from residents of similar residential developments on the land off Seaton Lane. This development is likely to increase the likelihood of such complaints, which Corus will find difficult to respond to.

- 3) Given its proximity to the Corus site, Corus believe that the residential development proposed is not compatible with the subsisting Corus operation

Copy letters C

The period for publicity expires prior to the meeting

## **Consultations**

16.5 The following consultation replies have been received:

**Head of Transportation and Traffic:** - Discussions on-going

**Engineering Consultancy:** - Discussions ongoing.

**Head of Public Protection:** - Concerns regarding proximity of site to industrial land and the noise implications for this development. Discussions ongoing.

**Northumbrian Water:** - Awaiting comments

**Health and Safety Executive:** - No objection

**Environment Agency:** - No objections

## **Planning Policy**

16.6 The following policies in the adopted Hartlepool Local Plan 1994 and the Revised Deposit Hartlepool Local Plan 2003 are relevant to the determination of this application:

Ec5: states that proposals for business uses, general industry and warehousing will normally be approved in part of this area allocated for Industry. General industry will only be approved in certain circumstances.

En13: states that particularly high standards of design and landscaping to improve the visual environment will be required in respect of developments along this major corridor.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

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.

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.

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

GEP9: states that where appropriate 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 would be sought.

GN4: states that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

HO7 - states that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg10(A) - supports housing proposals contributing towards reaching brownfield targets for development subject to the effect on the overall housing strategy for reducing the imbalance between housing supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought.

Hsg11(A) - states that proposals for residential development on land which has not previously been developed will only be allowed in the exceptional circumstances listed in the policy provided that the land lies within the limits and is not in a green

wedge, allocated for another purpose, retained for open space or outdoor recreational purposes and is not a wildlife site.

Hsg12(A) - sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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.

IND5 - states that business uses and warehousing will be permitted in part of the area identified for industry. 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.

RE1 - requires that new housing developments comprising 20 or more family dwellings should normally be required to provide safe and convenient areas for casual play.

REC2 - requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

SE2 - states that industrial development on this site will be approved if surface water drainage is adequate.

TRA1 - states that no permanent development will be permitted within corridors reserved for future schemes to improve or construct new roads.

TRA11 - identifies this land as a safeguarded road improvement corridor where no permanent development will be permitted.

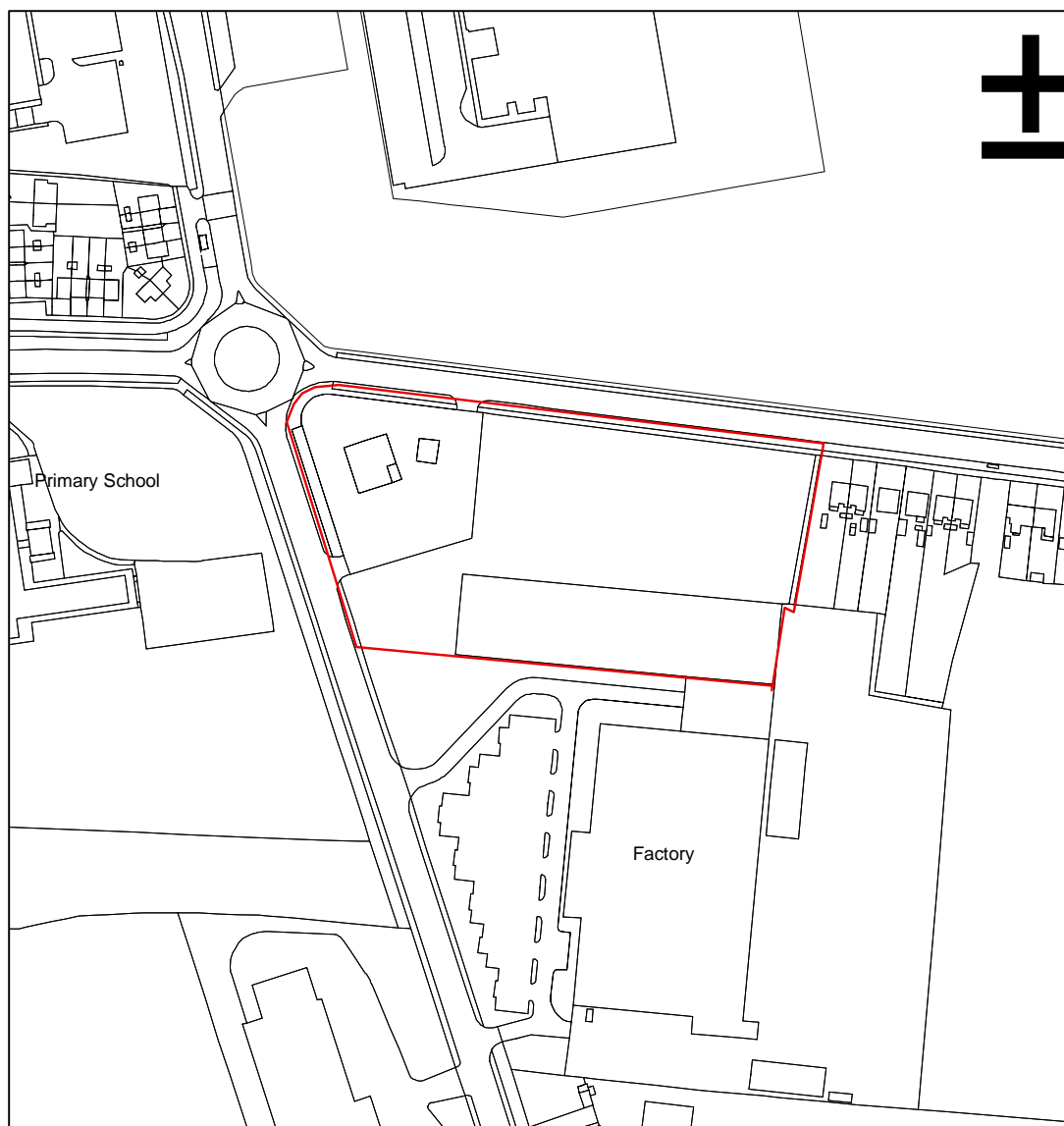
### **Planning Considerations**

16.7 The main planning considerations in this instance are the appropriateness of the development in terms of the policies and proposals contained within the Hartlepool Local Plans and the effect the development would have on the neighbouring industrial area and vice versa, noise, flooding and traffic related issues.

16.8 There are outstanding issues relating to this site in terms of the layout, proximity to industrial land and highway issues. There are on-going discussion with various bodies and it is anticipated that these discussions will be concluded in advance of the Committee. A final report with a recommendation will follow.

**Recommendations:** Update to follow

## Land at Brenda Road/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>15.11.05</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5709</b>	REV

**No:** 17  
**Number:** H/2005/5930  
**Applicant:** Leebell Developments  
**Agent:**  
**Date valid:** 11/11/2005  
**Development:** Application to modify the legal agreement (S106 agreement) in respect of the development of the Middle Warren area to ensure that the obligations of the agreement are enforceable against Leebell only  
**Location:** Middle Warren HARTLEPOOL

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### The Application and Site

17.1 The application site is the land known as Middle Warren which comprises residential development (existing and proposed), including sites allocated for other uses for example a local centre, church, school and neighbourhood park, Green Wedge, and associated planting.

17.2 At the present time various elements of the development are governed by a legal agreement in the form of a section 106 agreement, which was completed in 1997 for the Middle Warren Master Plan area. The agreement is enforceable against all owners of the site, other than individual homeowners. Other developers have developed or now own land south of the Green Wedge; such as George Wimpey, Haslam Homes, and Tees Valley Housing Group and the wording of the legal agreement is such that these could be liable to enforcement or would have to agree to any amendments to the Agreement.

17.3 The application proposes to modify the Agreement so that the provisions in the Agreement are only enforceable against the owners of the land to the north of and including the Green Wedge, Leebell. This modification to the legal agreement would mean any future variation or modification of the Agreement which may be necessary could, hopefully be achieved by way of negotiated Deed of Variation between the Council and Leebell. This is particularly important to facilitate the proposed alterations to the Green Wedge and the Joseph Rowntree development.

### Publicity

17.4 The application has been advertised by way of press notice and site notices. To date, there have been no response to the advertising of this application.

The period for publicity expires on the 28<sup>th</sup> December 2005.

### Consultations

17.5 The following consultation replies have been received:

**Chief Solicitor:** - Awaiting comments



## Planning Considerations

17.6 The main consideration in this instance are the how the new wording of the legal agreement would be effectively enforced. The Chief Solicitor has been involved in discussions with the developer, although final comments are awaited it is anticipated that these would be favourable to the modification.

**RECOMMENDATION** – Authority be given to the Development Control Manager to accept the revised legal agreement subject to the Chief Solicitor being satisfied with the wording.

## Middle Warren



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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>05.12.05</b>
	SCALE <b>1:14,500</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5930</b>	REV

**No:** 5  
**Number:** H/2005/5697  
**Applicant:** Mr & Mrs P Hopper  
**Agent:** Derek Stephens 17 Lowthian Road HARTLEPOOL  
TS24 8BH  
**Date valid:** 22/09/2005  
**Development:** Outline application for the erection of 4 detached  
dwellings  
**Location:** MEADOWCROFT ELWICK ROAD HARTLEPOOL  
HARTLEPOOL

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## UPDATE

### Background

5.1 This application appears on the main agenda at item 5.

5.2 Shortly before the completion of the report the applicant proposed to increase the width of the proposed access road to 3.1m after concerns have been raised in relation to the adequacy of the originally proposed 2.5m wide access. The report advised that this part of the proposal was under further consideration.

### Consultation Update

5.3 Highways have advised that they require construction details of the access road in order to confirm that it is suitable for refuse vehicles. They consider the access width of 3.1m to be acceptable providing the passing bays remain and that they be increased to 14m in length and 2.5m wide. A turning head for refuse vehicles to turn around will be required.

5.4 The Arboriculturalist concludes that it is feasible to construct a roadway through the copse however he has ongoing concerns in relation to the access. He has concerns that the width will need to be increased for fire tenders and construction vehicles, the passing places will need to be increased in length, that details of the proposed construction have not been provided and that there will be future pressure to provide roadside lighting which will have some effects on the nocturnal wildlife cycle. This concern has also been raised by the Ecologist. In the absence of any detailed proposals however this impact is difficult to assess.

5.5 Cleveland Fire Brigade have confirmed that the 3.1m access width is acceptable provided the foundations can accommodate the weight of a 12.5 tonne fire appliance.

## **Planning Consideration**

5.6 It appears that an access which would satisfy the Highway Authority could technically be accommodated in the woodland however further details would be required in relation to its construction. The applicant has been asked to provide amended drawings showing the proposed amended access road and passing places, details of road construction, further details of the impact of the revised access road on the trees, and any proposed lighting details. It is hoped that this information will be available at committee.

Notwithstanding the fact that an access road could technically be accommodated the impact of the road on the character of the wood would be a continuing concern and this issue is discussed at 5.14 in the original report.

The recommendation to refuse remains as set out in the original report.

<b>No:</b>	6 & 17
<b>Number:</b>	H/2005/5822 and H/2005/5930
<b>Applicant:</b>	Joseph Rowntree Foundation HT The Homestead 40 Water End York YO30 6WP and Leebell Developments
<b>Development:</b>	Erection of an Extra Care Retirement Village with associated car parking and modifications to S106 Agreement
<b>Location:</b>	Land West Of Easington Road Middle Warren Hartlepool

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## UPDATE

### Consultations Update

6.1 Highway Considerations – there are no problems and the Head of Transport & Traffic has no objections subject to a green Travel Plan.

6.2 Drainage Issues – discussions are continuing but it is understood that there are unlikely to be any problems.

6.3 Relationship to the Original Master Plan – final discussions are ongoing but it is anticipated that final proposals and suggested amendments to the original S106 agreement will be available for the meeting. This will as indicated in the original report make provision under a community use agreement in part for:

- a) use of the healthy living suite in the Joseph Rowntree (JR) development on a membership basis by the over 60's
- b) public access on a managed basis to the café/restaurant in the JR development
- c) general public access to the day care centre within the JR development
- d) the provision of a 60 space car park. 20 spaces will be provided within 6 months of the substantial completion of the H Block in the JR development earlier than envisaged under the terms of the original agreement.
- e) the provision of fully equipped children's play areas (younger and older children's areas). The young children's play area will be provided at the same time as the initial 20 space car park, again earlier than envisaged under the terms of the original agreement.
- f) a multi use games area and
- g) a bowling green and pavilion.

## **Planning Considerations**

6.4 This development is of major importance in terms of providing a wide range of care facilities for the town. Subject to one or two points of fine detail the scheme is considered satisfactory. A final update and a list of suggested conditions will be presented at the meeting. Approval will be recommended and Members will also be asked to agree in principle to a deed of variation to the original Section 106 agreement mainly to provide for the revised neighbourhood park and public access package to the JR development to enable the development to proceed.

**No:** 9  
**Number:** H/2005/5929  
**Applicant:** Rivergreen Developments PLC The Rivergreen Centre  
 Aykley Head Durham DH1 5TS  
**Agent:** J. Darbyshire & D. Kendall Millmount Ponteland Road  
 Newcastle Upon Tyne NE5 3AL  
**Date valid:** 10/11/2005  
**Development:** Erection of 14 business units and associated works  
**Location:** Queens Meadow Business Park Stockton Road  
 HARTLEPOOL

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## Update report

### Consultation responses

Environment Agency – No objections subject to conditions to prevent water pollution

Head of Technical Services – Direct access to unit 7 from the main distributor road should be removed. Provision should be made for cycle parking.

Environmental Consultancy Manager – Recommends the imposition of a condition to ensure surface water does not migrate to surrounding areas.

One North East – Support the project in terms of employment generation and provision of quality industrial accommodation. Meets the objectives of the Regional Economic Development Strategy.

Economic Development Manager – Would provide much needed accommodation for business start up and growth in Hartlepool. There is currently a serious under-provision of suitable accommodation. Would expect the project to generate around 150 jobs.

Greatham Parish Council – Units on this proposal appear very similar to other units available in the town. Does the proposal meet the condition of no more than 30% coverage on each plot? Need for high quality landscaping between the buildings.

Hartlepool Access Group – Concern that units would not accommodate disabled wcs or a lift for double storey unit – Unit C.

One further letter of no objection

### Planning considerations

The applicant is providing an amended drawing confirming that the independent access to Unit 7 from the distributor road has been deleted in order comply with the

Highway Authority's standards. In all other respects the design of the proposed access road system is considered to be acceptable.

Provision for cycle parking can be secured through planning condition.

It is reiterated that the proposed units would be have a high quality modern appearance utilising a range of external materials. The scheme would meet the requirement in the local plan for the coverage of plots by buildings to be restricted to 30%. The actual degree of coverage of the site area is less than 25 %.

The site will benefit form substantial existing landscaping around the site perimeter adjacent to Stockton Road and the main estate entrance. A condition can be imposed to secure further landscaping in order to help break up car parking and service yard areas.

With regard to the concerns of the Hartlepool Access Group these will be considered under the Building Regulations I understand the proposed building layout would allow for disabled toilet provision.

### Conclusion

This is considered to be a visually attractive scheme and a significant and much needed economic development opportunity for the town. Subject to the receipt of the amended plan approval will be recommended subject to conditions.

RECOMMENDATION - 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.
2. Notwithstanding the generality of this permission or the provisions of the Town and Country (Use Classes) Order 1987 (or any subsequent amending legislation) prior to the undertaking on the application site of any industrial process, other than a process previously approved by the Local Planning Authority ("the Authority"), falling within Class B2 of the 1987 Order above and which process could give rise to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit ("the impact") which would be measurable or discernable at the boundaries of the site edged red in the application there shall be submitted to, and approved in writing by the Local Planning Authority such details as shall reasonably be required by the Authority to enable the impact to be assessed by the Authority. Thereafter, the process shall be carried out only in accordance with the approved details including, as appropriate, any steps required by the



Authority for the purpose of mitigation of the effects of the impact. Any process where the details and/or mitigation measures cannot be agreed by the Authority shall not be undertaken.

In the interests of visual amenity.

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage including flow attenuation has been submitted to and agreed in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.  
In the interests of visual amenity.
5. 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.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
7. The development hereby approved shall not be brought into use until surface water disposal arrangements (agreed by virtue of the previous condition) have been implemented in to accordance with approved details  
In order to safeguard against flooding
8. Prior to any of the units hereby approved being brought into use cycle parking provision shall be implemented in accordance with details to be previously agreed by the Local Planning Authority  
In order to encourage access to the site by means other than the private car.

**No:** 11  
**Number:** H/2005/5644  
**Applicant:** Mrs J A J Boyle  
**Agent:** Jackson Plan, Mr Ted Jackson  
**Date valid:** 11 August 2005  
**Development:** Outline application for the erection of a detached dormer bungalow  
**Location:** 65 Seaton Lane, Hartlepool

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## UPDATE

### Background

11.1 This application was considered at the meeting of the Planning Committee of 23 November 2005 when it was deferred as a number of issues were outstanding in particular the relationship with adjacent industrial development and flooding.

### The Application and Site

11.2 Outline planning permission is sought for the erection of a dormer bungalow. The application site is located in the rear garden of 65 Seaton Lane. The applicant has asked that the siting and access of the proposed bungalow be considered at this time with other matters reserved. The proposed bungalow will be located in the rear portion of the garden. Access will taken from Seaton Lane with the existing crossing and entrance widened. The applicant's garage will be demolished and a parallel access created running along side the access of the donor bungalow. The two accesses will be separated by a wall and fence.

11.3 The site is on the south side of Seaton Lane. To the west of the site is a grassed area. To the south/south west is an industrial area. To the east is the garden of an adjoining neighbouring property.

### Publicity

11.4 The application has been advertised by site notice and neighbour notification (4). Three letters of objection have been received. The objectors raise the following issues.

- 1) Encroachment
- 2) The applicant does not own all the land
- 3) Noise
- 4) Loss of sunlight
- 5) Restrictive covenants on the land
- 6) Property sale will be affected
- 7) Unduly large and out of keeping
- 8) Flooding

- 9) Damage to a tree.
- 10) Proximity of garage to rear.
- 11) Planning permission refused further down the lane due to drainage problems.

Copy letter I

### **Consultations**

11.5 The following consultation replies have been received:

**Head of Public Protection & Housing** - This site is in very close proximity to a number of industrial sites and further residential development on this site could prejudice the future development of these sites, particularly the sites to the south and south west. The workshops to the rear of the application site currently house a truck repair business which operates shot blasting equipment and carries out large scale vehicle painting/respraying operations.

A recent application has been received for housing development on the neighbouring site (Golden Flatts). A BS4142 assessment was undertaken by a noise consultant in connection with this application and concluded that complaints are likely to arise from any residents facing the workshops to the south of the site. This property would fall into this category. The Corus pipe mills also generate considerable levels of noise and in particular high levels of impact noise and ringing from the pipe fabrication process. Measures have been suggested to overcome concerns and these are being considered.

**Highways** - There are no major highway implications providing that both properties have 2 parking spaces each. It is not clear from the proposal if no 65 would have any off street parking.

**Health & Safety Executive** - HSE do not advise, on safety grounds, against the granting of planning permission in this case.

**Northumbrian Water** - No objections, surface water must be prevented from entering the surface water, combined or foul sewers. If surface water or the combined sewer is the only possible means of discharge Northumbrian Water must be consulted.

**Engineers** - The general area is a low spot and during times of storm suffers flooding from various sources. In order to mitigate against flood damage to the dwelling itself the block level should be no lower than 5.5m above ordnance datum to afford a measure of freeboard above the floodwater. The existing property block level is approximately 5.330m AOD. Unclear whether the raised floor areas should also apply to the garden area. If it is decided that the garden levels should be raised then the periphery of the site should be formed and the land drained to prevent run off to the adjacent lower garden areas. Details of this should be submitted, approved and constructed before occupation of the dwelling. It should perhaps also be noted that the proposed foul pumping station to serve application H/2005/5709 is sited immediately adjacent to the boundary of number 65. These installations can be a source of vibration noise and smell nuisance.

## Planning Policy

11.6 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

En14: states that regard will be had to the need to make additional Tree Preservation Orders where appropriate.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

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

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

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

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

HO7: states that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access,

car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg10(A): supports housing proposals contributing towards reaching brownfield targets for development subject to the effect on the overall housing strategy for reducing the imbalance between housing supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought.

Hsg12(A) sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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**

11.7 The main planning considerations are considered to be policy, the relationship of the proposal with adjacent industrial development, the impact of the development on the amenity of adjacent occupiers including the donor property/character of the area, highway considerations, flooding/drainage, trees and land ownership.

### **POLICY**

11.8 The site lies within the urban fence where residential development is acceptable in principle. The southern most part of the site however is actually identified in the Local Plans as industrial land. This is presumably due to the historical assimilation of part of the adjacent land into the applicant's curtilage discussed below. In terms of new housing, policy identifies various criteria which new development should meet including the following i) new development should not have a significant detrimental effect on the occupiers of new and existing development ii) there should be sufficient provision of private amenity space commensurate with the size of the dwellinghouse and the character of the area iii) the site should not be subject to unacceptable pollution by reason of noise, dust, fumes or smell nor to potential nuisance or hazard created by existing or approved commercial and industrial uses. The policies of the emerging Local Plan advise that tandem development will not be permitted. The adopted Hartlepool Local Plan advises similarly that tandem development in rear gardens is not generally acceptable.

### **THE RELATIONSHIP WITH ADJACENT INDUSTRIAL DEVELOPMENT**

11.9 The area to the south of the site is currently occupied by an industrial estate. The workshops to the rear currently house a truck repair business (Parsons) which operates shot blasting equipment and carries out large scale vehicle painting/respraying operations. Immediately to the rear of the site is a vehicle compound which serves Parsons and to the south west a large industrial style building. The proposed siting shows the rear of the dwellinghouse only 7.4m from the rear boundary and the adjacent vehicular compound. It will only be some 10m from the large industrial style building. Given the close relationship the potential for

the adjacent industrial uses to impact on the occupants of the new dwellinghouse, and the potential for the presence of a new residential property close to the boundary to restrict activities on the adjacent site must be considered.

11.10 An assessment undertaken by a noise consultant in connection with an application on an adjacent site concluded that complaints are likely to arise from any residents facing the workshops to the south of the site. The proposed dwellinghouse would fall into this category and would be closer to the workshops than the existing dwellinghouses. Complaints have been received in 1992 from residents in Seaton Lane concerning noise from car alarms and dust from the vehicular compound on the Parsons site immediately to the rear of the application site.

11.11 The Corus pipe mills, located further afield, also generate considerable levels of noise and in particular high levels of impact noise and ringing from the pipe fabrication process. Both the local authority and Corus have received complaints in the past from existing residents in the area concerning the noise from the mills, particularly when they are operating night shifts.

11.12 The applicant's agent maintains that no noise nuisance exists on the site that would warrant refusal of the application and has suggested that in any case the property could be insulated against the noise. He has also suggested that the owners and tenants of the industrial property to the south are willing to offer an undertaking which would create a noise shelter belt by limiting the future industrial use in this zone to B1 uses and ensuring that the doors on the Parsons workshop are kept closed whilst machinery is in use. The occupant has confirmed that a device will be fitted to prevent machinery being used in the workshop whilst the doors are open. The relationship with the units and the yard is still under consideration (see 11.21 below). However notwithstanding the impacts of the adjoining uses there are also concerns at the physical relationship with the large industrial building to the south west. The building is only 10m from the proposed bungalow and it is considered that it will have a detrimental impact on the amenity of the proposed bungalow in terms of loss of light and in terms of its overbearing effect.

11.13 While it is accepted there are existing dwelling houses in the area they are distanced from the industrial area by large gardens. However the proposal would bring living accommodation much closer to the industrial site.

#### THE IMPACT OF THE PROPOSAL ON THE AMENITY OF THE ADJACENT OCCUPIERS INCLUDING THE DONOR PROPERTY/ CHARACTER OF THE AREA

11.14 The proposal represents tandem development. The policies of the revised emerging Local Plan advise that tandem development will not be permitted. The adopted Hartlepool Local Plan advises similarly that tandem development in rear gardens is not generally acceptable. The proposal is therefore on the face of it contrary to Local Plan Policy. The properties in this area are characterised by generous long rear gardens, where outbuildings exist these are on a small scale, and concerns have been expressed in relation to the impact of the proposed development on the character of the area and the neighbouring properties. The provision of a dormer bungalow in the rear garden will split the garden and run contrary to the prevailing open character of area. At some 5.5 to 6m in height and

extending along and close to the neighbouring boundary it will also have impact on the outlook of the donor property and the neighbouring property. The proposal however meets current Local Plan guidelines in relation to separation distances which advises that a minimum distance of 20m must be maintained between principle elevations. The neighbour to the east has a patio area close to the eastern boundary of the site and potentially there may be some loss of afternoon/evening light to the patio and adjacent garden, however given the separation distances and location of the proposed dwelling house it is considered unlikely that there would be any significant loss of light to neighbouring houses or the donor property. The access to the property will be formed by widening the existing access and running a new vehicular access alongside the vehicular access to the donor property. The donor property has a number of windows facing towards the proposed access and they are concerns that the comings and goings associated with the proposed use of the access would affect the amenity of the donor property. It is considered that the proposed relationship between the donor property and the proposed bungalow is unacceptable.

#### HIGHWAY CONSIDERATIONS

11.15 Highways have raised no objections to the proposal provided that both properties have two parking spaces each. The applicant has confirmed that this will be the case.

#### FLOODING/DRAINAGE

11.16 The site lies in an area known to be subject to flooding in storm conditions. The Engineers have recommended therefore that the floor height of the dwellinghouse be at a height to avoid flooding. It is considered that the floor levels of the house and garden could be conditioned and that this is unlikely to significantly affect neighbours. It is also considered that the occasional flooding of the garden would be unlikely to be sufficient in its own right to sustain an objection to the proposed development.

#### TREES

11.17 A neighbour has raised concerns that the proposal may affect the roots of a tree located in his rear garden. This may or may not be the case however the tree is not protected and it is located in the rear garden and does not make a significant contribution to the street scene. It is not considered therefore that any potential impact on the tree would warrant refusal of the application.

#### LAND OWNERSHIP

11.18 A question has been raised regarding the assimilation of adjoining land into the applicant's curtilage and the ownership of site. The applicant has been asked to clarify the situation and the agent has confirmed that historically adjacent land has been assimilated. It appears comparing historical maps that some 14m of land has been acquired. The agent maintains the applicant has established ownership rights over the land, through use, over the passage of time. He has also confirmed that the existing curtilage has been in residential use for well in excess of the 10 years. The

assimilation of the neighbouring land would potentially have required planning permission, which does not appear to have been obtained, however if the agent is correct and the land has been used as residential curtilage for 10 years then any change of use would be immune from enforcement action. The applicant could apply for a Lawful Development Certificate under the Planning Acts to confirm that the lawful use of the land is as residential curtilage.

## OTHER MATTERS

11.19 A neighbour is currently trying to sell his house and has raised the concern that the proposal will discourage potential purchasers, whilst sympathising with the neighbour the potential for the development to affect the house sale is not a material planning consideration.

11.20 Objectors have suggested that the land is subject to restrictive covenants which would preclude the erection of a house. This is essentially a private legal matter for the applicant to resolve in the event that planning permission were granted. The granting or refusal of a planning permission would not affect the validity of such legal covenants.

11.21 This application is closely related to an application for residential development on the adjoining Golden Flatts public house site. This development, would if approved result in major changes to the neighbouring industrial site – the large industrial building would be demolished, there would be the potential to physically buffer the housing sites from the remaining industrial land and activities there and to further protect the future housing by linking the type of uses there by legal agreement. It is not absolutely clear how much of this would be possible if the larger housing scheme was refused. In the absence of this certainty it is considered that the relationship between the new house and the industrial site could be problematic – concerns about dominance and overshadowing from the building already indicated and noise and disturbance from activities in the yard and buildings on the industrial site. Final views on this are awaited from the applicants' agent.

## Conclusion

11.22 It is considered that the relationship between the proposed bungalow and the donor property is unacceptable.

11.23 It is considered that the proposed relationship between the proposed bungalow and the adjacent industrial building is unacceptable.

11.24 The relationship between the proposed bungalow and the adjacent industrial uses is under further consideration, members will be updated at the meeting.

**RECOMMENDATION** – Refuse for reasons based on the following which may be supplemented by other reasons arising from the consideration of the relationship between the proposed bungalow and the adjacent industrial uses.



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

**Subject:** LAND TO REAR OF 42 BILSDALE ROAD –  
PLANNING APPEAL


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## **1 BACKGROUND**

- 1.1 Notice has been received that a planning inspector has allowed an appeal in relation to the imposition of restrictive conditions on land to the rear of 42 Bilsdale Road.
- 1.2 The conditions, which have now been lifted, would have required the applicant to gain planning permission for all new walls and fences, ancillary buildings and garden structures and prevented vehicular access to the site from the rear access lane.
- 1.3 In arriving at his conclusion, the Inspector took into account that rear garden buildings were evident at a number of nearby properties and considered that the rear access lane could be used without detriment to highway safety. He felt that there were no exceptional circumstances in this case that would justify the withdrawal of permitted development rights. A copy of the appeal decision is attached.

## **2 RECOMMENDATION**

- 2.1 That Members note the appeal decision.



# Appeal Decision

Site visit made on 21 November 2005

**by Graham E Snowden BA BPhil DipMgmt MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
 408 Kite Wing  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol BS1 6PN  
 ☎ 0117 372 6372  
 e-mail: enquiries@  
 planning-inspectorate.  
 gsi.gov.uk

Date **28 NOV 2005**

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**Appeal Ref: APP/H0724/A/05/1187827**  
**Land to rear of 42 Bilsdale Road, Seaton Carew, Hartlepool TS25 2AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr T Horwood against the decision of Hartlepool Borough Council.
- The application ref: H/2005/5334 dated 18 April 2005, was granted planning permission by the Council on 9 June 2005 subject to conditions.
- The development permitted is the incorporation of land into the curtilage of 42 Bilsdale Road.
- The conditions in dispute are Nos 3 4 and 5 which state that 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 outbuildings, structures or hardstandings of any kind shall be erected without the prior written consent of the local planning authority; 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 or around the site without the prior written consent of the local planning authority; Notwithstanding the provisions of Part 2 (Minor operations) Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 no vehicular access shall be formed to the extended garden area from Blackberry Lane at any time.
- The reasons for conditions Nos 3 and 4 are: In the interests of visual amenity and the reason for condition No 5 is: In the interests of highway safety and residential amenity.

**Summary of Decision: The appeal is allowed and the planning permission varied.**

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**Preliminary Matters**

1. I am informed that the existing boundary treatment around the site has – subject to a dispute regarding a gate installed within the fencing – been approved by the Council, under the terms of condition No 2 attaching to the original June 2005 permission. Likewise, permission has now been granted, under the terms of one of the conditions, which are the subject of this appeal (condition No 3) for the erection of a garden shed on the appeal site.

**Main Issues**

2. The main issues are, firstly, the effect of removing or modifying conditions Nos 3 and 4 on the character and appearance of the area and, secondly, the effect of removing condition No 5 on the safety of users of Blackberry Lane.

**Development Plan and other Planning Policies**

3. The development plan includes the Hartlepool Local Plan (Local Plan), adopted in May 1994 and I am referred to Policies Gen1, Gen4, Ru1 and En13. I am also referred to

Policies in the Hartlepool Local Plan Revised Deposit Draft of August 2003 (emerging Local Plan). I am not aware of the current status of this document, though I am informed that it was the subject of a local inquiry in June 2004. Policies GEP1, GEP3, GEP7 and Rur1, generally reflect the broad thrust of the adopted plan. Policy GEP11 states that the Council may, in exceptional circumstances seek to withdraw permitted development rights where it considers that there is a threat to local amenity and further protection of the character of an area is required.

4. Circular 11/95 *The Use of Conditions in Planning Permissions* advises that, as a matter of policy, conditions should only be imposed where they satisfy a number of tests. Conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. The Circular also advises that conditions restricting permitted development rights should only be imposed in exceptional circumstances and only where there is clear evidence that it is necessary to prevent serious adverse effects on amenity or the environment, that there are no other forms of control and that the condition would serve a clear planning purpose.

### Reasons

#### *Character and appearance*

5. 42 Bilsdale Road is a semi-detached dwelling in a street of similar units backing on to a track adjacent to a railway line. The appeal site comprises an area of grassed land between this track and the rear gardens of 40-46 Bilsdale Road. Most of the adjacent properties appear to have curtilages extending to the track and I noted a variety of means of enclosure and domestic structures in these areas, including a large "garage" type structure towards the rear boundary of no 36. The extended curtilage of the appeal property differs from its immediate neighbours only in the way it "wraps round" the rear boundaries of adjacent properties.
6. Within this context, I can see no exceptional circumstances for removing the permitted development rights referred to in conditions Nos 3 and 4. These relate to structures, which are found elsewhere in the immediate area and, with permission, on the appeal site itself. I also agree with the appellant that there is an unnecessary overlap between condition No 4 and condition No 2, which requires the approval of means of boundary enclosure.
7. The Council cites Local Plan Policies designed to strictly control development beyond the "urban fence line" shown on the Proposals Map and requiring high standards of design along the Middlesbrough-Newcastle railway line. I have no evidence before me that the appeal site lies beyond the urban fence line, but I consider that it lies in an area of established extended domestic curtilages up to the rail line. I am informed by the appellant that controls over permitted development rights do not exist elsewhere in the area and this does not appear to be disputed by the Council. I consider, therefore, that it would be unreasonable, and serve very little planning purpose, to impose such controls within a small part of the wider area. In my view, the Council has not demonstrated that lack of such controls would constitute a real threat to local amenity, nor that there is anything special about the character of the area to warrant further protection.
8. I conclude, therefore, that the removal of conditions Nos 3 and 4 would not have an adverse effect on the character and appearance of the area and would not conflict with



Local Plan Policies Gen1, Gen4, Ru1 and En13.

*Safety of users of Blackberry Lane*

9. The track running adjacent to the railway line, to the rear of properties on Bilsdale Road, gives access to Seaton Lane at a point adjacent to Seaton Carew Station. Access is controlled via a locked barrier and I understand that residents have rights of way along it. It also serves a designated public footpath at least to a point a few metres to the north of the appeal site, where the footpath crosses the railway line. South of this point, the track, which is narrow and un-surfaced, appears to narrow further, but is still capable of accommodating a vehicle. There was evidence of vehicle use of the track and several properties on Bilsdale Road have access to hardstanding areas to the rear, including nos 36 and 48.
10. The narrowness of the track would make it difficult, but not impossible for pedestrians and heavier vehicles to pass and some conflict is, in my view, inevitable. However, the very narrowness and condition of the track ensures that vehicles will proceed slowly and I would not envisage vehicular use being more than infrequent. I do not consider that allowing an additional access from the track to the appeal site would significantly alter the present situation or generate conditions detrimental to the safety of users.
11. I conclude, therefore, that there are no exceptional circumstances to justify the removal of the permitted development rights set out in Condition No 5. Removal of this Condition would not have an adverse effect on the safety of users of Blackberry Lane and would not, in this respect, conflict with Local Plan Policy Gen1.

**Other Considerations**

12. I do not consider that the removal of the conditions in dispute would have any significant adverse impact on the living conditions of adjacent residents through noise and disturbance or loss of privacy. The use of the appeal site as part of the domestic curtilage of 42 Bilsdale Road has been accepted.

**Conditions**

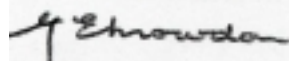
13. The Council does not ask for the imposition of any other conditions, nor do I consider that any would be appropriate or necessary.

**Conclusion**

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

**Formal Decision**

15. I allow the appeal and vary the planning permission ref: H/2005/5334 for the incorporation of land into the curtilage of 42, Bilsdale Road, Seaton Carew, Hartlepool TS25 2AH, granted by Hartlepool Borough Council on 9 June 2005, by deleting conditions Nos 3, 4 and 5.

  
INSPECTOR

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

**Subject:** APPEAL BY M P ALLEN SITE AT LAND ADJACENT TO OLD MILL, ELWICK, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Local Planning Authority to grant outline planning permission for the erection of a detached dwelling and detached double garage at land adjacent to Old Mill, Elwick, Hartlepool.
- 1.2 The appeal is to be decided by a written representations and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

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

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

**Subject:** UPDATE ON CURRENT ENFORCEMENT RELATED MATTERS

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**1. PURPOSE OF REPORT**

- 1.1 During this four (4) week period, eight (8) planning applications have been registered as commencing and checked. Eight (8) required site visits resulting in various planning conditions being discharged by letter.

**2. BACKGROUND**

- 2.1 Your attention is drawn to the following current ongoing issues:

1. As a result of officer monitoring it was noted that a 5 year temporary planning condition had expired for the erection of a portable classroom at a school in Blakelock Road. The School governors have been written to and responded indicating they intend submitting a planning application for a further period to retain the classroom. This will be reported to a future meeting if necessary.
2. As a result of a monitoring procedure recently established with the owner of a caravan park in Seaton Carew it has been noted that a extension had been erected to the rear of a mobile home without the benefit of planning permission. The home has been extended before and this recent extension could be considered as over development. In this light, the site owner is pursuing the matter through the site's tenancy agreement. Developments will be reported to a future meeting if necessary.
4. As a result of officer monitoring it was noted that a side boundary wall/fence had been erected at a property in Forester Close, without the benefit of planning permission. The owner has co-operated and a retrospective planning permission has been submitted and will be reported to a future meeting if necessary.
5. As a result of officer monitoring it was noted that a front lounge extension and rear conservatory had been erected at a property in Goldsmith Avenue, without the benefit of planning or building regulation approvals. Developments will be reported to a future meeting if necessary.

6. A neighbour complaint about the erection of a side low boundary wall at a property in St. Bega's Court, is being investigated. Developments will be reported to a future meeting if necessary.
7. A neighbour complaint about the display of an illuminated advert on a commercial premises in Hart, is being investigated. Developments will be reported to a future meeting if necessary.
8. A neighbour complaint about the fitting of UPVC window in a property at Hutton Avenue has been investigated. The property is located in the Grange Conservation Area where an Article 4 Direction applies to all elevations of a property facing a highway and open space. In this instance the replacement windows have been fitted on the side elevation of the property and did not require planning consent in this instance.
9. A neighbour complaint about the formation of a hard standing at a property in Woodstock Way has been investigated. The works did not require planning permission and no action was necessary.
10. A neighbour complaint about UPVC windows have been fitted in a property in Beaconsfield Square protected by an Article 4 Direction in the Headland Conservation Area is being investigated. Developments will be reported to a future meeting if necessary.
11. A neighbour complaint about a new dwelling being built in Welldock Road, not in accordance with the approved plans is being investigated. Developments will be reported to a future meeting if necessary.

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

**Subject:** UNTIDY LAND AND DERELICT BUILDINGS – A CO- ORDINATED APPROACH TO THEIR IMPROVEMENT

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**1 PURPOSE OF REPORT**

- 1.1 To advise Members of the progress on proposals to deal with derelict and untidy sites.

**2 BACKGROUND**

- 1.1 Members may be aware that consultants have been engaged to provide a report on the way to deal with derelict land or untidy buildings and land. Twelve sites have been specifically identified.
- 1.2 The report has been concluded in draft form and it is anticipated that the final report will be available before the meeting.
- 1.3 The problems associated with these buildings and sites is such that it is considered that the report should be considered as soon as possible. An update will therefore be provided before the meeting.

**3 RECOMMENDATION**

Update to follow.