

# PLANNING COMMITTEE AGENDA



**Wednesday 23rd November 2005**

**at 10.00 am**

**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 26th October 2005 (attached)

**4. ITEMS REQUIRING DECISION**

4.1 Planning Applications – Assistant Director (Planning & Economic Development) (plans to follow)

1. H/2005/5685 – Groves Street
2. H/2005/5833 – 42 Bilsdale Road
3. H/2005/5670 – 2A Eldon Grove
4. H/2005/5821 – Allotments – Waverley Terrace
5. H/2005/5798 – L & P Motors
6. H/2005/5801 – 3 Lamposts in York Road – between Park Road and Lister Street
7. H/2005/5802 – 4 Lamposts in York Road – between Elwick Road and Lister Street
8. H/2005/5804 – 4 Lamposts in York Road – between South Road and Thornton Street
9. H/2005/5807 – 3 Lamposts in York Road – between Dalton Street and Thornton Street
10. H/2005/5744 – The Fens Shopping Centre
11. H/2005/5709 – Former Golden Flatts

- 12. H/2005/5644 – 65 Seaton Lane
- 13. H/2005/5775 – 5 Windsor Street
- 14. H/2005/5387 – 34 Grange Road
- 15. H/2005/5699 – United Reformed Church
- 16. H/2005/5698 – United Reformed Church

- 4.2 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)*
- 4.3 Appeal by Mr Armstrong, 44 Newquay Close, Hartlepool - *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr & Mrs Kirtley, 18 Coatham Drive, Hartlepool - *(Planning and Economic Development)*
- 4.5 Update on Current Enforcement Related Matters - *Head of 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 Monday 19<sup>th</sup> December 2005 at 9.30 am

Next Scheduled Meeting – 21<sup>st</sup> December 2005 at 10am.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

26<sup>th</sup> October, 2005

**Present:**

Councillor Councillor Bill Iseley (In the Chair)

Councillors Stephen Allison, Stephen Belcher, Harry Clouth, 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 Sheila Griffin as substitute for Councillor Maureen Waller

Officers: Tony Brown, Chief Solicitor  
Richard Teece, Development Control Manager  
Adrian Hurst, Environmental Health Officer  
Chris Roberts, Development and Co-ordination Technician  
David Cosgrove, Principal Democratic Services Officer  
Jo Wilson, Democratic Services Officer

### **67. Apologies for absence**

Apologies for absence were submitted on behalf of Councillor M Waller.

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

None

### **69. Confirmation of the minutes of the meeting held on 28<sup>th</sup> September 2005**

Confirmed

## **70. Tree Preservation Order No. 175 – 1 Meryl Gardens, Hartlepool** *(Chief Solicitor and Director of Regeneration and Planning)*

### **Purpose of report**

To invite Members to confirm a Tree Preservation Order relating to one tree situated to the front of number 1 Meryl Gardens.

### **Issue(s) for consideration by the Committee**

The Committee were advised that on the 21<sup>st</sup> July 2005, a Tree Preservation Order had been made under the Council's emergency powers to protect one tree situated to the front of 1 Meryl Gardens. Subsequent to the Council issuing the Order, a representation had been received from the freehold owner of number 2 Meryl Gardens. His concern was that the tree overlapped onto his property and blocked out a lot of natural light and during high winds the branches touched his windows. He asked for the tree to be trimmed to alleviate this problem. The Arboricultural Officer had contacted the resident in question and reassured him that after the order was confirmed work could be carried out with the permission of the Local Planning Authority.

### **Decision**

After giving consideration to the representation, it was agreed that Tree Preservation Order No.175 be confirmed.

## **71. Planning Applications to be considered following site visits** *(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:-

Ian Fenny (applicant) and Iris Ryder and Mr Young (objectors) addressed the Committee.

**Number:** H/2005/5656

**Applicant:** Alab Env. Services Ltd  
Able House Billingham Reach Ind. Estate Billingham

**Agent:** Able Uk Ltd Able House Billingham Reach Ind. Estate Billingham

**Date received:** 15/08/2005

**Development:** Installation of plant and machinery and gas flare within fenced compound

**Location:** Seaton Meadows Brenda Road/Tees Road Hartlepool

**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 five years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The fence enclosing the compound hereby approved shall within 1 month of the plant coming into operation be painted dark green in colour.  
In the interests of visual amenity.
3. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
To prevent pollution of the water environment.
4. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period.  
To prevent pollution of the water environment.
5. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.  
  
The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.
6. All gas to be used in the process for which planning permission is granted shall be generated on the site. Under no circumstances shall gas be imported to the site for use in this process.  
In the interests of controlling the level of potentially harmful substances on the site.

The Committee considered representations in relation to this matter.

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Gary Craig (applicant) and Mr Hutchinson (objector) addressed the Committee.

**Number:** H/2005/5633

**Applicant:** Mr & Mrs Shadforth  
The Barn Heads Hope Farm Castle Eden

**Agent:** Gary Craig Architectural Services Ltd 10 Falmar Walk  
Whitburn

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

**Development:** Siting of 2 mobile cabins with central glazed link to form a single dwelling

**Location:** Plot 18 Wynyard Estate Billingham

**Decision:** **Members took the view that there was clear evidence of significant investment in farming activity at the site and significant numbers of livestock. Given this and the fact that the proposed siting was adjacent to a group of existing buildings Members considered the proposal to be satisfactory.**  
**Planning Permission Approved**

### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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. The building hereby approval shall be removed from the site and the land restored to its former condition on or before 31 October 2008 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.  
The building is not considered suitable for permanent retention on the site to enable the Local Planning Authority to ensure there is a continuing need for the cabins.
3. 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme. 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.
5. The occupation of the dwelling(s) hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.  
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that the new housing should only be allowed where it is essential in the interests of agriculture or forestry, unless exceptional circumstances prevail.

The Committee considered representations in relation to this matter.

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Richard Stephenson (applicant) and Jeremy Nichols (objector) addressed the Committee.

**Number:** H/2005/5664

**Applicant:** Dr J.K.B.Patel  
THE SURGERY STATION LANE HARTLEPOOL

**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL

**Date received:** 19/08/2005

**Development:** Erection of a rear detached extension to doctors surgery to provide office accommodation

**Location:** THE SURGERY STATION LANE HARTLEPOOL

**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 five years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

3. Details of the proposed roller shutters including details of the siting of the shutter boxes shall be submitted to and approved in writing by the Local Planning Authority before the shutters are installed.  
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

## **72. 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:-

Mr Reece (objector) addressed the Committee

<b>Number:</b>	H/2005/5679
<b>Applicant:</b>	Hartlepool Borough Council Civic Centre Victoria Road Hartlepool
<b>Agent:</b>	Ferguson McIlveen Victoria House 159 Albert Road Middlesbrough
<b>Date received:</b>	01/09/2005
<b>Development:</b>	Formation of a Town Square including erection of new toilet block and bus shelter and planting, new boundary walls, steps, railings, street furniture, history garden, lighting and highway alterations
<b>Location:</b>	Northgate/Middlegate/High Street Hartlepool
<b>Decision:</b>	<b>Planning Permission Approved</b>

### **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. Notwithstanding the submitted details final details of:



- (1) new hand railings,
- (2) all new lighting,
- (3) individual seats,
- (4) bollards (which should be similar to others on the Headland),
- (5) details of plinths at corners of Cloister gardens (samples of materials to be provided),
- (6) wall details of steps (which should have more shape),
- (7) steps (should have bull nose curve to the edge),
- (8) Cloister garden pillar (which should have large pier with overhang and moulded edge detail),
- (9) railings (should be more simple without spheres on finials and should be fixed or rest on coping stone of wall),
- (10) information boards including materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

In the interests of the character and appearance of the Conservation Area.

4. 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.

5. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

6. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ.  
The site is of archaeological interest

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5680

**Applicant:** Hartlepool Borough Council  
Civic Centre Victoria Road Hartlepool

**Agent:** Ferguson McIlveen Victoria House 159 Albert Road  
Middlesbrough

**Date received:** 01/09/2005

**Development:** Conservation Area Consent for the demolition of toilet  
block and boundary walls

**Location:** Northgate/Middlegate/High Street Hartlepool

**Decision:** **Minded to approve subject the following conditions  
but because the Council is the land owner the  
application be referred to GONE for consideration**

**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.

The Committee considered representations in relation to this matter.

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Dave Robson (applicant) and Ian Self (objector) addressed the Committee.

**Number:** H/2005/5548

**Applicant:** Mr Mrs Carter

**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL

**Date received:** 19/07/2005

**Development:** Erection of a 6 bedroom detached house integral car  
garage in revised location incorporation of windows to  
rear of garage-gymnasium and planting scheme (part  
retrospective application)

**Location:** Plot 262 Wynyard Woods Billingham

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

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. Notwithstanding the submitted details the ground floor and first floor additional false obscured glazed windows to the rear of the property which overlook 5 Eshton shall be inserted within the outer skin of the wall and the trees planted within 3 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
2. The hereby approved additional false windows shall be glazed with obscure glass which shall be retained at all times while the window(s) exist(s).  
To prevent overlooking
3. The hereby approved trees within the landscaped strip shall be standard size as defined by section 11.1 of BS3936 Nursery stock: 'Part 1 Specification for trees and shrubs', and an organic form of mulching shall be provided in a 1metre diameter around the base of each newly planted standard tree, unless otherwise agreed in writing by the Local Planning Authority. The hereby approved landscape strip shall be retained for the life of the dwellinghouse, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority and be implemented within 6 months of the hereby approved date.  
In the interests of visual amenity.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local 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 the Order with or without modification), no additional windows(s) shall be inserted in any elevation of the hereby approved dwelling or garage without the prior written consent of the Local Planning Authority.  
To prevent overlooking
7. Notwithstanding the submitted details the area above the garage shall be used for domestic purposes only and not for commercial or business purposes.  
In the interests of the amenities of the occupants of neighbouring properties.
8. The previously approved obscure glazed window(s) referred to in H/FUL/0515/03 facing plot 261 shall be retained at all times while the window(s) exist.  
To prevent overlooking
9. 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 curtilage building(s) 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.

10. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 12th October 2005 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

The Committee considered representations in relation to this matter.

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Mrs Alderton (objector) addressed the Committee.

**Number:** H/2005/5809

**Applicant:** Mrs J H Shenava  
25 Ashwood Close Hartlepool

**Agent:** Mrs J H Shenava 25 Ashwood Close Hartlepool

**Date received:** 26/09/2005

**Development:** Incorporation of land into curtilages of properties

**Location:** Land To The Rear Of 24-32 Ashwood Close And The Side Of 23 Ashwood Close Hartlepool

**Decision:** **Minded to approve subject to the following conditions but because the Council is the land owner and the proposal is a departure from the Hartlepool Local Plans the application be referred to GONE for consideration**

#### **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. 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.
3. 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.

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.

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5320

**Applicant:** Mr T Bates  
7 Brinkburn Court Hartlepool

**Agent:** Mr T Bates 7 Brinkburn Court Hartlepool

**Date received:** 05/07/2005

**Development:** Erection of a building for a horse livery business and the siting of a caravan for 3 years

**Location:** Brierton Moor House Farm Off Dalton Back Lane  
Hartlepool

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

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

1. The development hereby approved shall be begun not later than five years from the date of this permission.  
To clarify the period for which this part of the permission is valid.
2. The caravan shall only be brought onto the site when there has been a material start on the construction of the approved livery building.  
To ensure the caravan is only on site to support the development of the business in accordance with the application.
3. The permission for the caravan is valid for three years from the date a material start is made on the approved livery building. On the expiry of the three year period the caravan shall be removed from the site and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period. The applicant shall advise the Local Planning Authority in writing of the date

of the material start on the approved livery building within 14 days of the start date.

To ensure the caravan is on site to support the development of the business and to enable the Local Planning Authority to monitor/review the situation to ensure that there is a need for the caravan. The caravan is not considered suitable for permanent retention on the site.

4. Prior to the caravan being sited details of its precise location shall be submitted to and approved in writing by the Local Planning Authority. The caravan shall be sited in accordance with the approved details. In order to ensure that the caravan is sited to minimise any visual intrusion.
5. The occupation of the caravan shall be limited to a person solely or mainly employed in the agricultural/livery business operating from the unit (Brierton Moor House Farm) together with any resident dependents.  
To ensure that the caravan is not used as general residential accommodation.
6. Details of all external finishing materials of the livery building shall be submitted to and approved by the Local Planning Authority before this part of the development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
7. A detailed scheme of tree planting in line with Tees Forest principles 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, species and location of the planting, 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 the visual amenity of the area.
8. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
9. The livery building hereby approved shall be used only for livery purposes, and not for any other use, including any other business use unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt and in the interests of the amenity of the area.
10. Prior to their installation the precise location and details of the proposed passing places along the access track shall be submitted to and approved in writing by the Local Planning Authority. The passing places shall thereafter be installed in accordance with the approved details.  
In order to ensure that the passing places are located and installed in such a way as to minimise damage to the adjacent hedge.

11. Prior to the commencement of development details of the proposed means of disposal of foul sewage arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme at the time of development unless otherwise agreed in writing with the Local Planning Authority.  
In order to avoid pollution of the environment.
12. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the public to the site shall be held at any time at the site without prior planning permission.  
To ensure that the site and building operates in a way which will not be detrimental to the amenities of the area.
13. Notwithstanding the submitted details, the final siting, size and construction details of the parking area shall be agreed in writing by the Local Planning Authority. The scheme shall include provision for the parking of trailers and/or horse boxes. The parking area shall thereafter be constructed in accordance with the approved details.  
To ensure a satisfactory form of development in the interests of the visual amenities of the area.
14. There shall be no burning of materials or waste at the site.  
In interests of the amenities of the area.
15. No fixed jumps shall be erected at the site.  
In the interests of the amenities of the area.
16. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
17. No floodlight(s) or tannoy system(s) of any type shall be used or erected at the site.  
In the interests of the amenities of the area.
18. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development either; i) a test for the presence of landfill gas shall be made in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. If landfill gas is detected then a scheme to incorporate appropriate landfill gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas protection measures so approved shall be incorporated into the development at the time of development; or ii) a scheme to incorporate appropriate landfill gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. The landfill gas protection measures so approved shall be incorporated into the development at the time of development.  
To protect the occupants from the incursion of landfill gas.

**Number:** H/2005/5742

**Applicant:** Mr D Murphy  
Royal Mail Clark Street Hartlepool

**Agent:** Delivery Planning Royal Mail Lindisfarne House  
Earlsway Tute Gateshead

**Date received:** 08/09/2005

**Development:** Siting of a Royal Mail pouch box

**Location:** Land Adjacent To 2 Bilsdale Road Seaton Carew  
Hartlepool

**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. 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.

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5754

**Applicant:** Royal Mail  
Clark Street Hartlepool

**Agent:** Delivery Planning Royal Mail Mr Lynch Lindisfarne House  
Earlsway Team Valley Trading Estate  
Gateshead

**Date received:** 08/09/2005

**Development:** Siting of a Royal Mail pouch box

**Location:** Land Opposite 48/50 Irvine Road Hartlepool

**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. 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.

The Committee considered representations in relation to this matter.

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**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**

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### **73. Appeal by K Johnson, Site at 86-88 York Road, Hartlepool** *(Assistant Director, Planning and Economic Development)*

Members were advised of the outcome of an appeal against the above planning application. The Inspector dismissed the appeal and refused planning permission. A copy of the report was submitted by way of an appendix.

#### **Decision**

That the report be noted.

**74. Appeal by Kingfield Developments, Site at Former Total Service Station, Powlett Road, Hartlepool**  
(Assistant Director, Planning and Economic Development)

Members were advised of a planning appeal that had been lodged against the refusal of the Local Planning Authority to allow the erection of 16 flats in 3 story and 2 storey blocks and associated car parking. The appeal was to be decided by written representations and authority was requested to contest the appeal.

**Decision**

Officers were authorised to contest the appeal.

**75. Land at Woodburn Lodge, Blakelock Gardens, Hartlepool – Planning Appeal Decision** (Assistant Director, Planning and Economic Development)

A planning appeal had been lodged against the refusal of the Committee for a certificate of lawful development for the erection of a detached garage at the rear of Woodburn Lodge, Blakelock Gardens. The appeal had been decided by the local inquiry procedure and notification had now been received from the Planning Inspectorate that the appeal had been allowed. A copy of the report was submitted by way of an appendix.

**Decision**

That the report be noted.

**76. Changes to the Development Control System** (Assistant Director, Planning and Economic Development)

Members were advised of new development control provisions which came into effect on 24<sup>th</sup> August 2005. The provisions were

- To increase the powers of Local Planning Authorities to decline to determine repeat applications
- To reduce the life of a planning permission from 5 years to 3 years
- To require statutory consultees to respond to consultations within 21 days
- To provide for regional planning bodies to be statutory consultees on certain planning applications.

A copy of the circular was submitted by way of an appendix.

**Decision**

That the report be noted.

## **77. 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 six (6) current ongoing issues, brief details of which were set out in the report.

### **Decision**

That the report be noted.

W ISELEY

CHAIRMAN

**PLANNING COMMITTEE 23 NOVEMBER 2005**

1.	H/2005/5685	Groves Street	CP
2.	H/2005/5833	42 Bilsdale Road	RM
3.	H/2005/5670	2A Eldon Grove	JF
4.	H/2005/5821	Allotments – Waverley Terrace	RH
5.	H/2005/5798	L&P Motors	RM
6.	H/2005/5801	3 Lamposts in York Road – between Park Road and Lister Street	RM
7.	H/2005/5802	4 Lamposts in York Road – between Elwick Road and Lister Street	RM
8.	H/2005/5804	4 Lamposts in York Road – between South Road and Thornton Street	RM
9.	H/2005/5807	3 Lamposts in York Road - between Dalton Street and Thornton Street	RM
10.	H/2005/5744	The Fens Shopping Centre	RH
11.	H/2005/5709	Former Golden Flatts	CP
12.	H/2005/5644	65 Seaton Lane	JF
13.	H/2005/5775	5 Windsor Street	JF
14.	H/2005/5387	34 Grange Road	JF
15.	H/2005/5699	United Reformed Church	CP
16.	H/2005/5698	United Reformed Church	CP

**No:** 1  
**Number:** H/2005/5685  
**Applicant:** Dr Thakur 113 Durham Street Hartlepool  
**Agent:** HMA Architects 114 Station Parade Harrogate HG1 1HQ  
**Date valid:** 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 HARTLEPOOL

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## **The Application and Site**

1.1 The application site is outside the Headland Conservation area. The site is of modest size and on a steep incline rising west to east. An application for a doctor's surgery and detached pharmacy with associated car parking was approved at Planning Committee on the 31<sup>st</sup> March 2004.

1.2 This proposal involves the infill of part of the surgery, which was approved to accommodate 2 parking spaces on the ground floor, underneath the doctor's surgery building. It is now proposed to provide an additional treatment room within the area.

## **Publicity**

1.3 The application has been advertised by way of neighbour letters (3). To date, there has been 1 letter of objection.

The concerns raised are:

- 1) No objection to the infill however concerns regarding the pavement continuing in front of the infill will reduce the space to turn into objectors curtilage.
- 2) Objections to the relocation of the 2 parking spaces, on the grounds that this is public footpath and should remain as such; and that the objectors gates open at an angle out into Groves Street, a parking bay directly up to the gates will mean that they can not open fully, restricting access.

1.4 The original period for publicity has expired, however re-consultation letters have been sent regarding revisions to the scheme.

## **Consultations**

1.5 The following consultation replies have been received:

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

**Head of Public Protection & Housing** - No objection

**Community Services** - No objection

**Headland Parish Council** - Awaiting comments

## Head of Property Services - Awaiting comments

### Planning Policy

1.6 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:

Co13: states that regard should be had to the need to preserve, protect or evaluate archaeological remains which may be present on sites in this area

Co4: states that development within the vicinity of a Conservation Area should take account of the character of that area.

Ho14 – states that non-commercial community based uses in residential areas will normally be approved provided there is no significant detrimental effect on the amenities of occupiers of adjoining and nearby properties and that parking/servicing within the curtilage can be provided.

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.

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.

HE14: states that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

HE3: states the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

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

Hsg6(A): Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought. A flood risk assessment may be required.

## **Planning Considerations**

1.7 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 deposit Hartlepool Local Plans and the impact of the proposals upon neighbouring properties and the surrounding area.

1.8 The original approval for the doctor's surgery and detached pharmacy included 14 car parking spaces within the site. This was considered acceptable given the condition imposed, which limited the number of doctors who would operate from the surgery, the proximity of Middlegate car park and an element of on street parking on Union Street.

1.9 Due to unforeseen circumstances the main car park has also lost one car parking space due to the need to re-arrange the parking area to ensure that 140 Durham Street does not require underpinning.

1.10 The current application proposes to infill part of the ground floor (underneath the doctors surgery – facing onto Grove Street), which previously was approved as an area for 2 car parking spaces. The proposed infill is complimentary to the design of the main building. It was proposed to replace the 2 parking spaces lost within the site (to the rear of 142 Durham Street), however an objection was received from the occupier at 142 Durham Street regarding access to their property. The scheme was reassessed and the Head of Transportation and Traffic has accepted that the loss of these spaces can be justified due to the on street parking restriction in the form of traffic regulation orders and that the additional parking facilities both at Middlegate and the sports centre will also complement those provided with the development.

1.11 With regard to the objection received, the scheme has been revised to remove the proposed relocated 2 parking spaces, however it is still proposed to run a footpath in front of the in filled area of the surgery. The objector has issues regarding access to their property. The Head of Transportation and Traffic has raised no objections in this respect.

1.12 Given the Head of Transportation and Traffic's comments it is considered that the loss of the parking spaces is acceptable in terms of highway requirements and therefore approval is recommended.

**RECOMMENDATION - APPROVE**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s)  
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.



**No:** 2  
**Number:** H/2005/5833  
**Applicant:** Mr T Horwood c/o agent  
**Agent:** Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP  
**Date valid:** 04/10/2005  
**Development:** Outline application for the erection of 4 dwellings with detached garages  
**Location:** 42 BILSDALE ROAD SEATON CAREW HARTLEPOOL  
 HARTLEPOOL

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## The application and site

2.1 Detailed planning permission is sought for the erection of 4 dwellings (2 detached and 2 semi-detached units) on land to the rear of 42 Bilsdale Road. The site comprises a grassed area, to the south of allotments between the traditional rear boundary of Bilsdale Road properties and a public right of way running parallel to the railway line. It was recently the subject of a planning permission for change of use to domestic garden in connection with the donor property (approved in June).

2.2 The site is to be accessed from Bilsdale Road, facilitated through the demolition of 42 (one of a pair of semi-detached properties) and the provision of a driveway some 4.2 metres in width. Entrance gates and pillars would be constructed on the driveway, recessed from the front elevations of the adjacent properties. A gable wall would be provided to the newly exposed side elevation of 44.

2.3 The proposed units would be sited parallel to one another, in a north-south orientation

2.4 The dwellings would incorporate typical modern detailing including contrasting facing brick, headers and cills. There would be two detached blocks of ancillary garages.

2.5 A previous application for 5 dwellings on the site was refused by the planning committee and was later dismissed at appeal. The Inspector's grounds for dismissing the appeal were that its greenfield status made it unsuitable for development and that adjacent residential properties would be adversely affected by traffic noise.

2.6 In support of this proposal, the applicant makes the following points:-

- 1) The site forms part of the curtilage of 42 Bilsdale Road. It is therefore not to be regarded as having Greenfield status overcoming the Inspector's primary objection to the first application. As a previously used site its re-development should receive priority.
- 2) In terms of its impact on the street scene the Inspector concluded that no harm would result from the initial proposal. In this respect the current proposal has not been amended.

- 3) The concerns about noise impact to adjoining properties have been adequately addressed through the new layout and in particular the location of manoeuvring areas.

## Publicity

2.7 The application has been advertised by way of neighbour letters (17) and also by site and press notices. To date there have been 11 letters of objection making the following points:-

- 1) adjacent houses would suffer increased disturbance as a result of vehicle noise which would be detrimental to living conditions and enjoyment of gardens
- 2) Would be out of keeping with the character and outlook of other properties in Street
- 3) Parking congestion would be increased on Bilsdale Road. It is not acceptable to bring additional vehicles into an already busy street.
- 4) Together with new junction this will be detrimental to highway and public safety and accessibility of existing dwellings.
- 4) The development would establish a undesirable precedent.
- 5) The land should remain greenfield in status
- 6) Construction vehicles would be additional safety hazards to local children and would cause additional noise, dust and dirt on the roads.
- 7) Would adversely impact on daylight sunlight and privacy. Car headlights would be intrusive.
- 8) Removal of no 42 Bilsdale could potentially create a serious defect and damage to no 44 (the adjoining property)
- 9) Do not want home to be a corner site
- 10) Development was previously refused on appeal. The present proposal would not reduce the traffic impact.
- 11) Would cause property devaluation
- 12) Site not considered as part urban capacity study.

Copy letters E

The publicity period expires prior to the committee meeting.

## Consultations

2.8 The following consultation replies have been received:

**Head of Technical Services** – A visibility splay of 2.4m x 33m should be maintained therefore the pillars of the entrance to the driveway should be no greater than 1.2 metres.

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

**Head of Engineering** – Condition recommended to identify and remediate any contamination present

## Planning Policy

2.9 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:

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.

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.

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

2.10 The main issues to be considered in this case are:-

- a) whether the principle of residential development in this location is satisfactory
- b) the implications for residential amenity
- c) siting and design issues
- d) the implications of extra traffic flowing from the development
- e) whether the visual impact of the development on the appearance of the street is acceptable
- f) the issue of precedent

## The principle of the development

2.11 Planning Policy Guidance Note 3 (PPG3) sets out the government's strategy for new residential development. The guidance indicates that in general terms the development of previously used land is to be prioritised over greenfield land in identifying land supply. It further states that in deciding its housing need no allowance should be made by Local Authority's for windfall developments on greenfield sites. Whether the application site has greenfield status is therefore a significant consideration.

2.12 PPG3 defines land within the curtilage of dwellings as previously used rather than greenfield though it should be noted that this constitutes guidance and does not provide a definitive statement on the planning status of land.

2.13 The Planning Committee has only recently granted planning permission to change the use of the site to an extended garden area in connection with 42 Bilsdale Road. The site was regarded at the time of that application as lying outside the curtilage of the donor property. Conditions seek to maintain its relatively open appearance (these are subject to appeal).

2.14 PPG3 does not however confirm that an extension to a garden area, has the effect of converting a greenfield site to a previously used site. The implication is that it is the original curtilage of the property that should be taken into account. It is considered that it is not the intention of PPG3 to allow for previously developed land to be 'engineered' in this way. To argue otherwise would amount to a perverse interpretation of the objectives of PPG3.

2.15 Furthermore it is worth noting that the Planning Inspector concluded that that *"as a matter of fact and degree the open nature of the land leads me to regard it as being outside the definition of previously developed land and a small greenfield plot"*.

2.16 It is notable that the site has not been identified as part of the Council's urban capacity study which would give the site previously used status.

2.17 The site is therefore still considered to have greenfield status.

2.18 The Council has recently published modifications to the Deposit Local Plan in accordance with the recommendations of the Local Plan Inspector. In keeping with PPG3 it recognises that proposals for windfall housing should relate to the development of previously used land or the re-use of vacant buildings.

2.19 The Council's emerging Local Plan (as proposed to be modified) is concerned with where appropriate channelling new residential development to previously used sites to achieve a target of 60% of new housing provision on such sites by 2008. The proposed development would be detrimental to this objective.

### **Residential amenity**

2.20 The proposed development is considered likely to adversely affect the amenities of residents living adjacent to the proposed driveway notwithstanding the changes in design and numbers. The new access route adjacent to existing rear gardens would be likely to result in disturbance resulting from passing and manoeuvring vehicles and people waiting for gates to open and therefore harm the enjoyment of those gardens and properties. The living accommodation of 40 and 44 Bilsdale Road in particular could be affected as main living rooms would be close to the new access. These considerations remain as pertinent to the current application as to the appealed application in relation to which the planning inspector concurred with the Council's stance.

### **Spacing and design issues**

2.21 The proposed design of the dwellings and their spacing in relation to one another and existing dwellings is not in itself considered to be in conflict with policies in the Local Plan.

### **Traffic congestion implications**

2.22 The Highways Division of the Council has raised no objection to the development on grounds of increased traffic congestion. It is not considered that this would be a sustainable ground on which to refuse the application. The right of way at the rear of the site would be unaffected by this proposal.

### **Impact on Street Scene**

2.23 Bilsdale Road is predominantly made up of semi-detached properties. In his decision letter relating to the previous planning appeal, the Inspector considered the impact of the proposal on the street scene. He concluded that the appearance of the locality would not be harmed because although it would lead to a modest detached house being left alone in the street, this would serve to add variety. The remaining

detached house would have a gable wall constructed in material appropriate to the area.

2.24 It is therefore considered that a refusal of the planning application on these grounds could not be sustainable.

### **The issues of precedent**

2.25 Concern about the development setting a precedent was also examined during the previous appeal. The Inspector found that it would not be appropriate to dismiss the appeal for this reason.

### **Other matters**

2.26 The concerns raised with respect to property devaluation and temporary nuisances arising from vehicles and emissions associated with construction activities are not considered to be grounds on which the refusal of the planning application could be sustained.

2.27 The question of impact on the structural wellbeing of the adjoining dwelling would be a civil rather than planning matter.

### **Conclusion**

2.28 The proposed development is therefore considered to be unacceptable by virtue of both the planning policy position and adverse impact on the living conditions of nearby residents.

## **RECOMMENDATION - REFUSE**

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 modified 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 Hartlepool Revised Deposit Local Plan 2003.

**No:** 3  
**Number:** H/2005/5670  
**Applicant:** Mr S McNicholas The Wheelhouse The Green Wolviston  
 Billingham TS22 5LN  
**Agent:** Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26  
 0SR  
**Date valid:** 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  
 HARTLEPOOL

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### The Application and Site

3.1 The application site is located to the rear of 2A Eldon Grove and is within the Grange Conservation Area. It was until recently part of a garaging court. The nine garages have 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

3.2 Outline planning permission was granted on appeal in June 2005 (H/OUT/0479/04). The current application seeks approval for the reserved matters i.e. siting, design, external appearance of the building and landscaping. The proposal is for a detached three bedroomed dormer 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.

### Planning history

3.3 An application for outline planning permission for the erection of a two-storey dwelling was refused by the Planning Committee in September 2004. The applicant appealed against the refusal and the appeal was allowed in June 2005. (H/OUT/0479/04)

### Publicity

3.4 The application has been advertised by site notice, in the press and by neighbour notification (14). Three letters of no objection and three letters of objection were received. The objectors raise the following issues:

1. Loss of privacy
2. Loss of light
3. Rear garage wall should be retained
4. In the conservation area.

5. Location ridiculous, unfair on surrounding houses. It will spoil their outlook and the lifestyle of the owners. It will affect property values. Council tax will have to be reduced.

Copy Letters G.

The period for publicity has expired.

## Consultations

3.5 The following consultation replies have been received:

**Public Protection & Housing** - 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 objections.

**Head of Highways and Transportation** - No objection.

**Engineers** - Condition requiring site investigation and appropriate remediation if required.

## Planning Policy

3.6 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:

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.

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.

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.

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

Co2 - states that the Borough Council will promote and encourage new wildlife habitats particularly in areas including this one. In such areas, native planting and natural landscaping schemes may be required by planning condition.

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.

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.

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.

## Planning Considerations

3.7 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.

3.8 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.

3.9 The site is located to the rear of properties fronting Eldon Grove, Clifton Avenue and Linden Grove. The site is not prominent and the proposed design is considered acceptable in this location.

3.10 The site is closely constrained on all side by residential properties and their associated gardens. Objections have 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 application was resisted for these reasons. However the Inspector considered that this site was suitable for a two-storey dwellinghouse. At 7m high the proposed dwellinghouse 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. 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 areas of the adjoining property however the proposed development meets current separation distances between main elevations.

## RECOMMENDATION - APPROVE

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. 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
3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
4. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

6. 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

7. 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.

**No:** 4  
**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

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### The Application and Site

4.1 The site to which this planning application relates is the existing allotments gardens to the south of Waverley Terrace and to the north of Rift House Recreational Ground. The allotment gardens are bounded by car parks to the east and the west, which are used in association with the recreational ground. A 1.8m high wooden boundary fence encloses the existing allotment gardens.

4.2 The application seeks to erect 2.4m high park style boundary fencing with access gates around the perimeter of the site. The application is part of the allotment re-development.

### Publicity

4.3 The application has been advertised by way of neighbour letters (32). To date, there have been 3 letters of objection

4.4 The concerns raised are:

- 1 That area of the western end of Waverley Terrace should be done first.
- 2 Making part of the allotment gardens into recreation ground
- 3 The proposed fencing is being erected at the wrong end of Waverley Terrace
- 4 The Council is not listening to the majority of local residents

Copy letters H

The period for publicity has expired.

### Consultations

4.5 The following consultation replies have been received:

**Hd of Transportation and Traffic** – No objection

**Tees Archaeology** – No objection

## Planning Policy

4.6 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:

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.

## Planning Considerations

4.7 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals held within the adopted and emerging Hartlepool Local Plan and the effects of the development on the appearance of the street scene.

4.8 The application seeks to erect 2.4m high fencing with associated access gates around the perimeter of the site. The applicant has submitted indicative information regarding the redevelopment of the allotment plots and the staging of works along with the application. However, the considerations below will be related solely to the erection of a 2.4m high boundary fence and associated access gates. The staging of works is a funding issue, which are outside the control of the Local Planning Authority.

4.9 Three letters of objection have been received to date regarding the proposed development. The letters make reference to the staging of works, which as previously stated are funding issues and cannot be considered material to this application. A resident has also raised concern that part of the allotment site will be changed into a recreation ground, however the details proposed in the application relate to fencing the entire site and the use to remain as allotment gardens.

4.10 It is considered that the proposed boundary fencing will significantly improve the aesthetics of the allotment gardens. The applicant has indicated a planting strip inside the perimeter of the site behind the boundary fencing to screen the allotment gardens from the highway and the residential properties opposite. It is considered that the proposed fencing and screen planting will significantly improve the outlook enjoyed by the residents of the properties to the north of Waverly Terrace, and views of the allotment gardens as a whole.

4.11 There are clear signs of anti-social behaviour/criminal damage upon the existing allotment site. The existing 1.8m high fencing has been subject to arson and graffiti. It is considered that the proposed boundary fencing will improve the security of the site, whilst minimising the area for possible graffiti.

4.12 The access gates proposed in the fencing are to the east and west of the site. Currently access is taken from the north of the site directly onto Waverley Terrace (which has no footpath and is used by vehicular traffic). It is therefore considered that the proposal will significantly improve highway safety. The application has received no objection from the Councils Traffic and Transportation Section.

4.13 The Archeological Officer has indicated that the western part of the site lies adjacent to the former prisoner of war camp and as such it would be worthwhile conducting an archaeological watching brief during development. A planning condition (watching brief) can be attached to allow a record to be made of any finds or features of archaeological interest.

4.14 It is for the reasons stated above that the planning 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. 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.

**No:** 5  
**Number:** H/2005/5798  
**Applicant:** Street Broadcast Ltd 6 The Pavillions Amber Close  
 Tamworth Staffs B77 4RP  
**Agent:** 6 The Pavillions Amber Close Tamworth B77 4RP  
**Date valid:** 19/09/2005  
**Development:** Display of an illuminated double-sided poster display  
 panel  
**Location:** Lampost Outside L & P Motors York Road Hartlepool

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## The Application and Site

5.1 Consent is sought for the display of illuminated advertisements on lampposts at various locations along York Road. The sites are encompassed within 5 separate planning applications each of which are dealt with in this single report in the interests of efficiency.

5.2 The various locations are identified on the attached drawings.

5.3 The advertisements which measure some 2.04 m by 1.29 m in area would be double sided and mounted at 2.7 metres above ground level. They would be illuminated for part of the day.

5.4 In support of the proposal the applicant makes the following points:

1. For safety reasons the proposal involves the installation of new lampposts.
2. The advertisements are installed at a height to meet highway safety guidelines.
3. This method of advertising has been taken up around the country, with consent given by 51 other local authorities.

5.4 It should be noted that it is only the advertisement that is subject to consent, new lampposts being exempt from planning control

## Publicity

5.6 The application has been advertised by way of neighbour letters (). To date, there have been 5 letters of objection making the following points:-

1. The signs would restrict views of the retail frontage and window displays along York Road. It is essential that the prominence of all retail units on York Road is not impeded. It could adversely affect the viability of the area.
2. They would cause a distraction to motorists. There have been enough accidents on York Road. The signs could cause a collision with larger vehicles.
3. They would adversely affect the enjoyment of a restaurant.
4. They would compound street clutter and would fail to enhance the area.



There have been 2 letters of no objection

The period for publicity has expired.

Copy letters F

## **Consultations**

5.6 The following consultation replies have been received:

**Head of Technical Services** – The proposal would involve the replacement of existing lampposts so as to ensure that the signage would not encroach over the highway.

**Hartlepool Access Group** – no objections.

## **Planning Policy**

5.7 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:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool and that the various zones of the town centre present opportunities for a range of commercial and mixed use development subject to policies Com2 to Com9 and Ind5 as appropriate. 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, further residential development and the residential use of existing buildings.

En19: states that proposals for advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety. Those which introduce visually obtrusive features will not normally be permitted.

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.

GEP8: states that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

## **Planning Considerations**

5.8 Main issues for consideration in this case are the effect of the signs on highway safety and visual amenity.

### Highway safety

5.9 Head of Technical Services is satisfied that the developments would not cause an unacceptable level of distraction to motorists. It is considered that the redevelopment of the lampstandings on which the signs are to be mounted will help to mitigate against the risk of collision with taller vehicles.

### Visual amenity

5.10 It is recognised that the developments would serve to intensify the level of commercial information along York Road. However it is also arguable that this type of advertising would not be inappropriate within this area, which is part of the commercial core of the town. It should also be noted the proposal provides the opportunity to secure improvements to the appearance of the streetscape through the modernisation of lampstandings.

### Conclusion

5.11 On balance it is considered appropriate to allow the proposals on a temporary 1 year basis. This would enable the visual impact of the signage in practice to be evaluated and for any adverse affect on highway safety, though not anticipated, to be monitored and reviewed.

**RECOMMENDATION - APPROVE**

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

**No:** 6  
**Number:** H/2005/5801  
**Applicant:** Street Broadcast Ltd 6 The Pavillions Amber Close  
 Tamworth Staffs B77 4RP  
**Agent:** 6 The Pavillions Amber Close Tamworth B77 4RP  
**Date valid:** 19/09/2005  
**Development:** Display of 3 illuminated double-sided poster display  
 panels  
**Location:** 3 Lampposts In York Road between Park Road & Lister  
 Street Hartlepool

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## The Application and Site

6.1 Consent is sought for the display of illuminated advertisements on lampposts at various locations along York Road. The sites are encompassed within 5 separate planning applications each of which are dealt with in this single report in the interests of efficiency.

6.2 The various locations are identified on the attached drawings.

6.3 The advertisements which measure some 2.04 m by 1.29 m in area would be double sided and mounted at 2.7 metres above ground level. They would be illuminated for part of the day.

6.4 In support of the proposal the applicant makes the following points:

1. For safety reasons the proposal involves the installation of new lampposts.
2. The advertisements are installed at a height to meet highway safety guidelines.
3. This method of advertising has been taken up around the country, with consent given by 51 other local authorities.

6.4 It should be noted that it is only the advertisement that is subject to consent, new lampposts being exempt from planning control

## Publicity

6.5 The application has been advertised by way of neighbour letters (). To date, there have been 5 letters of objection making the following points:-

1. The signs would restrict views of the retail frontage and window displays along York Road. It is essential that the prominence of all retail units on York Road is not impeded. It could adversely affect the viability of the area.
2. They would cause a distraction to motorists. There have been enough accidents on York Road. The signs could cause a collision with larger vehicles.
3. They would adversely affect the enjoyment of a restaurant.
4. They would compound street clutter and would fail to enhance the area.

There have been 2 letters of no objection

The period for publicity has expired.

Copy letters F

## **Consultations**

6.6 The following consultation replies have been received:

**Head of Technical Services** – The proposal would involve the replacement of existing lampposts so as to ensure that the signage would not encroach over the highway.

**Hartlepool Access Group** – no objections.

## **Planning Policy**

6.7 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:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool and that the various zones of the town centre present opportunities for a range of commercial and mixed use development subject to policies Com2 to Com9 and Ind5 as appropriate. 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, further residential development and the residential use of existing buildings.

En19: states that proposals for advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety. Those which introduce visually obtrusive features will not normally be permitted.

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.

GEP8: states that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

## **Planning Considerations**

6.8 Main issues for consideration in this case are the effect of the signs on highway safety and visual amenity.

### Highway safety

6.9 Head of Technical Services is satisfied that the developments would not cause an unacceptable level of distraction to motorists. It is considered that the redevelopment of the lampstandings on which the signs are to be mounted will help to mitigate against the risk of collision with taller vehicles.

### Visual amenity

6.10 It is recognised that the developments would serve to intensify the level of commercial information along York Road. However it is also arguable that this type of advertising would not be inappropriate within this area, which is part of the commercial core of the town. It should also be noted the proposal provides the opportunity to secure improvements to the appearance of the streetscape through the modernisation of lampstandings.

### Conclusion

6.11 On balance it is considered appropriate to allow the proposals on a temporary 1 year basis. This would enable the visual impact of the signage in practice to be evaluated and for any adverse affect on highway safety, though not anticipated, to be monitored and reviewed.

**RECOMMENDATION - APPROVE**

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.

**No:** 7  
**Number:** H/2005/5802  
**Applicant:** Street Broadcast Ltd 6 The Pavillions Amber Close  
 Tamworth Staffs B77 4RP  
**Agent:** 6 The Pavillions Amber Close Tamworth B77 4RP  
**Date valid:** 19/09/2005  
**Development:** Display of 4 illuminated double-sided poster display  
 panels  
**Location:** 4 Lampposts In York Road between Elwick Road & Lister  
 Street Hartlepool

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### The Application and Site

7.1 Consent is sought for the display of illuminated advertisements on lampposts at various locations along York Road. The sites are encompassed within 5 separate planning applications each of which are dealt with in this single report in the interests of efficiency.

7.2 The various locations are identified on the attached drawings.

7.3 The advertisements which measure some 2.04 m by 1.29 m in area would be double sided and mounted at 2.7 metres above ground level. They would be illuminated for part of the day.

7.4 In support of the proposal the applicant makes the following points:

1. For safety reasons the proposal involves the installation of new lampposts.
2. The advertisements are installed at a height to meet highway safety guidelines.
3. This method of advertising has been taken up around the country, with consent given by 51 other local authorities.

7.4 It should be noted that it is only the advertisement that is subject to consent, new lampposts being exempt from planning control

### Publicity

7.6 The application has been advertised by way of neighbour letters (). To date, there have been 5 letters of objection making the following points:-

1. The signs would restrict views of the retail frontage and window displays along York Road. It is essential that the prominence of all retail units on York Road is not impeded. It could adversely affect the viability of the area.
2. They would cause a distraction to motorists. There have been enough accidents on York Road. The signs could cause a collision with larger vehicles.
3. They would adversely affect the enjoyment of a restaurant.
4. They would compound street clutter and would fail to enhance the area.



There have been 2 letters of no objection

The period for publicity has expired.

Copy letters F

## **Consultations**

7.7 The following consultation replies have been received:

**Head of Technical Services** – The proposal would involve the replacement of existing lampposts so as to ensure that the signage would not encroach over the highway.

**Hartlepool Access Group** – no objections.

## **Planning Policy**

7.8 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:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool and that the various zones of the town centre present opportunities for a range of commercial and mixed use development subject to policies Com2 to Com9 and Ind5 as appropriate. 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, further residential development and the residential use of existing buildings.

En19: states that proposals for advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety. Those which introduce visually obtrusive features will not normally be permitted.

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.

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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.

GEP8: states that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

## **Planning Considerations**

7.9 Main issues for consideration in this case are the effect of the signs on highway safety and visual amenity.

### Highway safety

7.10 Head of Technical Services is satisfied that the developments would not cause an unacceptable level of distraction to motorists. It is considered that the redevelopment of the lampstandings on which the signs are to be mounted will help to mitigate against the risk of collision with taller vehicles.

### Visual amenity

7.11 It is recognised that the developments would serve to intensify the level of commercial information along York Road. However it is also arguable that this type of advertising would not be inappropriate within this area, which is part of the commercial core of the town. It should also be noted the proposal provides the opportunity to secure improvements to the appearance of the streetscape through the modernisation of lampstandings.

### Conclusion

7.12 On balance it is considered appropriate to allow the proposals on a temporary 1 year basis. This would enable the visual impact of the signage in practice to be evaluated and for any adverse affect on highway safety, though not anticipated, to be monitored and reviewed.

**RECOMMENDATION - APPROVE**

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.

**No:** 8  
**Number:** H/2005/5804  
**Applicant:** Street Broadcast Ltd 6 The Pavillions Tamworth Staffs B77 4RP  
**Agent:** 6 The Pavillions Tamworth B77 4RP  
**Date valid:** 19/09/2005  
**Development:** Display of 4 illuminated double-sided poster display panels  
**Location:** 4 Lampposts In York Road between South Road & Thornton Street Hartlepool

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### The Application and Site

8.1 Consent is sought for the display of illuminated advertisements on lampposts at various locations along York Road. The sites are encompassed within 5 separate planning applications each of which are dealt with in this single report in the interests of efficiency.

8.2 The various locations are identified on the attached drawings.

8.3 The advertisements which measure some 2.04 m by 1.29 m in area would be double sided and mounted at 2.7 metres above ground level. They would be illuminated for part of the day.

8.4 In support of the proposal the applicant makes the following points:

1. For safety reasons the proposal involves the installation of new lampposts.
2. The advertisements are installed at a height to meet highway safety guidelines.
3. This method of advertising has been taken up around the country, with consent given by 51 other local authorities.

8.4 It should be noted that it is only the advertisement that is subject to consent, new lampposts being exempt from planning control

### Publicity

8.5 The application has been advertised by way of neighbour letters (). To date, there have been 5 letters of objection making the following points:-

1. The signs would restrict views of the retail frontage and window displays along York Road. It is essential that the prominence of all retail units on York Road is not impeded. It could adversely affect the viability of the area.
2. They would cause a distraction to motorists. There have been enough accidents on York Road. The signs could cause a collision with larger vehicles.
3. They would adversely affect the enjoyment of a restaurant.
4. They would compound street clutter and would fail to enhance the area.

There have been 2 letters of no objection

The period for publicity has expired.

Copy letters F

## **Consultations**

8.6 The following consultation replies have been received:

**Head of Technical Services** – The proposal would involve the replacement of existing lampposts so as to ensure that the signage would not encroach over the highway.

**Hartlepool Access Group** – no objections.

## **Planning Policy**

8.7 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:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool and that the various zones of the town centre present opportunities for a range of commercial and mixed use development subject to policies Com2 to Com9 and Ind5 as appropriate. 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, further residential development and the residential use of existing buildings.

En19: states that proposals for advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety. Those which introduce visually obtrusive features will not normally be permitted.

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.

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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.

GEP8: states that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

## **Planning Considerations**

8.8 Main issues for consideration in this case are the effect of the signs on highway safety and visual amenity.

### Highway safety

8.9 Head of Technical Services is satisfied that the developments would not cause an unacceptable level of distraction to motorists. It is considered that the redevelopment of the lampstandings on which the signs are to be mounted will help to mitigate against the risk of collision with taller vehicles.

### Visual amenity

8.10 It is recognised that the developments would serve to intensify the level of commercial information along York Road. However it is also arguable that this type of advertising would not be inappropriate within this area, which is part of the commercial core of the town. It should also be noted the proposal provides the opportunity to secure improvements to the appearance of the streetscape through the modernisation of lampstandings.

### Conclusion

8.11 On balance it is considered appropriate to allow the proposals on a temporary 1 year basis. This would enable the visual impact of the signage in practice to be evaluated and for any adverse affect on highway safety, though not anticipated, to be monitored and reviewed.

**RECOMMENDATION - APPROVE**

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.

**No:** 9  
**Number:** H/2005/5807  
**Applicant:** Street Broadcast Ltd 6 The Pavillions Amber Close  
 Tamworth Staffs B77 4RP  
**Agent:** 6 The Pavillions Amber Close Tamworth B77 4RP  
**Date valid:** 19/09/2005  
**Development:** Display of 3 illuminated double-sided poster display  
 panels  
**Location:** 3 Lampposts In York Road Between Dalton Street &  
 Thornton Street Hartlepool

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## The Application and Site

9.1 Consent is sought for the display of illuminated advertisements on lampposts at various locations along York Road. The sites are encompassed within 5 separate planning applications each of which are dealt with in this single report in the interests of efficiency.

9.2 The various locations are identified on the attached drawings.

9.3 The advertisements which measure some 2.04 m by 1.29 m in area would be double sided and mounted at 2.7 metres above ground level. They would be illuminated for part of the day.

9.4 In support of the proposal the applicant makes the following points:

1. For safety reasons the proposal involves the installation of new lampposts.
2. The advertisements are installed at a height to meet highway safety guidelines.
3. This method of advertising has been taken up around the country, with consent given by 51 other local authorities.

9.4 It should be noted that it is only the advertisement that is subject to consent, new lampposts being exempt from planning control

## Publicity

9.6 The application has been advertised by way of neighbour letters (). To date, there have been 5 letters of objection making the following points:-

1. The signs would restrict views of the retail frontage and window displays along York Road. It is essential that the prominence of all retail units on York Road is not impeded. It could adversely affect the viability of the area.
2. They would cause a distraction to motorists. There have been enough accidents on York Road. The signs could cause a collision with larger vehicles.
3. They would adversely affect the enjoyment of a restaurant.
4. They would compound street clutter and would fail to enhance the area.



There have been 2 letters of no objection

The period for publicity has expired.

Copy letters F

## **Consultations**

9.6 The following consultation replies have been received:

**Head of Technical Services** – The proposal would involve the replacement of existing lampposts so as to ensure that the signage would not encroach over the highway.

**Hartlepool Access Group** – no objections.

## **Planning Policy**

9.7 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:

COM1: states that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool and that the various zones of the town centre present opportunities for a range of commercial and mixed use development subject to policies Com2 to Com9 and Ind5 as appropriate. 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, further residential development and the residential use of existing buildings.

En19: states that proposals for advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety. Those which introduce visually obtrusive features will not normally be permitted.

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.

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.

GEP8: states that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

## **Planning Considerations**

9.8 Main issues for consideration in this case are the effect of the signs on highway safety and visual amenity.

### Highway safety

9.9 Head of Technical Services is satisfied that the developments would not cause an unacceptable level of distraction to motorists. It is considered that the redevelopment of the lampstandings on which the signs are to be mounted will help to mitigate against the risk of collision with taller vehicles.

### Visual amenity

9.10 It is recognised that the developments would serve to intensify the level of commercial information along York Road. However it is also arguable that this type of advertising would not be inappropriate within this area, which is part of the commercial core of the town. It should also be noted the proposal provides the opportunity to secure improvements to the appearance of the streetscape through the modernisation of lampstandings.

### Conclusion

9.11 On balance it is considered appropriate to allow the proposals on a temporary 1 year basis. This would enable the visual impact of the signage in practice to be evaluated and for any adverse affect on highway safety, though not anticipated, to be monitored and reviewed.

## **RECOMMENDATION - APPROVE**

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.

**No:** 10  
**Number:** H/2005/5744  
**Applicant:** Dr Lustman 56 The Drive Gosforth Newcastle Upon Tyne  
**Agent:** Storey SSP Higham House New Bridge Street West Newcastle Upon Tyne NE1 8AV  
**Date valid:** 10/10/2005  
**Development:** Erection of enclosures to external stairs, including access gates  
**Location:** The Fens Shopping Centre Catcote Road Hartlepool

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### **The Application and Site**

10.1 The site to which this planning application relates are the existing external stairwells to the north and south elevations of the Fens Shopping Centre, Catcote Road. The stairwells provide access to the residential units to the top of the retail units.

10.2 The application seeks retrospective planning permission for the erection of metal enclosures with access gates to both the external stairs.

#### **Publicity**

10.3 The application has been advertised by way of neighbour letters (7). To date, there have been 5 letters of objection.

10.4 The concerns raised are:

- 1) Used for a gathering point for youths
- 2) Noise and anti-social behaviour
- 3) Metal door crashing to and fro in windy weather
- 4) It is an eyesore due to the colour and graffiti
- 5) Provides shelter for people to hide in.

The period for publicity has expired.

#### **Consultations**

10.5 The following consultation replies have been received:

**Head of Public Protection and Housing** - no objection

**Cleveland Police** - no objection

#### **Planning Policy**

10.6 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:

COM10: states that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

## **Planning Considerations**

10.7 The main consideration in this instance are the policies and proposals within the adopted and emerging Hartlepool Local Plan, the impact of the proposal upon the character of the street scene and the amenities of the occupants of nearby properties.

10.8 It is considered that the existing metal shelter is painted a colour, which is not in keeping with the surrounding area. The enclosures at the north and south of the shopping centre have been subject to graffiti and vandalism with the lock being removed from the enclosure to the south and the door being removed from the enclosure to the north.

10.9 The applicant has indicated that they are willing to re paint the enclosures a more suitable colour.

10.10 The Cleveland Police Crime Prevention Officer has highlighted the metal 'shrouds' were erected due to 'very serious anti-social behaviour problems' in and around the Fens shopping precinct. The Officer has acknowledged the damage which has taken place upon the shrouds, however, he has highlighted that up until recent months the development did have a dramatic reduction upon the reports of anti-social behaviour. The CPO has been working in connection with the applicant, they have discussed the locks are to be replaced with shrouds fitted over them and the provision of CCTV cameras to be fitted above the stairs.

10.11 The Councils Highway Engineers have raised no objection to the development.

10.12 A number of objections have been received regarding the application. The objections are concerned with anti social behaviour associated with the enclosures, the graffiti upon the enclosures and the noise implications associated with the doors being left unlocked in windy weather.

10.13 Given that discussions are ongoing with the applicant and Cleveland Police an update report will follow.

**RECOMMENDATION** – Update to follow

**No:** 11  
**Number:** H/2005/5709  
**Applicant:** Bellway Homes (NE) Ltd Peel House Main Street  
 Ponteland Newcastle Upon Tyne  
**Agent:** Bellway Homes Limited Peel House Main Street  
 Ponteland NEWCASTLE UPON TYNE NE20 9NN  
**Date valid:** 31/08/2005  
**Development:** Erection of 70, 2 and 3 bedroom houses and 12 flats  
**Location:** 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

11.1 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.

11.2 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.

11.3 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

11.4 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.

11.5 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 letter of objection are:

- 1) Extra drainage/sewerage going into Seaton Lane where there is already a problem when there are flash floods.

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11.6 The period for publicity expires prior to the meeting

### **Consultations**

11.7 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** - Awaiting comments

**Environment Agency** - No objections

### **Planning Policy**

11.8 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 the 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**

11.8 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.

11.9 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 well in advance of the Committee. A final report with a recommendation will follow.

## **RECOMMENDATION - UPDATE TO FOLLOW**

**No:** 12  
**Number:** H/2005/5644  
**Applicant:** Mrs J A J Boyle C/O Agent  
**Agent:** Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP  
**Date valid:** 11/08/2005  
**Development:** Outline application for the erection of a detached dormer bungalow  
**Location:** 65 SEATON LANE HARTLEPOOL HARTLEPOOL

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### **The Application and Site**

12.1 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.

12.2 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**

12.2 The application has been advertised by site notice and neighbour notification (4).

12.3 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.

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### **Consultations**

12.4 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. I am not sure whether the raised floor areas should also apply to the garden area and would be guided by yourselves. 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

12.5 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:

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**

12.6 The main planning consideration 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**

12.7 The site lies within the urban fence where in principle 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 revised deposit 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**

12.8 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. The proposed siting shows the rear of the dwellinghouse only 7.4m from the rear boundary and the adjacent vehicular compound. 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.

12.9 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.

12.10 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.

12.11 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.

12.12 There are existing dwelling houses in the area however the proposal would bring the living accommodation much closer to the industrial site. The agent's suggestion that the use of the adjacent industrial estate could be controlled through a legal agreement and by adaptations to working practices is currently under consideration.

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

12.13 The proposal represents tandem development. The policies of the revised deposit 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 concerned that the comings and goings associated with the proposed use of the access would affect the amenity of the donor property.

### HIGHWAY CONSIDERATIONS

12.14 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

12.15 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 this matter could be conditioned. Northumbrian Water have advised that surface water should not be disposed of to the public surface water or combined sewer. It is considered that this matter could be conditioned. Further consideration is being given to the possibility of the flooding of the garden area.

### TREES

12.16 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

12.17 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

12.18 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.

12.19 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.

**RECOMMENDATION – Update report to follow.**



**No:** 13  
**Number:** H/2005/5775  
**Applicant:** Mr P Ross 15 Surbiton Road Fairfield Stockton On Tees  
**Agent:** C M Scott 15 Surbiton Road Fairfield Stockton On Tees  
**Date valid:** 30/09/2005  
**Development:** Change of use and alterations to provide 3 flats  
**Location:** 5 WINDSOR STREET HARTLEPOOL HARTLEPOOL

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### The Application and Site

13.1 5 Windsor Street is a mid terraced 2½ storey property with a bed space in the attic. The attic space is lit by a dormer window and velux at the front and a traditional window in the rear.

13.2 This application proposes the conversion of the property to two one bedroom flats and an attic bedsit. A bin store for each of the flats is proposed in the rear yard.

13.3 The site lies within the New Deal area where significant Government funding is being provided to facilitate the regeneration of this part of the town centre.

13.4 Permission has been refused in the past for 5 bedsits at 29 Windsor Street (H/FUL/158/85) and two flats at 6 Windsor Street (H/FUL/418/85).

### Publicity

13.5 The application has been advertised by way of neighbour letters (6) and site notice. To date, there have been 11 letters of objection and a petition against (34 signatures) from residents in Windsor Street:

13.6 The concerns raised are:

- 1 Concerns about types of tenant/lack of control by absent landlords.
- 2 Will attract anti-social problems.
- 3 Parking concerns.
- 4 Noise from parties, music, people congregating in the street.
- 5 Drug and crime problems.
- 6 Family area.
- 7 Previously refused similar proposals a few years ago.
- 8 Is there a demand for flats?
- 9 Devaluation of properties.
- 10 Safety concerns.

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The period for publicity has expired.

### Consultations

13.7 The following consultation replies have been received:

**New Deal for Communities** – objects. Contrary to aims of the Community Housing plan which seeks to reduce the number of homes in the NDC area and to reduce the problems associated with private landlord owned homes. Raise concerns about parking.

**Head of Highways & Transportation** – points out the site is outside the town centre for parking purposes and that there is a residents parking scheme. Will lead to increase in demand for on street parking.

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

### **Planning Policy**

13.8 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:

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.

States that proposals for flats and bedsits will only be approved if there are no significant detrimental effects on neighbours and if adequate parking, where appropriate, can be provided on site.

Ho13: states that the site lies within one of the central area housing areas where proposals for the change of use from residential to town centre or fringe area uses will not normally be approved.

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

Hsg7 states that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Tra16 requires that new development provides appropriate car parking facilities in line with a travel plan and the car parking standards.

### **Planning Considerations**

13.9 The main considerations in this case are the policies and proposals within the Local Plans, the effects of the development on the character of the area and immediate neighbours and parking related considerations.

### **Policy Considerations**

13.10 The main policies are Hsg1(A) and Hsg7 of the new draft Local Plan which provides the policy framework for the New Deal Initiative and indicates that conversions to flats or houses in multiple occupation will be approved where there is no significant detrimental impact on the amenities of the occupiers of adjoining or nearby properties or on the character of the surrounding area respectively. Car parking can also be an issue.

13.11 The New Deal for Communities Community Housing Plan seeks to reduce the number of homes in the NDC area and to reduce the problems associated with private landlord – owned homes.

13.12 This proposal is clearly contrary to the aims of the New Deal Housing Plan and would affect the character of this area contrary to the aims of policy Hsg7.

13.13 The specific considerations/concerns are discussed below.

### **Character of the area**

13.14 The points in paragraphs 10-12 are clearly relevant. 14 Windsor Street is part of a high density housing area. There is clear evidence of problems with on street parking and residents have referred to problems from anti social behaviour from the occupiers of properties in multiple occupation in the area. While it is hard to generalise this proposal has the potential particularly from possible on street parking

and from comings and goings to add to these problems, further eroding the character of the area.

### **Amenity Considerations**

13.15 The Head of Public Protection and Housing has raised no objections to the conversion in principle, on the grounds that protective measures can be incorporated to minimise noise transmission between the new flats and the bedsits and from these to neighbouring houses.

13.16 While as already indicated it is difficult to generalise and attribute specific problems to flats e.g. flats will automatically lead to problems of antisocial behaviour from drug abuse, loud music etc it is clear that the comings and goings to a house in multiple occupation are significantly more than for a house and that these in a tight situation have the potential to be disruptive. It is considered that it would be difficult to sustain an objection to the proposal on these grounds alone particularly as flats and bedsits are a legitimate element of the housing market. However taken together with the policy background these concerns are considered material.

### **Car parking related issues**

13.17 This site is close to the town centre and the services it offers, including access to public transport. In these circumstances it is considered that the lack of off-street parking facilities could not be sustained as a reason for refusal.

13.18 There could however be an increase in the demand for on street parking which could affect the amenities of existing occupiers from increased comings and goings.

### **Conclusion**

13.19 It is important to reiterate that it cannot be assumed that flats per se lead to problems. Further, who occupies a property is not normally a material planning consideration.

13.20 However Windsor Street is part of town centre housing area where the density of development and the changes it is experiencing are problems, hence the New Deal initiative. It is considered that this proposal runs counter to the objectives of the Initiative and that, if approved, the development could add to problems in the area.

### **RECOMMENDATION - REFUSE**

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, Hsg1(A) and Hsg7 of the draft emerging Hartlepool Local Plan.

**No:** 14  
**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 HARTLEPOOL

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## UPDATE

14.1 This application was reported to the Planning Committee of 26 October 2005 with a recommendation of refusal.

14.2 It was deferred at the Planning Committee to allow the opportunity for further discussions with the applicant. Discussions are on going

**RECOMMENDATION** – Update report to follow

**No:** 15  
**Number:** H/2005/5699  
**Applicant:** Mr J Rasul 34 Hutton Avenue Hartlepool  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 07/09/2005  
**Development:** Listed building consent for alterations and conversion to  
 form 10 self-contained flats  
**Location:** UNITED REFORMED CHURCH DURHAM STREET  
 HARTLEPOOL

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### The Application and Site

15.1 The application site is within the Headland Conservation Area. The site comprises Durham Street Church, which is a former United Reform Church, built in 1843. It has two storeys and a basement. It is constructed of dressed limestone with a welsh slate roof and is rendered and painted. The Sunday School building adjacent to the church is physically attached to the church and its curtilage adjoins the church. This building is three storeys in height and also has a basement area.

15.2 A similar application was refused at Planning Committee on the 3<sup>rd</sup> November 2004, which subsequently went to appeal and was dismissed by the Inspector. A copy of the appeal decision is attached to this report. The application has been submitted to address the Inspectors comments.

15.3 The proposal is for the conversion of both buildings to provide ten 2 bedroomed self contained flats. The proposal involves the installation of another floor to accommodate a ground floor in the church hall. There is little external change to the building except for the re-instatement of windows in former openings and 4 new windows in the rear elevation.

### Publicity

15.4 The application has been advertised by way of neighbour letters (41), press notice and site notice. To date, there have been 1 letter of no objection, 3 letters of objection, 2 petitions against the proposal, 1 with 264 and 1 with 31 signatures.

The concerns raised are:

1. Enough flats in the area.
2. Increase in traffic
3. Already problems with parking
4. One of the objectors wants to change the building back into a place of worship
5. The proposed alterations to the building do not preserve the main part of the building, contrary to Local Plan policy.
6. New openings are proposed in the building
7. Internal structure to be completely demolished.
8. Some flats are below ground level and are not accessible to vehicles

- 9. There is no provision for access floors suitable for wheel chairs
- 10. Corridors and passageways within the buildings are not sufficiently wide to allow convenient circulation by a wheelchair
- 11. No demand for flats in the area

Copy letters C

The period for publicity has expired.

## Consultations

15.5 The following consultation replies have been received:

**Head of Transportation and Traffic** - Carried out a parking survey on the previous application. Whilst no off-street parking is proposed, it is considered that on-street parking should not be a significant problem

**Head of Public Protection and Housing** - No objection

**Headland Parish Council** - No response to date

**The North Hartlepool Partnership** - The scheme accords with the Partnership's general objectives

## Planning Policy

15.6 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:

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.

Co3: encourages environmental improvements to enhance Conservation Areas.

Co9: states that changes of use of Listed Buildings will normally be approved where their character and setting are preserved and providing there are no significant detrimental effects on neighbours.

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.

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

HE2: encourages environmental improvements to enhance conservation areas.

HE8: 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.

HE9: States that the change of use of a listed building which preserves or enhances its character or special interest and its setting will only be approved where there is no significant detrimental effect on amenity.

## **Planning Considerations**

15.7 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 deposit Hartlepool Local Plans and the impact on the Listed Building itself.

15.8 Policy Co10 and HE8 of the adopted Hartlepool Local Plan recognises that works to Listed Buildings should normally be built in traditional materials and sympathetic in designs such that they are in-keeping with the building and preserve its setting.

15.9 It is considered that as the proposal involves little external changes the character of the building is retained and it is considered with the control of conditions that the building would be enhanced.

15.10 The North Hartlepool Partnership have commented that the scheme accords with the Partnership's general objective of refurbishing and securing the future use of key-buildings on the Headland. No financial support can be offered to assist in achieving this proposal. Reference is however made to residents concerns.



15.11 In terms of National Planning Policy, PPG15 – Planning and the Historic Environment, it is considered that the best way of securing the upkeep of historic buildings is to keep them in active use, the PPG recognises that in some cases this often means some degree of adaptation.

15.12 For the main part the proposal would involve little external alteration to the building, which are now in a state of neglect and in need of comprehensive refurbishment. Internally, plain cast iron columns in the basement hall would be retained, but encased, and existing staircases within both buildings would be re-used. The majority of existing internal walls would be retained, including a fine timber and glass folding partition door screen, and new partitions would be inserted. In this respect the proposal would bring the building back into beneficial use, as promoted by PPG15: This would secure a viable future for the listed building and preserve the character of the conservation area.

15.13 It should be noted that some of the interior of the Church was destroyed by fire at some point in the 1970's (although not all of the features have been destroyed) while the adjoining Sunday School retains much of its interior fixtures and fittings.

15.14 An appeal was lodged against the refusal of a similar scheme in November 2004, the Inspector recognised that a new use would secure the buildings future, and had no objection to the conversion to flats. However the appeal was dismissed as no detailed surveys had been undertaken to establish the existence of the former opening and no sectional information had been submitted to convince the Inspector that the features described in the application would, or could be sensitively incorporated into the proposal. The agent has now supplied this information and it is considered satisfactory.

## **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. 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.



## Appeal Decision

Site visit made on 8 June 2005

by Wenda Fabian BA Dip Arch RIBA

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

21 JUN 2005

### Appeal A: APP/H0724/E/04/1171516

former United Reform Church & Sunday School, Durham Street, Hartlepool TS24 0HZ

The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.

The appeal is made by Mr J Rasal against the decision of Hartlepool Borough Council.

The application Ref H/LBC/0633/04, dated 23 July 2004, was refused by notice dated 15 November 2004.

The works proposed are 'alterations to provide 10 No self-contained flats, to bring important vacant building back into use'.

### Appeal B: APP/H0724/A/04/1171515

former United Reform Church & Sunday School, Durham Street, Hartlepool TS24 0HZ

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr J Rasal against the decision of Hartlepool Borough Council.

The application Ref H/FUL/0632/04, dated 23 July 2004, was refused by notice dated 15 November 2004.

The development proposed is 'conversion of former Sunday School & United Reform Church to 10 No self-contained flats'.

### Decision

Appeal A and appeal B are both dismissed.

### Reasons

The appeal proposal is the conversion to flats of a former Independent Chapel and the attached Sunday school, which are within the Hartlepool Headland Conservation Area. The church dates from 1843 and is listed, Grade II. It is built of rendered stone, two stories high with a basement and has a classical appearance. The Sunday school is narrow fronted, of brick, three stories high plus the basement, with an ornate gable. The buildings both address the street, with a narrow light well in front, enclosed by cast iron railings. This provides external access to the basements. Sites on each side are vacant and at the one to the north, hard-landscaping work is underway.

Hartlepool Local Plan, 1994, policies Co2 and Co9 reflect the duty imposed on decision makers by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; they resist development which would fail to preserve or enhance the character or appearance of a conservation area and which would be detrimental to the character or setting of a Listed Building. For the main part, the proposal would involve little external alteration to the buildings, which are now in a state of neglect and in need of comprehensive refurbishment. Internally, plain cast iron columns in the basement hall would be retained, but encased, and existing staircases within both buildings would be re-used. The majority of existing internal walls would be retained, including a fine timber and glass folding partition/door screen, and new partitions would be inserted. In this respect the proposal

would bring the buildings back into beneficial use, as promoted by *Planning Policy Guidance: Planning and the Historic Environment* (PPG15). This would secure a viable future for the listed building and preserve the character of the conservation area.

1. Nevertheless, I have reservations about the proposed use of some 'assumed former openings' at the rear of the building. The proposal would involve the insertion of a new floor and access staircase, within the existing double height church hall. I see no objection to this in itself; there are existing windows on both levels. But I saw at my visit that there is little visual evidence of the majority of the proposed window positions at the rear. PPG15 states that many historic buildings can sustain some degree of sensitive extension to accommodate continuing use and in my opinion the insertion of new windows in the main blank rear elevation, with raised surrounds to match those on the side and front of the building as indicated, would be acceptable. However, whilst I saw that some of the openings proposed in the projecting altar enclosure do exist, they are at different heights to those on the drawings. Furthermore, the two former upper windows in the altar recess have arched heads, which reflect the large internal arch above them. From the information available it seems to me that these key features would be lost as a result of the proposal.
2. PPG15 states that applicants will need to show why works that would affect the character of a building are necessary or desirable and encourages owners of listed buildings to seek expert advice on the best way to carry out works to their property. It further advises that developers should provide sufficient information to enable a full understanding and assessment of the significance of their proposals. No detailed survey has been undertaken to establish the existence of former openings and no sectional information has been submitted to convince me that the features described above would, or could, be sensitively incorporated into the proposal.
3. Although numerous local objections, including a petition, have been raised to the introduction of additional flats in the area, my attention has not been drawn to development plan policy limiting the supply of residential property in this location. Neither building has been used for religious purposes for some time, a new use is required to secure their future and the area mainly comprises residential property. I see no objection in principle to the proposed conversion to flats. As no parking provision has been included with the proposal, the Council is concerned that increased on-street parking would result and lead to traffic congestion and reduce highway safety. However, I saw that no parking restrictions are in place on Durham Street; it is sufficiently wide to accommodate existing on-street parking, there is a bus route along it and shops and a primary school are close-by.
4. The government's *Planning Policy Guidance Note 3: Housing* (PPG3), which post-dates the relevant local plan policies, states that developers should not be required to provide off-street parking where there is no need. Moreover, the site location fulfils several of the objectives of PPG3, which are: to maximise the re-use of redundant buildings; and concentrate new housing development in urban areas close to local services. Nevertheless, in my opinion, these benefits would not outweigh the harm to the listed building and therefore to the conservation area, identified above, which I consider would result from the proposal in its current form.
5. In the absence of an appropriate level of detailed information, I conclude that the proposal would harm the special architectural and historic interest of the listed church and fail to preserve the character and appearance of the Headland Conservation Area, contrary to development plan and national policy.

Wanda Fabian

Inspector

**No:** 16  
**Number:** H/2005/5698  
**Applicant:** Mr J Rasul 34 Hutton Avenue Hartlepool  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 07/09/2005  
**Development:** Alterations and conversion to form 10 self contained flats  
**Location:** UNITED REFORMED CHURCH DURHAM STREET  
 HARTLEPOOL HARTLEPOOL

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## The Application and Site

16.1 The application site is within the Headland Conservation Area. The site comprises Durham Street Church, which is a former United Reform Church, built in 1843. It has two storeys and a basement. It is constructed of dressed limestone with a welsh slate roof and is rendered and painted. The Sunday School building adjacent to the church is physically attached to the church and its curtilage adjoins the church. This building is three storeys in height and also has a basement area.

16.2 A similar application was refused at Planning Committee on the 3<sup>rd</sup> November 2004, which subsequently went to appeal and was dismissed by the Inspector. A copy of the appeal decision is attached to the earlier report. The application has been submitted to address the Inspector's comments.

16.3 The proposal is for the conversion of both buildings to provide ten 2 bedroomed self contained flats. The proposal involves the installation of another floor to accommodate a ground floor in the church hall. There is little external change to the building except for the re-instatement of windows in former openings and 4 new windows in the rear elevation.

## Publicity

16.4 The application has been advertised by way of neighbour letters (41), press notice and site notice. To date, there have been 1 letter of no objection, 9 letters of objection, 2 petitions against the proposal, 1 with 264 and 1 with 31 signatures.

16.5 The concerns raised are:

1. Increase in traffic
2. Increase in noise levels and disturbance
3. As it is a Listed Building it should be kept as original as possible
4. No parking facilities
5. Already congestion on Durham Street
6. If the back lane is used for parking the clubs cellar entrance will be obstructed
7. It is an unsafe building
8. Have heard that the land adjacent is to be built on and will mean more vehicles



9. There is no fire escape
10. Rowdy people
11. Does not want flats
12. One of the objectors want to change the building back into a place of worship
13. The proposed alterations to the building do not preserve the main part of the building, contrary to Local Plan policy.
14. New openings are proposed in the building
15. Internal structure to be completely demolished.
16. Some flats are below ground level and are not accessible to vehicles
17. There is no provision for access floors suitable for wheel chairs
18. Corridors and passageways within the buildings are not sufficiently wide to allow convenient circulation by a wheelchair
19. No demand for flats in the area

Copy letters B

16.6 The period for publicity has expired.

### **Consultations**

16.7 The following consultation replies have been received:

**Head of Transportation and Traffic** - Carried out a parking survey on the previous application. Whilst no off-street parking is proposed, it is considered that on-street parking should not be a significant problem

**Head of Public Protection and Housing** - No objection

**Headland Parish Council** - No response to date

**The North Hartlepool Partnership** - The scheme accords with the Partnership's general objectives

### **Planning Policy**

16.8 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:

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.

Co3: encourages environmental improvements to enhance Conservation Areas.

Co9: states that changes of use of Listed Buildings will normally be approved where their character and setting are preserved and providing there are no significant detrimental effects on neighbours.

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.

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

HE2: encourages environmental improvements to enhance conservation areas.

HE8: 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.

HE9: States that the change of use of a listed building which preserves or enhances its character or special interest and its setting will only be approved where there is no significant detrimental effect on amenity.

Ho11: States that proposals for flats and bedsits will only be approved if there are no significant detrimental effects on neighbours and if adequate parking, where appropriate, can be provided on site.

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.

HSg7: States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

## **Planning Considerations**

16.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and deposit Hartlepool Local Plans, the impact of the proposal upon the neighbouring properties and the surrounding area and the impact on the Listed Building itself.

### Local and National Guidance

16.10 In terms of National Planning Policy, PPG3 – Housing promotes the re-use of previously developed land and the conversion of non-residential buildings for housing in order to promote regeneration and minimise the amount of greenfield land being taken for development. In principle therefore this proposal is in line with policy.

16.11 In terms of National Planning Policy, PPG15 – Planning and the Historic Environment, it is considered that the best way of securing the upkeep of historic buildings is to keep them in active use, the PPG recognises that in some cases this often means some degree of adaptation.

16.12 The proposed scheme should be considered in relation to policy Ho11 – Flats and bedsits of the adopted Hartlepool Local Plan 1994 and Policy Hsg7 – Conversion for residential uses of the new Plan. It is considered that the conversion of buildings formerly in other uses can provide appropriate accommodation for smaller households and for the increasing number of young people living on their



own. Again the proposal is in line with the principles of these policies, and the Inspector when determining the recent appeal had no objection to the change of use to flats.

### The North Hartlepool Partnership

16.13 The North Hartlepool Partnership have commented that the scheme accords with the Partnership's general objective of refurbishing and securing the future use of key-buildings on the Headland. No financial support can be offered to assist in achieving this proposal. Reference is however made to residents concerns.

### Surrounding Area

16.14 Established housing lies to the east of the application site, the west side of the development lies the Headland Social Club there is a narrow alley between the application site and the club. To the north lies a piece of open area, which has recently been improved for wheelchair access from Durham Street to adjacent housing, to the south lies a vacant piece of land which has had previous permission for the erection of 6 residential dwellings. This permission has now lapsed.

16.15 The proposed conversion seeks the re-use of a vacant building; the plans have been sensitively designed to incorporate existing features and re-instate former openings as well as incorporate openings to match the existing, and provide balance to the rear elevation of the building.

16.16 As the application site is listed and sited within a conservation area any development should respect that the character of the conservation area should be preserved and enhanced. Any development on the site should not adversely affect the amenities of the occupiers of adjoining or nearby properties.

### Related Appeals

16.17 An appeal was lodged against the refusal of a similar scheme in November 2004. The Inspector recognised that the development would secure the buildings future, and had no objection to the conversion to flats. The Inspector also had no objection to the lack of parking for the buildings, as she concluded that Durham Street is sufficiently wide enough to accommodate existing on-street parking and that there is a bus route along it and shops and a primary school are close-by.

16.18 However the appeal was dismissed as no detailed surveys had been undertaken to establish the existence of the former opening and no sectional information had been submitted to convince the Inspector that the features described in the application would, or could be sensitively incorporated into the proposal. The agent has now supplied this information.

16.19 For the main part the proposal would involve little external alteration to the building, which are now in a state of neglect and in need of comprehensive refurbishment. Internally, plain cast iron columns in the basement hall would be retained, but encased, and existing staircases within both buildings would be re-used. The majority of existing internal walls would be retained, including a fine

timber and glass folding partition door screen, and new partitions would be inserted. In this respect the proposal would bring the building back into beneficial use, as promoted by PPG15. This would secure a viable future for the listed building and preserve the character of the conservation area.

16.20 It should be noted that some of the interior of the Church was destroyed by fire at some point in the 1970's (although not all of the features have been destroyed) while the adjoining Sunday School retains much of its interior fixtures and fittings.

16.21 With regard to what effect the conversion would have on the character of the area it should be noted that an appeal was allowed in 1994 on a site adjacent this site for conversion of 5 partially built houses into 10 flats on the corner of Beaconsfield Street and Durham Street. The Inspector at the more recent appeal for this site also concurred with this view. It is considered prudent to acknowledge both Inspectors' decisions, as there are comparable concerns regarding this application.

16.22 In allowing the 1994 appeal the Inspector commented that he recognised the strength of local feelings about the problems of crime and vandalism in the area. However, he also stated that planning controls are concerned with the use of land rather than the identity of the user and the question of who is going to occupy the premises will not normally be a material consideration. In terms of the proposal itself he considered that there would be no material impact upon the Conservation Area.

16.23 It is considered difficult to sustain a refusal on the affect on the conservation area, and in terms of street scene.

#### Traffic related issues

16.24 For this type of development the maximum parking provision is 20 spaces. However one for one parking has previously been accepted for flat development. No off street parking has been indicated or is possible and it is inevitable that on-street parking will be generated should the development proceed. Parking surveys were completed for the previous application by the Council's Transportation and Traffic team, these indicated that there is, in general, enough on-street space to accommodate the development. While this may have some affect on traffic movements along Durham Street, on balance the Head of Transportation and Traffic does not feel that he could sustain an objection on these grounds. This is further endorsed by the recent appeal decision at this site. The majority of the residential properties in the area do not have off-street parking.

16.25 As previously stated PPG3 – Housing, indicates that the government is committed to maximising the re-use of previously developed land and empty properties and the conversion of non-residential buildings for housing, in order to promote regeneration and minimise the amount of greenfield land being taken for development. PPG3 recognises that Local Planning Authorities should promote such conversion, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

16.26 Discussions have taken place with the agent as to the incorporation of basement parking within the building, however as the basement incorporates

columns it is considered that due to the layout of the building that an underground car park would not be feasible.

16.27 PPG3 also recognises that Local Authorities should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments which involve the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme.

16.28 The proposed development is within easy reach of a regular bus service, local shopping facilities and the cycle network (Northgate).

16.29 It is considered that the proposed development complies with PPG3 with regard to parking issues, and as such would be difficult to sustain a refusal on highway grounds.

### Conclusion

16.30 The proposed conversion would re-use a derelict building with little external changes. With regard to access for disabled persons, it has been established that due to the nature of the change of use disabled access would not be required under building regulation controls, it would however be beneficial. The agent has supplied a supporting letter, which confirms the intention for the scheme to be in full accordance with Part M of the Building Regulations and Disabled Discriminations Act.

16.31 The surrounding area is densely populated and as such would not materially change the character of the area. It is not within the remit of the Local Planning Authority to establish the need for this type of development. With regard to the above considerations and taking into account the recent appeal decision on this site, it is considered that the agent has addressed the issues highlighted in the Inspectors decision and therefore approval is recommended.

### **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. 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 by 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.  
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 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.

**No:** 11  
**Number:** H/2005/5709  
**Applicant:** Bellway Homes (NE) Ltd Peel House Main Street  
Ponteland Newcastle Upon Tyne  
**Agent:** Bellway Homes Limited Peel House Main Street  
Ponteland NEWCASTLE UPON TYNE NE20 9NN  
**Date valid:** 31/08/2005  
**Development:** Erection of 70, 2 and 3 bedroom houses and 12 flats  
**Location:** Land At The Former Golden Flatts Public House And  
Adjacent Land Seaton Lane And Brenda Road  
Hartlepool

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## UPDATE

A number of issues are still outstanding and these are currently being pursued. These may be addressed in time for the meeting. If so a recommendation will be tabled at the meeting.

**No:**  
**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 HARTLEPOOL

---

## UPDATE

14.1 This application was reported to the Planning Committee of 31<sup>st</sup> August 2005 with a recommendation of refusal.

14.2 It was deferred at the Planning Committee to allow the opportunity for further discussions with the applicant. Discussions are ongoing and are unlikely to be resolved before the meeting.

**RECOMMENDATION** – Defer.

**No:**  
**Number:** H/2005/5644  
**Applicant:** Mrs J A J Boyle C/O Agent  
**Agent:** Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP  
**Date valid:** 11/08/2005  
**Development:** Outline application for the erection of a detached dormer bungalow  
**Location:** 65 SEATON LANE HARTLEPOOL

---

### **Update**

The above application appears on the agenda at item 12.

A number of issues were still outstanding and these are currently being pursued.

It is hoped that a recommendation can be made at the meeting.

**RECOMMENDATION** – to be tabled at meeting.

**No:**  
**Number:** H/2005/5744  
**Applicant:** Dr Lustman 56 The Drive Gosforth Newcastle Upon Tyne  
**Agent:** Storey SSP Higham House New Bridge Street West Newcastle Upon Tyne NE1 8AV  
**Date valid:** 10/10/2005  
**Development:** Erection of enclosures to external stairs, including access gates  
**Location:** The Fens Shopping Centre Catcote Road Hartlepool

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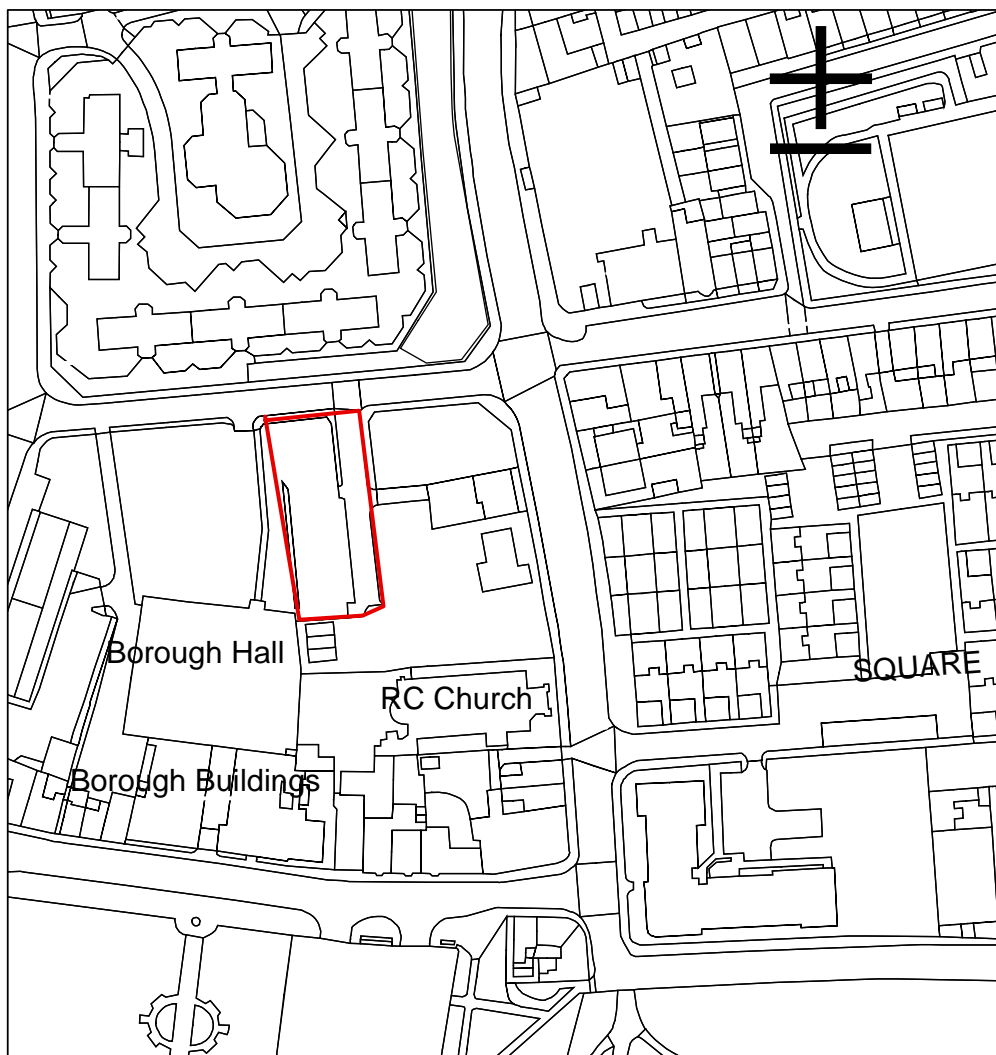
## UPDATE

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

**RECOMMENDATION** – Defer



## Land in Groves Street

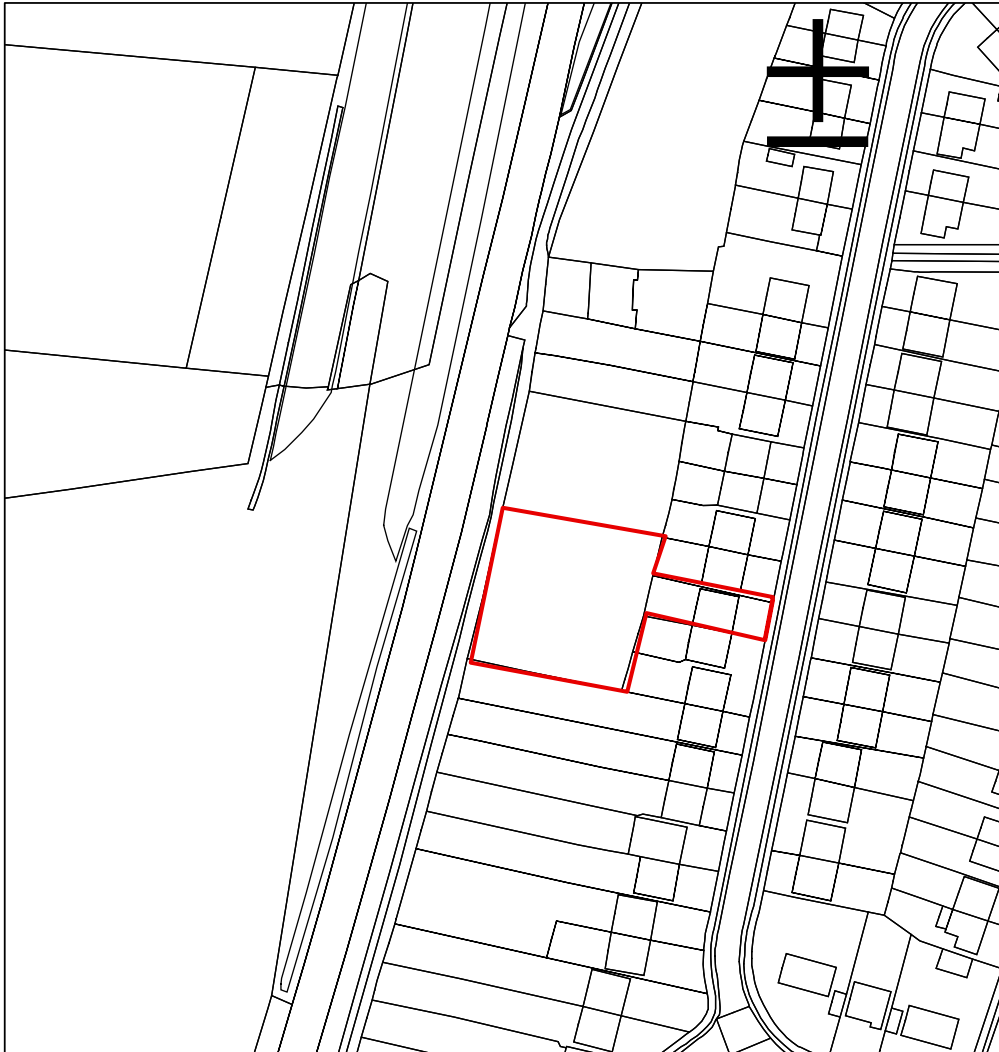


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	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5685</b>	REV

## 42 Bilsdale Road

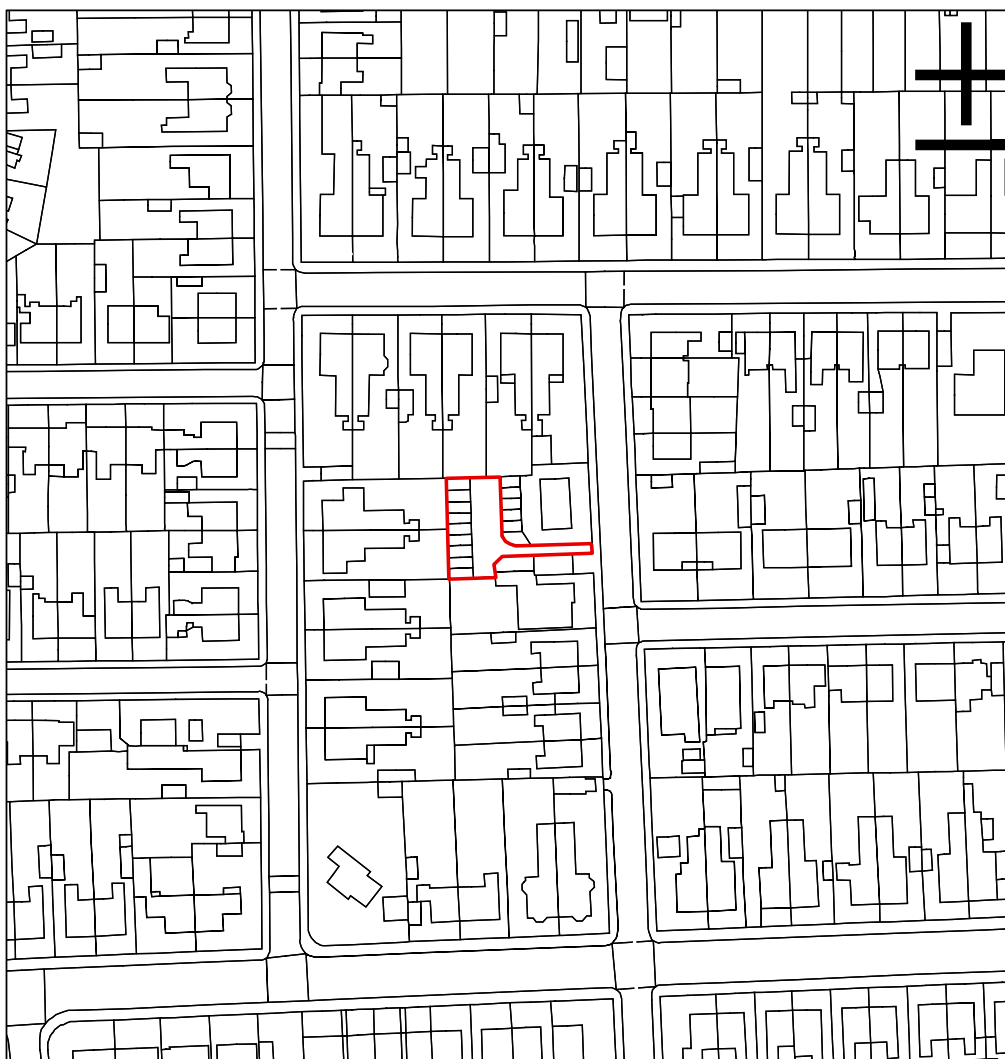


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	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5833</b>	REV

## Rear of 2A Eldon Grove

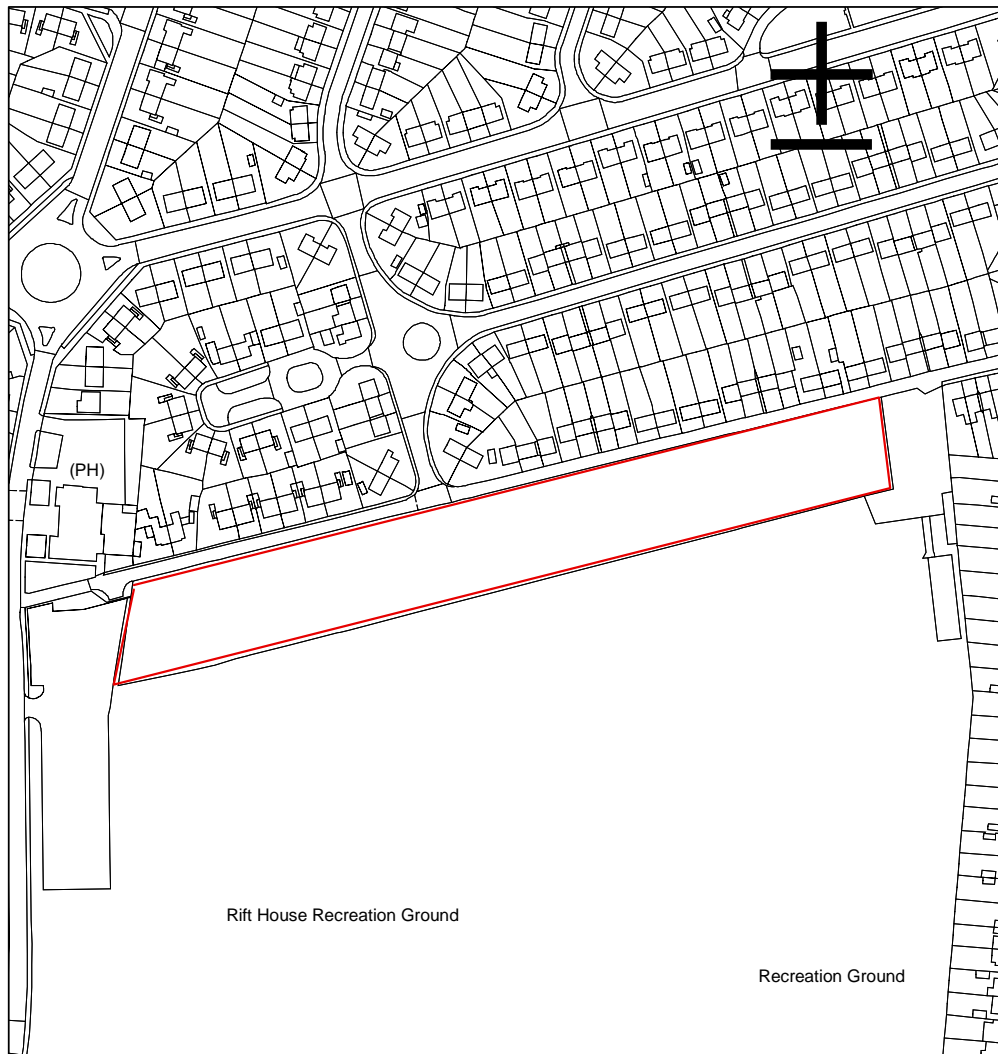


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5670</b>	REV

## Allotments Waverley Terrace



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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5821</b>	REV

## L & P Motors, York Road

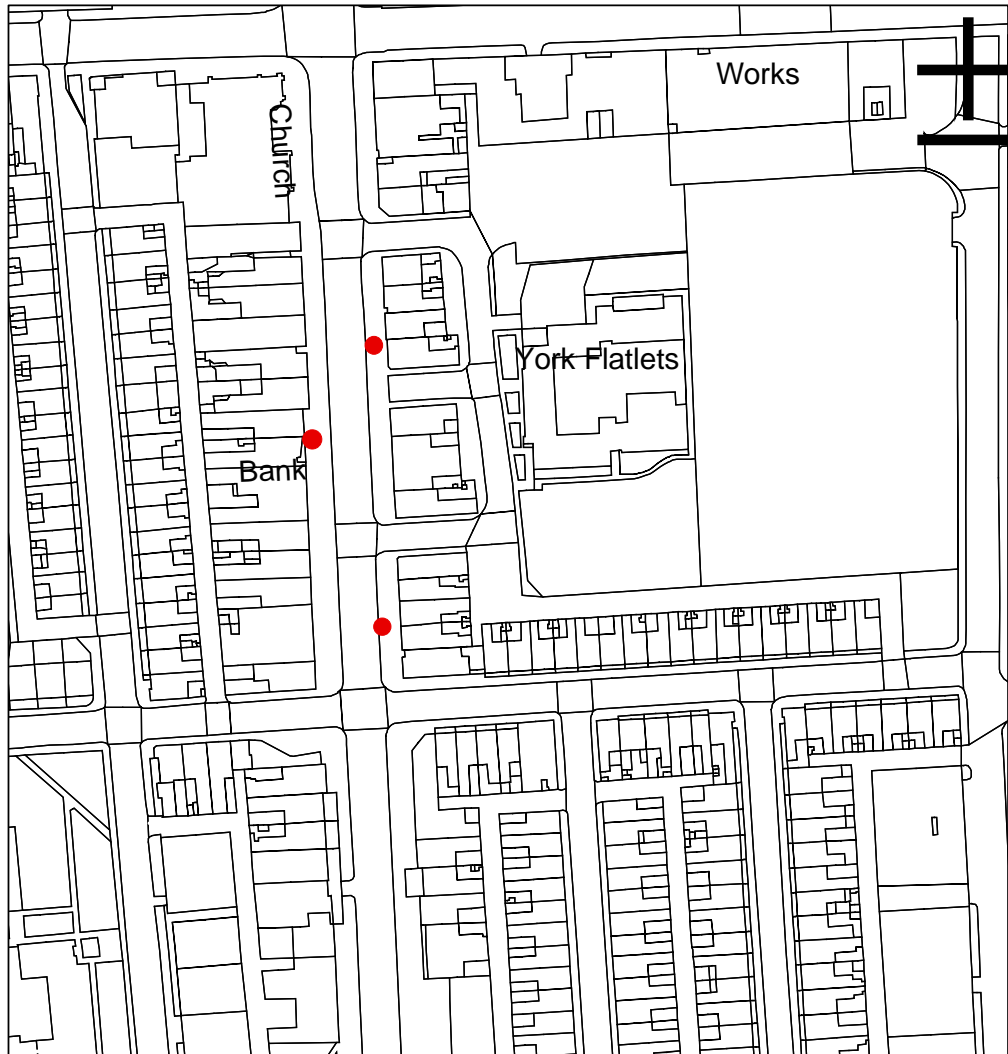


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5798</b>	REV

## York Road between Park Road and Lister Street

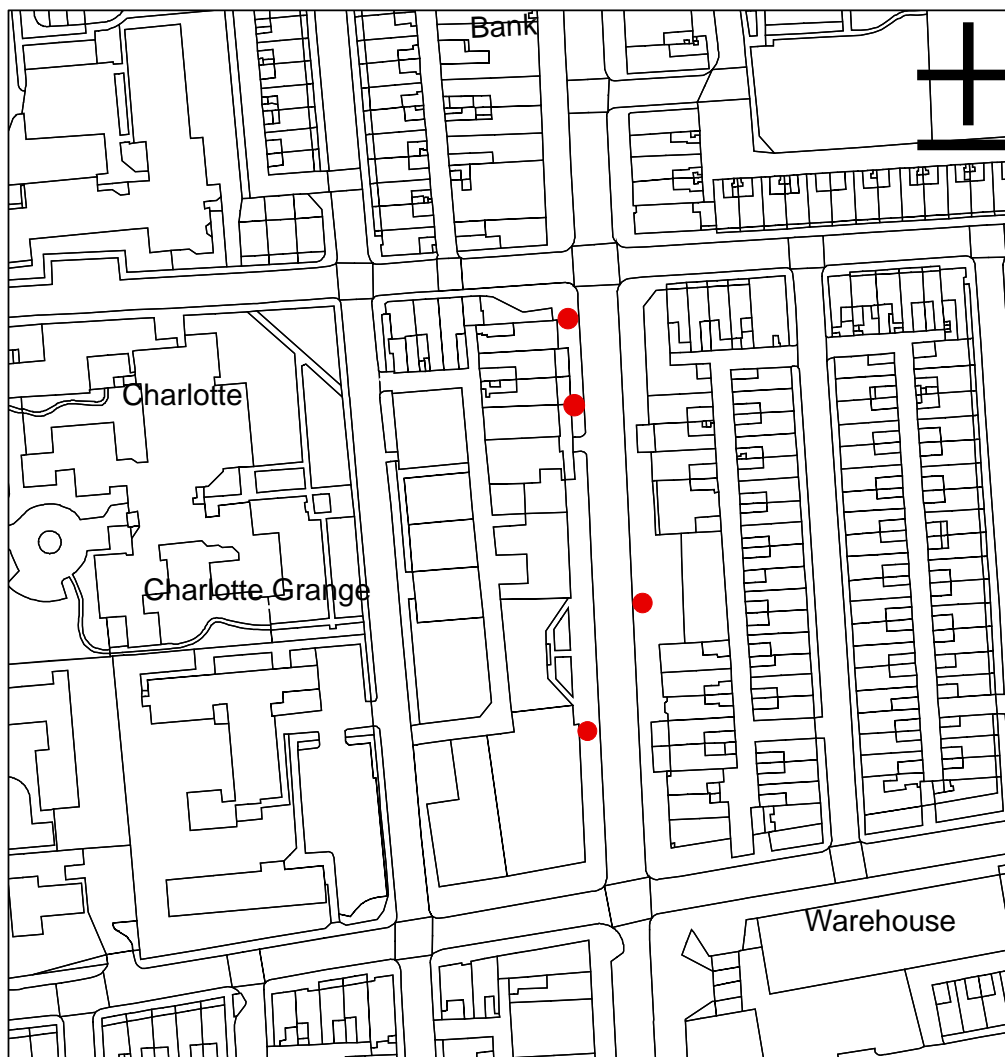


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5801</b>	REV

## York Road between Elwick Road and Lister Street



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Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5802</b>	REV

## York Road between South Road and Thornton Street



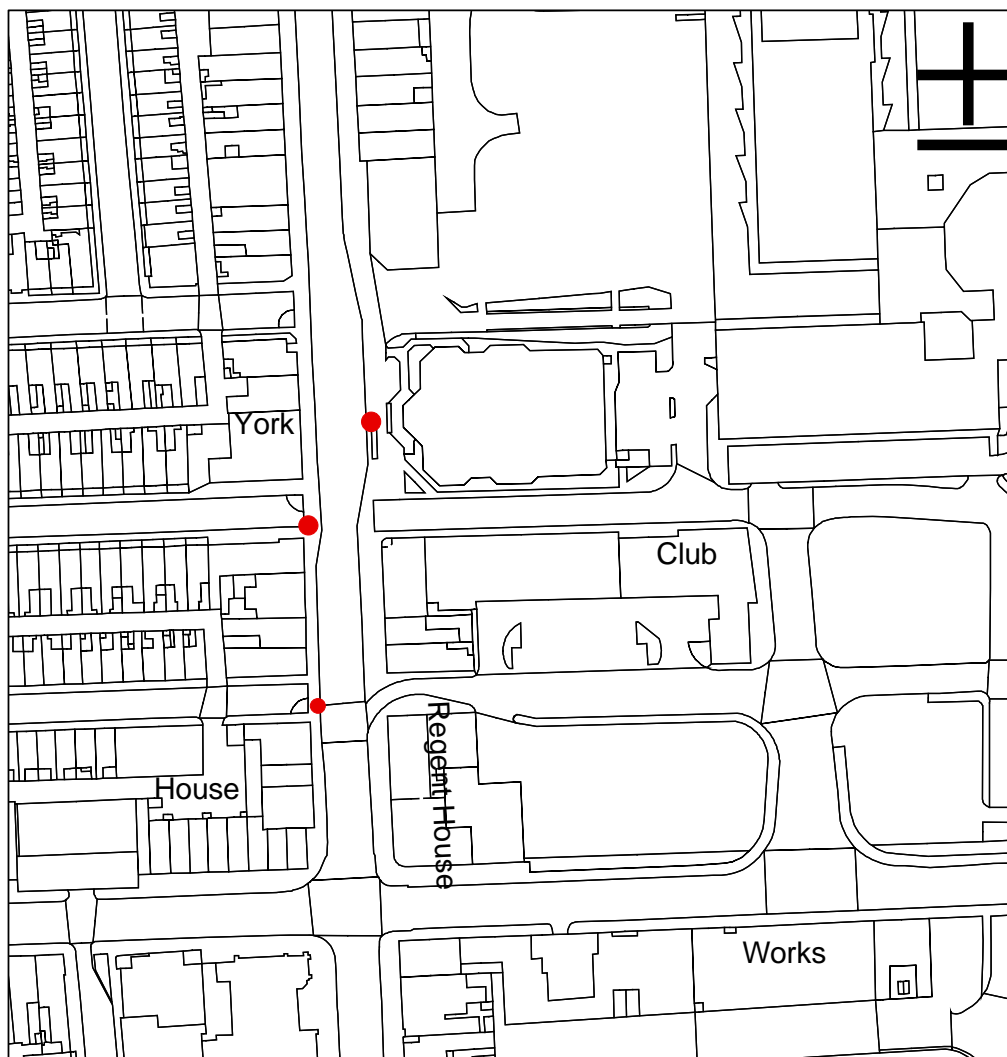
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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5804</b>	REV



## York Road between Dalton Street and Thornton Street



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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5807</b>	REV

## Fens Shopping Centre

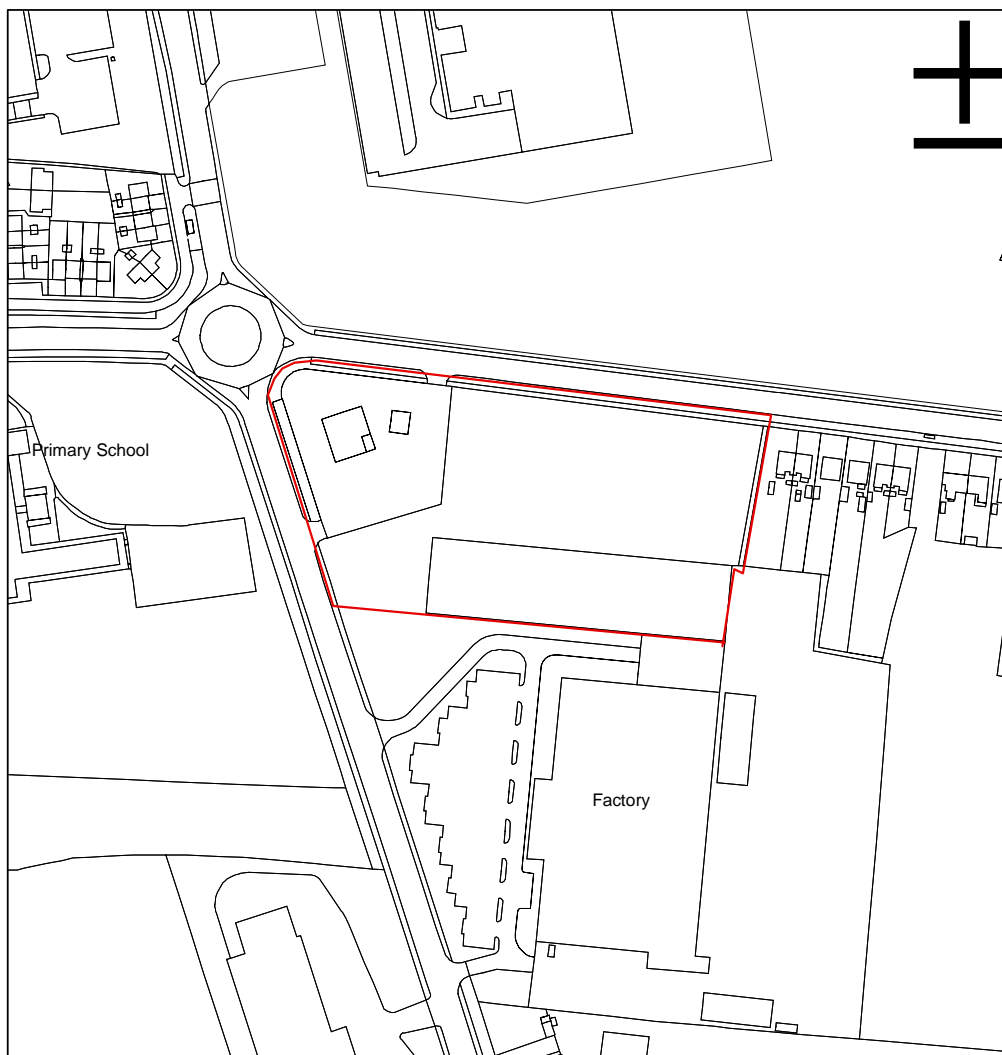


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5744</b>	REV

## Land at Brenda Road/Seaton Lane

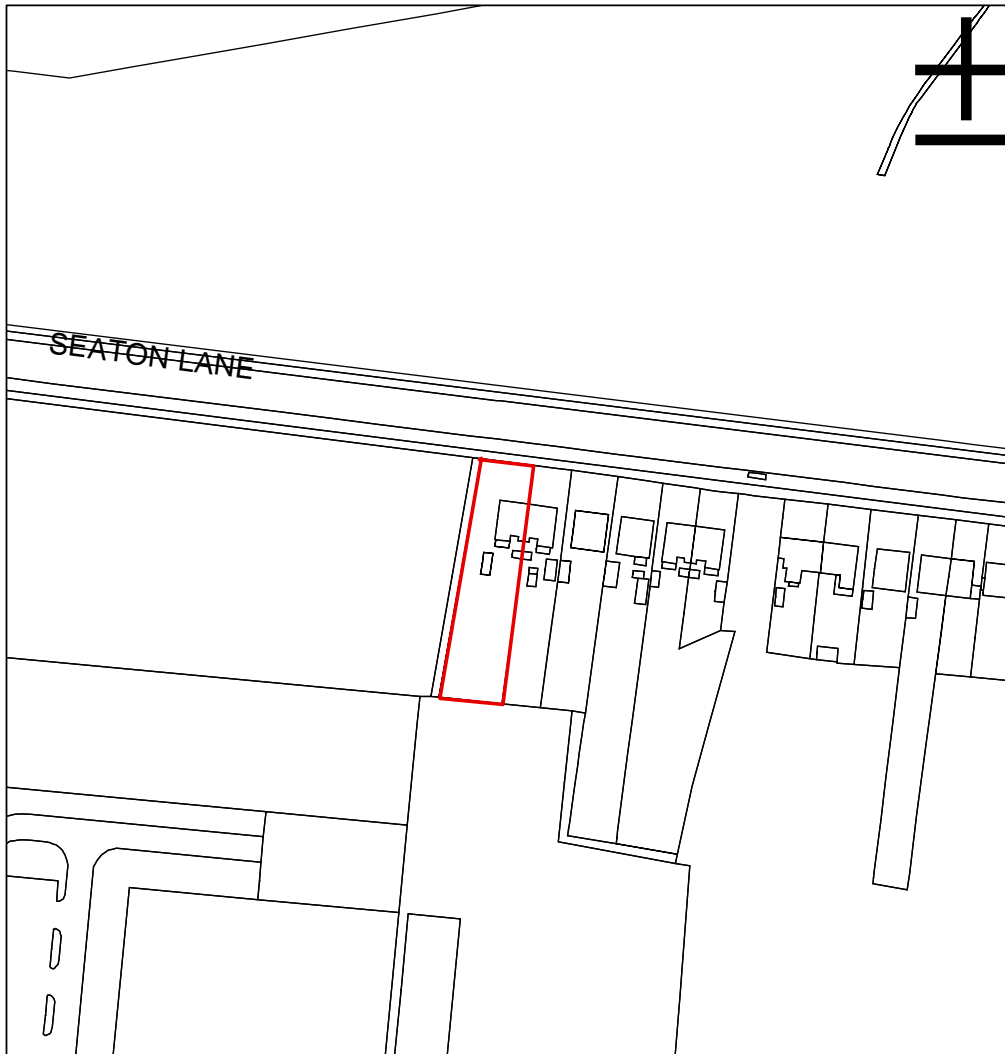


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5709</b>	REV

## 65 Seaton Lane

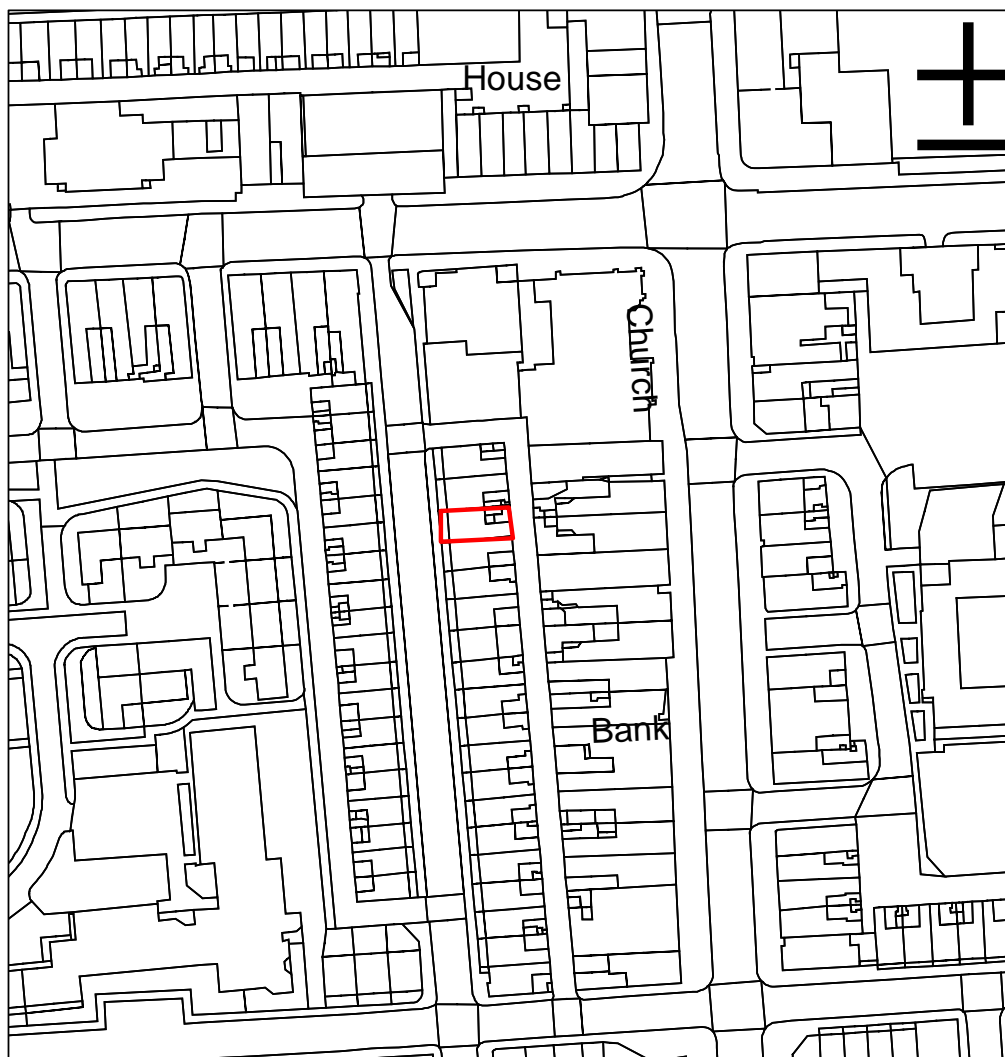


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Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5644</b>	REV

## 5 Windsor Street

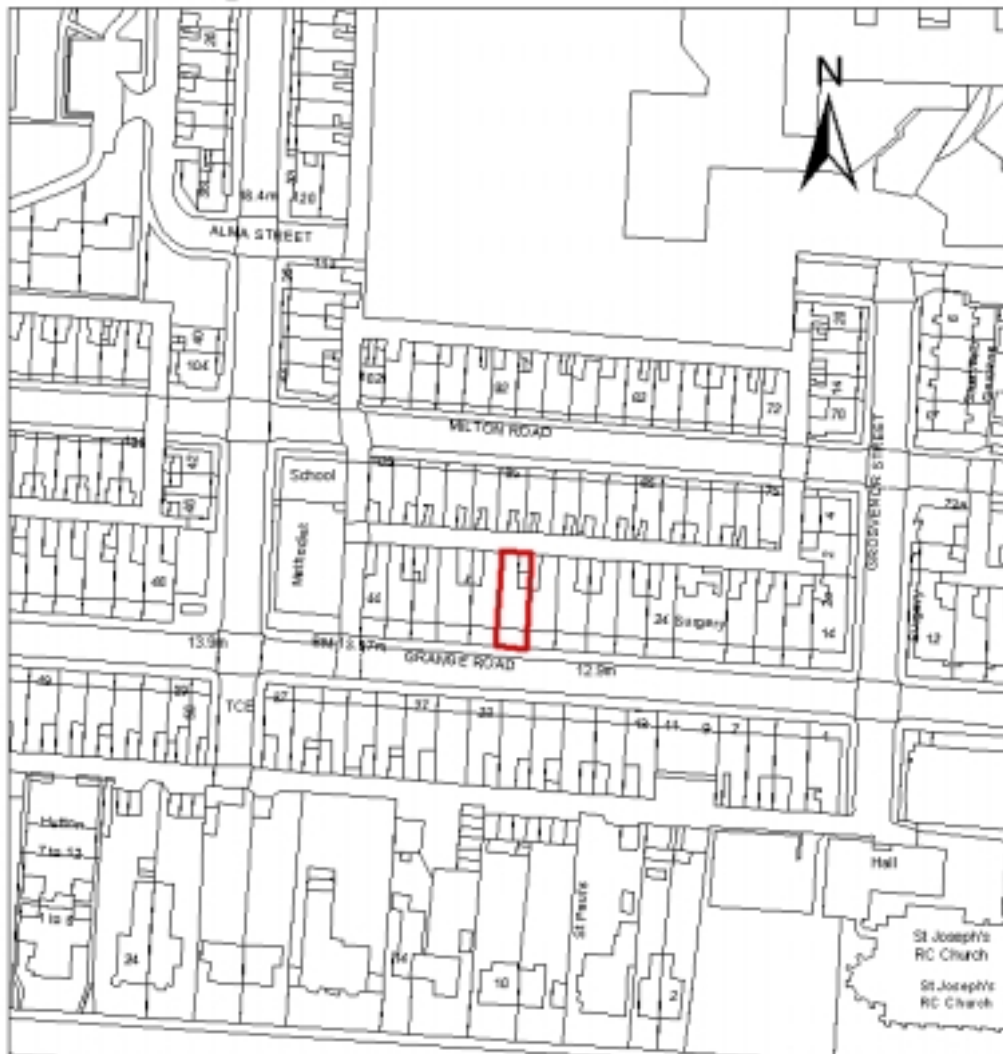


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	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5775</b>	REV

## 34 Grange Road

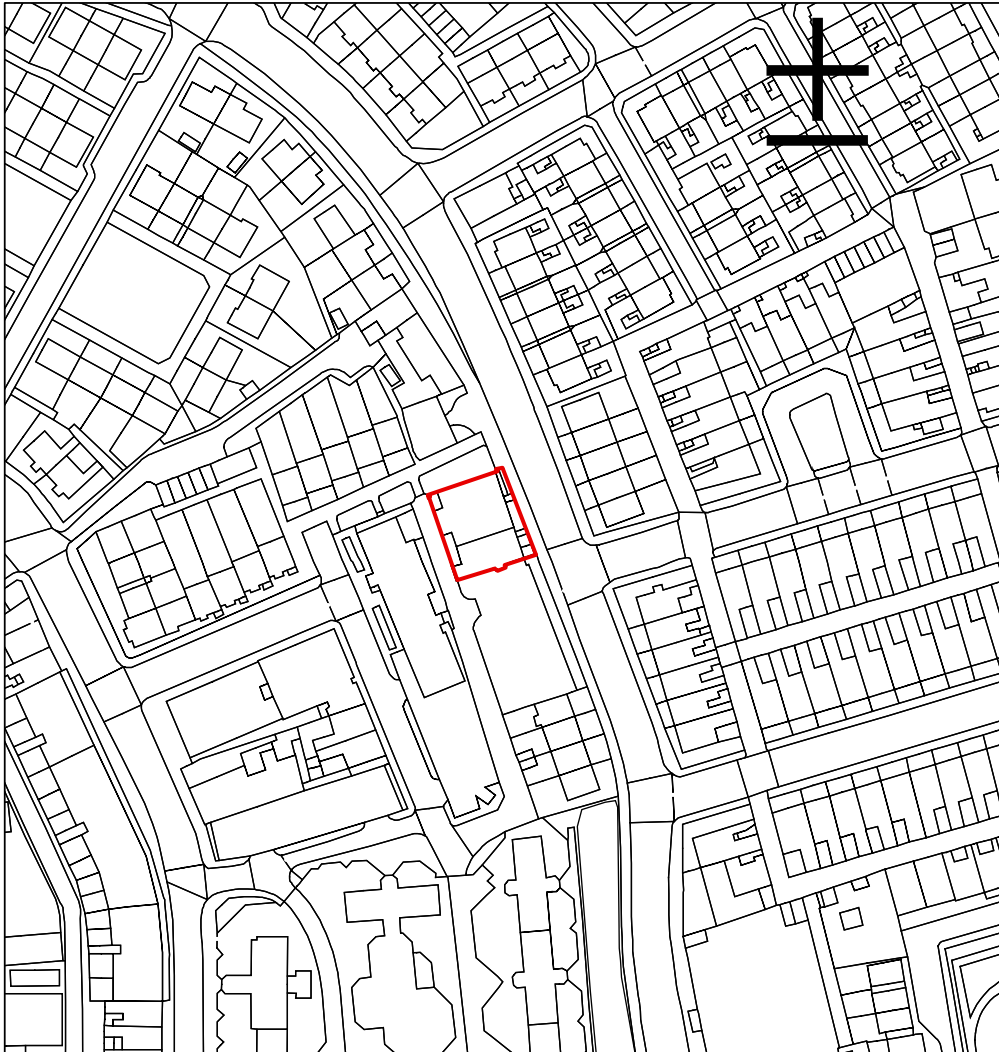


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	SCALE <b>1:1200</b>	
Department of Regeneration and Planning Bryan Hanson House Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5387</b>	REV

## United Reform Church



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	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5699</b>	REV

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

**Subject:** APPEAL BY O2 (UK) LTD, SITE AT JUNCTION OF HART LANE AND DUNSTON ROAD, OPPOSITE ALDI, HIGH THROSTON, HARTLEPOOL

---

## **1. PURPOSE OF REPORT**

- 1.1 To advise Members of a planning appeal.
- 1.2 A planning appeal has been lodged against the refusal of the Committee to allow prior approval to erect a 12.5metre high flexicell column with associated equipment cabinet and electrical meter cabinet.
- 1.3 The appeal is to be decided by written representation and the authority is therefore requested to contest the appeal.

## **2. RECOMMENDATION**

- 2.1 Authority be given to officers to contest this appeal.



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

**Subject:** APPEAL BY MR ARMSTRONG, 44 NEWQUAY CLOSE, HARTLEPOOL

---

**1. PURPOSE OF REPORT**

1.1 To advise Members of a planning appeal decision.

**2. THE APPEAL**

2.1 A planning appeal had been lodged against the refusal of the 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.

2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. The inspector concluded that proposed extension would have no harmful effects on neighbouring properties or on the street scene. A copy of the decision letter is attached with this report.



## Appeal Decision

Site visit made on 6 September 2005

by **Robert Forster BA DIP LD MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 8372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

05 OCT 2005

Appeal Ref: APP/H0724/A/05/1182252  
44 Newquay Close, Hartlepool, Cleveland, TS26 0XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Armstrong against the decision of Hartlepool Borough Council.
- The application Ref H/2005/5180, dated 7/3/05, was refused by notice dated 29/4/05.
- The development proposed is erection of a two-storey side extension to include utility room, family room, bathroom and en-suite and a rear lobby.

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

### Main Issue

1. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

### Planning Policy

2. This is set out in the Hartlepool Local Plan. Policy En18 requires proposals for extensions to dwellings to meet the guidelines set out in a supplementary note. This states that on corner plots care needs to be taken to ensure that extensions do not dominate the house and/or are not unduly intrusive in the street scene.

### Reasons

3. The appeal property stands at the corner of Padstow Close and Newquay Close. It has a prominent position in the street scene, since it faces the point of entry to the residential area. The house itself is not large, and the proposed extension is in proportion to the front of the house, being only a single room in width. Provided the extension is built of materials that are sympathetic to the original ones, the finished result would not be over-dominant in my view. Whilst the Council is fearful of setting a precedent for other such schemes, the circumstances of this corner site are sufficiently unusual for no serious precedent to be set by this scheme.
4. There would be some loss of vegetation however, since the trees that stand in the small triangular garden to the left of the house would be affected. The larger one would have to go, but there is a possibility that the smaller one could be saved, provided building operations are carried out carefully. If both trees have to go however, a replacement tree should be planted in the remainder of the garden when the works are completed. There are considerable numbers of trees in neighbouring gardens that contribute to a very leafy feeling to the area. The temporary loss of greenery would not harm local character.

Appeal Decision APP/H0724/A/05/1182252

#### Conditions

5. Conditions are needed to control the materials to be used on the exterior of the extension, to ensure that no additional windows are inserted into the elevation facing the neighbouring property and to ensure that the proposed window that overlooks this property is obscure glazed. A condition to ensure the retention and/or planting of a tree is also required.

#### Conclusions

6. This is a modest extension that will bring great benefits to the occupiers in terms of extra living space. There would be no harmful effects on neighbouring properties or on the street scene. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

#### Formal Decision

7. I allow the appeal, and grant planning permission for erection of a two-storey side extension to include utility room, family room, bathroom and en-suite and a rear lobby at 44 Newquay Close, Hartlepool, Cleveland, TS26 0XG in accordance with the terms of the application, Ref H/2005/5180, dated 7/3/05, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the elevation facing 43 Newquay Close.
- 4) The proposed window serving the dressing area and facing 43 Newquay Close shall be glazed with obscured glass, which shall be installed before the extension is occupied and shall thereafter be retained at all times while the window exists.
- 5) The smaller of the two trees in the side garden should be protected from building works and retained. Following completion of the building works a suitable tree shall be planted in the side garden of the house. The species of the tree should be agreed in writing with the local planning authority. If the tree dies within two years of the completion of the works, a replacement tree shall be planted.

*Robert Forster*

Inspector

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

**Subject:** APPEAL BY MR & MRS KIRTLEY, 18 COATHAM DRIVE, HARTLEPOOL


---

**1. PURPOSE OF REPORT**

- 1.1 The above planning appeal against the refusal of the Local Planning Authority to allow the erection of a rear first floor conservatory at the above site has been dismissed.
- 1.2 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 Inspector's letter is **attached**.

**2. RECOMMENDATION**

- 2.1 That Members note the outcome of the appeal.



## Appeal Decision

Site visit made on 22 August 2005

**by Christopher John Checkley BA(Hons) 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  
**15 SEP 2005**

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**Appeal Ref: APP/H0724/A/05/1180972**  
**18 Coatham Drive, Hartlepool, Cleveland, TS26 0AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Kirtley against the decision of Hartlepool Borough Council.
- The application (ref. H/2005/5220), received on 22 March 2005, was refused by notice dated 13 May 2005.
- The development proposed is the erection of a first floor conservatory extension to the rear.

**Summary of Decision: The appeal is dismissed.**

---

**Main Issue**

1. I consider that the main issue in this appeal is the effect of the proposed rear first floor conservatory extension upon the living conditions of neighbouring residents with particular regard to levels of privacy, sunlight and noise, and visual impact including the effect on the night-time character of the area.

**Planning Policy**

2. The relevant development plan for the area includes the adopted Hartlepool Local Plan 1994 (the LP). Policy Gen1 indicates that account should be taken of the effects of proposals on the amenities of adjoining or nearby properties with regard to factors including general disturbance, loss of privacy, visual intrusion and noise. Policy En18 resists extensions to dwellings that do not accord with the Design Guidelines in Supplementary Note 3 (SN3). One guideline is that a rear extension projecting up to 2.5m from the main rear wall of a detached dwelling will normally be permitted where it would be offset a significant distance from a neighbouring property, typically half the property width. A larger extension may be allowed where a greater degree of separation exists. The emerging LP Review proposes to continue the broad thrust of the LP provisions above, with the additional factor of light pollution added when considering the effects of extensions.

**Reasons**

3. The fully glazed conservatory incorporating a dwarf wall and a fully hipped roof would be erected directly on top of the existing flat-roofed rear extension. The scheme would result in a 2-storey rear addition extending across some 70% of the rear façade, with a height of some 5.4m to the ridge and a width of about 6.7m, projecting almost 3.5m from the main rear wall of the house. It would stand only about 1m from the boundary with the neighbouring property to the west (No 16), and about 3.5m from the neighbouring property to the east (No 20). Thus, its projection and position would be contrary to the LP guidelines.



4. The conservatory would tend to be used differently and far more intensively than a bedroom, being likely to be actively occupied for significant periods throughout the day and evening by occupants who would wish to enjoy the extensive and commanding views from this elevated position over the attractive rear garden of the appeal property, inevitably also being able to overlook the neighbouring properties and their rear gardens.
5. The western elevation would be about 1m from the boundary with No 16 and its private rear patio area and only about 4.4m from its kitchen window. The use of frosted glass in the western elevation could reduce but not eliminate overlooking of some of its patio and much of its rear garden. The raised conservatory would be so close as to have an unduly dominating and overbearing effect, exacerbated in the early mornings by an overshadowing effect. To the east the scheme would mean dominating overlooking of the conservatory at No 20 and its private rear garden, also resulting in additional overshadowing in the evenings of these areas. Additionally, there would be some, albeit far more limited, overlooking of residents of the nearest Hylton Road properties within their rear gardens.
6. Furthermore, during the evenings the conservatory would be likely to be in use and lit. Given the nature of use likely, the extensive glazing to 3 sides and the roof and the need for opening windows for ventilation, the structure would stand out visually with significant potential spillage of light and noise into its generally peaceful surroundings, harming the night-time character of the area. Additionally, the large structure would appear prominent and out of place in this raised position at all times of day.
7. I conclude that the proposed conservatory extension 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 the LP policies above.

#### Other Matters

8. The appellant has suggested the use of non-opening windows and blinds and frosted glass in all elevations. However, this would impose unreasonable restrictions on the use of the conservatory which future owners might well seek to circumvent, and more especially, this would not prevent the dominating visual impacts or all potential light and noise disturbance. I saw no similar large conservatories at rear first floor level in the surrounding area. Although a similar scheme was granted permission in 1993, material considerations have since changed. I have determined this case on its own merits in the context of the more recent current planning policies and circumstances.

#### Conclusions

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

#### Formal Decision

10. I dismiss the appeal.

  
INSPECTOR

**Report of:** Head of Planning and 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, fifteen (15) planning applications have been registered as commencing and checked. Twelve (12) 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 building works to render a commercial property in York Road, without the benefit of planning permission were taking place. The owner has co-operated and a retrospective planning application is expected and will be reported to a future meeting if necessary.
2. A high hedges complaint has recently been received from a resident in Bilsdale Road. Developments will be reported to a future meeting if necessary.
4. A neighbour complaint about the erection of a high front boundary wall at a property in Ashwood Close is being investigated. Developments will be reported to a future meeting if necessary.
5. A neighbour complaint about the erection of a kitchen extension without planning or building regulation approvals at a property in Tenby Walk is being investigated. Developments will be reported to a future meeting if necessary.
6. A neighbour complaint about an unsafe boundary wall at a property in Elwick Road is being investigated. The wall is Listed and the Council's Unsafe Buildings Officer is checking the state of wall. Developments will be reported to a future meeting if necessary.
7. The owner of a property in Kestrel Close has complained about the untidy condition of land alongside and to the rear of his property. The land is unkempt and its maintenance is the developers responsibility. Developments will be reported to a future meeting if necessary.

8. It had been noted that conditions attached to the planning permission for a detached property in Wynyard have not been submitted and discharged. The owner has been contacted and promptly submitted the details that are satisfactory to discharge the relevant planning conditions.
9. Officer monitoring has noted that a gas protection condition attached to the planning permission for the erection of an extension to a property in Harvester Close had not been submitted and discharged. The owner has been contacted and promptly submitted the details that are satisfactory to discharge the relevant condition.
10. A complaint about an E.U flag being flown on a college building in Stockton Street is being investigated. Developments will be reported to a future meeting if necessary.
11. A neighbour complaint about a car sales business operating from a residential property in Hutton Avenue is being investigated.
12. A neighbour complaint about UPVC windows being fitted in a property in Henry Smith Terrace protected by an Article 4 Direction in Headland Conservation Area is being investigated. Developments will be reported to a future meeting if necessary.
13. A neighbour complaint about a separate dwelling advertised for independent rented accommodation at a property in Elwick is being investigated. Developments will be reported to a future meeting if necessary.
14. A neighbour complaint about the erection of a front boundary wall and high rear wall around a yard, covered to provide car space at a property in Middleton Road has been investigated. The owner has been contacted and agreed to submit a retrospection planning application. This will be reported to a future meeting if necessary.
15. A neighbour complaint about the incorporation of land into the garden of a property in Fernwood Avenue is being investigated. Developments will be reported to a future meeting if necessary.
16. An anonymous complaint about a farm shop operating in Newton Bewley without planning consent is being investigated. Developments will be reported to a future meeting if necessary.
17. A complaint about off street parking increasing as a result of change of use of a former church hall in Durham Street is being investigated. Developments will be reported to a future meeting if necessary.



18. Separate complaints about extensions being built at two properties in Westbrooke Avenue without the benefit of planning and building regulations approvals are being investigated. Developments will be reported to a future meeting if necessary.