

# PLANNING COMMITTEE AGENDA



**Wednesday, 8<sup>th</sup> February, 2006  
at 10.00 a.m.**

**in Committee Room "B"**

**MEMBERS: PLANNING COMMITTEE:**

Councillors Allison, Belcher, Clouth, Cook, Ferriday, Flintoff, Hall, Iseley, Kaiser, Kennedy, Lilley, Morris, Richardson, M Waller, R Waller, Wright.

**1. APOLOGIES FOR ABSENCE**

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

**3. MINUTES**

3.1 To confirm the minutes of the meeting held on 18<sup>th</sup> January 2006 (*attached*)

**4. ITEMS REQUIRING DECISION**

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

- |     |             |                             |
|-----|-------------|-----------------------------|
| 1.  | H/2005/5387 | 34 Grange Road              |
| 2.  | H/2005/5644 | 65 Station Lane             |
| 3.  | H/2005/5709 | Golden Flatts               |
| 4.  | H/2005/5744 | The Fens                    |
| 5.  | H/2005/5964 | Woodburn Lodge              |
| 6.  | H/2005/5997 | 42 Bilsdale Road            |
| 7.  | H/2005/5763 | Union House, Southgate      |
| 8.  | H/2005/5982 | The Golden Lion             |
| 9.  | H/2005/5966 | 36 Forster Close            |
| 10. | H/2005/5764 | Union House, Southgate      |
| 11. | H/2005/5984 | 29 Park Road                |
| 12. | H/2005 5946 | 28 Whitby Street            |
| 13. | H/2005/5932 | 107 Raby Road               |
| 14. | H/2005/5836 | First Floor 76/86 Park Road |
| 15. | H/2005/6023 | 1 Meadow Drive              |

- 4.2 Update on Current Enforcement Related Matters – *Head of Planning and Economic Development*
- 4.3 Appeal Ref APP/HO724/A/2006244:H/2005/5968 Alterations and Conversion to 10 Self Contained Flats at Former United Reform Church and Sunday School, Durham Street, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by M P Allen site at Land Adjacent to Old Mill, Elwick, Hartlepool, TS27 3HF – *Assistant Director (Planning and Economic Development)*
- 4.5 HOUT/2004/0575 Victoria Harbour (formerly North Docks – *Assistant Director (Planning and Economic Development)*

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

6. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 27<sup>th</sup> February 2006 at 9.30 am

Next Scheduled Meeting – 1<sup>st</sup> March 2006

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

18<sup>th</sup> January, 2006

**Present:**

Councillor Councillor Maureen Waller (In the Chair)

Councillors Flintoff, Hall, Kennedy, Lilley, Dr Morris, Richardson, R Waller and Wright

In accordance with Council Procedure Rule 4.2(ii) Councillor D Waller was also in attendance as substitute for Councillor Iseley

Officers: Peter Devlin, Legal Services Manager  
Stuart Green, Assistant Director Planning and Economic Development  
Roy Merrett, Principal Planning Officer  
Chris Roberts, Development and Co-ordination Technician  
Pat Watson, Democratic Services Officer

### **94. Apologies for absence**

Apologies for absence were submitted on behalf of Councillors Allison, Belcher and Iseley.

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

There were no declarations of interest.

### **96. Confirmation of the minutes of the meetings held on 19<sup>th</sup> and 21<sup>st</sup> December 2005**

Confirmed.

### **97. Any other Business of Urgency**

THE CHAIRMAN RULED THAT THE FOLLOWING ITEM SHOULD BE CONSIDERED BY THE COMMITTEE AS A MATTER OF URGENCY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 100(B)(4)(B) OF THE LOCAL GOVERNMENT ACT 1972 IN ORDER THAT THE COMMITTEE COULD MAKE THE DECISION AT THE EARLIEST OPPORTUNITY.

## 98. H/2005/5822 and H/2005/5930 – Land West of Easington Road, Middle Warren, Hartlepool

Members were reminded that at their last meeting approval had been given to applications for the Joseph Rowntree Care Village development and in principle to variations to the legal agreement governing the Middle Warren developments including those to enable the Rowntree development to proceed.

The decision on the variation of the legal agreement had been minuted as follows:

**Subject to no substantially different concerns to those already considered being raised before the appointed date minded to APPROVE but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee if necessary**

It had transpired following subsequent discussion with the applicant and other interest parties, that the minutes did not adequately reflect the authority given to officers to progress the amendments to facilitate the Rowntree development. It was considered that the following wording would more adequately reflect the agreed position.

**Subject to no substantially different concerns to those already considered being raised before the appointed date minded to APPROVE but a final decision on this and the amendments necessary to the existing S106 agreement governing the Middle Warren development necessary to facilitate the Joseph Rowntree Care Village development be delegated to the Development Control Manager in consultation with the Chair of the Committee if necessary**

In addition, condition 10 of the Rowntree approval required the details of the new road needed to serve the development to be agreed before development commences. This was considered too onerous and could delay the development. It was recommended that this timing requirement be omitted.

Furthermore condition 7 governing the phasing of parking areas was to be altered so as to make clear that this excluded parking associated with the neighbourhood park, responsibility for which will rest with Lee Bell under the terms of the revised planning agreement.

### Decision

Approval was given to the proposed amendments, detailed above.



## 99. **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 H SHIELD (ON BEHALF OF THE APPLICANT) ADDRESSED THE COMMITTEE IN RELATION TO THE FOLLOWING APPLICATION

**Number:** H/2005/5782

**Applicant:** Mrs J Shield  
c/o Agent

**Agent:** Jackson Plan Mr Ted Jackson 7 Amble Close  
HARTLEPOOL

**Date received:** 03/10/2005

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

**Location:** LAND ON THE EAST SIDE OF 30 RUSWARP GROVE  
HARTLEPOOL

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

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

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

adopted Hartlepool Local Plan (1994) and policy Gep1 and Hsg12(A) and supplementary note 5 of the emerging Hartlepool Local Plan 2005.

The Committee considered representations in relation to this matter.

DAVID JOHNSON (AGENT FOR THE APPLICANT) AND MR GRAHAM (OBJECTOR) ADDRESSED THE COMMITTEE IN RELATION TO THE FOLLOWING APPLICATION.

**Number:** H/2005/5990

**Applicant:** EK Investments  
45 Courtland Avenue Ilford

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

**Date received:** 05/12/2005

**Development:** Erection of 2 single storey shop units and alterations to car parking areas (resubmitted application)

**Location:** Elizabeth Way Shops Elizabeth Way Seaton Carew  
Hartlepool

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

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

1. It is considered that the proposed development will result in an increase in traffic coming to the site and that adequate on-site parking facilities will not be available to accommodate this and existing traffic. As a consequence vehicles will park outside the site to the detriment of the amenities of the occupiers of nearby housing and highway safety contrary to policy Gen1 of the adopted Hartlepool Local Plan 1994 and policies GEP1 and Com10 of the draft deposit Hartlepool Local Plan 2003.
2. The proposed development by reason of its siting will result in an area adjacent to the site which will not be widely visible. As a consequence and notwithstanding the suggested measures to overcome this it is considered that the area would be attractive for people to congregate and that this would lead to noise disturbance and the fear of crime to the occupiers of 3 Comondale Drive contrary to policy Gen4 of the adopted Hartlepool Local Plan 1994 and policy GEP3 of the revised deposit Hartlepool Local Plan 2003.

The Committee considered representations in relation to this matter.

COUNCILLOR RICHARDSON REQUESTED THAT HIS VOTE TO REFUSE THE ABOVE APPLICATION BE RECORDED.

**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 to allow for further discussion**

**Number:** H/2005/5644

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

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

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

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

**Location:** 65 SEATON LANE HARTLEPOOL

**Decision:** **Deferred to allow for further discussion**

**Number:** H/2005/5709

**Applicant:** Bellway Homes (NE) Ltd  
Peel House Main StreetPonteland

**Agent:** Bellway Homes Limited Peel House Main Street  
Ponteland NEWCASTLE UPON TYNE

**Date received:** 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

**Decision:** **Deferred to allow for further discussion**

**Number:** H/2005/5744

**Applicant:** Dr Lustman  
56 The Drive Gosforth

**Agent:** Storey SSP Higham House New Bridge Street West  
Newcastle Upon Tyne

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

**Development:** Erection of enclosures to external stairs, including access  
gates

**Location:** The Fens Shopping Centre Catcote Road Hartlepool

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

**Number:** H/2005/5964

**Applicant:** Mr TWalker  
Woodburn Lodge Blakelock Gardens

**Agent:** Mr T Walker Woodburn Lodge Blakelock Gardens

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

**Development:** Application for a certificate of lawfulness for the erection  
of a detached garage to the rear

**Location:** Woodburn Lodge Blakelock Gardens Hartlepool

**Decision:** **Deferred to allow for further consideration**

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

Members were advised of the progress on proposals to deal with derelict and untidy sites. Consultants had been engaged to provide a report on the way to deal with derelict land or untidy buildings and land. Twelve sites had been specifically identified. The matter had been deferred at the last meeting awaiting a final report which had now been concluded and a copy was made available in the Member's room. The sites looked at were:-

- 1) Golden Flatts PH, Seaton Lane
- 2) Longscar Centre, Seaton Carew
- 3) Crown House, Surtees Street
- 4) Former Gas Showroom, Victoria Road
- 5) Former Odeon Cinema, Raby Road
- 6) The New Fleece PH, Northgate
- 7) Victoria Buildings, Middlegate
- 8) Morrison Hall, Church Close
- 9) Old United Reform Church Durham Street
- 10) Throston Engine House, Old Cemetery Road
- 11) Niromax Wall, Mainsforth Terrace
- 12) Titan House, Corner Park Road/York Road

The report made available suggested various courses of action, initially mainly through risk warning letters, ultimately to enforcement action and direct action by the Council under various powers. Members were advised that officers would continue to seek to resolve these matters by agreement. However the problems associated with the sites were significant and in some cases long standing. Authority was therefore sought for officers to secure improvements to the building/sites identified in this report using all relevant powers, including if necessary direct action by the Council

Members were advised that a similar report would be submitted to the Regeneration and Liveability Portfolio Holder.

**Decision**

Officer's were authorised to secure improvements to the buildings/sites identified in the report using all relevant powers including, if necessary, direct action by the Council.

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

Members were advised that during the four week period prior to the meeting eighty (80) planning applications had been checked.

Members' attention was drawn to two current ongoing issues, detailed in the report, relating to properties in Westbourne Road and South Road.

Members attention was also drawn to the closing number of one hundred and eighty eight (188) planning complaints received in 2005.

**Decision**

The report was noted.

**101. Appeal by EK Investments – Site at Elizabeth Way Shopping Centre, Seaton Carew** *(Assistant Director Planning and Economic Development)*

Members were advised that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of 2 single storey shop units and alterations to the car parking areas at the above mentioned site. The appeal was to be decided by written representations and authority was requested for officers to contest the appeal.

**Decision**

Authority was given to officers to contest the appeal.

**102. Any other Business of Urgency**

THE CHAIRMAN RULED THAT THE FOLLOWING ITEM SHOULD BE CONSIDERED BY THE COMMITTEE AS A MATTER OF URGENCY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 100(B)(4)(B) OF THE LOCAL GOVERNMENT ACT 1972 IN ORDER THAT THE COMMITTEE COULD MAKE THE DECISION AT THE EARLIERST OPPORTUNITY.

**103. 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 BABUL (APPLICANT) ADDRESSED THE COMMITTEE IN RELATION TO THE FOLLOWING APPLICATION

**Number:** H/2005/5856  
**Applicant:** Mr S Babul  
45 Greenfield Drive Eaglescliffe Stockton On Tees  
**Agent:** A1 Architectural Services 3 Abbotsford Court Fairview  
Ingleby Barwick STOCKTON  
**Date received:** 25/10/2005  
**Development:** Change of use of vacant offices to hot food take away  
(A5 use)  
**Location:** 197 YORK ROAD HARTLEPOOL  
**Decision:** **Planning Permission Refused**

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

1. In the opinion of the Local Planning Authority the proposed development would lead to customer car parking on York Road to the detriment of highway and pedestrian safety contrary to policies Gen1 of the adopted Hartlepool Local Plan 1994 and policies GEP1 and COM18 of the Hartlepool Revised Deposit Local Plan 2003 as proposed to be modified.
2. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of local residents by way of disturbance associated with comings and goings from the premises contrary to policies Gen1 of the adopted Hartlepool Local Plan 1994 and policies GEP1, COM18 and COM4A of the Hartlepool Revised Deposit Local Plan 2003 as proposed to be modified.
3. The proposal if allowed would establish an undesirable precedent that would make it very difficult to resist similar unsuitable applications by reference to policy COM4A of the Hartlepool Revised Deposit Local Plan 2003 as proposed to be modified because this policy clearly indicates that proposals for Hot Food Takeaways in the York Road south area will not be permitted.

The Committee considered representations in relation to this matter.

MAUREEN WALLER

CHAIRMAN

## **PLANNING COMMITTEE 8 FEBRUARY 2006**

1	H/2005/5387	34 Grange Road - Provision of UPVC windows and door	JF
2	H/2005/5644	65 Station Lane - Outline application for the erection of a detached dormer bungalow	JF
3	H/2005/5709	Golden Flatts - Erection of 70, 2 and 3 bedroom houses and 12 flats	JF
4	H/2005/5744	The Fens – Erection of enclosures to ext stairs	RH
5	H/2005/5964	Woodburn Lodge – Erection of detached garage to rear	RM
6	H/2005/5997	42 Bilsdale Road – Erection of 2 dwellings	RM
7	H/2005/5763	Union House, Southgate - Change of use to community learning facility	JF
8	H/2005/5982	The Golden Lion – Change of use of first floor to restaurant	RM
9	H/2005/5966	36 Forster Close – retention of a 1.9 metre boundary wall fence	PB
10	H/2005/5764	Union House, Southgate - Listed Building Consent	JF
11	H/2005/5984	29 Park Road – Extension opening hours	RH
12	H/2005/5946	28 Whitby Street - Variation of opening hours	PB
13	H/2005/5932	107 Raby Road – Variation of opening hours	PB
14	H/2005/5836	First Floor 76/86 Park Road – Variation of conditions	PB
15	H/2005/6023	1 Meadow Drive – Garden Room	GW

### Enforcement Update

New appeals received - United Reformed Church

Appeals withdrawn - Land adjacent to Old Mill, Elwick

Victoria Harbour – Notification from Government Office for North East



**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

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## Update

1.1 This application was reported to the Planning Committee of 31<sup>st</sup> August last with a recommendation of refusal and enforcement. It was deferred and has subsequently been deferred to allow time for further discussions with the applicant.

1.2 Since then discussions with the applicant and further internal consultations have taken place, in relation to not only the impact of the works undertaken but also the range of options to address the current situation.

1.3 Officers have written to the applicant outlining the current situation and explaining that notwithstanding the Officer recommendation it will ultimately be the Committee which will determine the application and decide upon whether enforcement action is appropriate in this case. The applicant has also been advised that he would have a right of appeal should the application be refused.

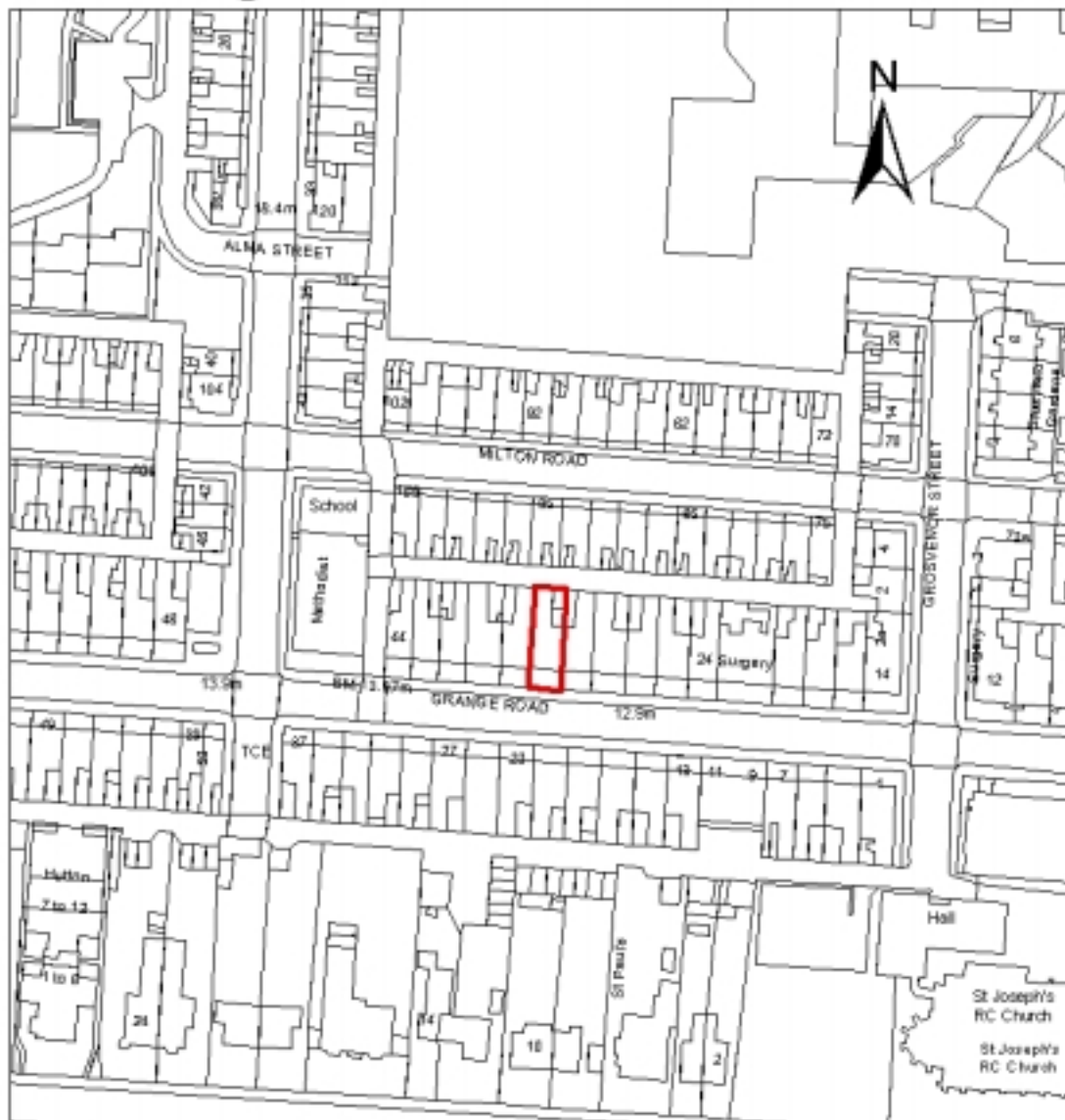
1.4 The letter outlines some of the possible options open to the applicant to finance the restoration of the bay, windows and door and includes advice on how the Authority might assist him.

1.5 The letter has been translated into Bengali to assist the applicant.

1.6 The applicant has requested that the application be deferred to allow him further time to seek advice and consider his position. It is recommended therefore that the consideration of the application be deferred, but with the hope that, subject to the nature and timing of the applicant's response, it can be brought to the March Committee with full details to enable it to be determined.

## RECOMMENDATION - Defer

## 34 Grange Road



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

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

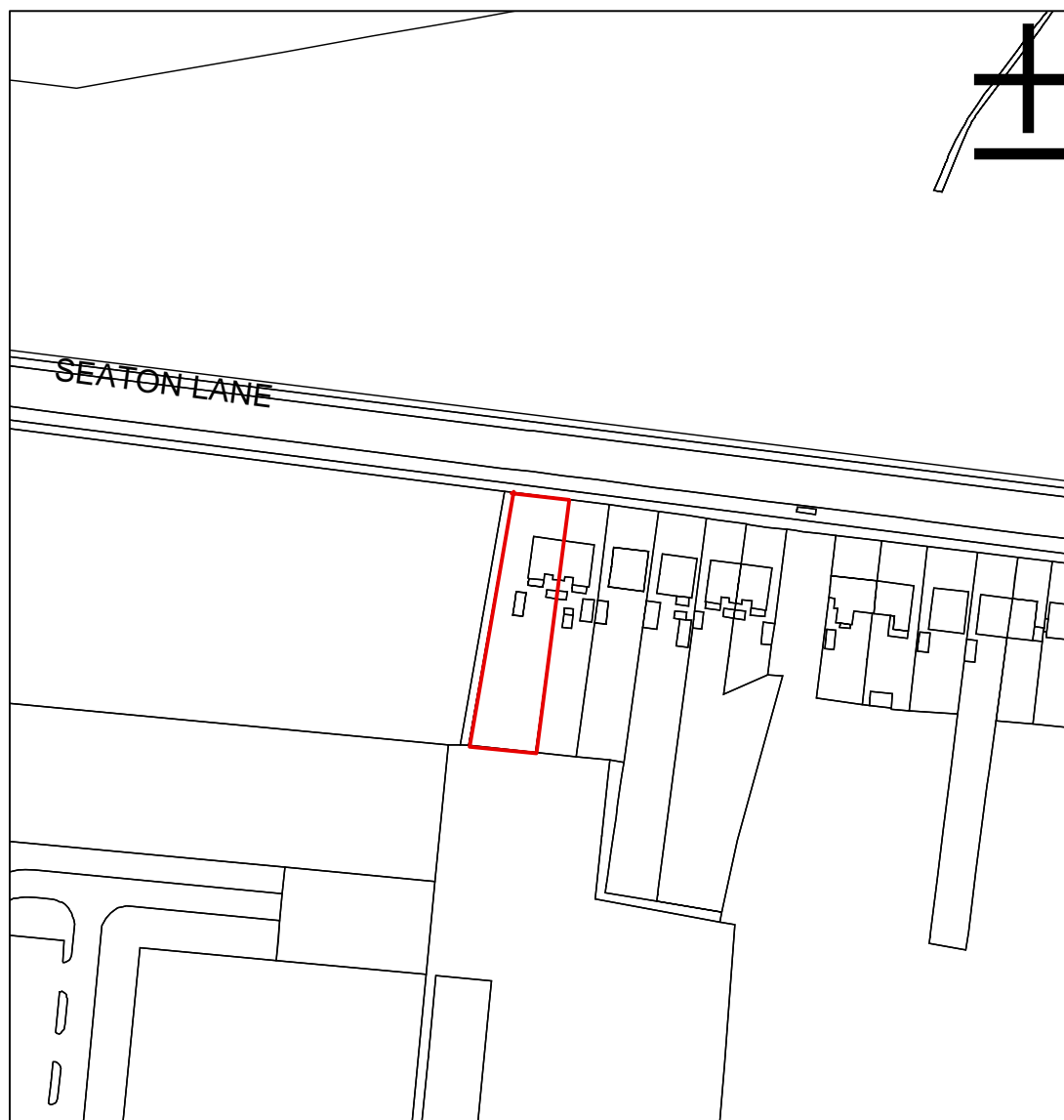
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## Update

2.1 The above application was reported to the Planning Committee on 18 January 2006 when it was deferred. Some of the issues outstanding in relation to the application at the adjacent site (Golden Flatts) are relevant in particular the relationship with the adjacent industrial uses (see H/2005/5709 also on this agenda). Discussions are ongoing. It is recommended that the application be deferred.

**RECOMMENDATION – Defer**

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**65 Seaton Lane**

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

**No:**  
**Number:** H/2005/5709  
**Applicant:** Bellway Homes (NE) Ltd  
**Agent:** Bellway Homes Limited  
**Date valid:** 31 August 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

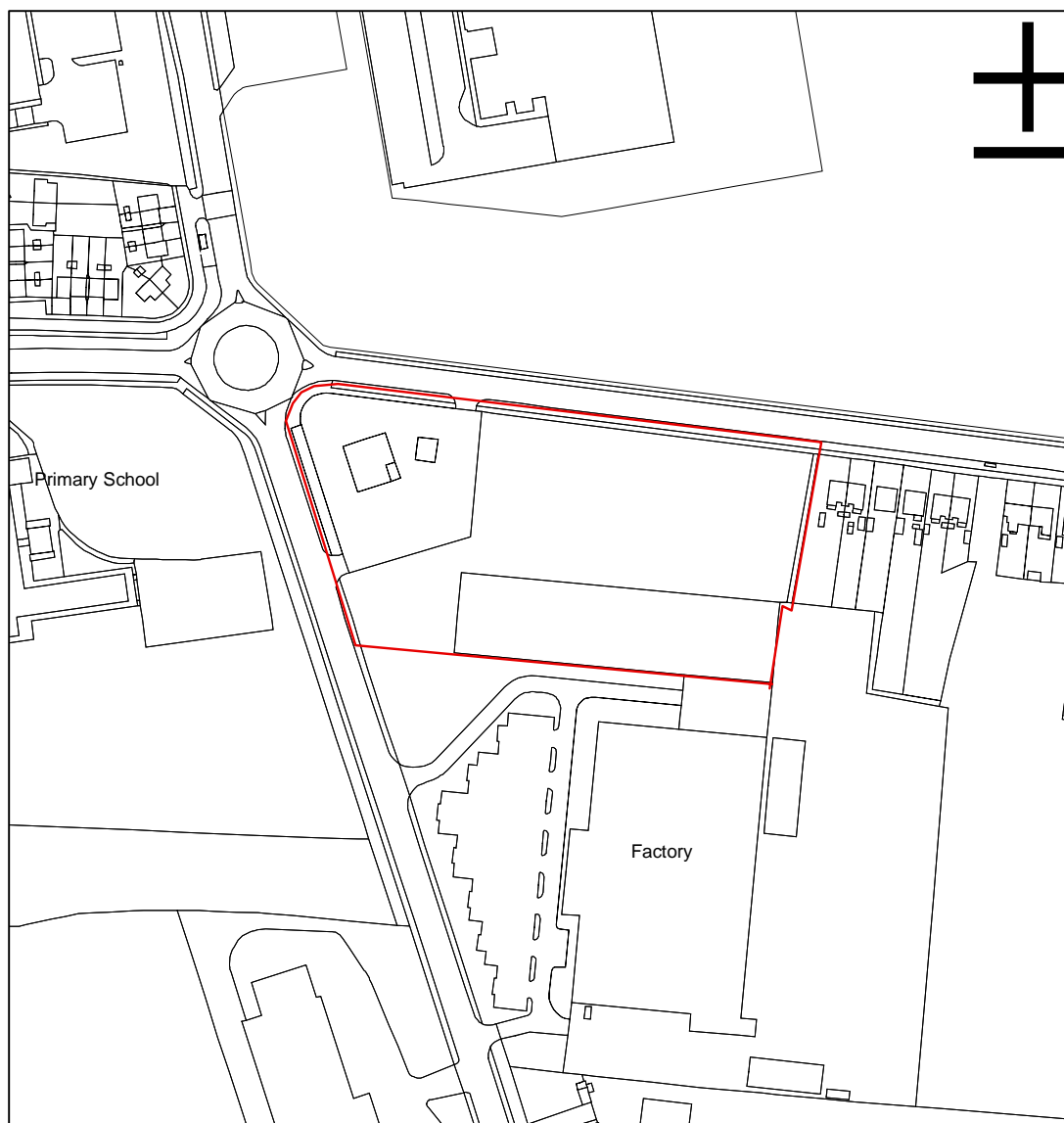
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### Update

3.1 The above application was reported to the Planning Committee on 18 January 2006 when it was deferred as a number of issues were outstanding including policy matters, the relationship with the neighbouring industrial area, noise, air quality, flooding and traffic related issues. Discussions are ongoing. It is recommended that the application be deferred.

**RECOMMENDATION** – Defer

## Land at Brenda Road/Seaton Lane



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>15.11.05</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5709</b>	REV

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

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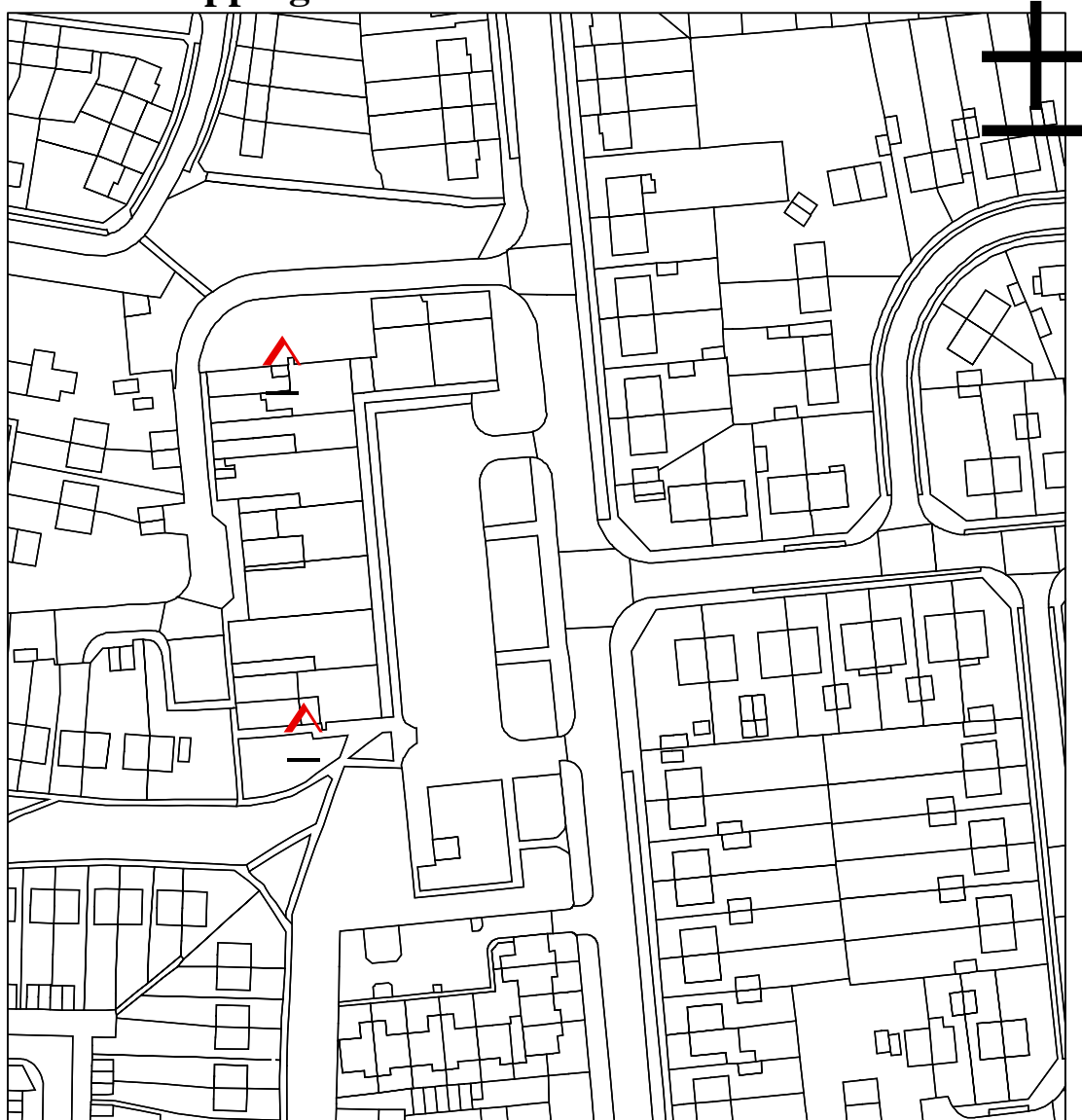
### Update

4.1 The application was deferred at the 18<sup>th</sup> of January 2006 Planning Committee.

4.2 The applicant is currently working with Cleveland Police to find a suitable means of locking the existing enclosures, as the previous locks have been damaged/broken. If this is not possible the applicant will assess whether or not to progress with the retrospective planning application. Given that discussions are ongoing it is recommended that this application be deferred.

**RECOMMENDATION – Defer**

## Fens Shopping Centre



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



**No:**  
**Number:** H/2005/5964  
**Applicant:** Mr T Walker Woodburn Lodge Blakelock Gardens TS25 5QW  
**Agent:** Woodburn Lodge Blakelock Gardens TS25 5QW  
**Date valid:** 07/11/2005  
**Development:** Application for a certificate of lawfulness for the erection of a detached garage to the rear  
**Location:** Woodburn Lodge Blakelock Gardens Hartlepool

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### **The Application and Site**

5.1 This application was deferred at the previous meeting to allow for further consideration.

5.2 This applicant seeks a Certificate of Lawfulness which would have the effect of confirming that the proposed development could be implemented without the need for planning permission.

5.3 The proposed development comprises the erection of a garage for which access is to be achieved via Redcar Close. It would incorporate existing brick pillars and would necessitate the removal of fence panels between those pillars in order to allow entry.

5.4 The applicant states that the structure is required for purposes incidental to the enjoyment of Woodburn Lodge. The garage would be situated more than 5 metres away from the dwelling and would not exceed 4 metres in height. He therefore considers that the garage would be permitted development under Schedule 2 Part 1 Class E of the General Permitted Development Order.

### **Publicity**

5.5 Due to the nature of this proposal it is not a requirement to publicise the application. Notwithstanding this a site notice was placed, however no representations have been received as a result.

### **Planning Background**

5.6 The site has an extensive planning history however the following cases are of direct relevance to this proposal:-

1. Enforcement Notice served against the creation of an unauthorised access to Woodburn Lodge from Redcar Close – Subsequent appeal dismissed. (October 2001)

2. Certificate of lawfulness approved for erection of detached recreation building to rear of Woodburn Lodge (2002)
3. 2 certificates of lawfulness refused regarding gates (2003 and 2004)
4. Certificate of lawfulness refused in relation to proposed detached garage – Subsequent appeal allowed (October 2005)
5. Enforcement Notices served in relation to alleged creation of new accesses to Woodburn Lodge from Redcar Close (August 2005 – appeals pending)

## **Planning Considerations**

### Access Considerations

5.7 Whilst on its face the garage appears to comply with the criteria specified in Part 1 Class E of Schedule 2 of the GPDO it is clear that bringing the development into use would necessitate the provision of access to the site from Redcar Close. Indeed the applicant states that he would utilise the existing access to Redcar Close.

5.8 The erection of the garage by its nature would appear to result in the creation of a point of access to it in the form of vehicle and pedestrian related doors. It is considered in consultation with the Council's Chief Solicitor, that access to the proposed garage in this location would not be provided for by the General Permitted Development Order and would therefore be unauthorised.

5.9 Indeed the creation of an access to Woodburn Lodge through various works including the installation of gates in an identical position to where the garage doors are currently proposed has previously been the subject of successful enforcement proceedings (see point 1 above). The creation of the access was deemed not to be provided for by the provisions of Schedule 2 Part 2 Class B of the General Permitted Development Order as the access point failed to provide a direct link with a highway.

5.10 The implementation of the garage doors would necessitate the removal of solid fence panelling. The construction of this panelling was a requirement of the previous enforcement notice (upheld at appeal) as a means of removing the unauthorised access.

5.11 It should be noted that the applicant has previously applied for Lawfulness Certificates in relation to the erection of two pedestrian gates along the same boundary. These applications were refused by the Planning Committee as they were also considered to create unauthorised accesses.

5.12 More recently an application for Certificate of Lawfulness to erect a similar detached garage in an alternative position but also accessed from Redcar Close was upheld at appeal (see point 4 above). The difference, however in that case was that the formation of the new garage was not inherently deemed to form an access. In the present case the access would appear to be part of the inherent design of the garage. However further discussion in the light of the various appeals are continuing.

### Need Considerations

5.13 Part 1 Class E of Schedule 2 of the GPDO indicates that to be regarded as permitted development the proposed building needs to be 'required' for a purpose incidental to the enjoyment of the dwellinghouse.

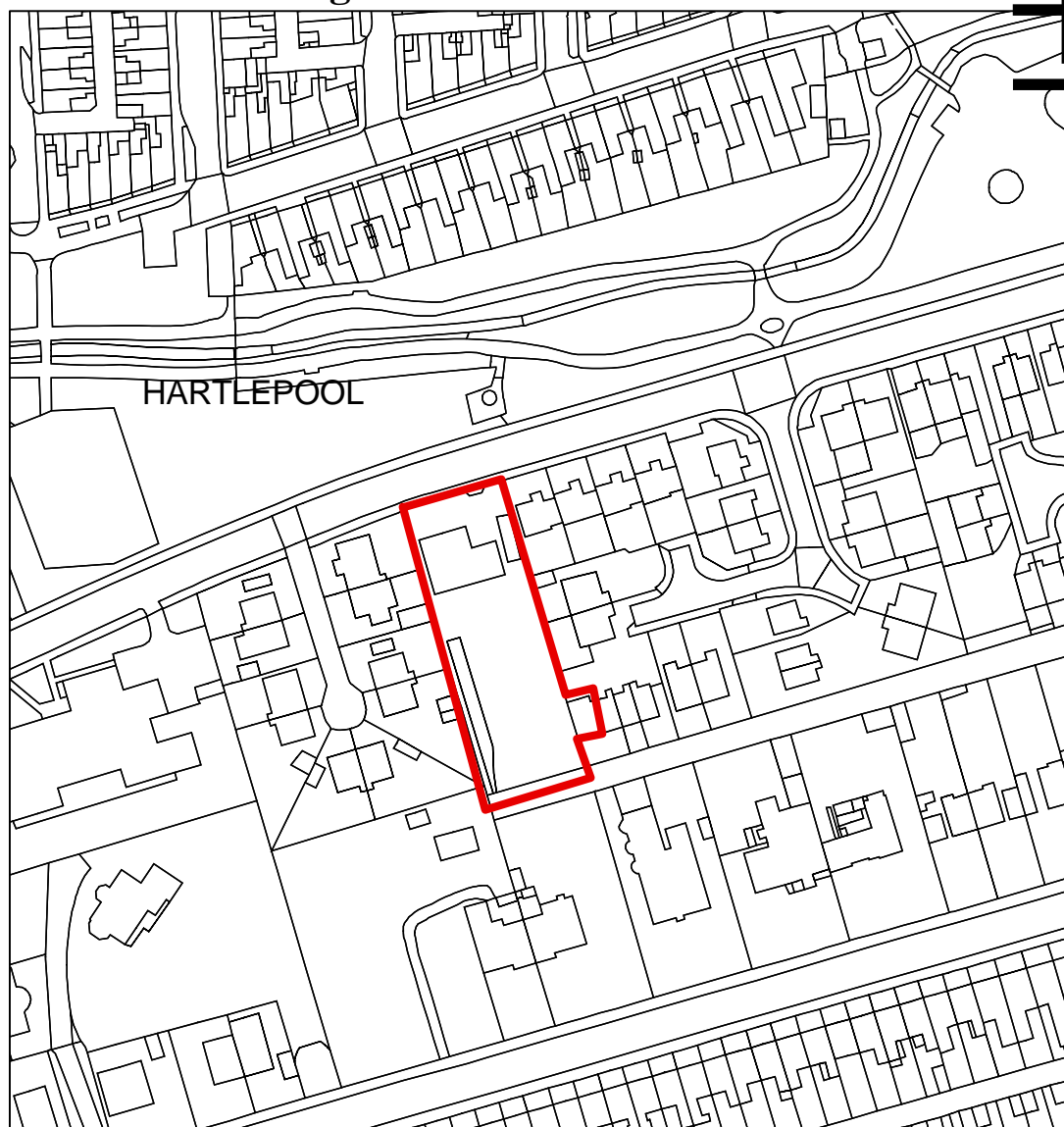
5.14 The proposed building if constructed would represent a further unit of garage accommodation in addition to that which already exists, is proposed or has formal consent at the property amounting to at least 6 spaces. As such the proposed garage is not considered to be an objectively reasonable element, going beyond what might reasonably be required to serve a single domestic property.

5.15 At present Woodburn Lodge has the benefit of an attached double garage to the side of the dwelling. There is a detached single storey building adjacent to the eastern boundary of the property. There is also a detached building recently constructed to the rear of the dwelling which was subject to a successful Certificate of Lawfulness application (see point 2 above). The plan for that development, submitted in accordance with the building regulation requirements, showed an area that might potentially be used for two sizeable garages.

5.16 Whilst the applicant states that the present proposal would replace rather than be additional to the double garage upheld on appeal there is no scope to secure such an outcome through the use of planning conditions. Discussions about the possible use of a planning agreement are continuing.

5.17 There are clearly complex technical issues in this case and discussions are continuing with the Chief Solicitor about them.

**RECOMMENDATION** – Update to follow

**Woodburn Lodge**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>05.01.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>Blakelock Rd</b>	REV

**No:**  
**Number:** H/2005/5997  
**Applicant:** T Horwood 42 BILSDALE ROAD HARTLEPOOL TS25 2AH  
**Agent:** Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP  
**Date valid:** 08/12/2005  
**Development:** Erection of 2 dwellings with detached garages and private driveway  
**Location:** 42 BILSDALE ROAD HARTLEPOOL HARTLEPOOL

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### The application and site

6.1 Detailed planning permission is sought for the erection of 2 detached dwellings 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 2005). It has also been the subject of previous applications for 5 and 4 dwelling units respectively both of which were refused by the planning committee.

6.2 The application for 5 dwellings on the site 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.

6.3 The site is to be accessed from Bilsdale Road, facilitated through the demolition of the garage belonging to No. 42 and by the provision of a driveway. The driveway would have a maximum width of 4.2 metres but would narrow to approximately 3 metres immediately adjacent to No. 42.

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

6.5 The dwellings would incorporate typical modern detailing including contrasting facing brick, headers and cills. There would be two detached blocks of ancillary garages which would provide six parking places.

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

- 1) The site forms part of the curtilage of 42 Bilsdale Road which has been accepted by the planning inspector in the recent appeal against imposition of conditions. 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.

## Publicity

6.7 The application has been advertised by way of neighbour letters (17) and also by a site notice. To date there have been 12 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 appearance of other properties in Street
- 3) Parking congestion on Bilsdale Road means that visibility from the access drive will be inadequate.
- 4) Together with new junction this will be detrimental to highway and public safety and accessibility of existing dwellings. The width of access to the site would be too narrow. It would be too difficult for emergency vehicles to gain access.
- 4) The development would establish an undesirable precedent.
- 5) The land should remain greenfield in status and has not been identified as suitable for development in the Council's Urban Capacity study.
- 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) Development was previously refused on appeal. The present proposal would not reduce the traffic impact.
- 9) Would cause property devaluation

Copy letters A

The publicity period has expired.

## Consultations

6.8 The following consultation replies have been received:

**Head of Technical Services** – The proposal is for 3 properties to be served from a private drive which is acceptable. Parking is more than adequate. Sight lines onto Bilsdale Road are acceptable.

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

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

## Planning Policy

6.9 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

6.10 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

6.11 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.

6.12 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.

6.13 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.

6.14 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.

6.15 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"*.



6.16 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.

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

6.18 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.

6.19 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**

6.20 The proposed development is considered likely to adversely affect the amenities of residents living adjacent to the proposed driveway notwithstanding the changes in dwelling numbers. The new access route would be likely to result in disturbance to adjacent existing gardens and living rooms from passing and manoeuvring vehicles therefore harming the enjoyment of those gardens and properties. The living accommodation of 40 and 42 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.

### **Siting and design issues**

6.21 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**

6.22 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**

6.23 Bilsdale Road is predominantly made up of semi-detached properties. Although the proposed dwellings are of modern appearance, their backland location would ensure they were not harmful to the appearance of the street scene.

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

### **The issues of precedent**

6.25 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**

6.26 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.

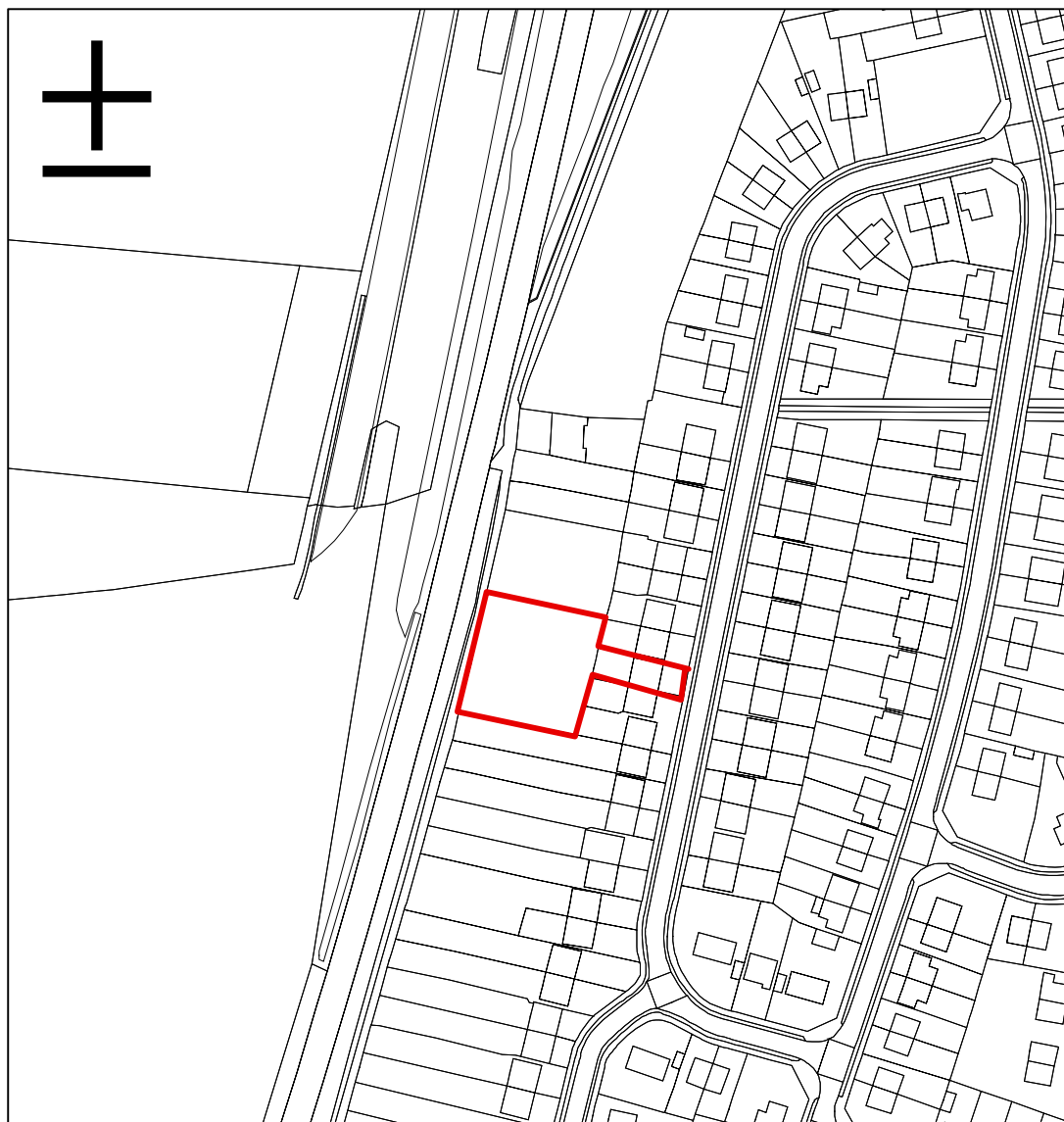
### **Conclusion**

6.28 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 for the following reasons:-**

1. In the opinion of the Local Planning Authority the proposed resultant development of this greenfield site would conflict with the objectives of PPG3 which are incorporated in Policy Hsg XX of the emerging Hartlepool Local Plan 2005.
2. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of local residents by virtue of noise and disturbance associated with comings and goings to the site contrary to policy Gen1 of the Hartlepool Local Plan and GEP 1 and Hsg12(A) of the emerging Hartlepool Local Plan 2005.

## 42 Bilsdale Road



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5997</b>	REV

**No:**  
**Number:** H/2005/5763  
**Applicant:** Headland Development Trust 152 Northgate Hartlepool  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 15/09/2005  
**Development:** Change of use to community learning facility with  
associated offices, including demolition of existing house  
and proposed side extension and provision of off street  
parking  
**Location:** UNION HOUSE SOUTHGATE HARTLEPOOL  
HARTLEPOOL

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### The Application and Site

7.1 Full planning permission is sought for the change of use and extension of Union House to form a community learning facility with associated offices. The applicant is the Headland Development Trust. The Trust have advised that the proposal will allow them to concentrate its administrative activity on one site. It will also provide a Learning Centre offering local people the opportunity to engage in further learning both formal and informal.

7.2 The proposal shows the accommodation laid out on three floors. At ground floor there will be a reception, training room, office, interview room and toilets. At first floor an IT room, photocopying/archive room a disabled WC and training room will be accommodated. At second floor a kitchen, offices, toilets and a storage area will be accommodated. A lift serving all three floors will also be accommodated within the building. The extension will be on the south east side of the building on an area currently occupied by three parking spaces and a brick planter. It will be two and a half storeys in height with accommodation in the roof space. The other external alterations include the general refurbishment of the building, the removal of part of an entablature and columns to the front, alterations to the fenestration to the front elevation (two windows replaced by a single window) and alterations to the fenestration to the rear, (two new windows and three windows moved). Also to the rear a modern dwellinghouse (approved in 1987 H/FUL/53/87) and two flat roofed extensions will be demolished. The yard will be enclosed by a high wall with a paved area and parking for four vehicles accommodated within it. A new length of pavement will be provided along side the property at the entrance of Friendship Lane. Internally various walls and openings will be removed, built and altered to accommodate the proposed use.

7.3 Union House is a grade II listed building the listing describes the building as “Tavern, now a private dwelling of c. 1840. Rendered and painted, with Welsh slate roof, rendered end stack to left and rebuilt right hand brick end stack and gable end. 3 storeys; 3 bays. Remains of public-house frontage ground floor, comprising 2 pairs of attached fluted Roman Doric columns on square plinths and supporting continuous entablature. Mid/late 20<sup>th</sup> Century fixed windows and central double 3-

panelled doors under rectangular fanlight and with panelled reveals. Upper floor windows: sashes with glazing bars, architraves, plain sills continued as bands. Chamfered rusticated quoins to left hand angle". It is located in the Headland Conservation Area. To the rear is a modern brick dwellinghouse. To the south across the road is a terrace of residential properties. To the east across the road is a modern terrace of flats with parking to the rear. To the west is a row of garages. To the north is the Dock.

7.4 Union House is currently not in use however it appears to have previously been used as a public house and most recently been in residential use.

### **Related Applications**

7.5 An application for listed building consent for the works to the building is also before members on this agenda. (H/2005/5764)

### **Publicity**

7.6 The application has been advertised by neighbour notification (17), site notice and by press advert. The time period for representations has expired. One letter of objection was received. The writer advised that she was concerned about noise/disturbance/anti social behaviour from people attending the facility.

Copy letters B

### **Consultations**

7.7 The following consultations replies have been received:

**Headland Parish Council** : No comments received.

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

**Transportation & Traffic** : The applicant has stated that local people who are within walking distance of the learning centre will be using it providing this is the case, the proposed parking for the development is acceptable and there would be no major highway implications with this application. However if the proposed use is also for people who do not live local and are not within walking distance there could be on-street parking implications with this development.

**Engineering** : I would have no comments to make from a contaminated land viewpoint, however a section 80 notice under the 1984 Building Act will be required to be submitted covering the demolition of the house.

**Landscape Planning & Conservation** : No objections. Conditions requested.

**Tees Archaeology** : Archaeological excavations took place in 1981-82 beneath what is now 35-38 Southgate on the opposite side of Friendship Lane. This revealed evidence of important archaeological deposits including former medieval buildings and docks.

The proposed development will cause significant damage to any archaeological deposits that survive. I therefore request, in accordance with the advice given in P.P.G. 16 and the Local Plan, that the developer provides an archaeological evaluation to accompany the application.

**Northumbrian Water** : No objection. Initially requested that surface water be prevented from entering the public sewer. Following discussions they have now agreed that foul and surface water can be discharged into the combined sewer.

**Police** : No objections. Detailed recommendations made in relation to crime prevention. These have been passed onto the applicant.

**Environment Agency** : No objections.

**Head Of Economic Development** : No comments received.

## Planning Policy

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

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.

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

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.

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.

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.

Ec27: supports sensitive schemes for tourism or commerce within the Headland which are of a modest nature.

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.

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.

HE2: encourages environmental improvements to enhance conservation areas.

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

HE7: states that the Borough Council will only consent to the total or substantial demolition of a listed building in exceptional circumstances as set out in the policy. Detailed proposals for the satisfactory redevelopment of the site must be committed before demolition takes place.

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.

SE14: states that on sites below the 5m contour line the Borough Council will in consultation with the National Rivers Authority seek to ensure that exceptional new developments take account of the need to restrict floor levels to a safe height above predicted tide levels and are unlikely to transfer any flood risk to other areas.

## **Planning Considerations**

7.9 The main planning considerations in this case are considered to be policy, impact on the amenity of neighbouring properties, highways, impact on the character and appearance of the listed building and the conservation area, drainage, flooding and archaeology.

### **POLICY**

7.10 The development is considered acceptable in this location.

### **THE IMPACT OF THE PROPOSAL ON THE AMENITY OF THE OCCUPIERS OF NEARBY RESIDENTIAL PROPERTIES**

7.11 The property is in close proximity to residential properties across the roads to the south and east.



7.12 It is not considered the office and educational use proposed will unduly affect the amenity of the neighbours and the Head of Public Protection & Housing has raised no objection to the proposal.

7.13 Union House is an existing building which could be brought back into use at anytime and this must be born in mind when the impact of the proposal on the nearby properties is considered.

7.14 The alterations to the front of Union House will involve only a reduction in the number of windows at ground floor and minor alterations to the façade it is not considered that these will unduly affect the neighbours in terms of loss of light, privacy or in terms of any overbearing effect. Any additional impact on the neighbours would be due particularly to the proposed side extension.

7.15 In terms of the loss of light and overdominance given the location of the extension adjacent to the side of the larger Union House, across the road and due north and north west of the housing it is not considered that it will have an undue additional impact on nearby residential properties in terms of loss of light or overdominance.

7.16 Windows are proposed in the extension facing east and south and it is inevitable therefore that there will be some impact on the privacy of the neighbours. The separation distances between the properties to the south and the extended Union House will be some 15m and to the gable of the property to the east some 10m. The property to the east has only small secondary windows in the gable and the relationship in privacy terms is considered acceptable. In relation to the terraced properties to the south the windows of the extension will face these properties across the public highway. The extension is set slightly further back than Union House itself (0.5m) and its relationship with the housing opposite is not unusual in this part of the Headland. (The modern flats to the east in fact have a similar relationship). In this context in privacy terms the proposed relationship is considered acceptable.

#### HIGHWAY CONSIDERATIONS

7.17 The development incorporates four off street parking spaces to the rear. The Trust employs nine staff and seven volunteers 75% of whom are residents of the Headland and Commute on foot. It is anticipated that three additional staff will be recruited for reception duties and whilst it cannot be guaranteed the applicant hopes that these posts will be filled locally. The applicant has confirmed that the facilities will primarily be aimed at local residents living within walking distance of the facility and on this basis Highways have not objected to the proposal. In Highway terms the proposal is considered acceptable.

#### IMPACT ON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDING AND THE CONSERVATION AREA

7.8 The proposal will bring back into use an important grade II listed building within the Conservation Area. The proposed alterations and extensions are considered appropriate and in keeping with the character and appearance of the Listed Building and the Conservation Area. The proposal will also result in the removal of a modern

brick dwellinghouse which given its close proximity to the listed building has a somewhat incongruous appearance. Its removal will improve the setting of the listed building and the appearance of the Conservation Area.

### DRAINAGE

7.9 The applicant is proposing that surface water and foul sewage should go to the public systems. Northumbrian Water initially advised that alternative means for the disposal of surface water should be considered but have now advised that the surface water and foul sewage can go to the combined sewer.

### FLOODING

7.10 The site is on the Dockside in an indicative flood risk area as detailed on the Environment Agency Flood Zone Maps. The applicant has produced a flood risk assessment in accordance with the Environment Agency advice and the requirements of PPG24. The Flood Risk Assessment includes proposals for various measures to limit flood risk at times of emergency (These might include air brick covers, flood protection door panels and the raising of electrical installations). Following the receipt of the Flood Risk Assessment the Environment Agency have not objected to the proposal. The site is an existing building in a built up area and it is not considered that an objection could be sustained on the grounds of flood risk. It is considered however that flood risk could be limited by the measures proposed.

### ARCHAEOLOGY

7.11 The site is in an area of Archaeological interest. Excavations in 1981-82 beneath what is now 35-38 Southgate on the opposite side of Friendship Lane revealed evidence of important archaeological deposits including former medieval buildings and docks.

7.12 The proposed development will cause significant damage to any archaeological deposits that might survive. In accordance with the advice given in P.P.G. 16 and the Local Plan, the developer has been asked to provide an archaeological evaluation to accompany the application and this is in hand.

7.13 The Archaeological evaluation is designed to assess the impact of the proposed development on archaeological deposits to allow a reasonable planning decision to be made. If nationally important remains are found then there is a presumption towards their preservation *in situ*. Preservation *in situ* can often be achieved by design to allow sensitive deposits to be preserved in open areas or beneath appropriately designed foundations. Flexibility in design is not always an option following planning approval and Tees Archaeology have strongly recommended that the evaluation is carried out prior to the Local Authority making a decision on the suitability of the scheme.

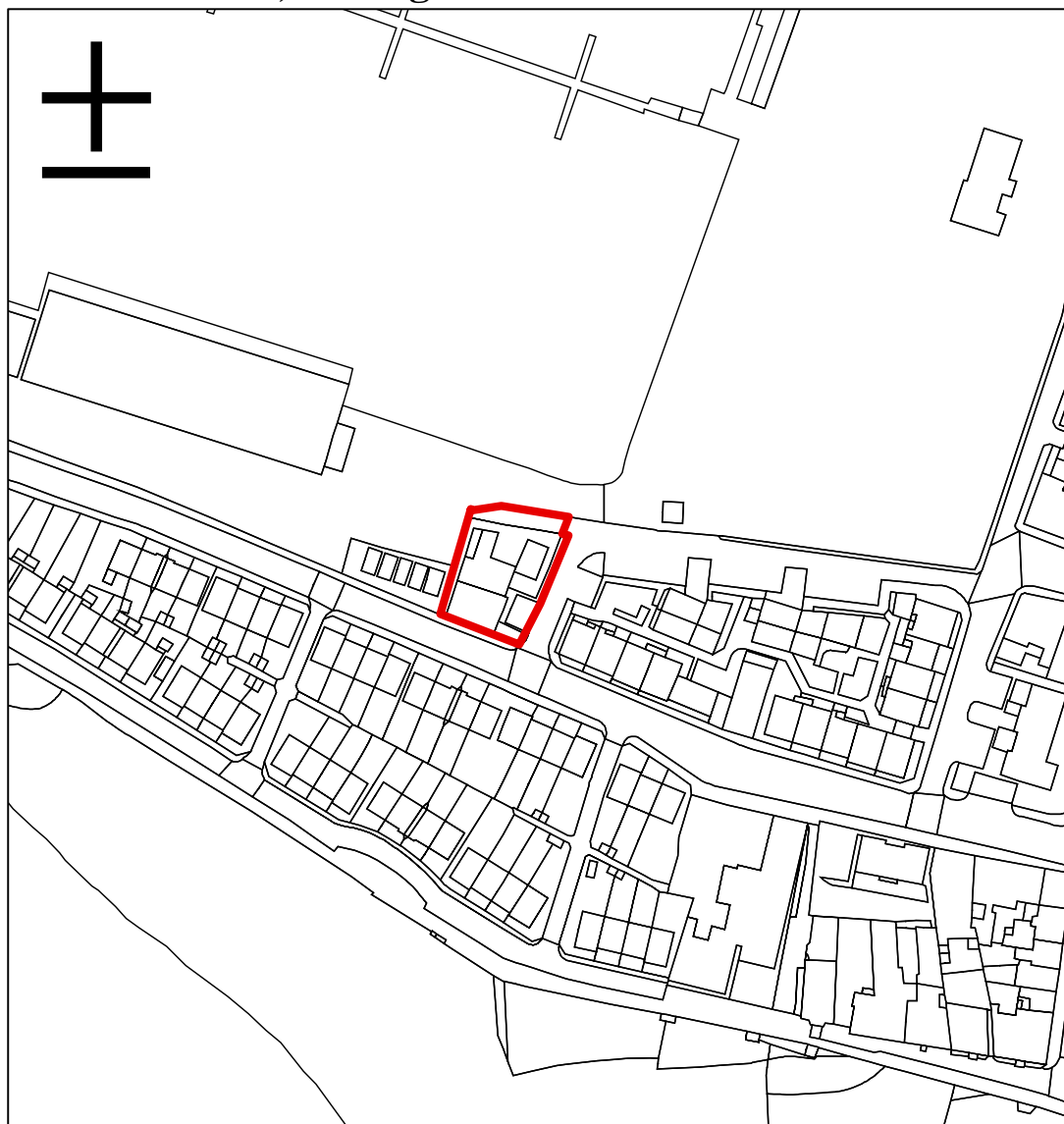
7.14 The need to take into account the results of the evaluation is reflected in the recommendation.

### CONCLUSION

7.15 The proposal is acceptable in principle and detail subject to conditions however the required archaeological evaluation was not available at the time of writing. The evaluation is in hand and it is hoped that it will be available before the meeting. If the evaluation is satisfactory the recommendation will be to approve the application. An update report will follow.

**RECOMMENDATION** – UPDATE report to follow.

## Union House, Southgate



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5763</b>	REV

**No:**  
**Number:** H/2005/5982  
**Applicant:** The Dunston Partnership 49 Wynyard Road Hartlepool  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 02/12/2005  
**Development:** Change of use of first floor to restaurant with conference facility  
**Location:** The Golden Lion Dunston Road Hartlepool

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## The Application and Site

8.1 Detailed planning permission is sought to change the use of the public house to public house at ground floor with restaurant and conference facilities at first floor level.

8.2 The public house originally received planning permission in July 1996. At the same time planning permission was granted for the adjacent Aldi superstore. The two buildings are separated by a car park ( with some 111 spaces) which is shared between the two enterprises.

8.3 With a view to demonstrating a typical parking profile, the applicant has undertaken a car parking survey over the course of 2 separate weeks in October 2005 and January 2006. For each week the survey was undertaken at 3 different times over the course of the day. The results of this study are appended to the report.

8.4 The applicant states that the conference facilities to the first floor would be offered to medium to large sized companies for staff training days or corporate presentations. Certain companies have already expressed an initial interest.

8.5 There are no external alterations proposed to the building.

## Publicity

8.6 The application has been advertised by way of neighbour letters ( 17). To date, there have been no objections raised. One letter of no objection has been received.

The period for publicity has now expired.

## Consultations

8.7 The following consultation replies have been received:

**Head of Technical Services** – Concerns regarding parking demand in connection with conference facility supports a condition granting temporary permission for conference facilities to allow parking to be monitored.

**Head of Public Protection** – No objection subject to hours of operation and ventilation conditions to protect residential amenity.

## Planning Policy

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

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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

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

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

### **Planning Considerations**

8.9 The main issues for consideration in this case are whether there would be sufficient car parking space to accommodate the proposed development and what impact the development would have on the amenities of local residents.

8.10 The present use of the building is a public house. This use takes place at ground floor level and already incorporates a small ancillary for bar meal facility. Part of the current proposal would allow for an extension to the catering side of the business to provide formal restaurant facilities.

8.11 The original planning permission allowed for an ancillary flat to be provided at first floor level which was to be used by the manager of the premises. This element was not implemented, however even if it had it would not have affected the current primary use of the premises as a public house.

8.12 It should be noted that the Town and Country Planning Use Classes Order 2005 would allow the change of use from a pub to a restaurant without a requirement for planning permission. However what is proposed in this case is a shift in emphasis to enlarge the restaurant side of the business together with the scope for the first floor restaurant element to double as a conference facility. It is the fact that the conference facility falls outside the restaurant and public house use classes that triggers the need for planning permission in this case. It is therefore considered that the impact should be assessed in terms of what if any additional effect would arise from the conference facility over and above that of the public house and restaurant.

### **Parking provision**

8.13 The parking survey was undertaken during each day of a week in October 2005 and January 2006. The counts were taken at 9.00am/10.00am, 12.30pm and 4.00pm. The survey revealed that the busiest period was around Saturday lunchtime at which time a maximum of 62 vehicles were counted meaning that nearly half of the total capacity was available. Outside this time usage was less tending to range between 20 – 50 vehicles.

8.14 Because conferences are far more likely to occur during the working day rather than in the evening, it is considered that the parking survey provides a reliable indication of the level of space that will be available during this time.

8.15 It is however important to take into account the consideration that conference related clientele arriving from a range of different areas are less likely than restaurant users to be sharing vehicles. Consequently this might increase the level of parking demand compared to if only a restaurant without conference facilities was proposed.

#### Impact on residential amenity

8.16 The Head of Public protection has reported verbally that he is not aware of any complaints being lodged with regard to disturbance caused by the operation of the car park. The conference facility is considered unlikely to be used outside the normal working day and therefore not at times when residents would be more sensitive to noise intrusion.

#### Conclusion

8.17 The parking survey shows that there appears to be generous surplus capacity during the working day that could be used to meet a requirement for conference facilities. It is important to bear in mind that parking demand might be expected to increase with the arrival of pub clientele during the evening hours however it is considered that a condition could be imposed to ensure that conferencing would not extend into the evening time. For further assurance it is considered appropriate to impose a condition restricting the conference facility element of the proposal to a one year temporary permission. This would allow the practical implications of the conference facility to be assessed in terms of parking and allow for any impact on residential amenity, though not expected, to be re-evaluated.

#### **RECOMMENDATION** - Approve subject to the following conditions

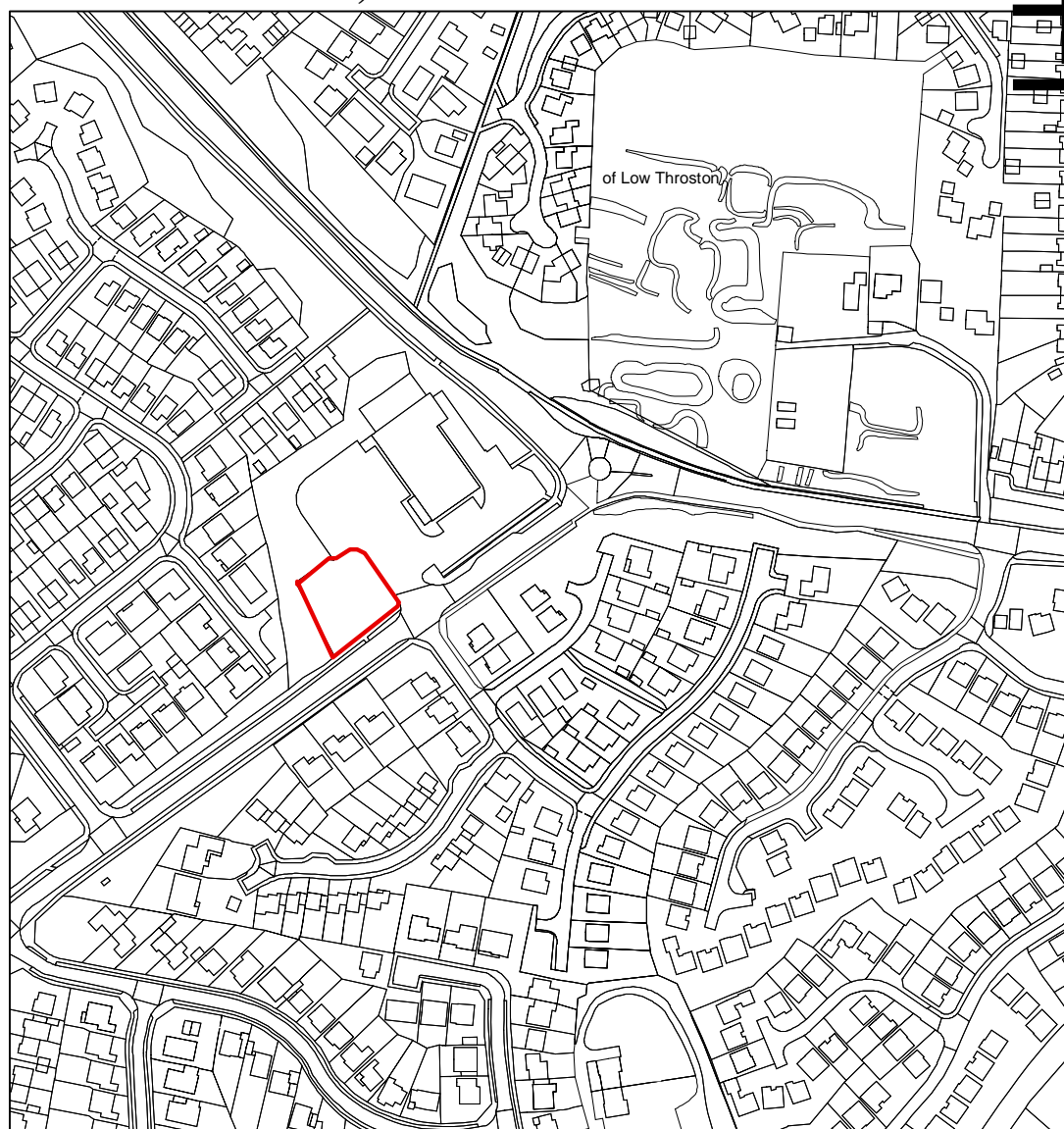
1. The conference facility use hereby approved shall be discontinued on or before 8 February 2007 unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.  
To enable the Local Planning Authority to assess the use in the light of experience.
2. The conference facility hereby approved shall not operate outside the hours of 9:00 and 18:00 without the prior consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
3. There shall be no outside eating or drinking area permitted and no seating or play areas shall be developed in association with the proposed use in the open areas of the site  
In the interests of the amenities of the occupants of neighbouring properties.
4. The premises shall not be open to the public outside the hours of 9:00 and 23:30 without the prior written consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
5. No external refuse or bottle storage areas shall be formed without the prior written consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
6. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the



approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

## The Golden Lion, Dunston Road



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5982</b>	REV

39005 5982  
business interior group

**GOLDEN LION PARKING SURVEY**

**CARRIED OUT 22/10/05 TO 28/10/05**

**Nº OF CARS USING CAR PARKING**

Car Park has 111 spaces available including 8 disabled spaces.

DATE	9.00 AM	12.30 PM	4.00 PM
SAT 22/10/05	28	60	45
SUN 23/10/05	2	21	18
MON 24/10/05	16	39	32
TUE 25/10/05	20	47	29
WED 26/10/05	22	40	30
THUR 27/10/05	22	49	36
FRI 28/10/05	17	52	48

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**GOLDEN LION PARKING SURVEY****CARRIED OUT 07/01/06 TO 13/01/06****N° OF CARS USING CAR PARKING**

Car Park has 111 spaces available including 8 disabled spaces.

DATE	10.00 AM	12.30 PM	4.00 PM
SAT 07/01/06	24	62	48
SUN 08/01/06	8	46	27
MON 09/01/06	16	26	20
TUE 10/01/06	17	27	31
WED 11/01/06	14	30	32
THUR 12/01/06	34	43	45
FRI 13/01/06	30	53	38

**No:**  
**Number:** H/2005/5966  
**Applicant:** Mr G Armstrong 36 FORESTER CLOSE HARTLEPOOL TS25 1JE  
**Agent:** 36 FORESTER CLOSE HARTLEPOOL TS25 1JE  
**Date valid:** 28/11/2005  
**Development:** Retention of a 1.9 metre high front/side boundary wall/fence  
**Location:** 36 FORESTER CLOSE HARTLEPOOL

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### **The Application and Site**

9.1 Retrospective consent is sought for the erection of a 1.9 metre high front/side boundary wall/fence at 36 Forester Close, Seaton Carew. The wall/fence has already been erected in part, and the applicant has stopped work.

9.2 36 Forester Close is a two- storey modern detached corner property with a large side /rear garden.

9.3 In 2000 planning permission was granted for the erection of a boundary fence to front/side. Then in 2004 planning permission was granted for the erection of a two-storey breakfast room, utility and bedrooms side extension. The development required the previously approved boundary fence to be taken down.

9.4 The applicant was of the opinion that the approved drawings permitted the re-location of the existing boundary fence however this was not the situation as a result works have been carried out in advance of planning permission being obtained.

### **Publicity**

9.5 The application has been advertised by way of five neighbour letters. To date, there has been one letter of no objection and one letter of objection

9.6 The concerns raised are:

- i. The wall/fence hinders sight line for car drivers.
- ii. The Council resisted a planning application submitted by the objector for the re-siting of boundary fence/wall.

The period for publicity has expired.

### **Consultations**

9.7 The following consultation replies have been received:

**Head of Technical Services – No comments or objections**

## Planning Policy

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

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

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

## Planning Considerations

9.9 The main considerations in this case are the effect of the development on the character and appearance of the area and highway safety.

9.10 Forester Close is part of a housing development in Seaton Carew that benefits from an 'open plan' planning condition that does not permit the erection of walls/fences to the front/side of properties without the prior consent of the Local Planning Authority.

9.11 In these circumstances the development would be determined on its merits. With regard to walls/fences on corner plots such as this there are grounds for considering proposals more sympathetically because of the potential for trespass and children using the garden area as a play area.

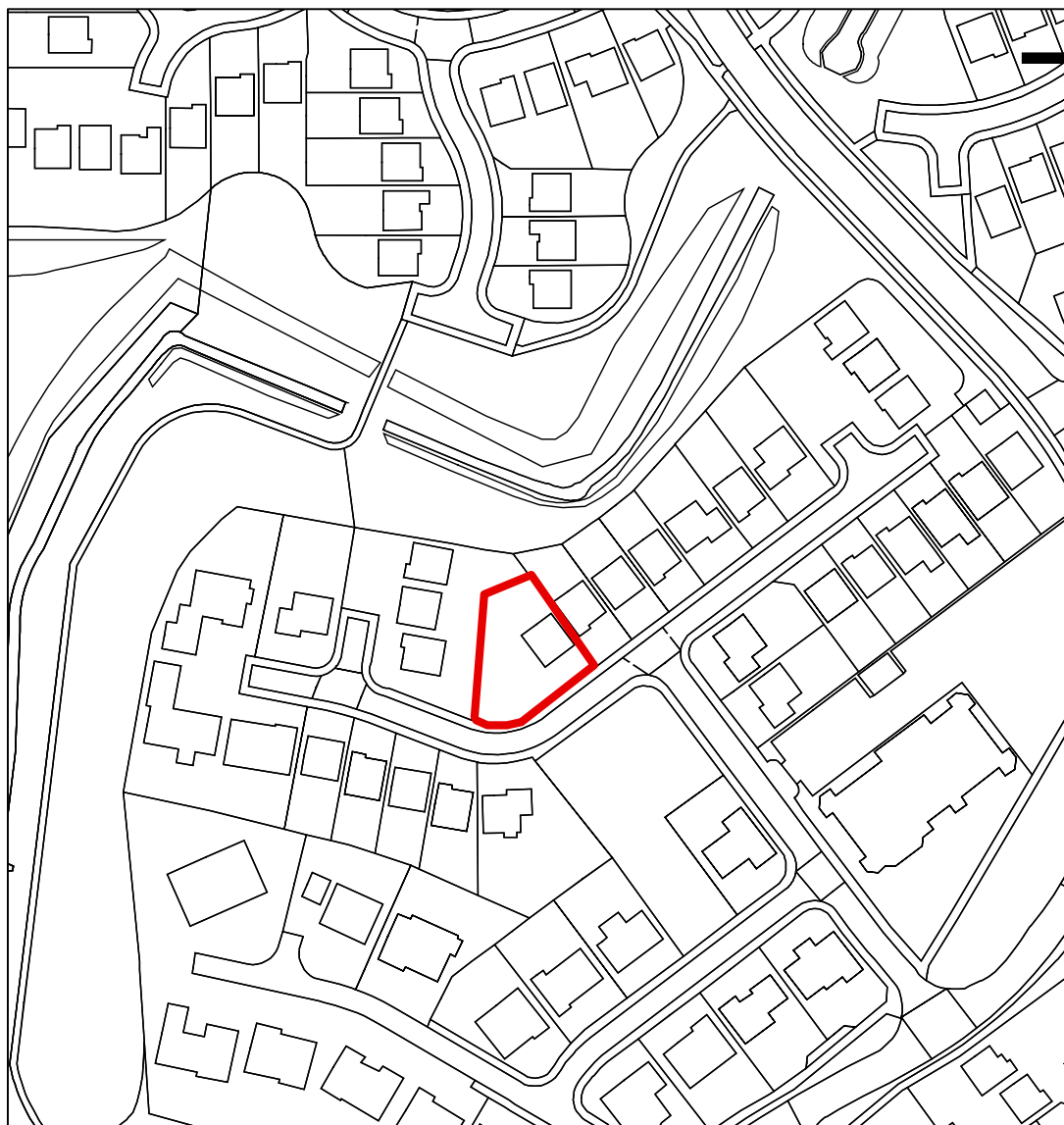
9.12 The objector has raised highway safety concerns. The Head of Technical Services has not, however, objected to the proposal.

9.13 I have recognised that the proposal is in keeping with walls/fences erected as part of the overall housing development scheme and would not harm the character and appearance of the streetscene. Planting in front of the wall/fence would be controlled and protected through planning conditions.

9.14 In view of the above and subject to the conditions indicated below the proposal is considered to be acceptable in planning terms.

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing wall/fence.  
In the interests of visual amenity.
3. A scheme for replacement planting shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be completed within the first planting season following completion of the wall/fence.  
In the interests of visual amenity.
4. The landscaped area shall be retained at all times while the wall/fence exists.  
In the interests of visual amenity.

**36 Forester Close**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5966</b>	REV

**No:**  
**Number:** H/2005/5764  
**Applicant:** Headland Development Trust 152 Northgate Hartlepool  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 15/09/2005  
**Development:** Listed Building Consent for works to provide community  
learning facility with associated offices  
**Location:** UNION HOUSE SOUTHGATE HARTLEPOOL  
HARTLEPOOL

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## The Application and Site

10.1 Listed Building Consent is sought for works to Union House to provide a community learning facility with associated offices. The applicant is the Headland Development Trust. The Trust have advised that the proposal will allow them to concentrate its administrative activity on one site. It will also provide a Learning Centre offering local people the opportunity to engage in further learning both formal and informal.

10.2 The proposal shows the accommodation laid out on three floors. At ground floor there will be a reception, training room, office, interview room and toilets. At first floor an IT room, photocopying/archive room a disabled WC and training room will be accommodated. At second floor a kitchen, offices, toilets and a storage area will be accommodated. A lift serving all three floors will also be accommodated within the building. The extension will be added on the southeast side of the building on an area currently occupied by three parking spaces and a brick planter. It will be two and a half storey in height with accommodation in the roof space. The other external alterations include the general refurbishment of the building, the removal of part of an entablature and columns to the front, alterations to the fenestration to the front elevation (two windows replaced by a single window) and alterations to the fenestration to the rear, (two new windows and three windows moved). Also to the rear a modern dwellinghouse (approved in 1987 H/FUL/53/87) and two flat roofed extensions will be demolished. The yard will be enclosed by a high wall with a paved area and parking for four vehicles accommodated within it. A pavement will be provided along side the property at the entrance of Friendship Lane. Internally various walls and openings will be removed, built and altered to accommodate the proposed use.

10.3 Union House is a grade II listed building the listing describes the building as “Tavern, now a private dwelling of c. 1840. Rendered and painted, with Welsh slate roof, rendered end stack to left and rebuilt right hand brick end stack and gable end. 3 storeys; 3 bays. Remains of public-house frontage ground floor, comprising 2 pairs of attached fluted Roman Doric columns on square plinths and supporting continuous entablature. Mid/late 20<sup>th</sup> Century fixed windows and central double 3-panelled doors under rectangular fanlight and with panelled reveals. Upper floor windows: sashes with glazing bars, architraves, plain sills continued as bands.



Chamfered rusticated quoins to left hand angle". It is located in the Headland Conservation Area. To the rear is a modern brick dwellinghouse. To the south across the road is a terrace of residential properties. To the east across the road is a modern terrace of flats with parking to the rear. To the west is a row of garages. To the north is the Dock.

10.4 Union House is currently not in use however it appears to have previously been used as a public house and most recently been in residential use.

### **Related Applications**

10.5 A related application for planning permission for the development is also before members on this agenda (H/2005/5763).

### **Publicity**

10.6 The application has been advertised by neighbour notification (17), site notice and by press advert. The time period for representations has expired. One letter of objection was received. The writer advised that she was concerned about noise/disturbance/anti social behaviour from people attending the facility.

Copy Letters C

### **Consultations**

10.6 The following consultation replies have been received:

**Headland Parish Council** – No comments received.

**Landscape Planning & Conservation** – No objections. Conditions requested.

### **Planning Policy**

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

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

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

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

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.

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.

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.

Ec27: supports sensitive schemes for tourism or commerce within the Headland which are of a modest nature.

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

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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

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.

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.

HE2: encourages environmental improvements to enhance conservation areas.

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

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**

10.8 The main planning considerations in this case are considered to be the impact of the development on the character and appearance of the listed building and the conservation area.

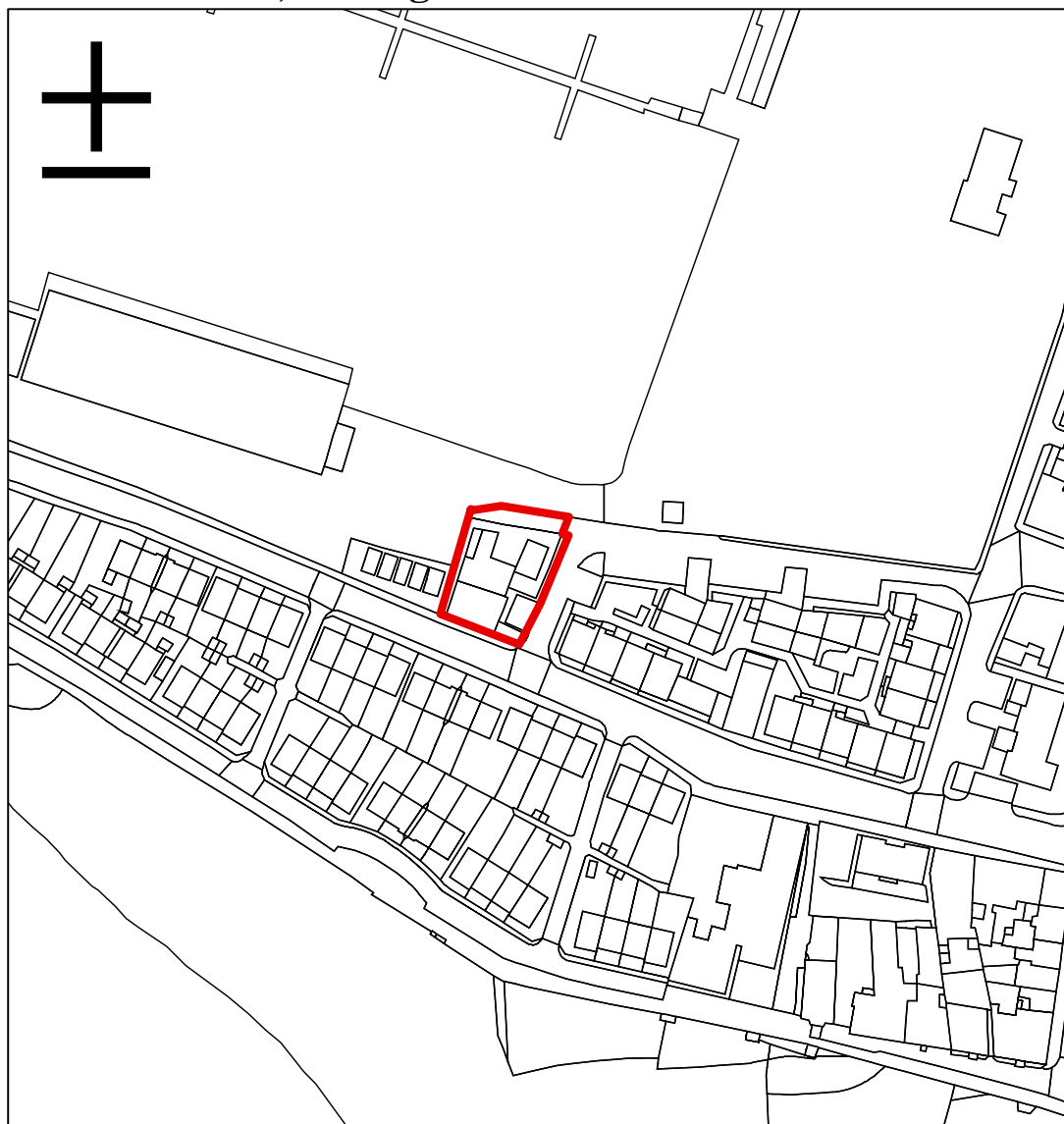
10.9 The proposal will bring back into use an important grade II listed building within the Conservation Area. The proposed alterations and extensions are considered appropriate and in keeping with the character and appearance of the Listed Building and the Conservation Area. The proposal will also result in the removal of a modern brick dwellinghouse which given its close proximity to the listed building has a somewhat incongruous appearance. Its removal will improve the setting of the listed building.

## **Conclusion**

The proposal is acceptable in principle and detail subject to conditions however an archaeological evaluation is required (see related application H/2005/5763) and was not available at the time of writing. The evaluation is in hand and it is hoped that it will be available before the meeting. If the evaluation is satisfactory the recommendation will be to approve the application.

**RECOMMENDATION** – Update report to follow

## Union House, Southgate



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5763</b>	REV

**No:**  
**Number:** H/2005/5984  
**Applicant:** Zabi Sarwary Italianos 29 Park Road Hartlepool  
**Agent:** Media Associates 19a Haratan Terrace Durham Road  
 Birtley Chester-Le-Street DH3 2QG  
**Date valid:** 13/12/2005  
**Development:** Extension of opening hours to Monday -Thursday 12.00  
 till midnight, Friday/Saturday 12.00 till 01.30 and Sunday  
 12.00 till midnight  
**Location:** 29 PARK ROAD HARTLEPOOL HARTLEPOOL

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## **The Application and Site**

11.1 The site to which this application relates is a mid-terraced 2 and a half storey commercial property situated in a row of commercial properties. The property has an existing hot food takeaway use at ground floor level and office accommodation at first floor.

11.2 The application seeks to vary condition 5 of planning approval H/FUL/0007/97 (Change of use of ground floor to hot food takeaway and first floor to office) which limits the hours of opening of the hot food takeaway to between 9:00 – 23:30 Monday to Saturday inclusive and 9:00 – 23:00 on Sundays. This application seeks to vary the condition to allow opening from 12:00 – 24:00 Monday to Thursday, 12:00 – 1:30 Friday and Saturday, and Sunday 12:00 – 24:00.

## **Publicity**

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

The period for publicity has expired.

## **Consultations**

11.4 The following consultation replies have been received:

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

**Head of Public Protection** – No objection

## **Planning Policy**

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

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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.

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

## **Planning Considerations**

11.7 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the adopted and emerging Hartlepool Local Plan and the impact upon neighbouring properties in terms of highway safety, noise and disturbance.

11.8 The property is located outside the late night use zone identified within Policy Rec13 of the emerging Hartlepool Local Plan (2005). This policy identifies the Church Street mixed use area and the South West Area of the Marina as areas for

late night uses (i.e. those that operate between midnight and 7am) and that applications for such uses elsewhere should be resisted. The proposal is therefore contrary to policy Rec13.

11.9 Although the property is situated in a row of commercial properties fronting on to Park Road and is directly opposite the Middleton Grange Shopping Area, there is a terrace of residential properties in the locality (approximately 40m away to the south). Notwithstanding the views of the Head of Public Protection and Housing, it is considered that the late night pedestrian and vehicle movements associated with the extended hours could have potential for disturbance to nearby residents at times when most would expect peace and quiet.

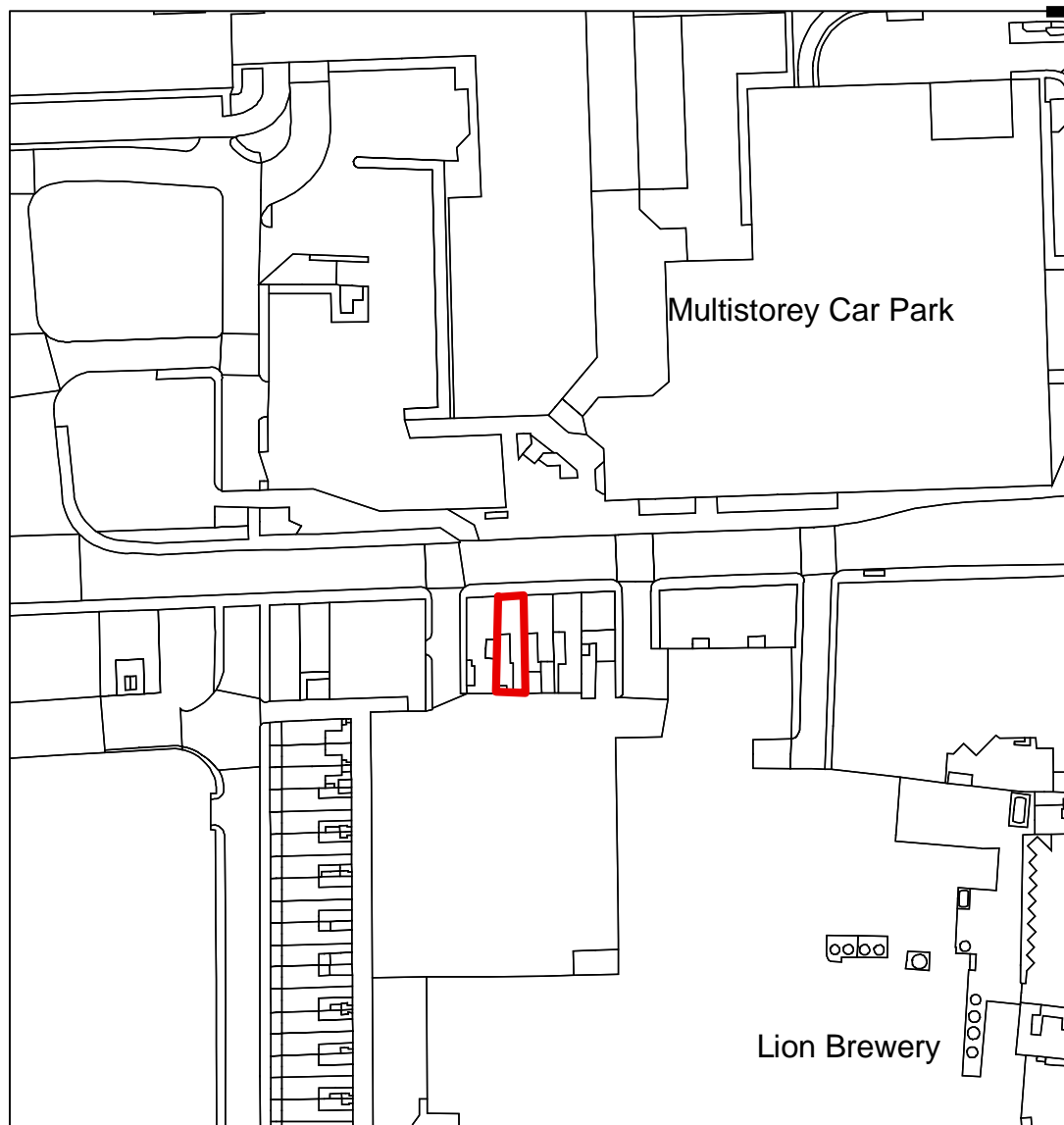
11.10 It is for the reasons stated above that the application is recommended for refusal.

**RECOMMENDATION – REFUSE** for the following reason:

1. As the premises is located outside of the late night use zone identified in the emerging Hartlepool Local Plan 2005, it considered that the proposed variation in opening hours may increase the potential for noise disturbance upon nearby residents from the associated pedestrian and motorised traffic movements, at times when most residents would normally expect peace and quiet. The proposal is therefore contrary to policy Gen1 of the adopted Hartlepool Local Plan and policies GEP1, Com18 and Rec13 of the emerging Hartlepool Local Plan 2005.



## 29 Park Road



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5984</b>	REV

**No:**  
**Number:** H/2005/5946  
**Applicant:** Mr A Brahim 7 Brunel Close Wingfield Park Hartlepool  
**Agent:** 7 Brunel Close Wingfield Park Hartlepool  
**Date valid:** 16/11/2005  
**Development:** Variation of opening hours to Thursday-Saturday 11.00-0200, Sunday-Wednesday 11.00-midnight, New Years Eve 11.00-midnight the following day  
**Location:** 28 WHITBY STREET HARTLEPOOL

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### The Application and Site

12.1 In 2000 planning permission was granted for the change of use of 28 Whitby Street from office to a public house. The permission was subject to an opening hours restriction (9:00 until 23:30 Mondays to Saturdays and 9:00 until 23:00 on Sundays). The current proposal seeks to vary this restriction so as to allow the premises to open between 11.00am until 2.00am Thursdays to Saturdays, 11.00am until Midnight Sundays to Wednesdays and New Years Eve 11.00am until Midnight the following day.

12.2 The application site is an existing public house, and is located within the town centre (as defined in the emerging Hartlepool Local Plans 2005). The premises are on the corner of Surtees Street and Whitby Street. The area is predominantly commercial in character. There is one residential property opposite in Whitby Street.

### Publicity

12.3 The application has been advertised by way of five neighbour letters. To date, there has been one letter of no objection and one letter of objection.

12.4 The concerns raised are:

- i. Noise from Karaoke and music is already excessive. Extending the opening hours will worsen the situation. Summer times heighten the problem.
- ii. It will increase levels of revellers moving between nearby public houses
- iii. Increased litter, empty bottles are dropped in the street
- iv. The Objector's windows are regularly smashed and planning permission has recently been granted to erect grilles to the ground floor windows of his/her property.  
(Copy letter E)

The period for publicity has expired.

### Consultations

12.5 The following consultation replies have been received:

**Head of Technical Services** – No comments or objections

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

### **Planning Policy**

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

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.

Com11: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

COM4A: proposals for a range of uses will be permitted in edge of centre areas providing that they do not adversely affect the character and amenity of the area and that they accord with policies Com13A, Com14, Com18, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10. The policy sets out the 10 edge of centre areas and lists the range of uses which are considered acceptable and unacceptable in each.

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

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

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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

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

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

## **Planning Considerations**

12.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the emerging Hartlepool Local Plan 2005, and the affect of the proposal upon the neighbouring residential property

12.8 Whilst residential amenity is a material issue it is considered that given the predominantly commercial character of the area the adjoining resident could not be expected to benefit from same environmental quality as in a predominately residential area. The head of Public Protection has made no objections to the proposal. He has indicated that sound insulation facilities have been put in place, to avoid the escape of internally generated noise from the public house. In this case the entrance has been lobbied.

12.9 It is acknowledged that there would be a certain amount of external activity, particularly at closing times, but the impact of this would be somewhat mitigated by the fact that the area would already be lively at night. It should be noted that public houses located on Whitby Street benefit from a premises licence allowing late opening after midnight under the provisions of the Licensing Act 2003.

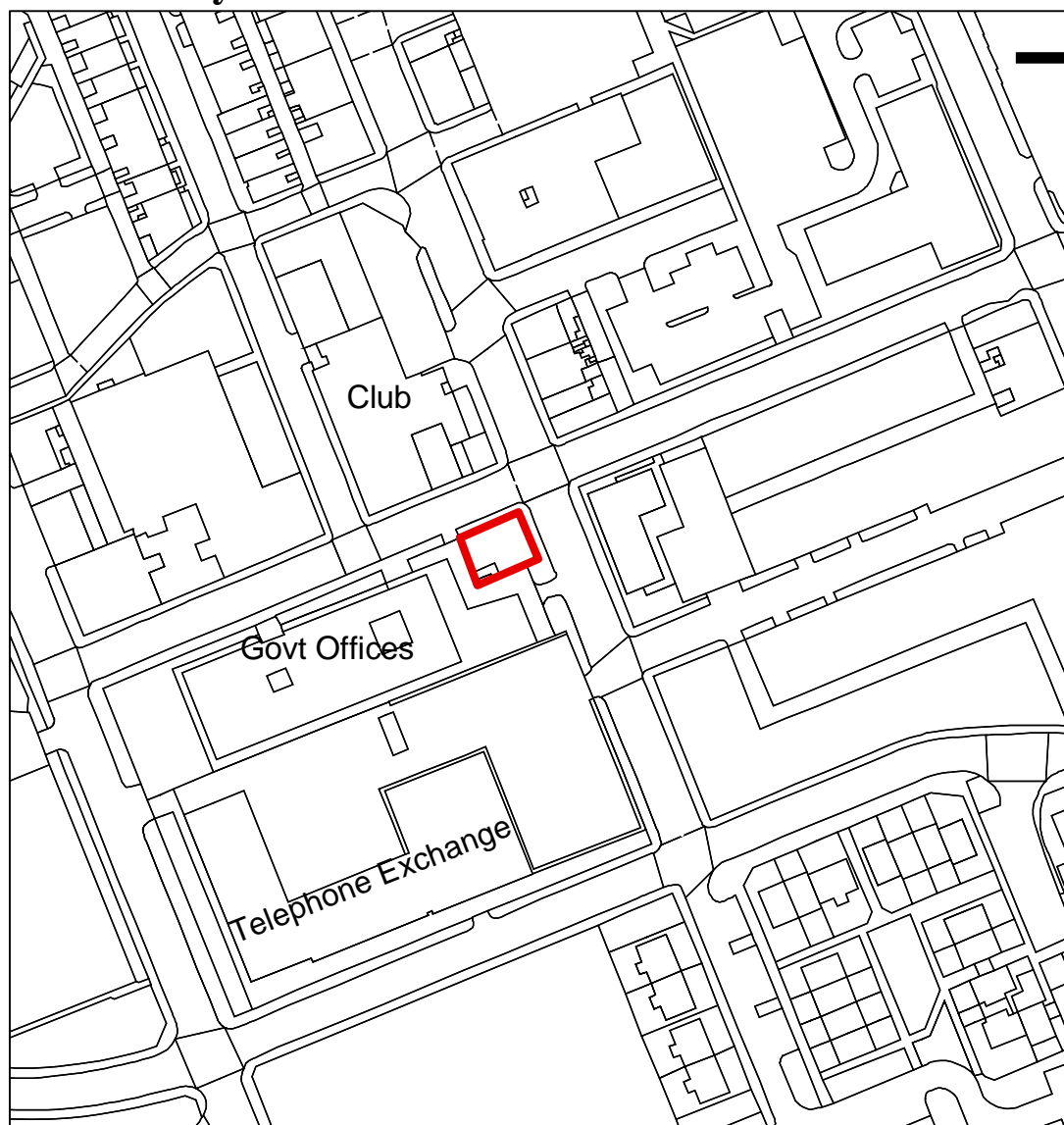
12.10 The main issue is whether the proposal is appropriate in terms of Local Plan policy. Policy Rec13 seeks to restrict new late night opening between midnight and

7am to a certain defined area i.e. Church Street and the south west part of the marina. The application site lies on the border of this area. It is therefore a fine balance between approval and refusal of the proposal because the level of harm that would be caused to the living conditions of the occupier of the nearby dwelling may not be sufficiently significant taking into account that this is a lively area given the level of activity associated with existing late night uses. However, the proposed opening hours do not accord with Policy Rec 13 and might serve to draw late night activity that much further away from the recognised core late night area.

12.13 For the reasons noted above the application is recommended for refusal on policy grounds.

**RECOMMENDATION – REFUSE** for the following reasons:

1. The proposed opening hours of the premises fails to accord with Policy Rec13 of the emerging Hartlepool Local Plan 2005, and to allow the current proposal would establish an undesirable precedent that would make it very difficult to resist similar unsuitable applications by reference to Policy Rec13.
2. The proposed opening hours of the premises would notwithstanding the commercial character of the area risk causing detriment to residential amenity contrary to policies Gen1 of the adopted Local Plan 1994 and policies GEP1, Com18 and Rec 13 of the Hartlepool Local Plan.

**28 Whitby Street**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5946</b>	REV

**No:**  
**Number:** H/2005/5932  
**Applicant:** Ebrahim Shakiba 48 Annan Road Billingham  
**Agent:** 48 Annan Road Billingham  
**Date valid:** 10/11/2005  
**Development:** Variation of opening hours to allow longer opening including midnight 1am and 3am on various days  
**Location:** 107 RABY ROAD HARTLEPOOL

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## **The Application and Site**

13.1 In 1994 planning permission was granted to vary the hours of opening of the take away from 8pm to 11pm Monday to Saturday to 6.30pm to 11.30pm Monday to Saturday excluding Tuesday and 6.30pm to 11pm on Sunday. The current proposal seeks to vary this restriction so it allows the premises to open from 5pm to Midnight on Monday, Wednesday and Sunday, Thursday 5pm to 1am and 6pm to 3am on Friday and Saturday.

13.2 The take away is a single storey property situated in the Raby Road shopping parade which includes another take away which stays open until late. A convenience store stays open for 24hrs. Opposite is a furniture warehouse and associated retail store. Residential properties in Ridley Court and Lynnfield Road are located behind the site.

## **Publicity**

13.3 The application has been advertised by way of neighbour letters (11) and a site notice. To date, there have been no letters of objection received.

The period for publicity has expired.

## **Consultations**

13.4 The following consultation replies have been received:

**Head of Traffic and Transportation** – No objections and commented that because the development is an existing use on Raby Road and would generate less traffic at the proposed extended hours of opening there are considered to be no major highway implications.

## **Planning Policy**

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

COM4A: proposals for a range of uses will be permitted in edge of centre areas providing that they do not adversely affect the character and amenity of the area and that they accord with policies Com13A, Com14, Com18, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10. The policy sets out the 10 edge of centre areas and lists the range of uses which are considered acceptable and unacceptable in each.

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.

COM11: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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



## Planning Considerations

13.6 The main considerations in this case are the effect of the proposal on the living conditions of the occupiers of residential properties in the locality with particular regard to any impact from noise and other disturbance and in terms of the policies and proposals within the adopted and emerging Hartlepool Local Plan 2005.

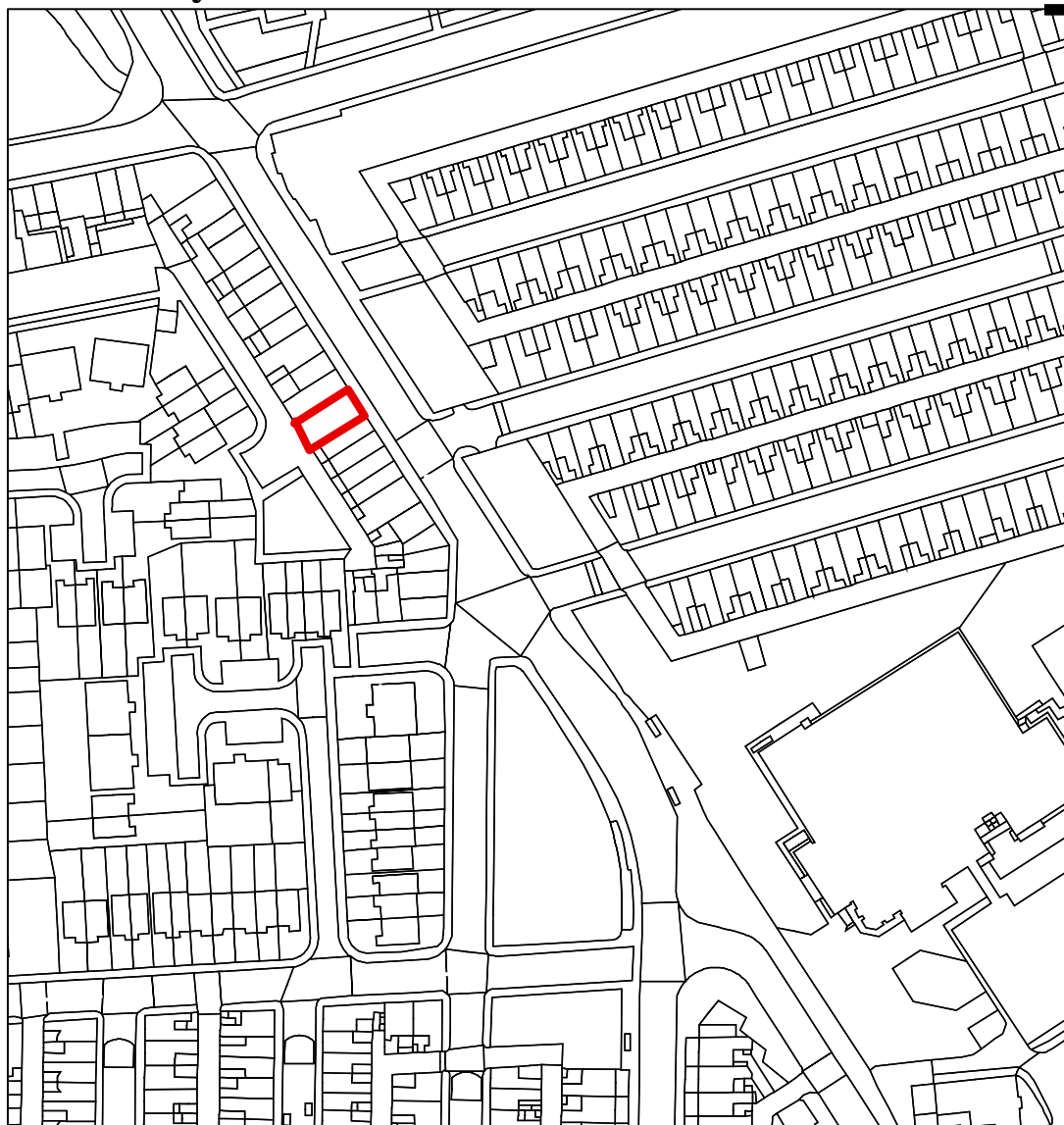
13.7 It is considered that the late night customer and car movements connected with the extended hours could have potential for disturbance at times when local residents could reasonably expect a degree of peace and quiet. The Head of Public Protection has raised no objection to the proposal.

13.8 The premises are located outside the late night zone identified within the emerging Hartlepool Local Plan 2005 which identifies the Church Street mixed uses area and the South West Area of the Marina as areas for late night uses opening between Midnight and 7am. As the premises are outside those areas identified the proposal is contrary to Policy Rec13 and should be resisted. It is considered that any intensification of this use beyond Midnight would have a detrimental effect on nearby residential properties in terms of noise and disturbance late into the night.

13.9 It is for the reasons stated above that the application is recommended for refusal.

## RECOMMENDATION – REFUSE for the following reason:

1. The premises are located outside the late night zone identified in the emerging Hartlepool Local Plan 2005 and it is considered that the proposed variation in opening hours may increase the potential for noise and disturbance upon nearby residents due to customer and car movement at times when local residents could reasonably expect a degree of peace and quiet. The proposal is therefore contrary to Policy Gen1 of the adopted Hartlepool Local Plan and Policies GEP1, Com18 and Rec13 of the emerging Hartlepool Local Plan 2005.

**107 Raby Road**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5932</b>	REV

**No:**  
**Number:** H/2005/5836  
**Applicant:** Tracy McAllister 7 Holdforth Road Hartlepool  
**Agent:** Holdforth Road Hartlepool  
**Date valid:** 06/10/2005  
**Development:** Variation of conditions 2 and 3 of planning permission  
H/FUL/622/00 to allow 2 hours longer opening Monday to  
Sunday and to allow general public to use the facilities  
**Location:** FIRST FLOOR 76/86 PARK ROAD HARTLEPOOL

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### The Application and Site

14.1 The application relates to SMS Snooker & American Pool that is located on the first floor of 76-78 Park Road, the ground floor is occupied by a Chinese's Buffet restaurant.

14.2 Park Road is a mixed-use area, within the Town Centre close to the junction of York Road. There are residential properties opposite in Windsor Street and behind in Dalton Street there are a mixture of residential and commercial premises which are part of an area subject to a clearance and redevelopment scheme.

14.3 In January 2001 planning permission was granted for a change of use of the first floor of Churchills wine bar to a member's only licensed snooker and pool hall. The permission was subject to an opening hours restriction (8.00am – 11.00pm Mondays to Saturdays and 8.00am – 10.30pm on Sundays) and members only condition.

14.4 At first the application sort to vary the above restrictions to allow the premises to open 2 hours longer Monday to Saturday and to allow general public to use the facilities.

14.5 The proposed opening hours as originally proposed above would have conflicted with local plan Policy Rec13 which seeks to restrict late night use opening between midnight and 7am to a certain defined areas including Church Street Conservation Area and south west Marina areas. Elsewhere the Policy seeks not to permit late uses between midnight and 7 am. 76-78 Park Road falls outside the defined late night use area.

14.6 Further discussions with the applicant have resulted in the proposed opening hours being amended to 8.00am – Midnight Mondays to Saturdays and 8.00am – 10.30pm on Sundays (Copy letter.F).

### Publicity

14.7 The application has been advertised by way of eleven neighbour letters and a site notice. To date, there has been no reply.

The period for publicity has expired.

## **Consultations**

14.8 The following consultation replies have been received:

**Head of Technical Services** – No comments or objections

**Head of Public Protection** – No comments or objections

## **Planning Policy**

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

Com4A: proposals for a range of uses will be permitted in edge of centre areas providing that they do not adversely affect the character and amenity of the area and that they accord with policies Com13A, Com14, Com18, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10. The policy sets out the 10 edge of centre areas and lists the range of uses which are considered acceptable and unacceptable in each.

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.

Com11: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

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

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in

places of employment and wherever practicable in alterations to existing developments.

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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

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.

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

## **Planning Considerations**

14.10 The main planning issues to consider in this case is whether allowing the premises to open until midnight six days a week and non-members entrance would have a detrimental effect on the amenities of local residents. The issue regarding conflict with Policy Rec13 to control late night opening has been resolved.

14.11 In support of the proposal the applicant has submitted a letter indicating the snooker club has been operating for 4 years and there have been no recorded incidents of ant-social behaviour. The Head of Public Protection has raised no objections to the proposal.

14.12 It is worth considering that the nearby Park Hotel public house benefits from a late licence for midnight closing and the original public house on the ground floor of the application site was allowed on appeal. At the time the inspector noted that noise within the building would not have a significant affect on the amenity of nearby residents during the day and evening. Regarding customers entering or leaving the

bar that would also not add to noise experienced by nearby residents during the day and evening in account of the traffic noise from Park Road, which is a busy route into the Town Centre. The Head of Highways has raised no objections to the proposal.

### Conclusion

14.13 For the reasons given above and having regard to all other matters raised, it is considered appropriate to allow a variation of opening hours and general use of the snooker hall, as this would not have a cumulative impact on disorder and public nuisance in this area. There would not be a significant number of customers leaving the snooker hall onto Park road that would increase the current levels of activity in this part of the town.

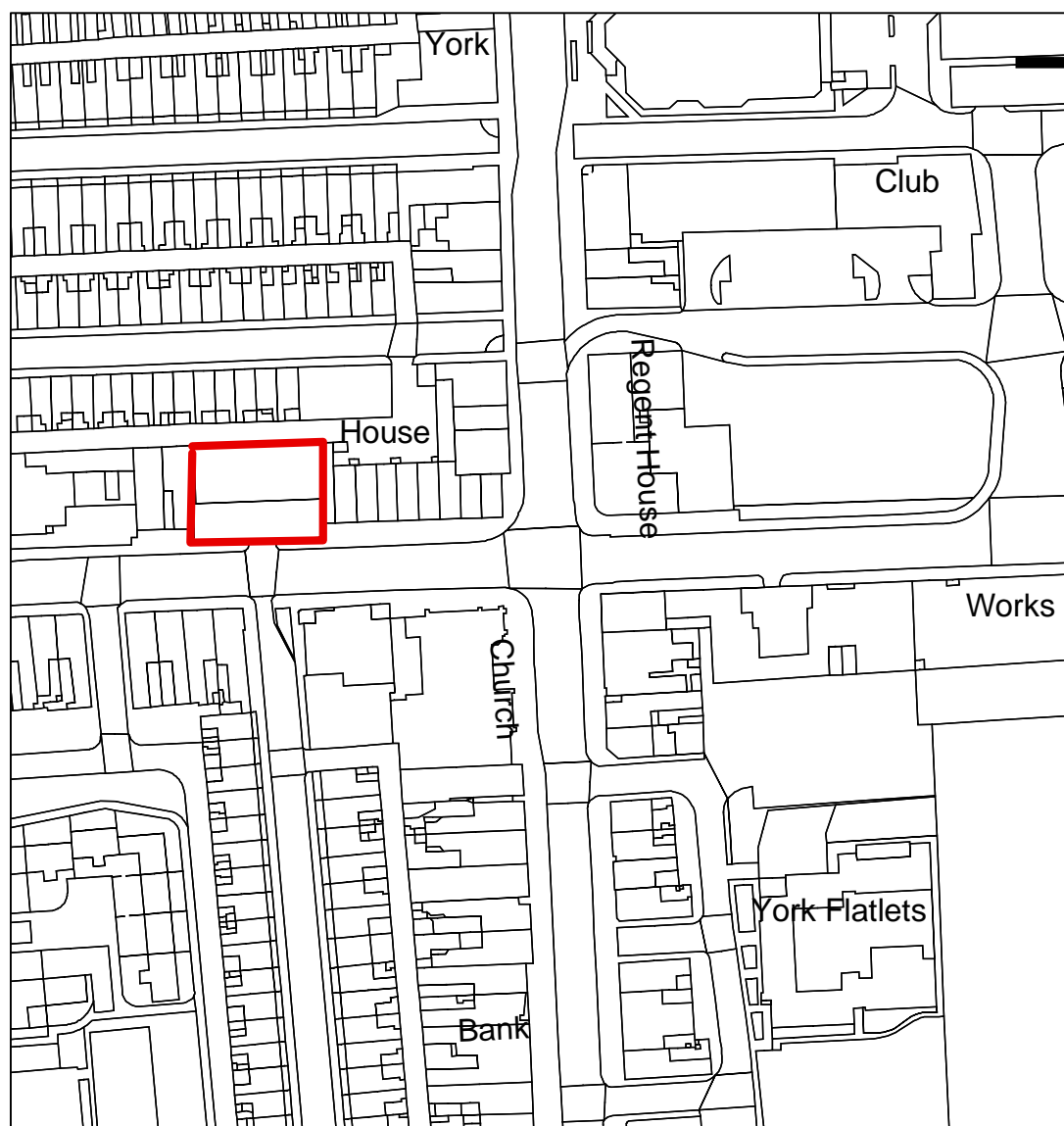
**RECOMMENDATION** – APPROVE subject to the following conditions:

1. The permission hereby granted shall restrict to the opening of the premises to the public between the hours of 8.00am until midnight Mondays to Saturdays and 8.00am until 10.30pm on Sundays.

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

2. The premises shall only be used as a licensed snooker and pool hall and for no other purpose in Class D2 of The Town and Country Planning (Use Classes)(Amendment) Order 2005 without prior planning permission.

To enable the Local Planning Authority to retain control over uses in Class D2 which may cause more disturbance to local residents.

**76 - 86 Park Road**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5836</b>	REV

**No:**  
**Number:** H/2005/6023  
**Applicant:** Mr Richard Faulding 1 Meadow Drive, Hartlepool,  
TS26 0AY  
**Agent:** 2 Siskin Close, Bishop Cuthbert, Hartlepool, TS26 0SR  
**Date valid:** 20/12/2005  
**Development:** Erection of a rear garden room extension and conversion  
to dormer bungalow  
**Location:** 1 MEADOW DRIVE, HARTLEPOOL

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### **The Application and Site**

15.1 The application site constitutes a modest detached bungalow set within a large plot, in an area that incorporates a range of housing types and styles.

15.2 The application seeks to raise the existing roof height of the bungalow to create living accommodation in the roof space, provision of dormer windows in the front elevation and velux roof lights to the rear. The proposal also incorporates a front extension to the garage, provision of a pitched roof and the erection of a single storey garden room to the rear.

### **Publicity**

15.3 The application has been advertised by way of neighbour letters. To date, there have been 3 letters of no objection and a further 3 letters of objection.

15.4 The concerns raised are:

- The proposed development would be out of character with the neighbouring properties because of its height, and would have a major impact on the visual amenity currently enjoyed by the objector.
  - The proposed development will dominate the neighbourhood and will be out of keeping with the neighbourhood.
  - The proposed development will affect the level of light to the objectors living room.
- Copy letter H

The period for publicity has expired.

### **Consultations**

15.5 The following consultation replies have been received:

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

### **Planning Policy**



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

**Policy 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.

**Policy En18** – states that proposals not in accordance with the approved guidelines for residential development will not normally be approved.

**Policy GEP1** – lists criteria against which all applications will be assessed. Those, where relevant, area appearance and relationship with surroundings, effects on amenity, highway safety, public rights of way, infrastructure, flood risk, air quality, and the need for high standards of design and landscaping.

**Policy Hsg13(A)** – states that proposals for alterations and extensions to residential properties should be of a size, design, materials and external appearance that harmonises with the existing dwelling; be unobtrusive and not adversely affect the character of the street; not significantly affect the amenities of the occupiers of adjacent or nearby properties; not deny the existing and future occupants of the dwelling to be extended, reasonable outdoor space for normal domestic needs or adequate parking space within the curtilage; and not obstruct visibility for pedestrians or drivers of motor vehicles or otherwise prejudice road safety.

## 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 Hartlepool Local Plan and the impact of the proposal upon neighbouring properties and the street scene in terms of visual amenity.

15.8 As the property is situated within an area of differing house types (double storey, single storey properties and dormer bungalows opposite) it is considered unlikely that the proposal would have a detrimental impact upon the character of the street scene or the locality in general.

15.9 It is considered that the design of the proposal is acceptable and given the existing dormer bungalows the provision of dormer windows to the front elevation would not be an alien feature in the street scene. The raising of the height of the bungalow by approximately 1.1m to incorporate rooms in the roof space would be unlikely to appear out of character due to the variation in house types.

15.10 It is considered that the provision of dormer windows to the front and velux roof lights to the rear of the property would be unlikely to create any detrimental overlooking issues due to adequate separation distances being retained.

15.11 Notwithstanding that the application site is at a higher ground level compared with the objectors' dwellings to the west, given the orientation of and physical

relationship between the applicant's property and surrounding dwellings it is considered unlikely that the increase in roof height to the main dwellinghouse and the provision of a pitched roof to the garage would create any detrimental overshadowing issues.

15.12 The neighbouring property to the east (no 3 Meadow Drive) has been extended at the rear and is set back from the rear of the applicants property by approximately 6.8m. It is considered that the erection of a garden room with a projection of 5m from the rear of the applicants property would be very unlikely to create any detrimental overlooking, overshadowing or outlook issues upon the neighbouring property (to the east) due to the physical relationship between the two.

15.13 The proposed garden room will have windows provided in both the north and west elevations. Given the existing high (solid) boundary fencing along the boundaries to the rear and the proposed separation distance being well in excess of 20m it is considered unlikely that the proposal would create any detrimental overlooking issues.

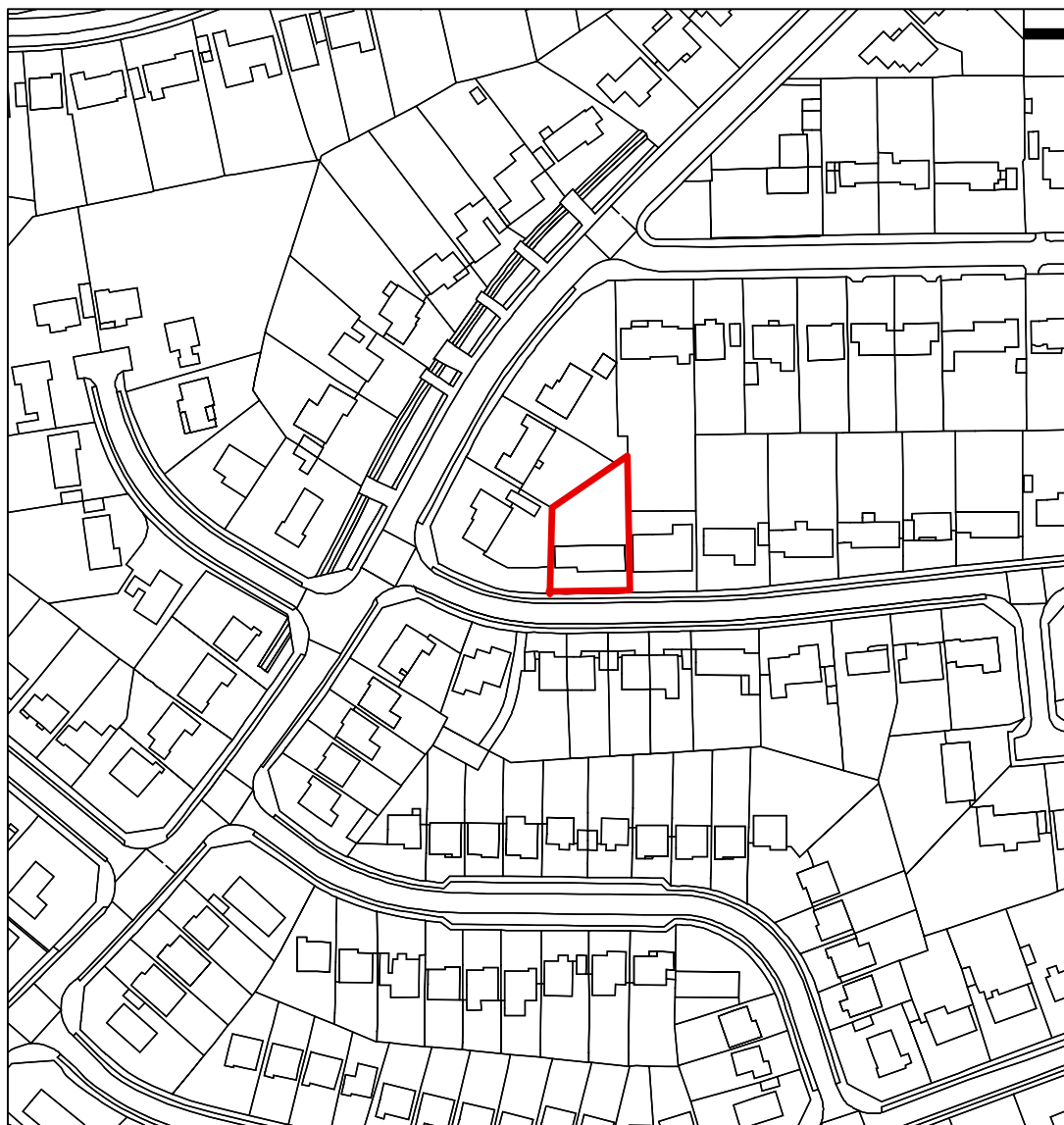
15.14 As the proposal incorporates a front extension to the garage to bring it in line with the dwellinghouse the existing drive length will be reduced from approximately 7m to 5.8m. The Council's highway Engineer has raised no objection to the proposal on highway safety grounds.

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

**RECOMMENDATION – Approve (subject to conditions)**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and 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 elevation of the extension facing 13 Valley Drive or 3 Meadow Drive without the prior written consent of the Local Planning Authority.  
To prevent overlooking

## 1 Meadow Drive



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>24.1.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/6023</b>	REV

**No:** 5  
**Number:** H/2005/5964  
**Applicant:** Mr T Walker Woodburn Lodge Blakelock Gardens TS25 5QW  
**Agent:** Woodburn Lodge Blakelock Gardens TS25 5QW  
**Date valid:** 07/11/2005  
**Development:** Application for a certificate of lawfulness for the erection of a detached garage to the rear  
**Location:** Woodburn Lodge Blakelock Gardens Hartlepool

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## Update report

### Access Issues

Following further legal discussion in relation to this matter it has been concluded that the erection of the garage by its nature would result in the creation of a point of access to Woodburn Lodge via Redcar Close. It is considered in consultation with the Council's Chief Solicitor, that access to the proposed garage in this location would not be provided for by the General Permitted Development Order and would therefore be unauthorised.

### Need Issues

Because the applicant has stated that the proposed garage would be instead of and not in addition to one previously considered to be lawful, and that any consent could therefore be made subject to this provision, it would not be appropriate to decline the application on need grounds.

RECOMMENDATION - REFUSAL for the following reason:

- 1 In the opinion of the Local Planning Authority the development proposed would not qualify as permitted development under Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 as it inextricably related to the need to create a new access to the site from Redcar Close. The creation of such an access is unauthorised and could not be created through any permitted development rights given within the Town and Country Planning (General Permitted Development) Order 1995.

**No:** 7  
**Number:** H/2005/5763  
**Applicant:** Headland Development Trust 152 Northgate Hartlepool  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
 Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 15/09/2005  
**Development:** Change of use to community learning facility with  
 associated offices, including demolition of existing house  
 and proposed side extension and provision of off street  
 parking  
**Location:** UNION HOUSE SOUTHGATE HARTLEPOOL  
 HARTLEPOOL

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## PLANNING UPDATE

### Background

This application appears on the main agenda at item 7.

The recommendation was left open as the outcome of an archaeological evaluation was awaited.

### CONSULTATION RESPONSE

TEES ARCHAEOLOGY: The Archaeological Evaluation at Union House, Southgate, commenced 30th January 2006. The work was carried out by Archaeological Services, University of Durham and was monitored by Robin Daniels, Tees Archaeology. Initial digging out by machine revealed that the rear two thirds of the site was occupied by a backfilled cellar of probable 19th century date. The bottom of the cellar was not detected by the machine but lay at least 1.4m below ground level. The cellar will have destroyed archaeological deposits and while there may be remains beneath the cellar these should not be damaged by the development.

There are intact archaeological deposits towards the front of the site and a section through these was revealed by the machine. The deposits seen showed little evidence of structures or activity, appearing to be silts. These deposits will seal other archaeological material but these will lie at a depth of c1.4m below ground level.

It is presumed that the developer will dig out the cellar and provide consolidated backfill and retain the deposits to the front of the site to build on. This should not result in significant damage to the archaeology provided depths of 1.4m are not exceeded. On the basis of the latter Tees Archaeology would advise that a Watching Brief condition allowing monitoring of the work would provide sufficient mitigation.

## **PLANNING CONSIDERATIONS**

It appears that any earlier archaeological deposits which may have been on the site have been affected by later developments in the nineteenth century. Provided foundation depths of 1.4m are not exceeded Tees Archaeology have not raised objections to the proposal but recommend appropriate conditions. The applicant has advised that he will check with his structural engineers but feels that he can probably accommodate the requirements of Tees Archaeology. A condition requiring details of the proposed foundations for the extension is proposed.

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The premises shall be used only as a community learning facility with associated offices, as detailed in the "Statement of usage - 30th August 2005", submitted by the applicant in support of the application on 15th September 2005 and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) (Amendment)(England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 101A, 102A and 103A received on 23rd November 2005, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
4. Unless otherwise agreed in writing with the Local Planning Authority 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 the character and appearance of the listed building and the Headland Conservation Area.
5. Prior to their installation the details of any proposed grilles or bars on the windows/doors of the building shall be submitted to and approved in writing by the Local Planning Authority. The grilles or bars shall thereafter be installed in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
6. Prior to the commencement of development a schedule of works detailing proposed alterations and repairs to the listed building shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
7. 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 the character and appearance of the listed building and the Headland Conservation Area.
8. Unless otherwise agreed in writing with the Local Planning Authority all windows shall be single glazed and shall be timber painted white, or such other colour as may be agreed in writing by the Local Planning Authority. The windows shall not include horns.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  9. Unless otherwise agreed in writing by the Local Planning Authority the external walls of the original listed building (not the new extension) shall be rendered and painted to a specification and colour previously agreed in writing with the Local Planning Authority.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  10. Prior to their installation the details of any external lighting or CCTV cameras to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting or CCTV cameras thereafter installed shall be in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  11. The building shall incorporate flood protection measures in accordance with details first submitted to and approved in writing by the Local Planning Authority.  
In order to reduce the risk/impact of flooding and in the interests of the character and appearance of the listed building and the Headland Conservation Area.
  12. Prior to the commencement of development large scale (1:10) details, including sections, of all doors, door surrounds, windows, window surrounds and the eaves details of the extension, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  13. Prior to their installation details of the proposed rainwater goods (including gutters, downpipes and fixings) shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall thereafter be installed in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  14. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
  15. The developer shall give two weeks written notice of a commencement of works to any archaeologist nominated by the Local Planning Authority prior to development commencing and shall thereafter afford access at all reasonable times to the archaeologist and shall allow him/her to observe the excavation and record items of interest.  
The site is of archaeological interest.

16. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, the details of the proposed foundations (including depth) of the new extension shall be submitted to and approved in writing by the Local Planning Authority.  
In order to minimise any potential damage to archaeological deposits.



**No:** 10  
**Number:** H/2005/5764  
**Applicant:** Headland Development Trust 152 Northgate Hartlepool  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
 Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 15/09/2005  
**Development:** Listed Building Consent for works to provide community  
 learning facility with associated offices  
**Location:** UNION HOUSE SOUTHGATE HARTLEPOOL  
 HARTLEPOOL

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## PLANNING UPDATE

### Background

This application appears on the main agenda at item 10.

The recommendation was left open as the outcome of an archaeological evaluation was awaited.

## CONSULTATION RESPONSE

TEES ARCHAEOLOGY: The Archaeological Evaluation at Union House, Southgate, commenced 30th January 2006. The work was carried out by Archaeological Services, University of Durham and was monitored by Robin Daniels, Tees Archaeology. Initial digging out by machine revealed that the rear two thirds of the site was occupied by a backfilled cellar of probable 19th century date. The bottom of the cellar was not detected by the machine but lay at least 1.4m below ground level. The cellar will have destroyed archaeological deposits and while there may be remains beneath the cellar these should not be damaged by the development.

There are intact archaeological deposits towards the front of the site and a section through these was revealed by the machine. The deposits seen showed little evidence of structures or activity, appearing to be silts. These deposits will seal other archaeological material but these will lie at a depth of c1.4m below ground level.

It is presumed that the developer will dig out the cellar and provide consolidated backfill and retain the deposits to the front of the site to build on. This should not result in significant damage to the archaeology provided depths of 1.4m are not exceeded. On the basis of the latter Tees Archaeology would advise that a Watching Brief condition allowing monitoring of the work would provide sufficient mitigation.

## **PLANNING CONSIDERATIONS**

It appears that any earlier archaeological deposits which may have been on the site have been affected by later developments in the nineteenth century. Provided foundation depths of 1.4m are not exceeded Tees Archaeology have not raised objections to the proposal but recommend appropriate conditions which have been imposed on the related application for planning permission (also before members on this agenda). The applicant has advised that he will check with his structural engineers but feels that he can probably accommodate the requirements of Tees Archaeology. It is proposed to impose a condition on the related application requiring details of the proposed foundations for the extension.

**RECOMMENDATION – APPROVE** Subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 101A, 102A and 103A received on 23rd November 2005, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. Unless otherwise agreed in writing with the Local Planning Authority 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 the character and appearance of the listed building and the Headland Conservation Area.
4. Prior to their installation the details of any proposed grilles or bars on the windows/doors of the building shall be submitted to and approved in writing by the Local Planning Authority. The grilles or bars shall thereafter be installed in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
5. Prior to the commencement of development a schedule of works detailing proposed alterations and repairs to the listed building shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
7. Unless otherwise agreed in writing with the Local Planning Authority all windows shall be single glazed and shall be timber painted white, or such other colour as may be agreed in writing by the Local Planning Authority. The windows shall not include horns.

- In the interests of the character and appearance of the listed building and the Headland Conservation Area.
8. Unless otherwise agreed in writing by the Local Planning Authority the external walls of the original listed building (not the new extension) shall be rendered and painted to a specification and colour previously agreed in writing with the Local Planning Authority.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  9. Prior to their installation the details of any external lighting or CCTV cameras to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting or CCTV cameras thereafter installed shall be in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  10. Any proposed flood protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The measures shall be installed in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  11. Prior to the commencement of development large scale (1:10) details, including sections, of all doors, door surrounds, windows, window surrounds and the eaves details of the extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.
  12. Prior to their installation details of the proposed rainwater goods (including gutters, downpipes and fixings) shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall thereafter be installed in accordance with the approved details.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.

**Report of:** Head of Planning and Economic Development

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

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**1. INTRODUCTION**

- 1.1 During this four (4) week period, thirty six (36) planning applications have been checked requiring 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. A Councillor's complaint about the erection of a 1.8 metre high fence at the front of two properties in Templeton Close has been investigated. The fence did not require planning permission because it is not adjacent to a highway used by vehicular traffic and therefore can be higher than 1 metre without requiring planning permission.
2. A high hedges complaint has been received relating to a property in Park Avenue. The complaint has been re-directed to the Landscape and Conservation Division who are leading on these complaints.
3. As a result of checking a publication listing Heavy Goods Vehicles Applications for operating centres an application by a local company for four (4) vehicles at a site in Graythorp was noted. The company has been asked to clarify their intended use of the site. They have responded and indicated the site would be used as a lorry park and storage of equipment. This intended use is not a change of use requiring planning permission.
4. Three cases regarding the discharging of conditions attached to planning approvals for the erection of a new showroom on York Road, alterations and new dwellings at a farm in Newton Bewley and erection of a two-storey extension to a property in Newquay Close are in the process of being checked. Developments will be reported to a future meeting if necessary.

5. A neighbour complaint about the erection of a high breeze block wall to the rear of a property in Thirsk Grove is being investigated. Developments will be reported to a future meeting if necessary.
6. A neighbour complaint about a hedge planting condition not been implemented that was attached to the planning permission for the erection of a dwelling in Wynyard is being investigated. Developments will be reported to a future meeting if necessary.
7. A neighbour complaint about the erection of a rear extension at a commercial property in Elwick Road is being investigated. Developments will be reported to a future meeting if necessary.

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

**Subject:** APPEAL REF APP/H0724/A/2006244: H/2005/5698  
ALTERATIONS AND CONVERSION TO 10 SELF  
CONTAINED FLATS AT FORMER UNITED REFORM  
CHURCH AND SUNDAY SCHOOL, DURHAM  
STREET, HARTLEPOOL.

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow alterations and conversion to 10 self contained flats at the Former United Reform Church and Sunday School, Durham Street, Hartlepool.
- 1.2 The appeal is to be decided by written representation and 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 & Economic Development)

**Subject:** APPEAL BY M P ALLEN SIT AT LAND ADJACENT TO OLD MILL, ELWICK, HARTLEPOOL, TS27 3HF

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## **1. PURPOSE OF REPORT**

1.1 The appeal lodged against the refusal of outline planning permission at the above site for the erection of a detached dwelling and detached double garage (resubmitted application) (H/2005/5433) has been withdrawn. No further action is therefore required.

## **2. RECOMMENDATION**

2.1 That members note the withdrawal of the appeal.

**No:**  
**Number:** HOUT/2004/0575  
**Applicant:** c/o agent  
**Agent:** c/o Sarah Robson Cavendish House Teesdale Business  
Park Stockton on Tees  
**Date valid:** 28/06/2004  
**Development:** Development of a sustainable new mixed use urban  
community, including business, commercial, light industrial  
floorspace, quality residential, retail (retail warehousing;  
convenience and speciality); community facilities,  
landscaping/open space and provision for leisure  
development (including any significant leisure attraction)  
supported by new transport linkages, infrastructure and  
services.  
**Location:** Victoria Harbour (formerly North Docks)

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## 1. PURPOSE OF REPORT

At the special meeting of the Planning Committee on 19 December 2005 Members resolved that they were mindful to approve outline planning permission for the above development subject to conditions (with authority delegated to the Chair and Vice-chair to agree any minor revisions of wording), a planning agreement and subject to a decision by the Secretary of State not to call in the planning application.

The purpose of this report is to inform Members that confirmation has now been received from the Secretary of State that he does not consider there would be sufficient reason to warrant calling in the application for his own determination and that as such the application should remain with Hartlepool Borough Council for decision. A copy of the relevant letter from Government Office North East is attached for information.

A copy of the final planning conditions (with certain plan reference numbers to be finalised) and heads of terms for the planning agreement are also appended for Member's information.

## Recommendation

That Members note the report and confirm the granting of outline planning permission subject to the attached conditions and planning agreement.



## **PLANNING CONDITIONS AND SECTION 106 AGREEMENT HEADS OF TERMS**

### **Planning conditions**

1. The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:- Phase 1 - Until 31 March 2011 - 550, Phase 2 - 1 April 2011-31 March 2016 - 900, Phase 3 - 1 April 2016-31 March 2021 - 1100, Phase 4 - 1 April 2021 - 31 March 2026 - 880

In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised, subject to the total number of residential units hereby permitted not exceeding 3430. Such reviews should take account of the record of past completions within the application site and should allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007  
 September 2009  
 March 2012  
 September 2014  
 March 2017  
 September 2019  
 March 2022  
 September 2024  
 If necessary at 2. 5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

Reason:- To minimise the risk of an over-supply of housing, potentially contributing to increased vacancy rates and associated housing decline.

2. Approval of the details of the siting, design including noise attenuation measures where relevant, height and external appearance of the building(s), the use of any land within the zones proposed for 'mixed use', the means of access thereto, parking provision and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

- To ensure the site is developed in a satisfactory manner.
3. Application for the approval of the reserved matters referred to above must be made not later than specified in the following schedule:-  
 For the initial development on the land parcels within phase 1 of the project hereby approved the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
    - a) the expiration of five years from the date of this permission; or
    - b) the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
 For any subsequent development the expiration of 15 years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
    - a) the expiration of five years from the date of the approval of the reserved matters in question; or
    - b) the expiration of two years from the final approval of the reserved matters in question, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
 To clarify the period for which the permission is valid.
  4. The development hereby approved shall be constructed entirely in accordance with the land use zoning restrictions / definitions and phasing schedules in the design statement dated 21 June 2004 hereby approved unless otherwise agreed with the Local Planning Authority.  
 In the interests of visual amenity.
  5. The development hereby approved shall conform with the zones identified within the design statement dated 21 June 2004 in terms of building height, massing, and spatial relationships between built development, public open spaces and water bodies unless otherwise agreed in writing with the Local Planning Authority.  
 In the interests of visual amenity.
  6. With the exception of the part of the site reserved for port related activity no new development within the site shall be for a purpose within planning use classes B2 or B8 unless those uses are ancillary to the primary use of a particular operation.  
 In the interests of reserving the site as a location for high quality light industrial and office development.
  7. Unless otherwise agreed with the Local Planning Authority each of the various water bodies shown on plan reference 12b shall be constructed in accordance with details to be previously agreed with the Local Planning Authority prior to the commencement of work within Phase 3 of the development hereby approved.  
 In the interests of visual amenity.
  8. Prior to the development being commenced a Habitat Management Plan comprising a package of mitigation measures aimed at retaining wintering and breeding bird populations within the site shall be submitted to and agreed by the Local Planning Authority.  
 In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.

9. The measures agreed by virtue of the previous planning condition shall be implemented in accordance with a phasing programme to be agreed with the Local Planning Authority.  
In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.
10. Prior to the development being commenced an Enhancement Plan aimed at protecting and enhancing the Slake SNCI shall be submitted to and agreed by the Local Planning Authority. The Plan shall be based upon the findings of a detailed ecological and hydrological assessment and the subsequent development of a management / monitoring regime. The issues that the Enhancement Plan will need to address are:-
  - a) interpretation of the site, (both on-site and off-site to be considered).
  - b) access management considerations
  - c) mapping of vegetation communities and other features of conservation importance
  - d) current position of the habitat in terms of ecological succession and future pressures on this habitat.
  - e) potential for maintaining current position in hydrosere
  - f) hydrology of site including salinity
  - g) potential for inputs of saline water
  - h) recommendations for management practices
  - i) recommendations for monitoring regime
  - j) litter and rubbish clearance
 In order to help safeguard the ecological interest of the site.
11. The Slake Enhancement Plan agreed by virtue of the previous condition shall be implemented in accordance with a timescale to be previously agreed by the Local Planning Authority. The timescale shall be agreed prior to the commencement of development on the site.  
In order to help safeguard the ecological interest of the site.
12. Any departure from the requirements of the Slake Enhancement Plan shall be permitted only at the discretion of and following written application to the Local Planning Authority.  
In order to help safeguard the ecological interest of the site.
13. Development shall proceed only in accordance with the findings and recommendations of the flood risk assessment revision 8 (minor wording amendments), dated December 2005. The reference in para. 1.3 page 4 to future developments shall relate to parcels, D15a, D16a, D17a, D15b, D16b, D17b and D18 on parcel plan 12b and all land including any adjacent highway infrastructure between these parcels and the coast protection structure. Any required coast protection structure(s) shall be constructed in accordance with details to be previously agreed by the Local Planning Authority prior to development within any of those land parcels or any adjacent highway infrastructure being commenced.  
To reduce the risk from flooding and in the interests of coastal protection.
14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including necessary flow attenuation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
15. No development approved by this permission shall be commenced until:
    - a) A further site investigation has been designed for the site with the intended purpose of better understanding the relationship of shallow groundwater and deep groundwater . The investigation must be comprehensive enough to enable:
      - a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and
      - refinement of the Conceptual Model, and
      - the development of a Method Statement detailing the remediation requirements
    - b) The further groundwater investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
    - c) The prepared Method Statement detailing the remediation requirements is up-dated to incorporate further groundwater investigation results. The remediation Method Statement should include measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation and further groundwater investigation. The remediation method statement should be submitted and approved in writing by the LPA prior to that remediation being carried out on the site.

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.
  16. If during development of any of the individual land parcels identified on Parcel Plan 12b, contamination, not previously identified, is found to be present, then no further development within the land parcel in question (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

To ensure that the development complies with the approved details in the interests of protection of controlled waters.

  17. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

To protect Controlled Waters by ensuring that the remediation site has been reclaimed to an appropriate standard.

  18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.

To prevent pollution of the water environment.

  19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings in excess of 50 spaces serving industrial and commercial

- developments shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.  
To prevent pollution of the water environment.
20. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.  
To prevent pollution of the water environment.
21. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development.  
To enable discharges from individual premises or buildings to be inspected and sampled.
22. 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.
23. Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.  
To prevent pollution of the water environment.
24. 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.
- 25a. Materials intended to be reused on site will be demonstrated, to the satisfaction of the Local Planning Authority, that they are suitable for their intended use. Demonstration of their suitability will be documented in a validation document that will be submitted to the LPA for approval. The process by which the suitability is to be demonstrated and works are to be managed onsite will be agreed with the LPA prior to any remediation commencing. To prevent pollution of the water environment.
- 25b. For materials that are to be imported to site as part of any groundworks, unless deemed suitable for their intended use by the Local Planning Authority, nothing other than inert, uncontaminated materials shall be used. Secondary aggregates must comply with the "Quality Protocol for the Production of Aggregates from Inert Waste" (June 2004 ISBN 1-84405-119-6). To prevent pollution of the water environment.

26. Development hereby permitted within any of the individual land parcels identified on Parcel Plan 12b shall not be commenced until:
- a. The land parcel in question has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives be determined through risk assessment, and agreed in writing with the Local Planning Authority
  - b. 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.
  - c. The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme. The verification report should include post remediation sampling and monitoring results and future monitoring and sampling as appropriate.
  - d. 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 safeguard against pollution.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
- To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
28. The use of any development approved within use class A3 shall not commence operation until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells. All approved items must be installed prior to the development in question coming into operation. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
- In the interests of the amenities of the occupants of neighbouring properties.
29. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of the amenities of the occupants of neighbouring properties.
30. No development shall take place until a general parking strategy including phasing for casual leisure visitors to the site has been submitted to and approved by the Local Planning Authority. The agreed strategy shall be complied with unless otherwise agreed with the Local Planning Authority.
- In the interests of highway safety.
31. Prior to any development being commenced a phasing plan for the provision of highway infrastructure including roads, footpaths and cycleways and for the management of all types of traffic within and in the vicinity of the site shall be submitted to and agreed by the Local Planning Authority. The plan shall include confirmation of highways subject to traffic exclusions/restrictions. The plan shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.

- In order to ensure satisfactory access within the site.
32. Prior to the completion of phase 4 the applicant shall in accordance with details to be previously agreed by the Local Planning Authority provide a bridge between points A and B as shown on plan ... connecting the site with the Headland area.
- In order to promote travel by means other than the private car.
33. Prior to 31 March 2011 or, having regard to funding ability a later date to be agreed between the parties, the applicant shall provide a coastal walkway and cycleway between points C and D on plan ... in accordance with details to be agreed by the Local Planning Authority.
- In order to promote travel by means other than the private car.
34. The provision of convenience retailing floorspace within the site shall not exceed 1,394 square metres gross.
- In order to avoid an adverse impact on existing convenience retailing within the town centre and other local centres.
35. The provision of speciality retailing floorspace within the site shall not exceed 1,300 square metres gross in total, no single unit to exceed 130 square metres gross.
- In order to avoid an adverse impact on existing retailing within the town centre and other local centres.
36. Prior to the commencement of development within any of the individual land parcels identified on Parcel Plan 12b, unless evidence is submitted to indicate it is not required, all buildings comprising residential accommodation shall be designed to combat noise encroachment in accordance with measures to be previously agreed with the Local planning Authority. The agreed design measures shall be implemented prior to respective development being brought into use.
- Appropriate design measures may include attention to the following:-
- Orientation of buildings
  - Internal layout of dwellings
  - Attenuation Performance of glazing units.
  - Fixture of glazing units
  - Method of ventilation
  - The use of buildings accommodating less noise sensitive uses as noise attenuation barriers
- To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
37. No construction works on any part of the project shall take place outside the hours 8.00 a.m - 8.00 p.m, unless otherwise agreed in writing with the Local Planning Authority.
- To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
38. Unless otherwise agreed with the Local Planning Authority until it can be demonstrated that archaeological remains will not be significantly affected due to disturbance or loss no development shall take place within any agreed phase or sub-phase of development until the applicant or their agents or successors in title has completed the implementation of a phased programme of archaeological work in relation to the respective land parcels in accordance with a written scheme of archaeological investigation submitted by the applicant and approved in writing by the Local Planning Authority.

The scheme of archaeological work in question will comprise of the following:

A) Within the main dock area

The extraction of core samples of peat for carbon dating processes.

B) Within the Headland Area ( Areas B19 -21 and possibly B18 as shown on plan

Trial trenching followed by preservation in situ or archaeological excavation if preservation in situ cannot be achieved.

The site is of archaeological interest.

39. No development within any of the individual land parcels identified on Parcel Plan 12b shall be commenced until details of the proposed foul sewage management arrangements relating to the land parcel in question have been submitted to and agreed by the Local Planning Authority in consultation with Northumbrian Water.

In order to prevent pollution of the water environment.

40. No development within any of the individual land parcels identified on Parcel Plan 12b shall be brought into use until the foul sewage management arrangements relating to the land parcel in question (agreed by virtue of the previous condition) have been implemented to the satisfaction of the Local Planning Authority in consultation with Northumbrian Water.

In order to prevent pollution of the water environment.

41. Prior to any development proceeding that causes a requirement for the site currently occupied by storage cabins situated within the location shown on plan ..., the storage cabins shall unless otherwise agreed with the Local planning Authority be relocated elsewhere in accordance with details to be previously agreed with the Local Planning Authority.

In order to make alternative provision for the storage of dock business related equipment.

42. The maximum amounts of gross office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase1 - Until 31 March 2011 - 13,000 square metres

Phase 2 - 1 April 2011 - 31 March 2016 - 15,000 square metres

Phase 3 - 1 April 2016 - 31 March 2021 - 15,000 square metres

Phase 4 - 1 April 2021 - 31 March 2026 - 14,000 square metres

In the event that periodic reviews of industrial and office property supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised subject to the total amount of office / industrial floorspace hereby permitted not exceeding 57,000 sq. m. gross.

Such reviews shall take account of the record of past completed development within the site and shall allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-



March 2007  
 September 2009  
 March 2012  
 September 2014  
 March 2017  
 September 2019  
 March 2022  
 September 2024  
 If necessary at 2. 5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.  
 To control the supply of office / industrial floorspace entering the market.

- 43 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Or any Order revoking and re-enacting that Order with or without modification) the proposed retail warehouse units concerned with comparison goods sales within land parcel D3 on parcel plan 12b shall not be used for the sale of:
- food and drink;
  - clothing or shoes (including sports clothing);
  - books and stationery;
  - CDs and other recorded audio-visual material;
  - toys and children's goods;
  - jewellery, clocks and watches;
  - sports equipment and accessories;
  - china and glassware;
  - musical instruments; and
  - medical, chemist and opticians' goods; with the following exception

One unit of maximum 1,500 sq m gross may sell sports goods and equipment (including sports clothing) but with no more than 50% of the net retail floorspace to be used for the sale or display of sports clothing and footwear.  
 To protect the viability of the town centre.

- 44 The provision of comparison retailing within the proposed retail warehouse units within land parcel D3 on parcel plan 12b shall not exceed 14,400 sq metres gross in total, no single unit to exceed 929 sq. metres gross.

In order to avoid any adverse impact on the viability and vitality of retail provision in the town centre.

- 45 No development shall be commenced until plans and details showing the highway improvement works at the A689/ A19, A179/A19 and A689/A1185/A19 junctions, as shown in principle on Faber Maunsell drawings referenced 37770TNED712/P/001 Rev. B, 37770TNED/712/P/002/B and FM

PROP A19-A689-A1185, together with their phasing, have been submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council, Durham County Council and the Highways Agency.

Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

- 46 No development shall be commenced until plans and details showing bus priority measures at the A689/A1185/A19 junction, together with their phasing, have been submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council, and the Highways Agency.

Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

- 47 The implementation of the highway improvement works at the A689/ A19, A179/A19 and A689/A1185/A19 junctions, agreed by virtue of conditions 1 and 2 above, shall take place in accordance with the phasing details, approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council, Durham County Council and the Highways Agency, as required by conditions 1 and 2 above.

Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

## Victoria Harbour – Section 106 agreement – Heads of terms

**1. Phasing of residential development**

The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:- Phase 1 - Until 31 March 2011 - 550, Phase 2 - 1 April 2011-31 March 2016 - 900, Phase 3 - 1 April 2016-31 March 2021 - 1100, Phase 4 - 1 April 2021 - 31 March 2026 - 880

In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised, subject to the total number of residential units hereby permitted not exceeding 3430. Such reviews should take account of the record of past completions within the application site and should allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007  
September 2009  
March 2012  
September 2014  
March 2017  
September 2019  
March 2022  
September 2024  
If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

**2. Phasing of office / industrial development**

The maximum amounts of gross office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase 1 - Until 31 March 2011 - 13,000 square metres  
Phase 2 - 1 April 2011 - 31 March 2016 - 15,000 square metres

Phase 3 - 1 April 2016 - 31 March 2021 - 15,000 square metres

Phase 4 - 1 April 2021 - 31 March 2026 - 14,000 square metres

In the event that periodic reviews of industrial and office property supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised subject to the total amount of office / industrial floorspace hereby permitted not exceeding 57,000 sq. m. gross. Such reviews shall take account of the record of past completed development within the site and shall allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007

September 2009

March 2012

September 2014

March 2017

September 2019

March 2022

September 2024

If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

### 3. Reservation and donation of land for community facility

- a) The sites denoted as land parcels C4 and C5 on parcel plan 12b shall be reserved for the implementation by the Council of a water-based leisure centre/park, including community meeting facilities and associated car parking and landscaping. Construction of such development is to start on site not later than 31 March, 2013. The land in question shall be provided by the applicant to the Council at nil cost, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the site.
- b) Not later than the giving of such notice, referred to in para (a), the Council shall provide details of the site layout, building design and car park layout for the leisure centre for approval by the applicant, such approval not to be withheld unreasonably.

- c) The site lying between land parcels C3 and C4 shall be provided by the applicant to the Council by 31 March, 2013. The site shall be provided to the Council at nil cost, for incorporation as part of the proposed leisure centre, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the water body/site.
- d) The Council shall use all reasonable endeavours to secure the implementation of the leisure centre at the earliest practical date. In the event that the Council's investigations conclude that the proposed project is unable to proceed the Council shall inform the applicant accordingly in writing and the reservation of land parcels C4 and C5 and the site lying between land parcels C3 and C4 for this purpose shall be terminated with immediate effect.
- e) On such termination of this reservation, the applicant and Council shall agree an alternative reservation within the application site of an area of 0.5 ha. for the implementation by the Council of community meeting facilities, construction of such development to start on site not later than three years from the date of this alternative reservation. The land in question shall be provided as a flat site by the applicant to the Council at nil cost, the Council having given not less than 6 months' notice of its requirement to complete the freehold acquisition of the site.
- f) Not later than the giving of such notice, referred to in para(e) the Council shall provide details of the site layout and building design for the community meeting facilities for approval by the applicant, such approval not to be withheld unreasonably.

#### **4. Reservation of site for provision of school**

The site denoted as land parcel D6 on parcel plan 12b shall be reserved until 31 March 2016 for the provision of a school subject to the LEA requiring such a facility during this time. The land shall be made available to the Authority for the purposes of providing a school upon it serving notice to owner. If such a notice is served the Authority to pay open market value for the land based on an education use as at the date of the notice.

#### **5. Play provision within the site**

- The two parts of the Wave Park identified by red hatching as shown on plan ref: .... each a minimum of 30m by 30m in area shall be reserved for the provision of an equipped children's playground the final design of which is to be submitted to and agreed by the Local Planning Authority. The land shall be provided to the Council at nil cost prior to any development being commenced in Phase 2 of the project.
- Prior to any development being commenced within Phase 2 of the project, the sum of £120,000 shall be paid to Hartlepool Borough Council to enable it to

provide an equipped children's playground within the area identified by red hatching as shown on plan ref: ...

- Prior to any development being commenced within Phase 3 of the project, the sum of £ 50,000 shall be paid to Hartlepool Borough Council to enable it to contribute to the enhancement of existing play facilities elsewhere within the town.

#### 6. Labour Market issues

- a) The applicant and its successors in title, their contractors, sub-contractors and suppliers (hereinafter referred to as "developers") shall use all reasonable endeavours to ensure that the recruitment and training opportunities during the construction of the Victoria Harbour development and the subsequent operation of the facilities created by the development are made available to the residents of the Borough of Hartlepool.
- b) A Recruitment and Training Charter will be agreed by the applicant and the Council before the development commences on site. The Charter will establish the performance indicators, prospective inputs by developers, the Council and other relevant agencies and broad operational and monitoring arrangements to promote and secure the implementation of targeted recruitment and training. The Charter will also provide a template for a Method Statement to be used by individual developers to establish targets and detailed measures to deliver the Charter's commitments.
- c) Each developer will be required to submit a Method Statement to be agreed by the Council before each construction contract or facility operation commences.
- d) The form and content of the Recruitment and Training Charter shall be reviewed by the applicant and the Council at two yearly intervals to ensure that it continues to provide an appropriate framework for targeted recruitment and training, having regard to the progress of the development and the local labour market context.

## 7. Management Company

Prior to the completion of any development within Phase 1 of the project, the applicant shall establish a management company to take responsibility for the maintenance of public realm works including:-

1. Upkeep of landscaping and open spaces
2. Maintenance of water spaces

## 8. Offsite highway works

Prior to any development being commenced details of the location, design and phased implementation of toucan crossing points adjacent to the site broadly in accordance with Fig. 6 of the transport assessment shall be agreed by the LPA. The agreed details shall be adhered to unless otherwise agreed with the LPA.

Unless otherwise agreed by the LPA the works identified 1-5 below shall be implemented at the cost of the applicant in accordance with details to be previously agreed by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority the works shall be implemented in accordance with the phasing schedule indicated.

Unless otherwise agreed by the LPA the works identified 6-9 below shall be implemented at the cost of the HBC in accordance with details to be previously agreed by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority the works shall be implemented in accordance with the phasing schedule indicated.

The works listed at 10-12 shall be implemented at the cost of the applicant in accordance with details to be previously agreed by LPA in consultation with Stockton Borough Council, Durham County Council and the Highways Agency. Works at the A689/A1185/A19 junction shall include bus priority measures, the plans, details and phasing of which are to be submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council and the Highways Agency. Implementation of the agreed works to take place in accordance with agreed phasing details.

The agreement will allow for monitoring and review in light of traffic levels and for traffic management around the timing of signals.

### Hartlepool Borough Council Network

1. Powlett Road/Easington Road/Raby Road – conversion from roundabout to signalised crossroads and localised widening - prior to end of Phase 2
2. Powlett Road – widened to two lanes in each direction between Raby Road and a point 30m west of May Street - prior to end of Phase 2
3. Powlett Road/Milbank – localised widening to existing signalised crossroads and right turn ban from Powlett Road west (except buses and cyclists) – prior to end of Phase 2
4. Marina Way/Powlett Road – signalisation of existing roundabout and localised flaring – prior to end of Phase 2
5. Site Access Junction – new roundabout – prior to end of Phase 2.
6. Marina Way / Middleton Road – addition of segregated left turn lane from the south at existing roundabout – prior to end of Phase 2
7. Marina Gateway/Church Street – right turn ban into Clarence Road and staging amendments – prior to end of Phase 2
8. Victoria Road/Stockton Street – right turn ban into Victoria Road (except buses, taxis, and cyclists) and staging amendments – prior to end of Phase 2
9. Stranton / Burn Road – conversion from roundabout to signalised crossroads – prior to end of Phase 1

### Highways Agency/Stockton Borough Council Network

10. A19/A689/A1185 – signalisation of two nodes of the existing 5 arm roundabout and widening of the circulatory carriageway adjacent to the A689 westbound approach – Phasing to be agreed
11. A19/A689 – signalisation of both A689 approaches and the A19 southbound off-slip approach to the junction, and widening of the circulatory carriageway adjacent to both A689 approaches – Phasing to be agreed

### Highway Agency / Durham County Council network

12. A19 / A179 junction carriageway improvements - Phasing to be agreed



## **9 Contribution to public transport provision / enhancement**


The applicant shall agree with the Local Planning Authority and subsequently arrange the provision of bus services to a specified level of service, at an agreed trigger point in terms of volume of development completed and for an agreed time period, subject to a total maximum financial contribution to be agreed.

## **10 Travel Plan**

The applicant and its successors in title shall use all reasonable endeavours to ensure that new employers within Victoria Harbour adopt a travel plan for their organisation. A travel plan framework (to which the applicant shall require employers to adhere) shall be agreed between the applicant and the Local planning Authority before development commences. The framework for each travel plan shall include a range of initiatives and measures as follows:-

- The appointment of a travel plan co-ordinator
- The conducting of staff travel surveys.
- The agreement of targets for the reduction in car usage by staff
- The monitoring of performance against targets
- Other such measures as detailed in the transport assessment.

40399



**GOVERNMENT OFFICE  
FOR THE NORTH EAST**

Mr Stuart Green  
Assistant Director of Regeneration and Planning  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
HARTLEPOOL TS24 7BT

**For the attention of Mr Roy Merrett**

Your Ref: RM/H/0575/04  
Our Ref: GONE/P/DO705/219/05/7

19 January 2006

Dear Sir

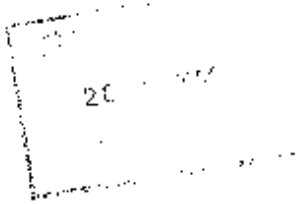
**PROPOSED DEVELOPMENT OF A SUSTAINABLE MIXED USE URBAN COMMUNITY, INCLUDING BUSINESS, COMMERCIAL, LIGHT INDUSTRIAL FLOORSPACE, RESIDENTIAL, RETAIL, COMMUNITY FACILITIES, LANDSCAPING/OPEN SPACE AND PROVISION FOR LEISURE DEVELOPMENT SUPPORTED BY NEW TRANSPORT LINKAGES, INFRASTRUCTURE AND SERVICES AT VICTORIA HARBOUR (FORMERLY NORTH DOCKS), HARTLEPOOL.**



1. I refer to your letter of 23 December 2006 referring to the First Secretary of State ("the Secretary of State") under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, an application for outline planning permission for the above development.
2. As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that in general, they should be free to carry out their duties responsibly, with the minimum of interference.
3. There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine it himself, instead of leaving it to the local planning authority. His policy is to be very selective about calling in planning applications. In general, he will only take this step if planning issues of more than local importance are involved and if those issues need to be

**DIANA PEARCE**  
Director for the Built Environment

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decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.

4. We have carefully considered all the matters raised about this application. The issue before the Secretary of State for decision is not whether the application should be granted planning permission, but whether or not he should call it in for his own determination. The Secretary of State considers that the main matters relevant to his decision in this case are national policies with regard to:

- (a) planning for the delivery of sustainable development, which promote high quality, inclusive design in terms of function and impact and take the opportunities available for improving the character and quality of an area (PPS1 – *Delivering Sustainable Development*);
- (b) planning for housing, in order to meet the housing requirements of the whole community, widen housing opportunity and create mixed communities (PPG3 – *Housing*);
- (c) planning for industrial and commercial development, to maximise the use of previously developed land in sustainable locations for all forms of built development (PPG4 – *Industrial/Commercial Development*);
- (d) planning for retail and leisure development and other key town centre uses, to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development (PPS6 – *Planning for Town Centres*);
- (e) biodiversity and geological conservation, to ensure that adequate provision is made for development and economic growth whilst ensuring effective conservation and enhancement of the diversity of England's wildlife and geology (PPS9 – *Biodiversity and Geological Conservation*);
- (f) integrated planning and transport, to accommodate housing principally within existing urban areas, planning for increased intensity of development for both housing and other uses at locations which are highly accessible by public transport, walking and cycling (PPG13 – *Transport*);
- (g) planning for sport, open space and recreation, to create more sustainable patterns of development by locating open space and recreation facilities where they are accessible by a choice of modes of transport and especially by foot, bicycle or public transport wherever possible (PPG17 - *Sport, Open Space & Recreation*) ;
- (h) planning for noise, to control or reduce the impact of noise, as far as is practicable, at the planning stage (PPG24 – *Noise*) ; and
- (i) development and flood risk, to ensure that all planning applications in flood risk areas is accompanied by a flood risk assessment (PPG25 – *Development and Flood Risk*).

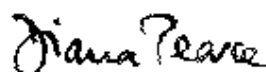


5. We have considered carefully these and other relevant planning issues raised by this proposal, together with all representations received, and have had regard to the Secretary of State's policy on call-in, set out in a Parliamentary reply to Bill Michie on 16 June 1999. The Secretary of State has concluded, on balance, that his intervention would not be justified as there is not sufficient conflict with national planning policies on the above matters or any other sufficient reason to warrant calling-in the application for his own determination. He has therefore concluded that the application should remain with the Hartlepool Borough Council for decision.

6. In considering whether to exercise his discretion to call-in the application, the Secretary of State has not considered whether the development proposed is "EIA development" for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The local planning authority responsible for determining the application remains the relevant authority responsible for considering whether the 1999 Regulations apply to the proposed development and, if so, for ensuring that the requirements of the 1999 Regulations are complied with.

7. Would you please forward to the Secretary of State at the address of this Office a copy of any permission granted for the development referred to above, in accordance with paragraph 6 of the above Directions.

Yours faithfully



DIANA PEARCE

**No:**  
**Number:** H/2005/5970  
**Applicant:** Bellway Homes (N.E.) Ltd Peel House Main Street  
 Ponteland Newcastle Upon Tyne NE20 9NN  
**Agent:** Peel House Main Street Ponteland NE20 9NN  
**Date valid:** 25/11/2005  
**Development:** Erection of 13 semi-detached and terraced houses  
 (amended scheme)  
**Location:** Land At Area 7a Bounded By Snowdrop Road And  
 Bluebell Way Middle Warren Hartlepool

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### **The Application and Site**

The application site is a small area of land on the corner of Bluebell Way and Snowdrop Road within the Middle Warren housing area.

The proposal involves the erection of 13 semi-detached and terraced houses, five with garages. Two of the houses (pair of semis) are sited in a rear courtyard/parking area where there would be 9 parking spaces. Only five of the houses have garages and driveways. The courtyard parking area would be adjacent to the rear of properties situated in Larkspur Close.

An application for 14 dwellings on the same site was withdrawn in November 2005.

### **Publicity**

The application has been advertised by way of neighbour letters (15) and by site notice. One letter of no objection and 3 letters of objection were received. The objectors raised the following points:-

- Out of keeping with the surrounding area
- Open plan effect will be lost.
- Parking and traffic problems
- Noise and disturbance to existing houses from parking area
- Screening inadequate between parking area and Larkspur Close
- Parking area will be used as childrens play area
- Loss of privacy and security to rear gardens in Larkspur Close

The period for publicity has expired

Copy letters attached

### **Consultations**

The following consultation replies have been received:-

**Northumbrian Water** – No objections

**Traffic & Transportation** – advises that the development should ideally have 2 parking spaces per dwelling however it would be difficult to sustain an objection to the 1.5 spaces per dwelling indicated as this is in line with PPG3  
Sight lines of 2.4 x 33m must be maintained at the junction of the private road and Snowdrop Road.

**Cleveland Fire** – no objections

**Landscape Planning and Conservation** – The small hawthorn hedge which is to be removed should only be removed outside the bird breeding season (March – July). A detailed landscaping scheme will be required.

**Engineers** – A desk top study must be carried out to establish any contamination of the land.

### **Planning Policy**

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

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

Gen4: states that in considering applications regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

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

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

HO2: allocates 78 hectares of land at Middle Warren for housing development.

Development is to be phased and legally binding agreements sought to ensure the full provision of the landscaped infrastructure, link road and of recreational and community facilities.

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

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

The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, the impact of the development on neighbouring properties and the streetscene in terms of visual amenity and on highway safety.

## **Policy**

The principle of smaller, more affordable houses (semi-detached and terraced) within this residential area has already been established elsewhere in Middle Warren with semi-detached houses and flats. The principle of affordable housing is considered a material planning consideration and accords with the requirements of PPG3 (housing).

## **Design and impact on the surrounding area**

The design of the houses is typical of smaller starter homes, examples of which can be throughout the town and is considered acceptable in terms of visual amenity.

Immediately to the south of the site are four detached houses, 3 of which have small rear gardens between 7.5 and 9 metres long. Minimum separation distances have been achieved with these houses and within the development itself.

Whilst the design of the layout with “courtyard” parking may not be the most desirable way to provide the minimum parking requirement, there is nothing particularly unusual about the development and prospective buyers would be aware of what they would be getting ie. Parking to the rear instead of on front driveways. The proposed courtyard parking arrangement is not considered to be inappropriate in a residential environment.

With respect to concerns expressed regarding security the Police crime prevention officer has been consulted and his views are awaited.

## **Highways**

No objections have been raised by the highway engineer provided that adequate sight lines can be achieved for the access onto Snowdrop Road.

1.5 parking spaces per dwelling have been provided within the site. This also accords with government advice regarding sustainable residential environments.

In conclusion the proposed development is considered to be acceptable in terms of siting, design and highway safety. In view of this, approval is recommended.


**RECOMMENDATION** – APPROVE subject to the following conditions and subject to no objection from the Police.

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 27 January 2006, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.
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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. No development shall be commenced until a scheme for the provision of visibility splays of 2.4m metres x 33m metres at the entrance to the site from Snowdrop Road has been submitted to and approved in writing by the Local Planning Authority.  
In the interests of highway safety.
7. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
8. 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.
9. 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.

10. 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.
11. 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.
12. The hawthorn hedge as identified on plan S3449 Rev.B must not be removed during the bird breeding season of March - July.  
In the interest of wildlife habitats
13. The parking space immediately to the east of plot 1013 shall be designated for the sole use by occupiers of that property only.  
In the interests of highway safety and convenient access.



Dept. of Regeneration & Planning  
 Bryon Hansen House, Hansen St  
 19 DEC 2005  
 REPLY  
 FILE No:

**Application No** H/2005/5970

**Proposal** Erection of 13 semi-detached and terraced houses (amended scheme)

**Location** Land At Area 7a Bounded By Snowdrop Road And Bluebell Way

**Case Officer** Chris Pipe

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I/~~we~~ have received your letter and want to object/~~comment~~ to the proposal.

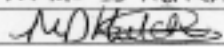
I/~~we~~ want/~~comment~~ to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

I OBJECT TO THIS AMENDED PLANNING APPLICATION BECAUSE THE OVERALL LAYOUT OF THE DEVELOPMENT HAS NOT CHANGED SUFFICIENTLY TO ADDRESS MY ORIGINAL CONCERNS. I CONTINUE TO HAVE MAJOR CONCERNS ON THE PROPOSED TRAFFIC ROUTE AND THE PROPOSED USE OF A CAR-PARKING AREA IMMEDIATELY ADJACENT TO MY REAR GARDEN.

I CONSIDER THIS PROPOSED LAYOUT AS A SERIOUS BREACH OF MY FAMILY'S PERSONAL COMFORT & PRIVACY. THE PROPOSED CAR PARK AREA IS IMMEDIATELY OUTSIDE MY REAR GARDEN - AT AN ESTIMATED DISTANCE OF LESS THAN 10 METRES FROM MY PROPERTY!!

If you need more space, please continue over or attach additional sheets to this letter.  
 (CONTINUED OVERLEAF) (PTO)

Name	MARK D HUTCHINSON	
Signature		
Address	15 LARKSPUR CLOSE	
Date	12/12/05	
Telephone number	07711 001 377	
Email address		

**Nb** - It is not essential that we have your telephone number but it will help us if we need to contact you

\* Please delete as appropriate

For Official Use Only	
No objections	
Objections	✓
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	✓

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5 of 5

I CONSIDER THAT THE INCREASED NOISE FROM CARS & FROM PEOPLE ACCESSING THEIR VEHICLES WILL BE SIGNIFICANT - ESPECIALLY DUE TO THE FACT THAT NINE CAR PARK SPACES ARE PROPOSED. I BELIEVE THIS IS UNNECESSARY. WHY DOES THE DEVELOPMENT NOT ALLOW FOR CAR PARKING ON ALLOCATED DRIVEWAYS AT THE FRONT OF EACH HOUSE? THIS WOULD BE CONSISTENT WITH ALL OTHER PROPERTIES IN THE SURROUNDING AREA AND WOULD ENSURE THAT ALL HOUSES HAVE ALLOCATED "OFF-STREET" PARKING, ADJACENT TO THEIR PROPERTIES.

FURTHERMORE, I HAVE A NEW BABY DUE IN APRIL 2006 AND THEIR BEDROOM WILL BE ON THE REAR OF MY PROPERTY. I DO NOT BELIEVE THAT THE PROPOSED METHOD OF SEGREGATION WILL PREVENT THE INCREASED NOISE FROM DISTURBING MY FAMILY WHEN USING THE UPSTAIRS ROOMS AT THE REAR OF MY PROPERTY. OUR PRIVACY IS IMPORTANT AND I WILL NOT ACCEPT NOISE DISTURBANCE AS A RESULT OF AN INADEQUATE LAYOUT FROM THE DEVELOPER.

WHAT ASSURANCES CAN BE PROVIDED & WHAT RESTRICTIONS WILL BE IMPOSED TO PREVENT THIS AREA (INCLUDING MY REAR FENCE) FROM BECOMING A CHILDREN'S PLAY AREA FOR BALL GAMES? ONCE AGAIN THAT WOULD RESULT IN LOSS OF PRIVACY & INCREASED NOISE DISTURBANCE FOR MY FAMILY - THAT IS NOT ACCEPTABLE.

I ALSO HAVE SERIOUS CONCERNS ABOUT THE LEVEL OF SECURITY AT THE REAR OF MY PROPERTY GIVEN THE FREE ACCESS THIS SCHEME WOULD PROVIDE TO MY REAR GARDEN FENCE. I DO NOT ACCEPT THAT ADEQUATE PROVISION HAS BEEN MADE TO MAINTAIN AN ACCEPTABLE LEVEL OF SECURITY TO MY PROPERTY - ESPECIALLY WITH A PROPOSED TREE PLANTATION THAT WOULD TAKE YEARS TO ESTABLISH ITSELF. ALL OTHER EXTERNAL BOUNDARIES IN MY STREET (WHICH REAR GARDEN FENCE INTO THE STREET) HAVE A TWO METRE HIGH BRICK CONSTRUCTED BOUNDARY TO MAINTAIN SECURITY & PRIVACY FOR RESIDENTS. I WOULD EXPECT THIS TYPE OF BRICK ARRANGEMENT WOULD BE PROVIDED BY THE DEVELOPER AT THE REAR OF MY PROPERTY AS I DO NOT CONSIDER THE USE OF THE CURRENT TIMBER FENCE AND A PROPOSED PLANTATION AREA TO BE A SUITABLE EXTERNAL BOUNDARY ONTO A MAIN ROADWAY.

W. H. H. 12/12/05.

CONTINUED ONTO  
SHEET 2.



CONTINUATION SHEET (PAGE 2)

②

APPLICATION N° - H/2005/5970



①

RESPOND FROM - MARK D HUTCHINSON  
15 LARKSPUR CIRCLE, BISHOP CATHBERT.

IN SUMMARY I CONTINUE TO HAVE SERIOUS CONCERNS ABOUT THIS PLANNING APPLICATION. I DO NOT ACCEPT THAT THE PROPOSED LAYOUT AND TRAFFIC MANAGEMENT ARE SUITABLE TO MINIMISE NOISE POLLUTION TO THE EXISTING RESIDENTS. I DO NOT BELIEVE THAT THE DEVELOPER HAS TAKEN INTO CONSIDERATION THE CONCERNS RAISED IN THE ORIGINAL OBJECTION TO THE PLANNING APPLICATION. I WILL CONTINUE TO OBJECT TO THIS PLANNING APPLICATION UNTIL THE DEVELOPER CAN PROVIDE FIRM COMMITMENTS ON A SUITABLE BUFFER BOUNDARY AT THE REAR OF MY PROPERTY AND UNTIL THE PROPOSED USE OF A CAR PARK AREA IS WITHDRAWN.

I AM ALSO PARTICULARLY UPSET & DISAPPOINTED THAT THIS DEVELOPER HAS CONSISTENTLY INFORMED RESIDENTS THAT THIS LAND AREA WAS TO CONTAIN FOUR EXECUTIVE DETACHED HOUSES. IT APPEARS BOTH UNREASONABLE AND UNDER-HAND THAT RESIDENTS HAVE CONTINUED TO BE TOLD THIS FROM THE DATE WE PURCHASED OUR PROPERTY, WHEN CLEARLY THE DEVELOPER HAD OTHER PLANS, THAT WERE OBVIOUSLY GOING TO BE LESS ACCEPTABLE TO THE EXISTING RESIDENTS.

*Mark D Hutchinson* 12/10/05.

**Application No** H/2005/5970

**Proposal** Erection of 13 semi-detached and terraced houses (amended scheme)

**Location** Land At Area 7a Bounded By Snowdrop Road And Bluebell Way

**Case Officer** Chris Pipe

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I/We\* have received your letter and want to object/~~do not want to object~~\* to the proposal.

I/We\* want/~~do not want~~\* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

*The properties are out of keeping with the surrounding detached houses.  
There will be problems with traffic coming to and from these terraced houses, allocated parking at a minimum would be one car per house held leaving no room for a second car or visitors.  
The designated car park for these properties is on the other side of my side fence which makes me concerned about the noise*

Central Registration & Planning  
 Hartlepool Borough Council  
 10 DEC 2005

REPLY  
 FILE No:

*If you need more space, please continue over or attach additional sheets to this letter.*

Name	Annette Moore	Mr/Mrs/Miss/Ms*
Signature	<i>A Moore</i>	
Address	22 BLUEBELL WAY	
Date	13-12-05	
Telephone number	868634	
Email address		

**Nb** - It is not essential that we have your telephone number but it will help us if we need to contact you

\* Please delete as appropriate

10 DEC 2005

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**For Official Use Only**

No objections	<input type="checkbox"/>
Objections	<input checked="" type="checkbox"/>
Comments	<input type="checkbox"/>
Petitions	<input type="checkbox"/>
No. of signatures	<input type="checkbox"/>
For/Against	<input type="checkbox"/>
Wishes to speak	<input type="checkbox"/>
Entered in computer	<input type="checkbox"/>

*Handwritten initials*

**Application No** H/2005/5970

**Proposal** Erection of 13 semi-detached and terraced houses (amended scheme)

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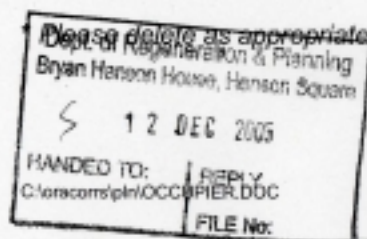
Please use the space below to explain your concerns/reasons for objecting to the proposal.

I consider that the idea of 'terraced housing' is completely out of keeping with the surrounding houses already built on nearby estate as the 'open plan' effect will be lost.

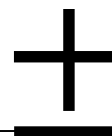
If you need more space, please continue over or attach additional sheets to this letter.

<b>Name</b>	Kyle Brooks	<input checked="" type="radio"/> Mr/Mrs/Miss/Ms*
<b>Signature</b>		
<b>Address</b>	31 BLUEBELL WAY	
<b>Date</b>	4/12/05	
<b>Telephone number</b>	231077	
<b>Email address</b>		

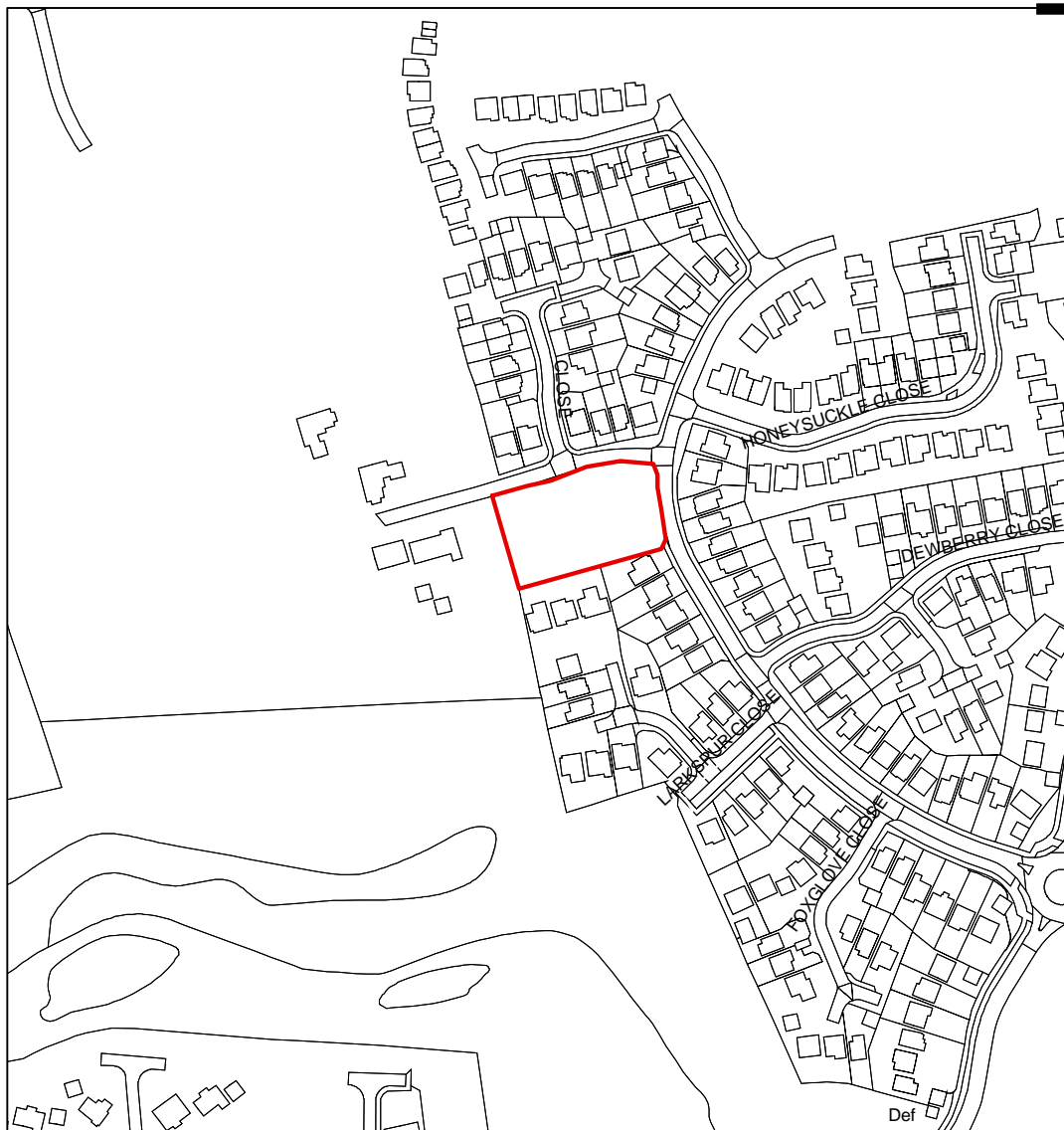
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No objections	
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Comments	
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No. of signatures	
For/Against	
Wishes to speak	<input checked="" type="checkbox"/>
Entered in computer	<input checked="" type="checkbox"/>



## Land at Area 7A Middle Warren



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5970</b>	REV