

# PLANNING COMMITTEE AGENDA



**Wednesday, 1<sup>st</sup> March, 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 8<sup>th</sup> February 2006 (*to follow*)

**4. ITEMS REQUIRING DECISION**

4.1 Planning Application to be considered following a site visit – *Assistant Director (Planning and Economic Development)*.

1. H/2005/6023 1 Meadow Drive

4.2 Further Planning Applications – *Assistant Director (Planning and Economic Development)*

2.	H/2005/5347	Stockton/Burbank Street
3.	H/2005/5881	1 Park Drive
4.	H/2005/5387	34 Grange Road
5.	H/2005/5644	65 Seaton Lane
6.	H/2006/0014	St Aidan's School
7.	H/2005/5973	Ords Ltd, Tower Street
8.	H/2005/5744	The Fens
9.	H/2005/5709	Golden Flatts

- 4.3 Appeal by Mr Neil Robinson, 7 The Grove, Hartlepool – *Assistant Director Planning and Economic Development*)
- 4.4 Appeal Ref APP/H0724/A/06/2008070: H/2005/5856 Change of Use of Vacant Offices to a Hot Food Takeaway (A5 Use) at 197 York Road, Hartlepool – *Assistant Director (Planning and Economic Development*
- 4.5 Appeal Ref APP/H0724/A/06/2007707: H/2005/5883 Demolition of 42 Bilsdale Road and Erection of 4 No. Dwellings with Associated Private Driveway – *Assistant Director (Planning and Economic Development)*
- 4.6 Appeal – Former Service Station, Powlett Road – *Assistant Director (Planning and Economic Development)*

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

6. **FOR INFORMATION**

Next Scheduled Meeting – 29th March 2006 commencing at 10am.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

8<sup>th</sup> February, 2006

**Present:**

Councillor Bill Iseley (In the Chair)

Councillors D Allison, S Belcher, H Clouth, R Flintoff, G Hall, J Kennedy,  
G Lilley, Dr G Morris, M Waller, R Waller and E Wright.

Councillor S Griffin was also in attendance as substitute for Councillor R Cook

Officers: S Green, Assistant Director (Planning and Economic  
Development)  
R Teece, Development Control Manager  
R Merrett, Principal Planning Officer  
A Hurst, Environmental Health Officer  
C Roberts, Development and Co-ordination Technician  
P Watson, Democratic Services Officer  
J Bentley, Democratic Services Officer

### **104. Apologies for Absence**

Apologies for absence were submitted for Councillors Cook, Kaiser and Richardson.

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

None.

### **106. Confirmation of the minutes of the meeting held on 18<sup>th</sup> January, 2006**

Confirmed.

### **107. H/OUT/2004/0575 Victoria Harbour (formerly North Docks) (Assistant Director (Planning and Economic Development))**

**Number:** HOUT/2004/0575

**Applicant:** PD Ports/Tees Regeneration c/o agent

**Agent:** c/o Sarah Robson Cavendish House Teesdale  
Business Park Stockton on Tees

**Date received:** 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)

Members were reminded that at the meeting of Planning Committee held on 19<sup>th</sup> December 2005 a resolution had been made that Members 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) and subject to a decision by the Secretary of State not to call in the planning application.

Members were advised that confirmation had been received from the Secretary of State that he did 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 was 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 were also appended for Members' information.

In addition, the Assistant Director (Planning and Economic Development) referred to recent discussions with Middleton Cabin Owners Ltd (MCOL) who had withdrawn their objection to the planning application at the meeting on 19<sup>th</sup> December 2005. MCOL had asked that the basis of their withdrawal be acknowledged in more detail than had been recorded in the minutes of that meeting, to the effect that it was on the basis of the provision of a similar and mutually agreed site, and relocation expenses, being met at the applicants' expense. The Assistant Director pointed out that there was a condition referring to the relocation of the cabins within the proposed planning permission.

#### **Decision –**

- (a) The Committee noted the position re Middleton Cabin Owners Limited.
- (b) Members noted the report and confirmed the granting of outline planning permission subject to the conditions and planning agreement as follows:-



## CONDITIONS AND REASONS

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.  
 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 Local Planning Authority for approval. The process by which the suitability is to be demonstrated and works are to be managed onsite will be agreed with the Local Planning Authority prior to the 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 'Redamation 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 Redamation 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, A4 and A5 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 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 (plan awaited) 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 (plan awaited) 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 barriersTo 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 agreed.

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 (plan awaited) 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 floor space 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;
  - 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 3777OTNED712/P/001 Rev B, 3777OTNED/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.  
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.

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.

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.

The Committee considered representations in relation to this matter.

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

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

<b>Number:</b>	H/2005/5387
<b>Applicant:</b>	Mr I Miah 34 GRANGE ROAD HARTLEPOOL
<b>Agent:</b>	Mr I Miah 34 GRANGE ROAD HARTLEPOOL
<b>Date received:</b>	11/07/2005
<b>Development:</b>	Provision of UPVC windows and door (retrospective application)
<b>Location:</b>	34 GRANGE ROAD HARTLEPOOL
<b>Decision:</b>	<b>Deferred for further discussions with the applicant</b>

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**Number:** H/2005/5644

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

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

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

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

**Location:** 65 SEATON LANE HARTLEPOOL

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

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**Number:** H/2005/5709

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

**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  
(AMENDED PLANS)

**Location:** Land At The Former Golden Flatts Public House and  
adjacent land Seaton Lane And Brenda Road  
Hartlepool

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

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**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**

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**Ted Jackson (Agent for the Applicant) and Mr Payne (Objector) addressed the Committee in respect of the following application.**

**Number:** H/2005/5997

**Applicant:** T Horwood  
42 BILSDALE ROAD HARTLEPOOL

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

**Date received:** 08/12/2005

**Development:** Erection of 2 dwellings with detached garages and private driveway

**Location:** 42 BILSDALE ROAD HARTLEPOOL

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

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

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5763

**Applicant:** Headland Development Trust  
152 Northgate Hartlepool

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

**Date received:** 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

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The 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.
  17. The external area of the site shall be surfaced with materials to be previously agreed with the Local Planning Authority prior to the development hereby approved coming into operation.  
In the interests of the character and appearance of the listed building and the Headland Conservation Area.

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5764

**Applicant:** Headland Development Trust  
152 Northgate Hartlepool

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

**Date received:** 15/09/2005

**Development:** Listed Building Consent for works to provide community learning facility with associated offices

**Location:** UNION HOUSE SOUTHGATE HARTLEPOOL

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

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

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

13. Details of any proposed flood protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The flood protection 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.

14. The external area of the site shall be surfaced with materials to be previously agreed with the Local Planning Authority prior to the development hereby approved coming into operation.

In the interests of the character and appearance of the listed building and the Headland Conservation Area.

The Committee considered representations in relation to this matter.

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**Councillor R Waller declared a Personal Interest in the following item and left the meeting during consideration of the application.**

**Number:** H/2005/5836

**Applicant:** Tracy McAllister  
7 Holdforth Road Hartlepool

**Agent:** Tracy McAllister 7 Holdforth Road Hartlepool

**Date received:** 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

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

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The permission hereby granted is valid until 8 February 2007 and the hours of operation shall revert to those originally approved unless the prior written consent of the Local Planning Authority has been obtained to an extension to this period.  
To enable the Local Planning Authority to review the operation of the premises in the light of experience.
2. The permission hereby granted shall restrict 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.
3. The premises shall be used as a licensed snooker and pool hall and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) 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.

**Councillors Belcher and Wright requested that their votes against approval for a twelve month period be recorded. Both Councillors indicated that they would have preferred a six month approval.**

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**Mr Shakira (Applicant) addressed the Committee in respect of the following application.**

**Number:** H/2005/5932

**Applicant:** Ebrahim Shakiba  
48 Annan Road Billingham

**Agent:** Ebrahim Shakiba 48 Annan Road Billingham

**Date received:** 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

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

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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.

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**Mr Brahimi (Applicant) addressed the Committee in respect of the following application.**

**Number:** H/2005/5946

**Applicant:** Mr A Brahimi  
7 Brunel Close Wingfield Park Hartlepool

**Agent:** Mr A Brahimi 7 Brunel Close Wingfield Park Hartlepool

**Date received:** 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

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The proposed opening 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..

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5964

**Applicant:** Mr T Walker  
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:** Woodbum Lodge Blakelock Gardens Hartlepool

**Decision:** **Certificate be Refused**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

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.

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**Number:** H/2005/5966

**Applicant:** Mr G Armstrong  
36 FORESTER CLOSE HARTLEPOOL

**Agent:** Mr G Armstrong 36 FORESTER CLOSE  
HARTLEPOOL

**Date received:** 28/11/2005

**Development:** Retention of a 1.9 metre high front/side boundary wall/fence

**Location:** 36 FORESTER CLOSE HARTLEPOOL

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

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

The Committee considered representations in relation to this matter.

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**Number:** H/2005/5982

**Applicant:** The Dunston Partnership  
49 Wynyard Road Hartlepool

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

**Date received:** 02/12/2005

**Development:** Change of use of first floor to restaurant with conference facility

**Location:** The Golden Lion Dunston Road Hartlepool

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

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

1. 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.
2. 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.
3. 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.
4. 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 Committee considered representations in relation to this matter.

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**Number:** H/2005/5984

**Applicant:** Zabi Sarwary  
Italianos 29 Park Road Hartlepool

**Agent:** Media Associates 19a Haratan Terrace Durham Road  
Birtley Chester-Le-Street

**Date received:** 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

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The premises are 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.
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**Number:** H/2005/6023

**Applicant:** Mr Richard Faulding  
1 Meadow Drive Hartlepool

**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert  
Hartlepool

**Date received:** 20/12/2005

**Development:** Erection of a rear garden room extension and  
conversion to domer bungalow

**Location:** 1 MEADOW DRIVE HARTLEPOOL

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

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

Members were advised that during the four week period prior to the meeting thirty six (36) planning applications had been checked, requiring site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to seven (7) current ongoing issues detailed in the report.

**Decision** – the report was noted.

**110. 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*)

Members were advised that a planning appeal had been lodged against the refusal of the Committee to allow alterations and conversion to ten (10) self contained flats at the Former United Reform Church and Sunday School, Durham Street. The appeal was to be decided by written representations and authority was requested for officers to contest the appeal.

**Decision** – Authority was granted to officers to contest the appeal.

**111. Appeal by M P Allen site at Land Adjacent to Old Mill, Elwick, Hartlepool, TS27 3HF** (*Assistant Director Planning and Economic Development*)

Members were advised that 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), had been withdrawn. No further action was required.

**Decision** – Members noted the withdrawal of the appeal.

**112. 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)(40(B) OF THE LOCAL GOVERNMENT ACT 1972 IN ORDER THAT THE

COMMITTEE COULD MAKE THE DECISION AT THE EARLIEST OPPORTUNITY.

**113. Planning Application – H/2005/5970 – Land at area 7A Bounded by Snowdrop Road and Bluebell Way, Middle Warren** *(Assistant Director (Planning and Economic Development))*

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

<b>Number:</b>	H/2005/5970
<b>Applicant:</b>	Bellway Homes (N.E.) Ltd Peel House Main Street Ponteland
<b>Agent:</b>	Bellway Homes (N.E.) Ltd Peel House Main Street Ponteland
<b>Date received:</b>	25/11/2005
<b>Development:</b>	Erection of 13 semi-detached and terraced houses (amended scheme)
<b>Location:</b>	Land At Area 7a Bounded By Snowdrop Road and Bluebell Way Middle Warren
<b>Decision:</b>	<b>Planning Permission Approved</b>

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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 'Redamation 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 Redamation 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 53449 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.

The Committee considered representations in relation to this matter.

**Councillor Wright requested that her vote against approval of the above item be recorded.**

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BILL ISELEY

CHAIRMAN

## **PLANNING COMMITTEE 1 MARCH 2006**

1	H/2005/6023	1 Meadow Drive - Garden room extension and conversion to domer bungalow	GS
2	H/2005/5347	Stockton/Burbank Street - Outline application for Class A1 retail store	JF
3	H/2005/5881	1 Park Drive - Alterations and erection of 2 storey extensions to provide study, bedrooms, en-suite, dressing room, gym, lounge, garage and new entrance	JF
4	H/2005/5387	34 Grange Road - Provision of UPVC windows and door	JF
5	H/2005/5644	65 Seaton Lane - Outline application for the erection of a detached domer bungalow	JF
6	H/2006/0014	St Aidans School - Extension of tamac playground surface to form multi games area, relocation of existing perimeter fence, footpath and street lighting	RH
7	H/2005/5973	Ords Ltd, Tower Street Change of use and erection of rear extensions to form 20 studio flats and installation of new shop front	RH
8	H/2005/5744	The Fens - Erection of enclosures to external stairs, including access gates	RH
9	H/2005/5709	Golden Flatts - Erection of 70, 2 and 3 bedroom houses and 12 flats	JF

### Appeals:

7 The Grove

197 York Road

Former Service Station Powlett Road

42 Bilsdale Road

**No:** 1  
**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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## Update

1.1 The application was deferred for a site visit at the last planning committee. The site visit is due to be undertaken before the meeting.

## The Application and Site

1.2 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.

1.3 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

1.4 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.

1.5 The concerns raised are:

- 1) 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.
- 2) The proposed development will dominate the neighbourhood and will be out of keeping with the neighbourhood.
- 3) The proposed development will affect the level of light to the objector's living room.

Copy letters H

The period for publicity has expired.

## Consultations

1.6 The following consultation replies have been received:

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

### **Planning Policy**

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

**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**

1.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plan and the impact of the proposal upon neighbouring properties and the street scene in terms of visual amenity.

1.9 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.

1.10 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.

1.11 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.

1.12 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.

1.13 The neighbouring property to the east (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.

1.14 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.

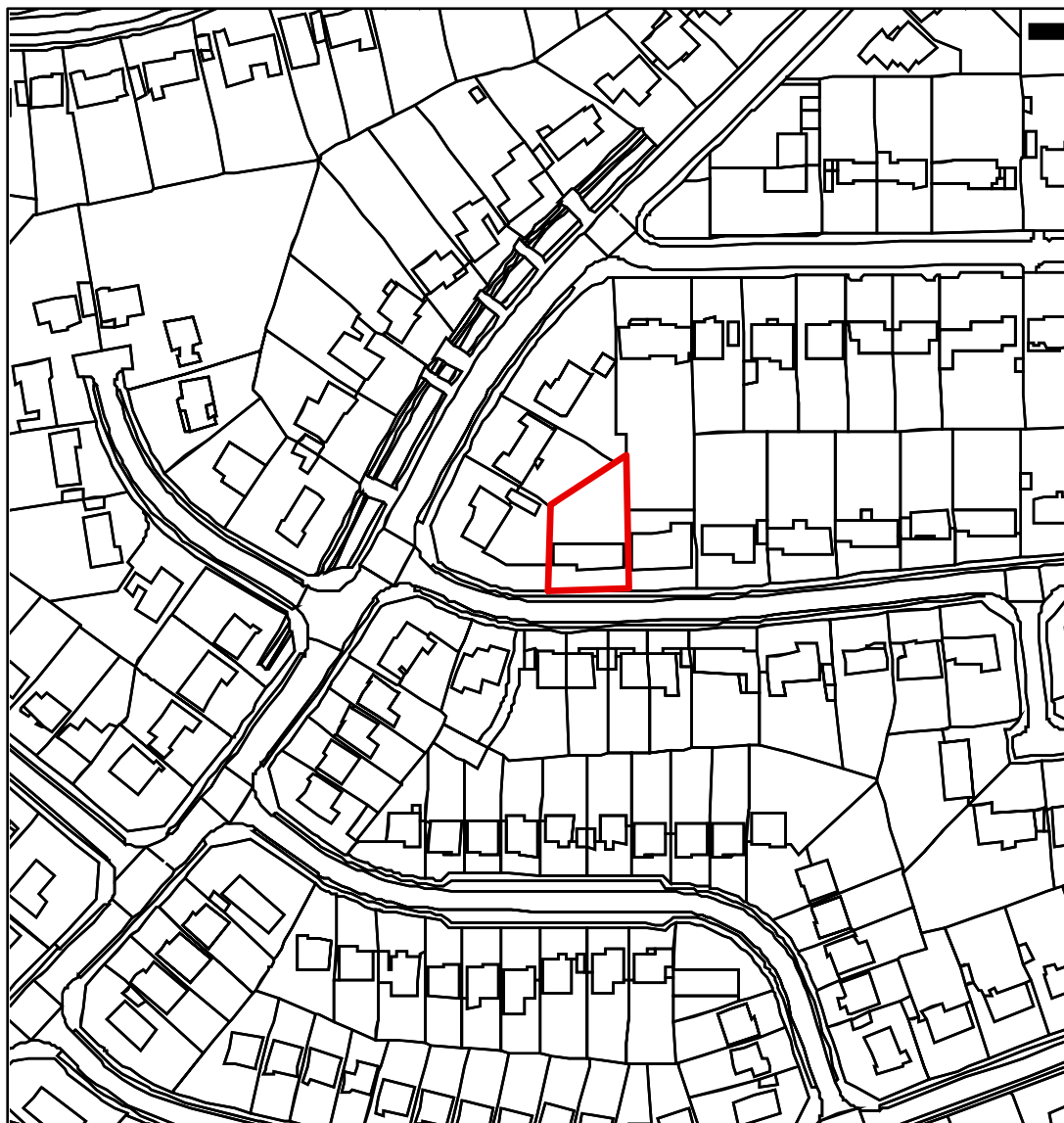
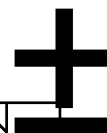
1.15 As the proposal incorporates a front extension to the garage to bring it in line with the dwellinghouse the existing drive length will be reduced from approximately 7m to 5.8m. The Council's highway Engineer has raised no objection to the proposal on highway safety grounds.

1.16 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:** 2  
**Number:** H/2005/5347  
**Applicant:** Vivienne Properties 1 Bridge Lane London NW11 OEA  
**Agent:** England & Lyle Manor House Morton Road Darlington  
 DL1 4PT  
**Date valid:** 25/04/2005  
**Development:** Outline application for Class A1 retail store  
**Location:** Land At Stockton Street And Burbank Street And Clark  
 Street Hartlepool

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## Background

2.1 This application was last considered by Members at the Planning Committee of 3<sup>rd</sup> August 2005 when it was deferred for additional information about the possible impacts of the development on the local road and pedestrian network and for further clarification on the views of the local community.

2.2 In relation to the former reason for deferral a Transport Statement was received on 6<sup>th</sup> January 2006. Neighbours and consultees have been given an opportunity to comment on this. The current position is discussed within the main body of the text.

2.3 In relation to the latter reason for deferral Officers contacted the local residents group Burbank Uniting Residents Together. A meeting was held on 10<sup>th</sup> February 2006. The meeting was attended by seven members of the public, a ward councillor and the case officer.

2.4 The consensus of those attending the meeting was that they did want a shop but they indicated that in order to address ongoing amenity problems a larger area at the junction of Burbank Street and Clark Street should be incorporated within the development site (i.e. a site encompassing the application site, RDS Motor Bodies and the former Stranton Bingo site).

## The Application and Site

2.5 Outline planning permission is sought for a class A1 retail store of 929 square metres. The application is for permission in principle only. The applicant has reserved for subsequent approval matters relating to siting, design, external appearance, means of access and landscaping. It is understood the application is speculative. No end user has been identified though it is understood a discount foodstore is proposed.

2.6 The site is an almost rectangular piece of waste land bounded by Stockton Street, Burbank Street and Clark Street. Bounding the site to the north is the site of the former Stranton Bingo Club and a car body workshop. Further to the north is the Royal Mail sorting office and to the north east on the opposite side a school. To the east is Clark Street and beyond the end gables of terraces of residential properties which front onto Burbank Street. To the south on the other side of Burbank Street



are a number of commercial units. The site is opposite the Stranton Conservation Area which encompasses the brewery buildings on the other side of Stockton Road.

## **Background**

2.7 It is understood that a national retailer has been pursuing an interest in acquiring the application site and the two sites to the north (the former Stranton Bingo site & RDS Motor Bodies) with a view to submitting an application for planning permission for a store. It is understood that the application site however would not meet that retailer's needs and that the current application is speculative.

2.8 Apparently in light of these negotiations, prior to the submission of the application, a 320 signature petition was received from residents registering their support for retail development on the waste ground at the west end of Burbank Street. It is not clear from the petition what specific site it refers to i.e. the application site, or the larger site discussed above.

## **Recent Planning History**

2.9 In March 2001 an application was received for outline planning permission for the erection of a non food retail unit (929 sq m) on the application site. A number of issues arose during the consideration of the application which delayed its determination. In particular policy considerations, pending the completion of a retail study commissioned as part of the Local Plan review, and the effect of the development on the adjoining undeveloped site to the north. In January 2002 the applicant appealed against the non determination of the application. In June 2002 The appeal was dismissed the Inspector concluding that the proposed development "would cause some harm to the vitality and viability of Hartlepool town centre, which would result in a degree of conflict with the development plan". He also identified that a sequentially preferable site in a more convenient location was available at the allocated town centre extension at Park Road. He concluded "when account is taken of the sequential approach in PPG6, this alone is enough to indicate that planning permission should be refused". In relation to the location of the site the Inspector concluded that whilst close to the town centre it was separated from it by a busy dual carriageway which makes it appear remote from the town centre and makes movement between the two difficult. As a consequence he considered that the proposed development would not function well as an extension to the town centre.

## **Publicity**

2.10 The application has been advertised by site notice, neighbour notification (24) and in the press. The time period for representation has expired.

One letter in support together with the petition referred to in para 3.9. Two letters of no objection and nine letters of objection have also been received.

The objectors and those commenting raise the following issues:

- 1 The site should not be developed on its own but in conjunction with the two adjacent sites to the north (Stranton Bingo Club , RDS motor bodies). Otherwise the bingo club site will be landlocked and they will be access problems. Negotiations have been undertaken with a retailer and offers accepted by the two adjacent landowners.
- 2 Inadequacy of existing road network exacerbation of highway problems traffic/parking/congestion/rat running.
- 3 Concerns at entrances and exits onto Burbank St.
- 4 The site is poorly located in relation to the primary shopping area.
- 5 The site does not have good pedestrian access to and from the primary shopping area.
- 6 The site is poorly related to public transport.
- 7 No justification of need.
- 8 No indication the sequential approach has been taken into account.
- 9 The site will impact on the operations of the Royal Mail.
- 10 The use will be a departure from the adopted Local Plan.
- 11 Previous refusal little change in circumstances.

#### Copy Letters B

3.11 The applicant has submitted a statement in support of the application and this is **attached**. It concludes that the proposed development complies with the policies of the emerging Local Plan and complies with national policies (PPS6) satisfying the policy tests of need, the sequential test and retail impact. The applicant's statement maintains the site is edge of centre, well connected with the town centre and accessible on foot and by public transport.

2.12 The Transport Statement was received in January 2006 and consultations were undertaken.

2.13 Five letters of objection were received. The objectors raise the following issues:

- i) Street too narrow for big lorries/safety of children.
- ii) Object to additional exits onto Burbank Street.
- iii) Traffic/safety concerns.
- iv) Whole site should be developed not just application site. This will allow for a better form of development.

v) There should be no access onto A689.

2.14 One writer asks for assurances that heavy traffic would not be using Burbank Street between Clark Street and Redworth Street and that there would be no deliveries through the night.

2.15 The Headmaster of Ward Jackson School whilst not objecting raises concerns that the school has not been considered.

Copy letters A

The period for publicity has expired.

### **Consultations**

2.16 The following consultation replies have been received:

**Northumbrian Water** : Surface water will be accepted to public sewers only as last resort. Sewerage system has reached its design capacity and may not be able to accept the anticipated flow. Conditioning of details acceptable.

**Hd of Economic Development**: No objection. The site is in a high profile location and therefore it is important that the development is of suitable quality.

**Hd of Technical Services**: Makes the following comments on the access options identified:

#### Option 1

This option is not acceptable as it shows an egress onto the A689, which is against the Council's Local Plan policy TR15, which restricts access onto major roads.

#### Option 2 and 3

Both these options are acceptable in highway terms. They show no egresses onto the A689, only access into the site from it.

A Section 278 agreement will be required for access road junction with the A689 works and radius improvement at the Clark Street/Burbank Street junction. The parking provision for all of the options is acceptable.

Full details of the servicing arrangements will be required when a full planning application is submitted.

**Engineering Consultancy** : No comments

## Planning Policy

2.17 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:

Co4: states that development within the vicinity of a Conservation Area should take account of the character of that 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. The policy identifies the application site as “fringe town centre” area 6 East of Stranton “where office business, industrial development will be permitted. In addition retail development will not be allowed unless it demonstrably serves the local area.

Ec15: allocates this area for further retail and other commercial and leisure development subject to the provisions of Policy Ec14. Replacement car park facilities may be required to be provided through legally binding agreements.

Ec20: states that business and storage and distribution uses will normally be allowed in this fringe area subject to adequate servicing and car parking provision.

Ec23: states that proposals for retail developments likely to prejudice the vitality and viability of the town centre or of local shopping areas will not normally be permitted.

Ec24: identifies Tees Bay Retail Park and the Marina as sites outside the Town Centre where retail development will normally be approved subject to there being no prejudicial effect on the vitality and viability of the Town Centre or local shopping areas.

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.

En9: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

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

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

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

Ind9: reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

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

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

## **Planning Considerations**

2.18 The main considerations in this case are considered to be policy, highways and the impact of the development on the adjacent sites/regeneration benefits.

### **POLICY**

2.19 The site lies outside the defined town centre in terms of the adopted Hartlepool Local Plan (1994). In terms of this plan the site is allocated for a range of business uses excluding retailing. The proposal does not therefore accord with the policies of the adopted Local Plan.

2.20 In terms of the emerging Hartlepool Local Plan (2005) the site lies outside the town centre and is defined as an edge of centre site still under Policy Com4a. The boundary of the Town Centre and the identification of Edge of Centre sites was defined as a result of the Local Plan Inspector's recommendations. She recommended that the town centre boundary be drawn much more tightly than had been proposed and made recommendations in relation to edge of centre and fringe sites. In relation to the North Stranton (now East of Stranton) area the Local Plan Inspector reiterated the locational concerns raised in the plan, concluding that Stockton Road was a major barrier to pedestrian movement severely limiting the potential contribution of this area to the retailing function of the town centre.

2.21 Government policy outlined in PPS6 Planning for Town Centres outlines the government's objective of promoting vital and viable town centres by focusing development on existing centres in order to strengthen and where appropriate, regenerate them. This is reflected in Policy Com13A of the Emerging Local Plan.

2.22 PPS6 advises that applicants should demonstrate the need for the development, that the development is of an appropriate scale, that there are no more central sites for development, that there are no unacceptable impacts on local centres and that locations are accessible. Local Planning Authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule the development should satisfy all the key considerations. In making their decisions the Local Planning Authority should also consider relevant local issues and other material considerations.

2.23 In terms of need the applicants have not carried out a detailed assessment. After considering the Hartlepool Retail Study (Updated 2005) (HRS) they consider that there is more than adequate capacity for the development. However, the HRS advises that there is currently no further capacity for new convenience floorspace within the period to 2011 and recommends that extreme caution should be exercised in permitting new floorspace in locations outside the established centres. In terms of comparison floor space it advises that without an increase in market share and level of expenditure inflow there is no capacity for further comparison floorspace in the period to 2011. The applicant has not provided substantial evidence to indicate that the development will increase market share and level of expenditure inflow. The proposal is for a relatively small unit and it is therefore unlikely to attract a retailer of the stature to significantly influence these factors. In terms of qualitative need the HRS study identifies some need in parts of the town but not in this location. The HRS concludes that caution should be exercised in relation to the approval of out of centre retail development as well as retail warehousing on the edge of the town centre. It is not considered that the applicant has demonstrated a need for the development.

2.24 If a need were demonstrated PPS6 advises that a sequential approach to site selection should be applied to all development proposals which are not in an existing centre nor allocated in an up-to-date development plan which is the current case. The sequential approach as set out in Policy Com 13A requires that locations are considered in the following order as set out in Com 13A existing centres, edge of centre locations with preference given to sites which are or will be well-connected to the centre, and, out of centre sites with preference given to sites which are or will be

well served by a choice of transport and which are close to the centre and have a high likelihood of forming links with the centre. Proposals should be located in the town centre, only if sites are not available should edge of centre location be considered. In terms of this “sequential test” the applicant has provided little evidence that they have closely examined or assessed other sites in the town centre. In fact there is a sequentially preferable site within the town centre, the allocated town centre extension at Park Road. The applicant considers this is unsuitable for the scale of development proposed, however it is not clear why the applicant considers this to be the case, as the Park Road site could in theory accommodate all types of retail development. It is considered therefore that there is a sequentially preferable site available within the Town Centre.

2.25 In relation to the impact of the development on the vitality and viability of the town centre the applicant has provided little evidence to support his view that the application will not affect the vitality and viability of the town centre.

2.26 In terms of accessibility, the site has poor connections with the town centre and is poorly served by transport links. These issues have been highlighted in the emerging Local Plan (2005), in the Local Plan Inspector’s report (2005), and in the conclusions of the Appeal Inspector (2002). The situation remains unchanged since the appeal was dismissed and the HRS (2005) states “ Victoria Road and Stockton Street form strong barriers to the town centre to the north and east and it is recommended that further retailing extending beyond these roads only be permitted after careful consideration of retail capacity (see above), their contribution to qualitative improvements and any other regeneration benefits they might offer as well as the impact of such development on the town centre”.

### Highways

2.27 The applicant has now submitted a Transport Statement which has been assessed by the Council’s engineers. The Transport Statement concludes “it has been demonstrated that the site is capable of accommodating the proposed development including adequate parking for both cars and cycles, dedicated pedestrian access, servicing and with access arrangements which would not result in any detriment to the issues raised by the Local Authority in respect of local roads. The proposal would result in less than 1 extra vehicle per minute on average during the PM peak hour on the A689 and it has been demonstrated that the proposed access arrangements will readily accommodate this demand. It has been demonstrated that the proposed development would have acceptable non-car accessibility in accordance with local and national policy guidance. It is therefore concluded that there are no transport related issues which should prevent the proposals from proceeding”.

2.28 The application is for outline permission and the issues of siting and means of access have been reserved. However in assessing the proposal and to demonstrate that the development could in theory be accommodate the Transport Statement included three potential options.

2.29 Option One, which is the applicant's preferred option, shows the store sited at the east end of the site with access and egress from the A689. This is not considered acceptable on highway safety grounds.

2.30 Option Two shows the store sited at the east end of the site with access from the A689 and an access and exit from Burbank Street. There are no highway objections to this.

2.31 Option Three showed the store sited at the west end of the site with access from the A689 and an access and exit from Burbank Street. There are no highway objections to this.

2.32 All the options also indicated improvements to the bus stop on Burbank Street, improvements to the radius at the junction of Clark Street and Burbank Street and a dropped kerb crossing point across the A689.

2.33 Objectors have raised issues in relation to the adequacy of the highway network to accommodate the development however in light of the Transport Statement submitted by the applicant and the comments of the Council's engineer it is not considered that the proposal could be resisted on highway grounds.

#### Impact on adjacent sites/Regeneration Benefits

2.34 An argument might be made that the development will assist in the regeneration of the area and local residents have made a case for a development to serve local needs. However it is noted that the application does not include the two adjacent sites to the north (Stranton Bingo Site/RDS Motor Bodies). The adjoining landowners have raised concerns in relation to the impact of the proposal on the overall development of the area and particularly their own sites. There is some sympathy for the view that any proposal for development on the application site should be undertaken in conjunction with the redevelopment of the adjacent sites. The sites are prominently located along one of the main thoroughfares into the town. It is considered that this development could potentially constrain the development of these sites, particularly the former Stranton Bingo site, to the detriment of proper planning of the area. The remaining sites will be difficult to access and develop. They are likely to remain vacant for the foreseeable future, thereby retaining a visually poor environment on the main approach to the town centre and the edge of the Stranton Conservation Area. In regeneration terms therefore the position would be greatly strengthened if all the sites were included in any proposals.

#### Conclusion

2.35 It is considered that the proposal would be contrary to the advice and guidance contained in PPS6 (Planning for Town Centres) in that the applicant has failed to demonstrate that there is a need for the development, that there is not a sequentially preferable site in the town centre (such as at the allocated town centre extension at Park Road). The site is not in an accessible location. It is considered that the proposal would prejudice the redevelopment of the land to the north to the detriment of the proper planning and visual amenity of the area and the setting of the Stranton Conservation Area. The application is recommended for refusal.



## **RECOMMENDATION – REFUSE**

1. The proposal conflicts with the policies and proposals of the adopted Hartlepool Local Plan in that the site is allocated for business and storage and distribution purposes (use classes B1 and B8) under policy EC20; the proposal would adversely affect the implementation of Policy Ec15 (retail development adjacent to Middleton Grange Shopping Centre) and be contrary to policy EC23 which seeks to protect the vitality and viability of the town centre and to policy Ec24 which seek to direct retail development outside the town centre towards allocated sites in the Marina and Tees Bay Retail Park under policy Ec24.
2. It is considered that the proposal would be contrary to the advice and guidance contained in PPS6 Planning for Town Centres and policies Com4a and Com13A of the emerging Hartlepool Local Plan 2005 in that the applicant has failed to demonstrate that there is a need for the development, there is also a sequentially preferable site in the town centre (at the allocated town centre extension at Park Road) and the site is not in an accessible location.
3. It is considered that the proposal would prejudice the redevelopment of the land to the north of the application site, to the detriment of the proper planning and visual amenity of the area and the setting of the Stranton Conservation Area contrary to policies Gen1, En13, Tr5 and Co4 of the adopted Hartlepool Local Plan and policies GEP1, GEP7, Tra15 and HE3 of the emerging Hartlepool Local Plan 2005.

4/2005/5347

## **OUTLINE PLANNING APPLICATION FOR A CLASS A1 RETAIL DEVELOPMENT AT STOCKTON STREET, HARTLEPOOL:**

### **SUPPORTING STATEMENT**

This statement has been prepared by England & Lyle in support of the outline planning application by Vivienne Properties for a Class A1 retail development at Stockton Street, Hartlepool. It sets out a concise assessment of the planning background and policy context affecting the application site, and the planning issues involved.

#### **Background**

The application site is bounded by Stockton Street in the west, Clark Street in the east and Burbank Street in the south. The northern boundary is formed by the extent of Vivienne Properties' land ownership. Vivienne Properties do not control the land to the north, formerly the site of the Gala bingo hall. The application site occupies 0.34 hectares of land.

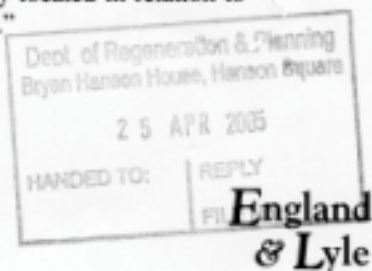
In February 2001 England & Lyle made a planning application for non-food retail development on the same site, owned at that time by Goldacre (Offices) Ltd) – application ref. H/OUT/0124/01. After a period of ten months without a decision on the application, an appeal against the non-determination of the application was made by written representations. The appeal (ref APP/H0724/A/02/1082252) was dismissed in June 2002 on the grounds that the proposed development would cause some harm to the vitality and viability of Hartlepool town centre, which would result in a degree of conflict with the development plan. The proposals also failed to satisfy the sequential approach because of the availability of a site at Park Road in the town centre which would be a preferred location for the proposed development.

Since 2002 there has been a change in circumstances in relation to the Local Plan and national planning policy which justifies the grant of planning permission for retail development on this site.

#### **Planning Context**

In the revised deposit draft of the Hartlepool Local Plan Review the application site is included within the Stranton town centre fringe mixed use area. The draft plan proposes that this area should be allocated for uses including retail, offices, hotel and leisure and entertainment uses. The Local Plan does not make any distinction between food and non-food retailing. However, the supporting text favours retail uses on sites closely related to the town centre. It states that :

"Whilst there are existing retail users in the Stranton area, not all sites will be suitable for additional retail development particularly those sites poorly located in relation to the primary shopping area in terms of ease of pedestrian access."



Following the Local Plan Inquiry in July 2004, the Inspector's Report was published in February 2005. The Inspector acknowledged that the Stranton fringe area is edge-of-centre and it could provide a location for further shopping development that could help to consolidate the retail function of the town centre. But he said Stockton Street is a busy dual carriageway road with few and not very attractive crossing points; it is a major barrier to pedestrian movement. The Inspector recommended that no modification is made to the plan regarding this town centre fringe area. Therefore, if the Council accepts the Inspector's recommendation, the Stockton Street site will remain an area for mixed use development, including retail, but any retail development would have to show that there are adequate pedestrian links with the town centre.

Retail use on this site would be acceptable in principle in line with the draft Local Plan which allows retail use on the Stockton Street site as part of a mixed use area. The site is suitable for retail uses that are complementary to the town centre. It would provide an opportunity for retail development close to the town centre.

### **Planning Issues**

There is a previous planning refusal on this site but it was for a non-food retail warehouse development. The current application does not specify the type of retailing proposed. It may be food or non-food retail. Circumstances have changed since the previous application was refused on appeal because the Park Road site considered sequentially preferable at that time by the Inspector is now allocated for an extension to the town centre. There are no sites on the edge of the town centre that could be considered sequentially preferable to the application site.

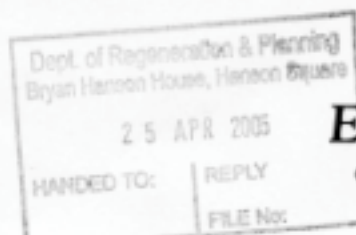
Because the proposal is for retail development, it must be assessed against the new Planning Policy Statement 6 (PPS6) on Planning for Town Centres.

In the context of development control, applicants should demonstrate:

- a) the need for development
- b) that the development is of an appropriate scale
- c) that there are no more central sites for the development
- d) that there are no unacceptable impacts on existing centres, and
- e) that locations are accessible.

The level of detail and type of evidence and analysis required to address these key considerations should be proportionate to the scale and nature of the proposal. In this instance the development is of a small scale and we do not present any detailed analysis of need or impact.

Need must be demonstrated for any application for retail development which is in an edge-of-centre or out-of-centre location. In assessing the need and capacity for additional retail development greater weight should be placed on the quantitative need for additional floorspace but consideration should also be given to qualitative need, particularly in deprived areas which lack access to a range of services and facilities.



Although we have not carried out a detailed need assessment, we have looked at the retail capacity analysis included in the Hartlepool Retail Study. There is more than adequate capacity in Hartlepool in 2006 for a development of the size proposed just from the growth of retail expenditure in the Hartlepool catchment area, both in convenience and comparison goods.

The sequential approach to site selection should be applied to development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan. The sequential approach requires that locations are considered in the following order:

- first, locations within existing centres
- then edge-of-centre locations, then
- out-of-centre sites with preference given to sites which are well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

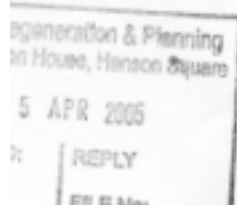
Local planning authorities should also give weight to those locations that best serve the needs of deprived areas.

Because the application site is edge-of-centre in PPS6 terms (see below) only alternative sites within the town centre can be considered sequentially preferable. Only the Park Road site, currently used for car parking, remains available in the town centre. The draft Local Plan allocates the Park Road site as a primary shopping area opportunity "for future retail development to complement the shopping centre". The site occupies about 1.9 hectares and it has outline planning permission for an extension to the Middleton Grange centre. Replacement public car parking is required and the outline consent includes the provision of a multi-storey car park. This site is clearly not suitable or available for the type of small-scale development proposed at Stockton Street.

PPS6 states that impact assessments should be undertaken for any proposed retail development which is in an edge-of-centre or out-of-centre location. Impact assessments should be provided for all retail proposals over 2,500 sq. metres gross floorspace but they may occasionally be necessary for smaller developments such as those likely to have a significant impact on smaller centres, depending on the relative size and nature of the development in relation to the centre. In this instance the proposal is well below the 2,500 sq. metre threshold and there are no relatively small centres nearby that could be affected. The only centre that could compete with the proposed development is Hartlepool town centre.

The Hartlepool Retail Study shows that Hartlepool town centre displays relatively strong indicators of vitality and viability. Since the retail study was carried out, the health of the town centre has continued to improve. Our assessment is that it is trading very successfully with a high level of vitality and viability. There is no risk of harm to the town centre arising from the proposed development.

The PPS6 definition of an edge-of-centre site is one which, for retail purposes, is well connected to and within easy walking distance (up to 300 metres) of the primary





shopping area. A site is not well connected to a centre where it is physically separated from it by a barrier such as a major road and there is no existing or proposed pedestrian route which provides safe and convenience access to the centre.

Although the application site is located on the eastern side of the Stockton Street dual carriageway, it is well connected to the town centre. There is a modern traffic-light controlled pedestrian crossing at the junction of Stockton Street with Park Road and Hucklehoven Way. Pedestrians can walk easily and safely between the application site and the Middleton Grange centre. The walking distance from the site to the southern entrance into Middleton Grange is only 250 metres.

The proposal site lies between the town centre and the Tesco superstore. There is already pedestrian movement along Stockton Street by shoppers visiting Tesco, including use of the existing pedestrian crossing point.

In the context of the comment in the Local Plan text about some sites in the Stranton area being poorly located in relation to the primary shopping area in terms of ease of pedestrian access, this comment does not apply to the application site. The site has good pedestrian access.

The site is an accessible location, adjacent to the main road network on Stockton Street. Buses also pass along Stockton Street. There is an adjacent residential area with a walk-in population. It is also a relatively deprived part of Hartlepool which is lacking in shopping provision. The proposed development will improve the accessibility of shopping facilities to people living in this area.

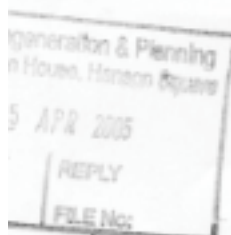
### **Conclusions**

The proposed development complies with policy in the draft Local Plan. Retail development of the scale proposed on the application site also complies with national policy in PPS6. It satisfies the key policy tests of need, the sequential test and retail impact.

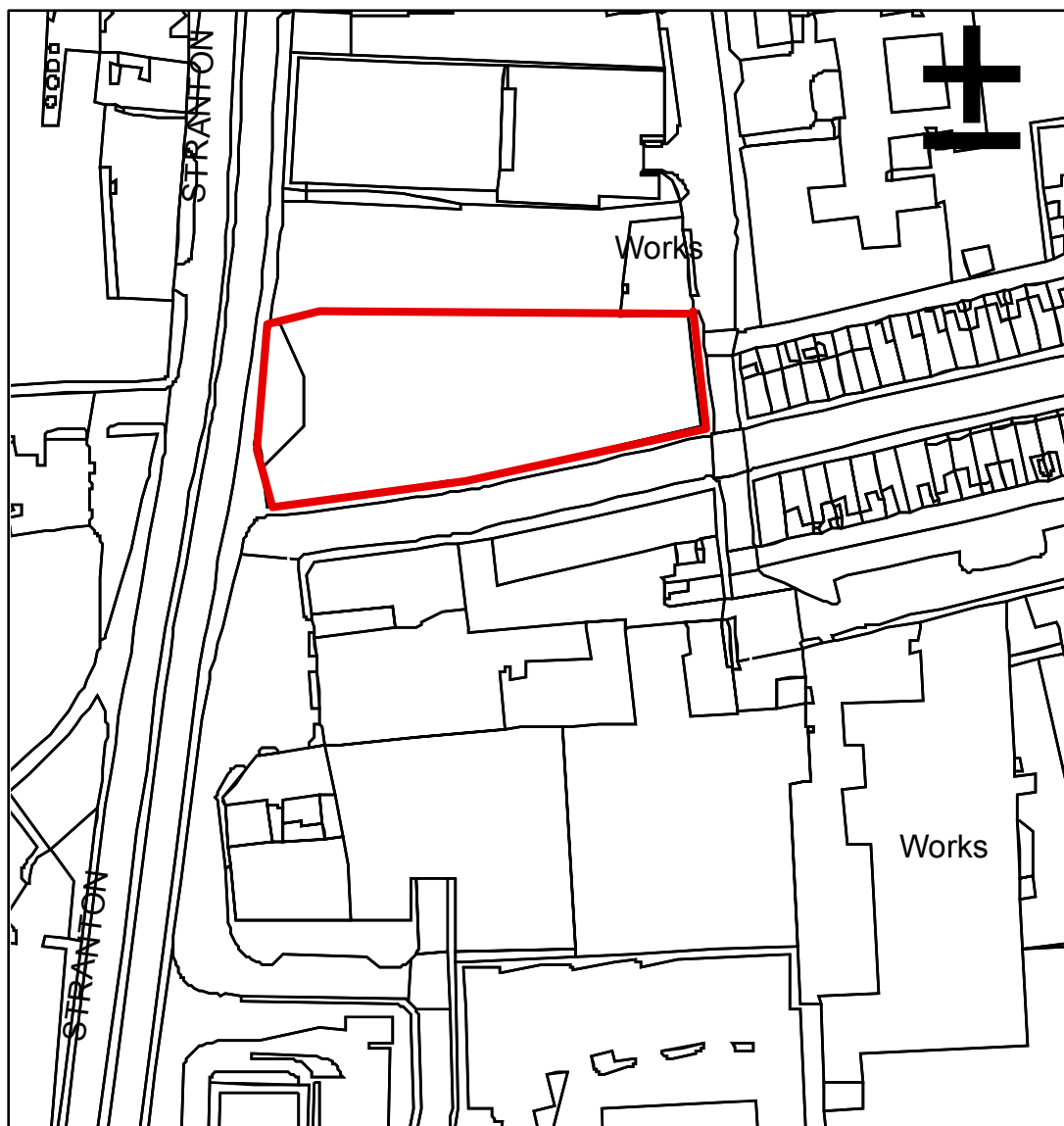
There is capacity for the size of retail development proposed. The site is suitable for retail development and the proposal is of an appropriate scale in this location. There are no more central sites that are suitable or available for the development. There is no risk of harmful impact on the vitality and viability of the town centre.

The site is edge-of-centre in PPS6 terms and it is well connected to the town centre by the existing pedestrian crossing on Stockton Street. It is accessible on foot and by public transport.

We recommend to the Borough Council that this application should be approved.



## Stockton Street/Burbank 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>3.2.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2005/5347</b>	REV

**No:** 3  
**Number:** H/2005/5881  
**Applicant:** Mr & Mrs Tweedy 1 PARK DRIVE HARTLEPOOL TS26 0DA  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 24/10/2005  
**Development:** Alterations and erection of 2 storey extensions to provide study, bedrooms, en-suite, dressing room , gym, lounge, garage and new entrance  
**Location:** 1 PARK DRIVE HARTLEPOOL

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### **The Application and Site**

3.1 The application site is a modern detached dwellinghouse located in the Park Conservation Area. It has access off Park Drive which passes the site to the south. To the north is the garden of Four Winds Residential Care Home which stands at a higher level than the application site. To the west of the site is the access to Four Winds and beyond are modern blocks of apartments forming part of the Four Winds Court complex. To the east is another modern detached dwellinghouse. There are a number of protected trees on the southern edge of the site.

3.2 It is proposed to extend the dwellinghouse to the front and side to accommodate a hall/stairs, lounge, gym and double garage at ground floor and two bedrooms (one with ensuite dressing room and bathroom), and a landing/stairs at first floor. The driveway will be extended to accommodate access to the new garage.

### **Publicity**

3.3 The application has been advertised by neighbour notification (8), site notice and by press advert. The time period for representations has expired. One no objection and three objections were received from neighbouring properties. The objectors raise the following issues.

- 1) Extension is excessive.
- 2) Large expanse of brick wall facing neighbouring apartments.
- 3) Height and location of extension.
- 4) Loss of light.
- 5) Loss of a view.

Copy letters C

### **Consultations**

None

## Planning Policy

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

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

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

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

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

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

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

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

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

GEP13: states that the felling of trees with TPOs or within Conservation Areas will be not granted unless certain criteria listed in the policy are met. Tree surgery works to protected trees will only be approved where there is danger to human life, property is



being damaged or it is in the interests of the well-being of the tree. Replacement planting will normally be required where permission is given to fell protected trees.

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

Hsg13(A): sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with approved guidelines will not be approved.

### **Planning Considerations**

3.6 The main planning considerations in this case are considered to be the impact of the development on the character and appearance of the Conservation Area/street scene, the impact on the amenity of neighbours and trees.

#### **THE IMPACT OF THE DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA/STREET SCENE**

3.7 The proposed extension is substantial and more than doubles the current living accommodation. It projects to the side but also to the front of the property towards the road. Following negotiations the design has been altered bringing down the eaves and ridge height of the extension to reduce its massing and to attempt to reduce its dominance. The property is set within a generous curtilage and it is considered that the site can accommodate an extension on this scale. The proposed design is in keeping with the existing property and is set well back from the road side. It is not considered that the proposal will detract from the character and appearance of the Conservation Area or the street scene.

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

3.8 Objections have been received from the occupiers of the apartments to the west of the applicants property. These objections relate to the size of the extension, the impact on the outlook of the apartments, loss of light and loss of view.

3.9 Loss of view is not considered to be a material planning consideration.

3.10 Negotiations with the applicant have resulted in an amended scheme. The main outcome of which is that the overall height and eaves height of the proposed extension has been reduced by 0.7m and 1.4m respectively.

3.11 One of the apartment blocks is gable ended onto the site and has a blank gable facing though oblique views are possible from the apartments balcony. It is not considered that the amenity of these apartments will be unduly affected by the

development. Similarly it is not considered the proposal will unduly affect the amenity of occupiers to the north (Four Winds) or the residential property to the east.

3.12 The closest apartments facing the extensions are located some 14m from them. The southern end of the extension extends approximately 6.5m down this block. Intervening is the driveway of Four Winds enclosed by two fences. The only windows facing the apartments are two ground floor windows and high level roof lights and it is not considered the privacy of the block will be unduly affected. Given the relationship and the separation distances it is not considered that the proposed extension will unduly affect the light or outlook of the adjacent apartments.

## TREES

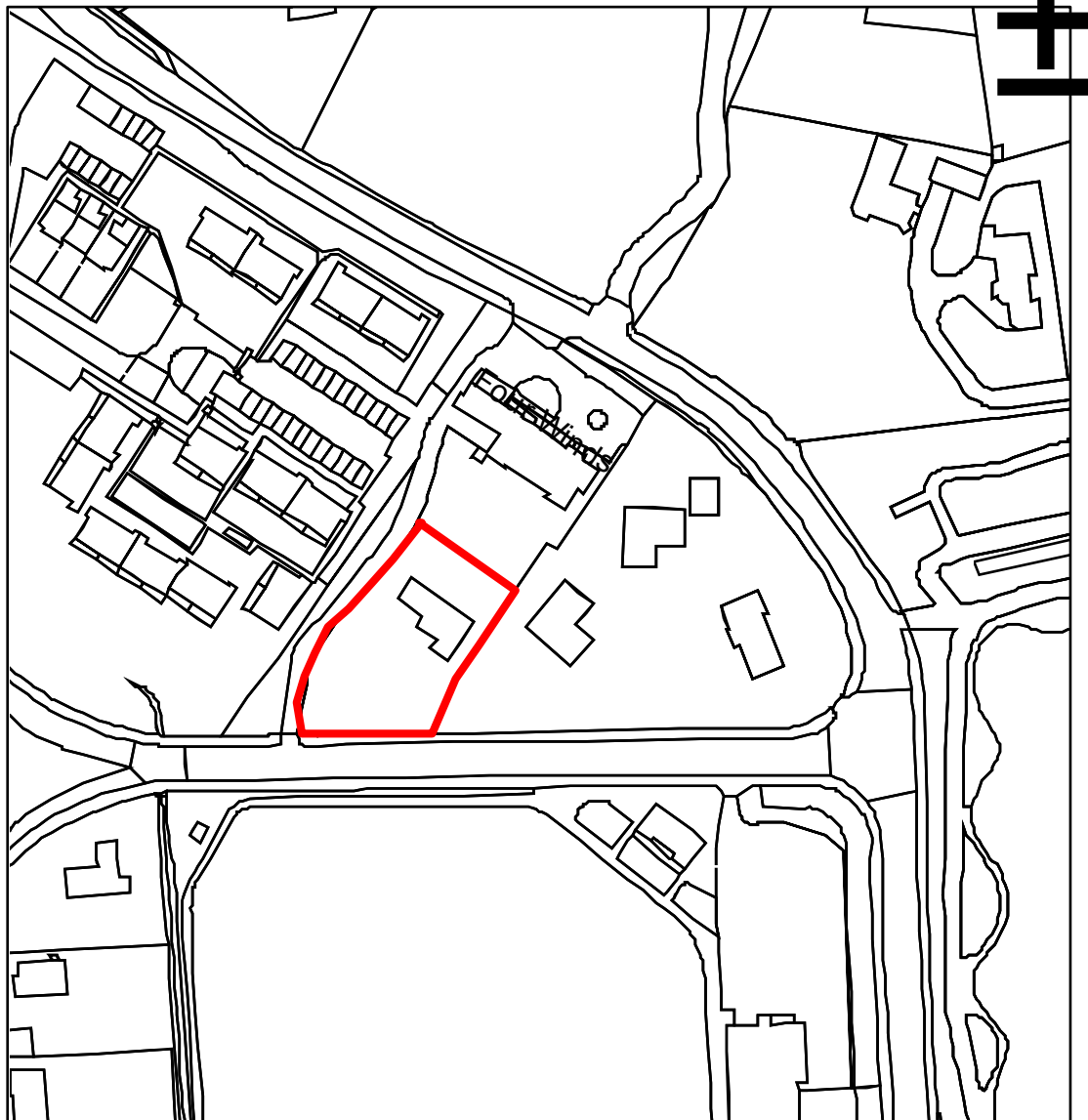
3.13 A number of protected trees are located at the front of the site and the changes to the driveway would affect the trees. The Arboriculturalist has therefore recommended a condition requiring securing the protection of the trees.

## **RECOMMENDATION – APPROVE**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 02 Rev A and 03 received on 12 January 2006 unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.
4. 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 31, 33, 41 and 42 Four Winds Court without the prior written consent of the Local Planning Authority.  
To prevent overlooking
5. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. It shall be retained on site for the duration of the works to implement the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall

be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).

## 1 Park Drive



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG. NO <b>H/2005/5881</b>	REV

**No:** 4  
**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**

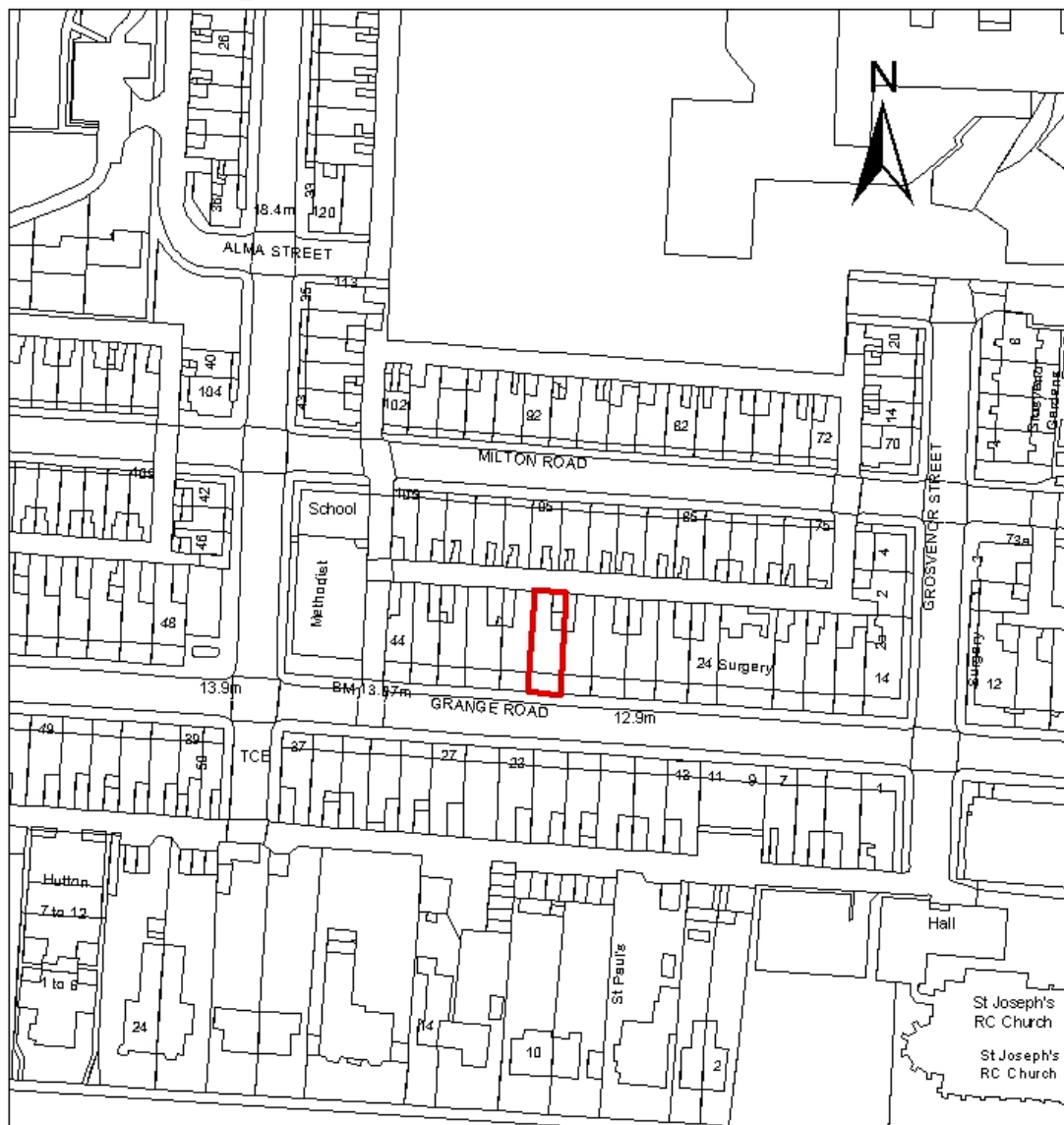
4.1 This application was reported to the Planning Committee of 31<sup>st</sup> August last with a recommendation of refusal and enforcement. It was deferred and has subsequently been deferred to allow time for further discussions with the applicant.

4.2 At the last meeting the applicant requested that the application be deferred to allow him further time to seek advice and consider his position. Unfortunately the applicant has had to leave the country as a member of his family is seriously ill and has asked again that the matter be deferred.

4.3 In these unfortunate circumstances it is recommended therefore that the consideration of the application be deferred. It is hoped that a final report will be presented at the next meeting.

## **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:** 5  
**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

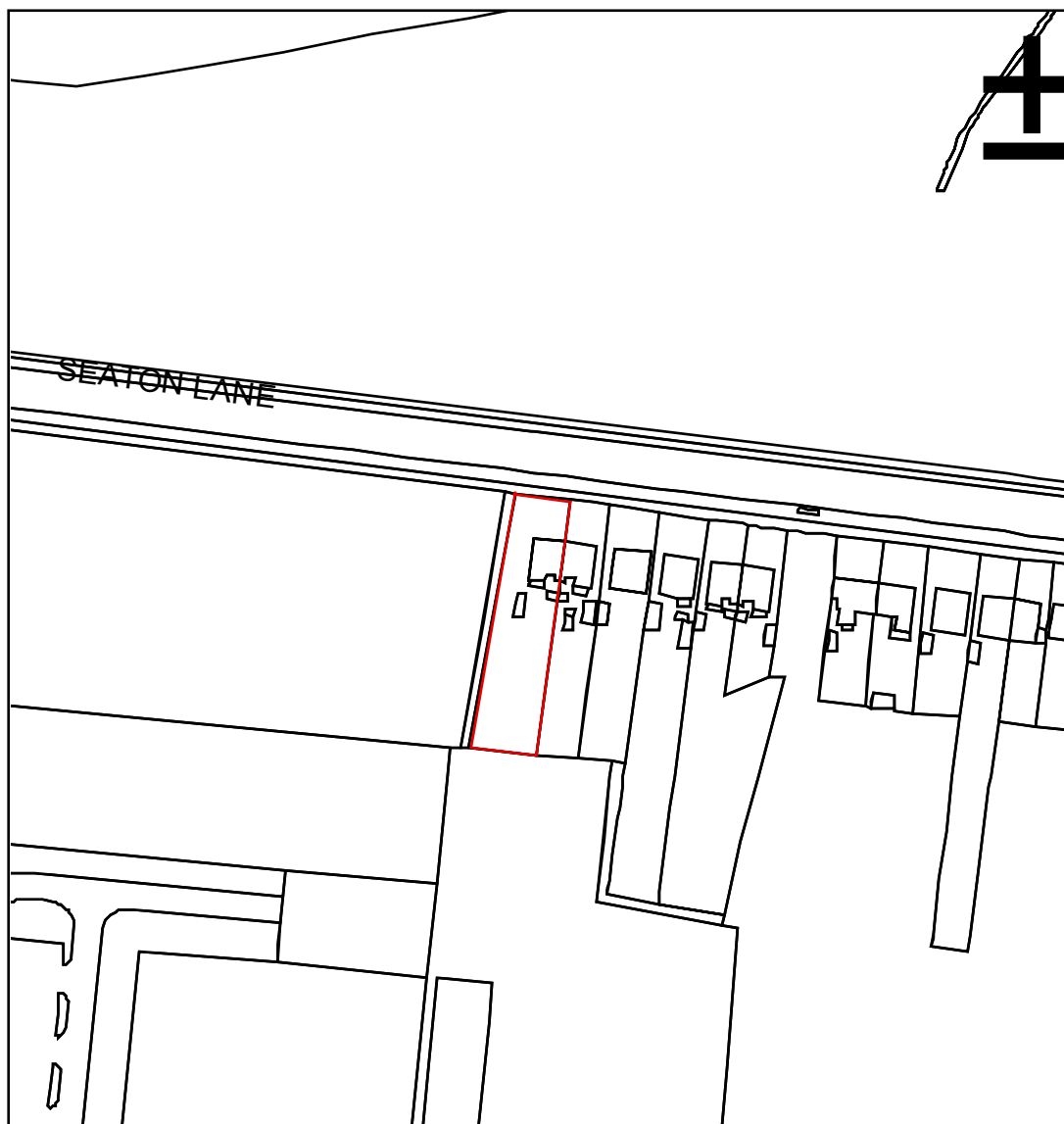
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## **Background**

5.1 The above application was reported to the Planning Committee on 8 February 2006 when it was deferred. Some of the issues outstanding in relation to the application at the adjacent site (Golden Flatts) are relevant (see H/2005/5709 also on this agenda). Discussions are ongoing. If the Golden Flatts application can be brought to a conclusion before the meeting an update report on this application will be provided.

**RECOMMENDATION** – Update to follow

## 65 Seaton Lane



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

**No:** 6  
**Number:** H/2006/0014  
**Applicant:** St Aidans C Of E Primary School, Loyalty Road  
Hartlepool  
**Agent:** Landscape Section Leadbitter Buildings Stockton Street  
Hartlepool TS24 7NU  
**Date valid:** 04/01/2006  
**Development:** Extension of tarmac playground surface to form multi  
games area, relocation of existing perimeter fence,  
footpath and street lighting  
**Location:** ST AIDANS C OF E MEMORIAL PRIMARY SCHOOL  
LOYALTY ROAD HARTLEPOOL

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## **The Application and Site**

67.1 The site to which this application relates is the existing schoolyard, footpath/cycleway and playing fields to the south of St Aidans C of E School on Loyalty Road.

6.2 The application seeks to extend the existing playground to the south of the school to create a multi use games area for use by the school only. The extension of the hardstanding area will involve the re-location of the existing footpath/cycleway to the south into the existing Foggy Furze playing field.

## **Publicity**

6.3 The application has been advertised by way of neighbour letters (17). To date, there have been 2 letters of objection and 1 letter of comments, the application has been amended since originally submitted and neighbours have been re-consulted:-

6.4 The concerns raised are:

1. Designated cycle path and footpath cannot be altered
2. Triangle of land adjacent to 38 Whitfield Drive would create congregation point for youths
3. Would be easier to tarmac inside the existing playing field
4. The end posts should be in place (this relates to bollards and motorcycle barriers)
5. Motor cycle barrier should be re-located to the centre of footpath
6. Need for more lighting

Copy Letters F

6.5 The period for publicity for the re-consultation expires before the meeting.

## **Consultations**

6.6 The following consultation replies have been received:



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

**Sport England** – No objections

**Education Resources and Support** – Comments awaited

**Traffic and Transportation** – Comments awaited but informally no objections

**Community Services** – Comments awaited

## **Planning Policy**

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

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

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

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

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

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

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

Rec4: seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of

school playing field land does not prejudice its overall integrity. Developer contributions will be sought to secure replacement or enhancement of such land remaining.

### **Planning Considerations**

6.8 The main considerations in this instance are policies and proposals held within the adopted and emerging Hartlepool Local Plans, the impact on the playing fields and neighbours.

6.9 The proposal has been amended slightly since originally submitted to take into account concerns/comments raised by local residents.

6.10 It is considered that the proposed extension to the school playground is unlikely to create any further noise and disturbance implications than that of the existing due to the physical relationship with the surrounding properties. The use is to be restricted to school use only with no floodlighting.

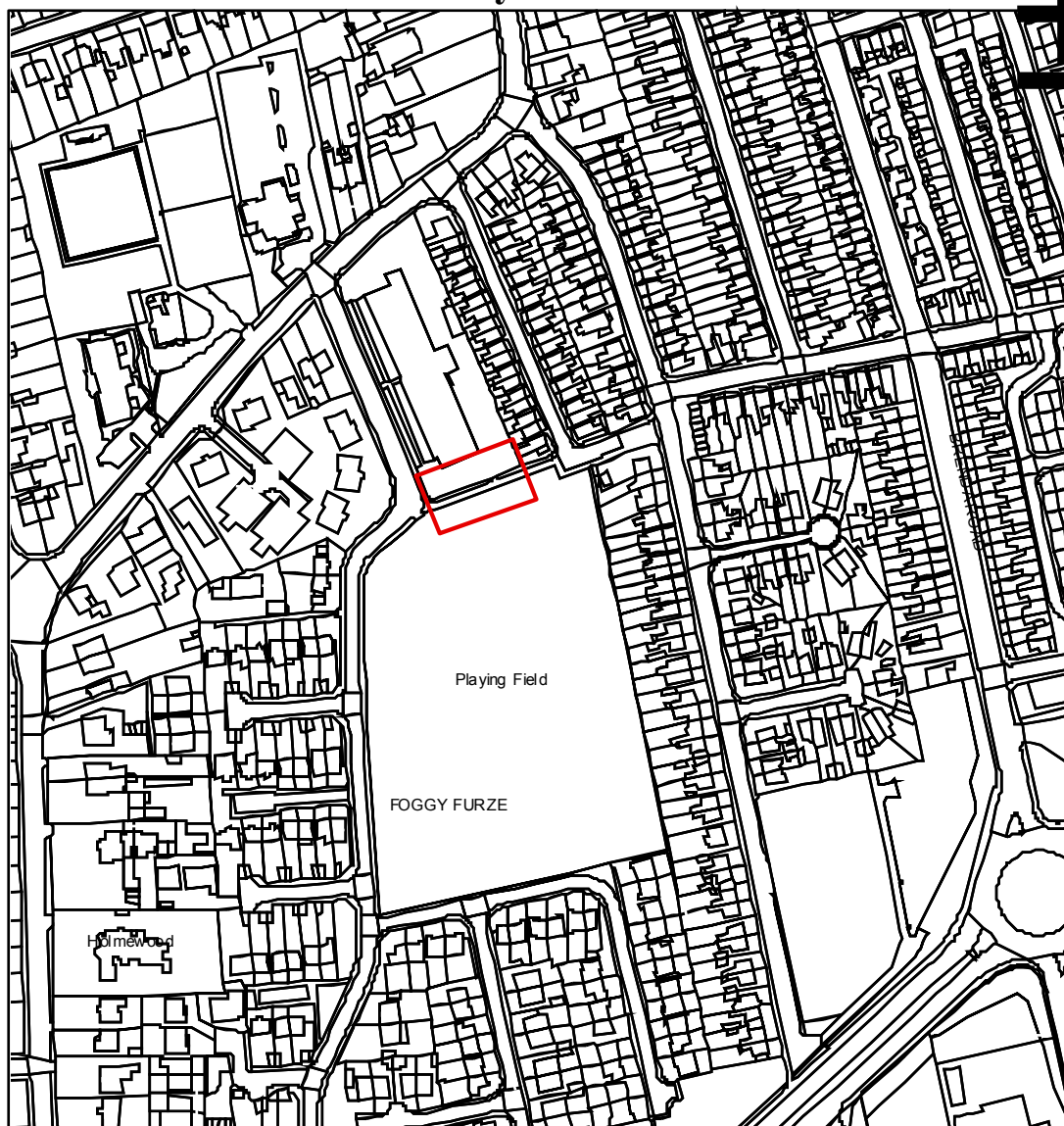
6.11 It is acknowledged that there will be a loss of grassed playing field should this application be successful, It is considered however, due to the size of the playing field associated with the school it is unlikely that the proposed loss will compromise any formal or informal sports recreation on the grassed area. The proposal will in fact increase sports provision upon the school premises by creating a multi use games area. Sport England have raised no objections to the proposal in this respect.

6.12 The effects on neighbours should be limited given the points raised above. The scheme for relocation of the footpath/cycleway has been specifically amended to address the concerns of the residents closest to the site – the footpath cycle way diversion has been amended to reduce the amount of space adjacent to that property and lighting and a planting scheme have been proposed to minimise the potential for youths to congregate here.

6.13 Given that neighbour consultations are outstanding an update report will be provided before the meeting.

**RECOMMENDATION** – Update to follow

## St Aidens C of E Primary School



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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/2006/0014</b>	REV

**No:** 7  
**Number:** H/2005/5973  
**Applicant:** Montague Estates (Tower House) 77 Church Street  
Hartlepool TS247DN  
**Agent:** Building Design (UK) Ltd Suite 1 Tayson House Methley  
Road CASTLEFORD WF10 1PA  
**Date valid:** 25/11/2005  
**Development:** Change of use and erection of rear extensions to form 20  
studio flats and installation of new shop front  
**Location:** ORD LTD TOWER STREET HARTLEPOOL

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## **The Application and Site**

7.1 The site to which this application relates is a 3 storey commercial building situated in Tower Street within the Church Street Conservation Area. The property has recently ceased trading as Ords Stationers at ground floor level, with the first and second floors being vacant for some time.

7.2 The application seeks to retain the commercial use at ground floor and create 20 studio apartments at first and second floor. The application incorporates a rear extension to the property at first and second floor with the provision of a pitched roof to the existing rear flat roofs at first floor. The proposed access to the residential units will be taken from the Tower Street frontage.

## **Publicity**

7.3 The application has been advertised by way of neighbour letters (43) site notice and press advert. To date, there have been 6 letters of objection received:-

7.4 The concerns raised are:

- 1 Lack of parking provision may exacerbate existing parking problems in the immediate and surrounding area.
  - 2 May compromise the late night music venue opposite.
  - 3 The greater demand for car parking associated with the development will have an adverse on surrounding businesses due to fewer parking spaces for staff and customers.
- Copy letters E

The period for publicity has expired.

## **Consultations**

7.5 The following consultation replies have been received:

**Head of Public Protection and Housing** – has raised concerns about the relationship to commercial and licensed premises to the extent he wishes to object to the scheme

**Head of Traffic and Transportation** – has some concerns about parking but does not feel he can sustain an objection

**Housing Hartlepool** – has reservations about studio apartments

## **Planning Policy**

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

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

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

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.

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

Ec16: identifies the Church Street Fringe area, which includes the application site, for retail, office, business and leisure uses, subject to noisy entertainment uses being restricted to the ground floors of properties, provision of servicing and compliance with Policy Co2. Residential use may also be allowed where it will not prejudice the further development of commercial activities. Car parking requirements may be relaxed where appropriate.

En9: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

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

HE2: encourages environmental improvements to enhance conservation areas.

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

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

## **Planning Considerations**

7.7 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the adopted and emerging Hartlepool Local Plan, the effect of the proposal upon the character of the conservation area and the amenities of the occupants of neighbouring and proposed premises.

### **Policy:-**

7.8 It is considered that a proposal to bring the first and second floor of the building back into an active use whilst retaining commercial use at ground floor will go a long way to securing the future of the building whilst being in line with mixed use policies for town centre uses within PPS 6 (Planning for Town Centres) and the Local Plan.

7.9 It is considered that as the premises are located within a conservation area in a town centre location and given the state of repair of the building it is not appropriate to request developer contributions in this instance.

### Conservation:-

7.10 The building is currently in a dilapidated state of repair and detracts from the character of the Conservation Area; this can also be said of the car parking area to the rear (which is not within the applicants ownership). The applicant has agreed (with the owners consent) to re-surface and formalise the car park to the rear prior to the residential use coming into use should this application be successful.

7.11 The Council's Conservation Officer has raised no objection to the proposed use of the building and feels that the proposed extension and provision of a pitched roof to the rear are acceptable. As the building is located within the Church Street Conservation Area it is considered an opportunity to re instate original features of the building which have been lost /changed over time. It is therefore considered that details of window, door and shop front design should be controlled through planning condition.

### Noise/Disturbance/Amenity Issues

7.12 The Head of Public Protection has raised concerns over the proximity of the proposed residential use to the surrounding licenced premises and the late night use zone in general. It is acknowledged that the property is situated within a late night use zone with surrounding long standing licensed premises in close proximity. Given the policy status of the area it is considered unlikely that the proposal will compromise any future commercial development in the surrounding area. The applicant has indicated that all windows will be double glazed timber framed windows in an attempt to limit noise from the surrounding uses. He has also drawn comparisons with properties at the Vaults on Church Street which are in apartment use and which he owns.

7.13 The unit size indicated on the proposal appears relatively small in comparison to average one bedroom and two bedroom flats and Housing Hartlepool has expressed reservations about these. The applicant feels there is a large demand for Studio Apartments in this location due to a similar development at 77-80 Church Street (The Royal Vaults) which has a total uptake by owner occupiers. It is considered that it would be difficult to object to this scheme on this basis.

7.14 It is considered that due to the nature of and physical relationships between the surrounding properties that is considered unlikely that the proposed extension to the rear would create any detrimental overshadowing/overlooking or dominance issues upon the occupants of the surrounding properties.

### Parking

7.15 A number of objections have been received by occupants of nearby premises regarding the potential increase in traffic associated with the proposed use at first and second floor.

7.16 The Council's Highway Engineer while commenting on the lack of parking provision with the proposed use, acknowledging that the site is located within the

Town Centre and has excellent links to public transport, public car parks and is in walking and cycling distance of essential services. The surrounding area is subject parking restrictions, which will also apply to any future occupants of the property although the applicant has indicated a willingness to improve the car park to the rear.

7.17 The development requires the provision of secure parking for 8 cycles. The applicant has agreed to provide this to the side of the north elevation. The exact details of the cycle store will be subject to a planning condition should the application be successful.

### Conclusion

7.18 In conclusion it is considered that the proposed use offers an opportunity to bring the upper floors of the building within a conservation area back into use and in the process enhancing the aesthetics of the premises through the insertion of original detailing. The proposal also offers planning gain by the way of resurfacing the car parking area to the rear, which currently detracts from the character of the conservation area.

### **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 Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
- 3 Prior to the proposed residential units becoming occupied the car park to the rear of 3,5 and 7 Tower Street outlined in blue on the approved plan shall be resurfaced and formalised in accordance with a scheme to be first agreed with the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
- 4 Prior to the hereby-approved development commencing large-scale details of new windows, doors and the new shop front shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All shall be constructed in timber.  
In the interests of visual amenity.
- 5 A schedule of works including a list of all repair works to be carried out shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
- 6 Prior to the proposed residential units being brought into use, details of the exact location and design of the proposed cycle storage area will be submitted to and agreed in writing by the Local Planning Authority and the cycle store developed unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity
- 7 Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in



writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.

**No:** 8  
**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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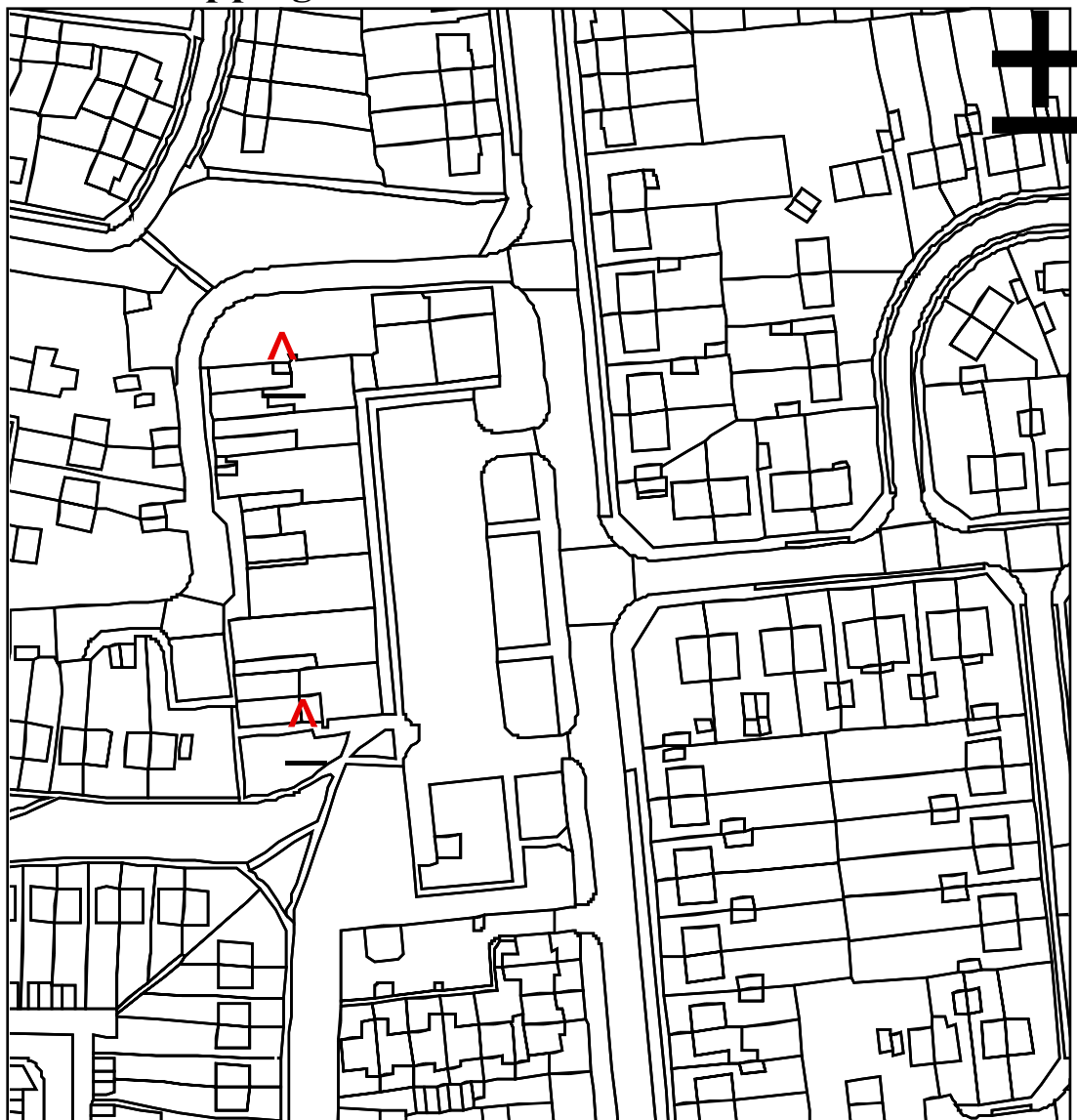
## **Update**

8.1 The application was deferred at the last Planning Committee.

8.2 Discussions are on going with the applicant with specific regard to locking/securing the endosures as they have been subject to recent criminal damage. Given that discussions are on going the application is recommended for deferral. It is anticipated that the application will be brought back to the next available planning committee with a full report and recommendation.

**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:** 9  
**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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## **Background**

9.1 This application was originally reported to the Planning Committee on 23<sup>rd</sup> November 2005. It was deferred at that time as several issues were outstanding. It has been subsequently deferred on a number of occasions for the same reason.

## **The Application and Site**

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

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

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

## **Publicity**

9.5 The application has been advertised by way of neighbour letters (46), site notice and press notice. To date, there have been 5 letters of no objection, 1 letter of comment, 2 letters of support and 4 letters of objection.

9.6 The concerns raised in the letter of comments are:

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

9.7 The two letters in support of the application are from Parsons Truck Centre and one from the owner of this site and the surrounding industrial land. The writers raise the following issues:

- 1) Development will have a positive impact on the area.
- 2) Offers legal agreement restricting use of part of premises to Class B1 use.

- 3) The door to the workshop to rear to be kept closed.
- 4) Car park to be retained for business premises.

9.8 The four letters of objection include letters from Corus (2) Clydesdale Forge and one neighbour.

- 1) Drainage/flooding issues
- 2) Incompatible with existing businesses
- 3) Potential for complaints from future occupiers of the houses in relation to activities of existing businesses.

Copy Letters D

9.9 The period for publicity has expired.

### **Consultations**

9.10 The following consultation replies have been received:

**Head of Transportation and Traffic** - Discussions on-going but informally no objections.

**Engineering Consultancy** – Discussions ongoing but informally no objections.

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

**Northumbrian Water** – Awaiting comments.

**Health and Safety Executive** – No objection.

**Environment Agency** - Conditions recommended but no objections.

### **Planning Policy**

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

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

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

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity,

highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

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

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

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

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

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

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

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

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

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

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

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

Hsg11(A) - states that proposals for residential development on land which has not previously been developed will only be allowed in the exceptional circumstances listed in the policy provided that the land lies within the limits and is not in a green wedge, allocated for another purpose, retained for open space or outdoor recreational purposes and is not a wildlife site.

Hsg12(A) - sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

IND5 - states that business uses and warehousing will be permitted in part of the area identified for industry. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

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

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

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

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

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

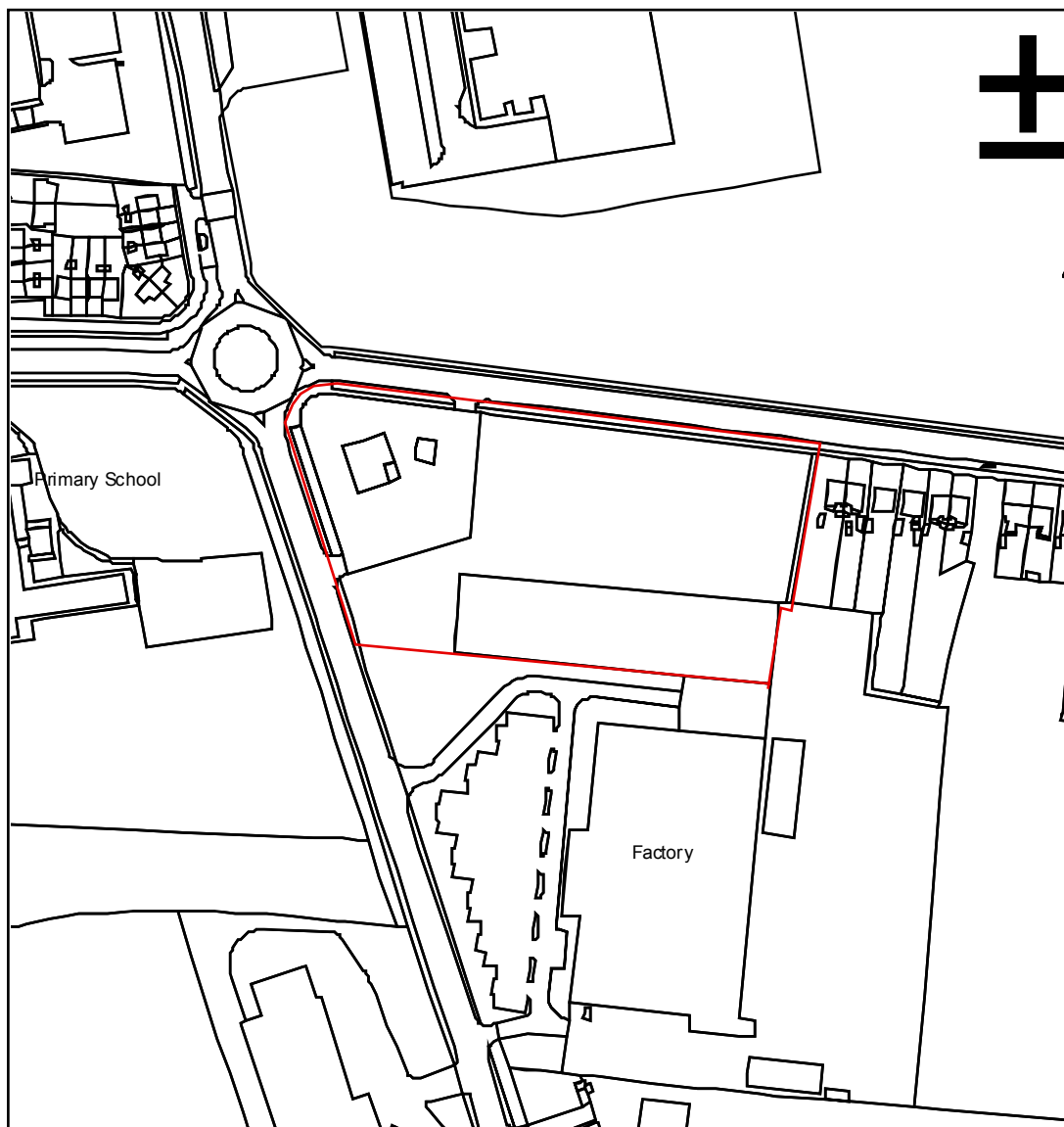
## **Planning Considerations**

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

9.13 There are some outstanding issues and there are on-going discussions. An update report with a recommendation should follow.

## **RECOMMENDATIONS: UPDATE TO FOLLOW**

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

### **Background**

5.1 This application was considered at the meeting of the Planning Committee of 23 November 2005 when it was deferred as a number of issues were outstanding in particular the relationship with adjacent industrial and commercial development and flooding. It has subsequently been deferred whilst discussions on the former issue have been ongoing.

### **The Application and Site**

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

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

### **Related Applications**

5.4 An application for the erection of 70, 2 and 3 bedroom houses and 12 flats (H/2005/5709) on adjacent site is also under consideration and is before Members on this agenda.

### **Publicity**

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

- 1) Encroachment
- 2) The applicant does not own all the land

- 3) Noise
- 4) Loss of sunlight
- 5) Restrictive covenants on the land
- 6) Property sale will be affected
- 7) Unduly large and out of keeping
- 8) Flooding
- 9) Damage to a tree.
- 10) Proximity of garage to rear.
- 11) Planning permission refused further down the lane due to drainage problems.

Copy letter I

### **Consultations**

5.6 The following consultation replies have been received:

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

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

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

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

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

**Engineers** - The general area is a low spot and during times of storm suffers flooding from various sources. In order to mitigate against flood damage to the dwelling itself the block level should be no lower than 5.5m above ordnance datum to afford a measure of freeboard above the floodwater. The existing property block level is approximately 5.330m AOD. Unclear whether the raised floor areas should also apply to the garden area. If it is decided that the garden levels should be

raised then the periphery of the site should be formed and the land drained to prevent run off to the adjacent lower garden areas. Details of this should be submitted, approved and constructed before occupation of the dwelling. It should perhaps also be noted that the proposed foul pumping station to serve application H/2005/5709 is sited immediately adjacent to the boundary of number 65. These installations can be a source of vibration noise and smell nuisance.

## Planning Policy

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

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

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

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

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

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

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

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

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

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

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

Hsg12(A) sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

## **Planning Considerations**

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

## **POLICY**

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

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

5.10 The area to the south of the site is currently occupied by an industrial estate. The workshops to the rear currently house a truck repair business Williamsons (formerly Parsons) which it is understood operates on a 24 hour basis and which operates shot blasting equipment and carries out large scale vehicle painting/respraying operations. Immediately to the rear of the site is a vehicle compound which serves Williamsons and to the south west a large industrial style building. The proposed siting shows the rear of the dwellinghouse only 7.4m from the rear boundary and the adjacent vehicular compound. It will only be some 10m from the large industrial style building. Given the close relationship the potential for the adjacent industrial uses to impact on the occupants of the new dwellinghouse, and the potential for the presence of a new residential property close to the boundary to restrict activities on the adjacent site must be considered.

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

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

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

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

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

5.15 The proposal represents tandem development. The policies of the revised emerging Local Plan advise that tandem development will not be permitted. The adopted Hartlepool Local Plan advises similarly that tandem development in rear gardens is not generally acceptable. The proposal is therefore on the face of it contrary to Local Plan Policy. The properties in this area are characterised by generous long rear gardens, where outbuildings exist these are on a small scale, and concerns have been expressed in relation to the impact of the proposed development on the character of the area and the neighbouring properties. The provision of a dormer bungalow in the rear garden will split the garden and run contrary to the prevailing open character of area. At some 5.5 to 6m in height and extending along and close to the neighbouring boundary it will also have impact on the outlook of the donor property and the neighbouring property. The proposal however meets current Local Plan guidelines in relation to separation distances which advises that a minimum distance of 20m must be maintained between principle elevations. The neighbour to the east has a patio area close to the eastern boundary of the site and potentially there may be some loss of afternoon/evening light to the patio and adjacent garden, however given the separation distances and location of the proposed dwelling house it is considered unlikely that there would be any significant loss of light to neighbouring houses or the donor property. The access to the property will be formed by widening the existing access and running a new vehicular access alongside the vehicular access to the donor property. The donor property has a number of windows facing towards the proposed access and there are concerns that the comings and goings associated with the proposed use of the access would affect the amenity of the donor property. It is considered that the proposed relationship between the donor property and the proposed bungalow is unacceptable.

#### HIGHWAY CONSIDERATIONS

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

#### FLOODING/DRAINAGE

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

#### TREES

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

## LAND OWNERSHIP

5.19 A question has been raised regarding the assimilation of adjoining land into the applicant's curtilage and the ownership of site. The applicant has been asked to clarify the situation and the agent has confirmed that historically adjacent land has been assimilated. It appears comparing historical maps that some 14m of land has been acquired. The agent maintains the applicant has established ownership rights over the land, through use, over the passage of time. He has also confirmed that the existing curtilage has been in residential use for well in excess of the 10 years. The assimilation of the neighbouring land would potentially have required planning permission, which does not appear to have been obtained, however if the agent is correct and the land has been used as residential curtilage for 10 years then any change of use would be immune from enforcement action. The applicant could apply for a Lawful Development Certificate under the Planning Acts to confirm that the lawful use of the land is as residential curtilage.

## OTHER MATTERS

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

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

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

## Conclusion

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

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

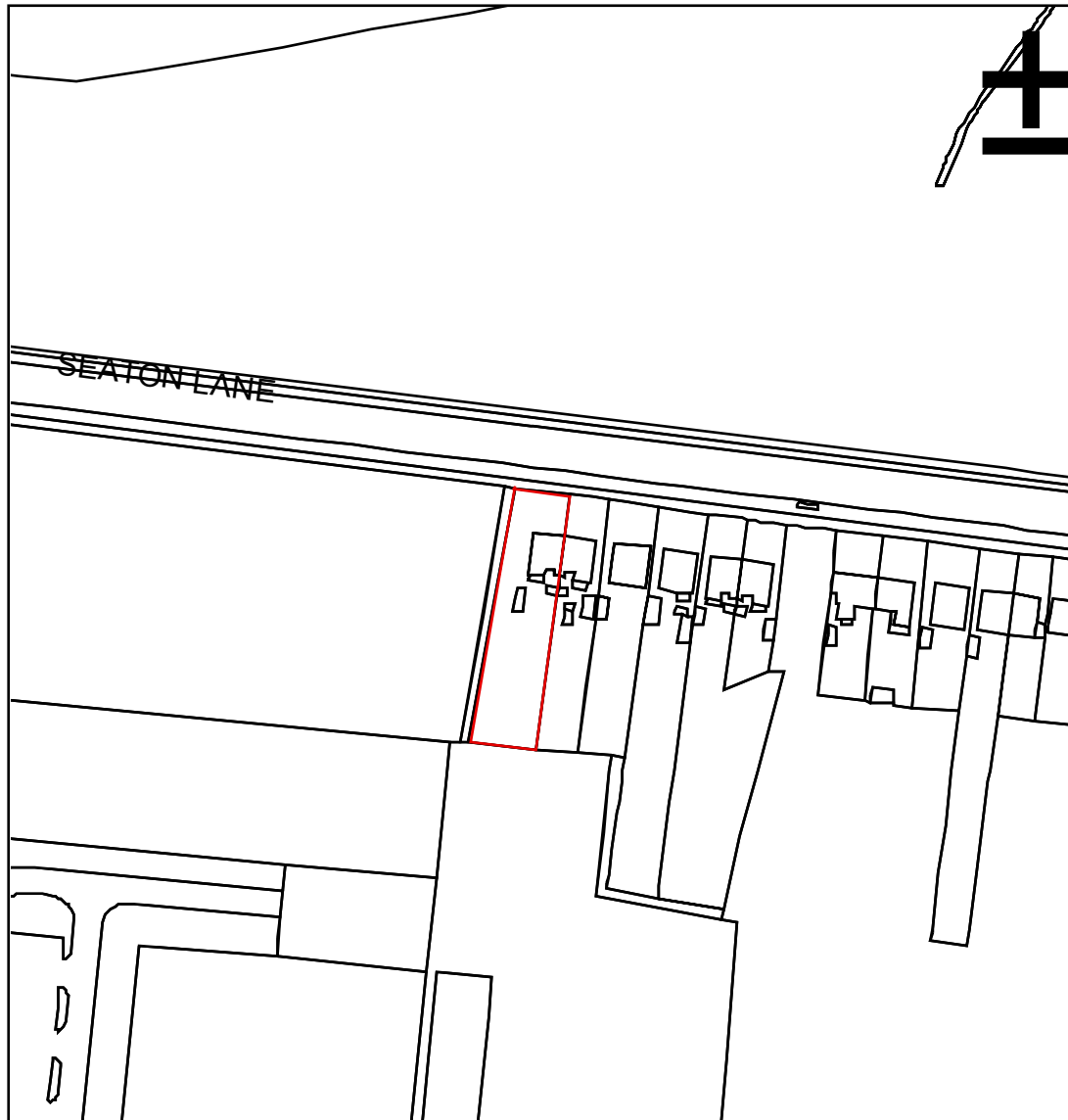
5.24 The relationship between the proposed bungalow and the adjacent industrial uses is under further consideration, members will be updated at the meeting.

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

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 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.



## 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/2006/0014  
**Applicant:** St Aidans C Of E Primary School, Loyalty Road  
Hartlepool  
**Agent:** Landscape Section Leadbitter Buildings Stockton Street  
Hartlepool TS24 7NU  
**Date valid:** 04/01/2006  
**Development:** Extension of tarmac playground surface to form multi  
games area, relocation of existing perimeter fence,  
footpath and street lighting  
**Location:** ST AIDANS C OF E MEMORIAL PRIMARY SCHOOL  
LOYALTY ROAD HARTLEPOOL HARTLEPOOL

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## UPDATE

### Consultations

One further letter of no objection has been received to date.

### Planning Considerations

As indicated in the original report this proposal will result in significant improvements in play facilities at this school, to which Sport England has no objections.

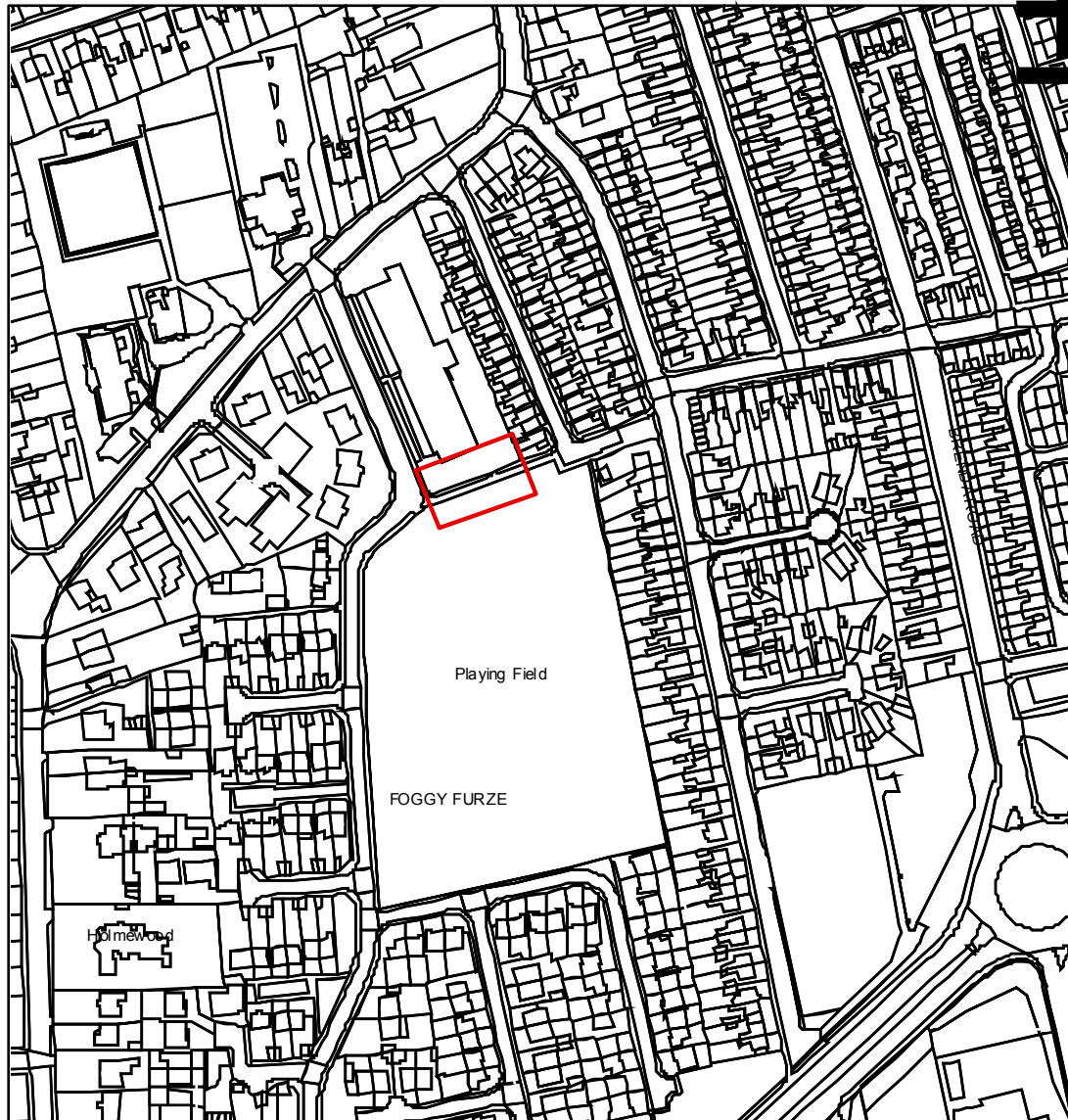
### RECOMMENDATION – APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The multi games area hereby approved shall only be used for school purposes and shall not be made available for use by the general public without the prior written consent of the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The multi use games area shall not be lit in any way.  
In the interests of the amenities of the occupants of neighbouring properties.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.  
In the interests of visual amenity.

6. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 732/06F.OIP received on 15 February 2006, unless otherwise agreed in writing by the Local Planning Authority and unless otherwise agreed in writing by the Local Planning Authority all elements of the approved scheme shall be provided before the use of the multi-use games area first commences.

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

## St Aidens C of E Primary School



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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/2006/0014</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 Report**

1 This application appears on the main agenda at item 9. The recommendation was left open as a number of issues were outstanding. The current position is outlined below.

## **Publicity**

2 Since the last report four letters of no objection have been received. One of the writers whilst not objecting raises concerns in relation to drainage, advising that the area has had major flooding problems in the years prior to 2005. One letter of objection raises the issues of flooding, design/appearance, highways. One writer requests further information. Two letters in support of the application have been received. One of these advises that the area has long since lost its heavy industrial tag. The other, a tenant on the adjacent industrial estate welcomes the improvement but raises concerns that the area surrounding their factory and in particular Brenda Road should remain in industrial use. They point out that in a competitive market their future depends on their ability to operate 24 hours a day and in some cases at weekends. A further letter has been received from the owner of the adjacent industrial estate confirming that in addition to their offer to restrict the use of the two bays closest to the housing to B1 use they will not allow the land to the east of the existing industrial estate and to the south of the housing to be developed for general industry and will seek to buffer the existing and new housing.

## **Consultations**

3 Economic Development: Points out that the site in question is in the heart of Hartlepool's business district and is directly adjacent to important employers in the town. Concerned that any residential development in this location will have a serious negative impact on the surrounding area not only on existing employers but also importantly affecting the ability to attract new business investment and associated job creation. The proximity of residential to businesses will mean there are inevitable tensions, with businesses potentially being seriously hampered in carrying out efficient and necessary operations to ensure their competitiveness in their market place helping to create long term sustainable jobs. There appears to be a loss of employment land in a relatively high profile location. Does not feel it is appropriate or desirable to change the use of employment land in this particular place.

**ENVIRONMENT AGENCY :** A flood risk assessment is required and it is the Council's responsibility to look at the FRA and to make sure it conforms with guidance. They view it as a low risk application which is why they do not wish to be consulted on the flooding aspect of the development.

**ENGINEERS :**

**Site Investigations :** In terms of the site investigation, a gas risk assessment and validation methodology for the capping to gardens are still required to be submitted. Would therefore request that the relevant standard condition is amended and used.

**Drainage :** A standard condition will be required to cover disposal of foul and surface water (to be submitted and approved by LPA).

A condition will be required to cover final ground and development levels to be submitted and approved by LPA. This will control the impact of the development on adjacent existing houses and the potential requirement for land drainage measures to be incorporated into the final design as a consequence of the final levels proposed.

Environment Agency consent will be required for proposed surface water discharge to culverted watercourse. Part of the surface water system is proposed to be laid in existing highway (Seaton Lane) and therefore any appropriate licences / consents will be required from the highway authority under the highways act.

**Flooding :** The condition regarding development levels above will also cover the potential flooding in terms of final block levels. (a provisional drainage drawing provided by Bellway shows the lowest block level set at 5.7m which is comfortably above the EA recommended minimum of 5m). Considers that this development would help ameliorate flooding in the surrounding area. Currently rainwater runs from this area over land and via blocked gullies on the car park to impact on properties in Seaton Lane. The development of this area would control rainwater falling on the open space by way of a piped system with a discharge into the Stell watercourse culvert which can only help mitigate against flooding in this instance.

**Northumbrian Water:** Foul flows can be discharged to the public sewer. Surface water must be discharged to soakaways.

**HSE :** No comments.

## **Planning Policy**

The original report did not include reference to Policy HsgXX.

HsgXX states that the Council will seek to meet the regional target for development on previously developed land and through conversions of 60% by 2008 and to exceed the regional target of 65% by 2016 by setting a local target of 75%. A Plan, Monitor and Manage approach will be used to monitor housing supply.

Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments.

The policy takes account of the need to consider the provision of a variety of types of housing. In this respect the text accompanying the policy at 7.22w raises concern at the number of apartments proposed in Victoria Harbour and the Marina and that the development of further apartments would not be considered as high priority.

### Planning Considerations

4 The main planning considerations are policy, impact on and relationship with the commercial industrial area/the road widening scheme, layout, highways, flooding.

### POLICY

The site is not an allocated housing site in terms of the extant or emerging Hartlepool Local Plan. It encompasses land which is in part allocated for industry and partly unallocated. Part of the site is brown field ( public house and the industrial building) and the remainder greenfield.

5 It is important to consider the potential housing supply from this development in the context of overall housing allocations for Hartlepool and other outstanding applications given current concerns in the region about an over-supply of housing. The existing approved allocations stem from the Tees Valley Structure Plan/Regional Planning Guidance, but these are low in comparison with actual historical performance in Hartlepool and the RPG recognised the need for early review of the allocation. The emerging Regional Spatial Strategy includes new suggested housing/figures based on more up-to-date information and a region-wide assessment. The RSS is to be subject to examination in the next few weeks when the housing allocations for the various Borough will be debated. It is possible that the ultimate RSS housing figures for Hartlepool may be reduced.

6 The potential supply from Golden Flatts has been considered in the context of the submitted RSS allocation, the additional need to replace a proportion of proposed housing clearances over future years and proposed development from various locations, namely

- Victoria Harbour
- Wynyard
- Marina
- Windfalls and other sites
- Cleared housing sites
- Headland mixed use sites

7 As the graph attached as an Appendix to this report shows there is some capacity to accommodate additional windfall developments (there are no new allocated sites identified in the emerging Local Plan) over the next five years. The qualification about the examination in public does however have to be borne in mind.

8 This application proposed 82 new houses and flats. The pending applications at the Britmag site, Ords (on today's agenda) Powlett Road and the Shu Lin site on Elwick Road propose 480 units, 20 studio flats, 16 flats and 18 apartments respectively, a total of 534 units of accommodation.

9 Policy HsgXX which has recently been incorporated into the emerging Local Plan sets out how housing supply will be managed. It sets out targets for the proportion of housing to be provided on previously developed land and advises that planning permissions will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded. It states in considering applications for housing development particular regard will be had to amongst other things the positive regeneration benefits of a housing proposal, the availability, suitability and location of previously developed land and the balance between housing supply and demand.

10 Eighty two new units is a significant addition to the housing market. The site is partly a greenfield one where regeneration benefits are limited. Approval of this application now would mean that other schemes potentially with more significant regeneration benefits may be difficult to accommodate. For example all other things being equal the Britmag Powlett Road and Ords developments offer more significant regeneration benefits than this proposal. Further it has to be recognised that realistically other sequentially preferable windfall sites will come forward in the period up to 2011. It is therefore considered that this proposal could have a prejudicial effect if approved in terms of bringing forward such sites and on other approved longer term developments e.g. Victoria Harbour.

11 The development will result in the loss of industrial land and is located very close to existing industrial and commercial uses which include premises engaged in 24 hour working which the presence of housing could potentially prejudice. The relationship between the proposed development and the adjacent industrial and commercial uses is considered further below.

12 The development is close to land reserved for future road improvement and this matter is considered below.

13 In policy terms it is considered that the proposal cannot be supported.

#### IMPACT ON AND RELATIONSHIP WITH THE COMMERCIAL AND INDUSTRIAL AREA/THE ROAD WIDENING SCHEME

14 The site is adjacent to and encompasses part of an existing commercial and industrial area which includes businesses which operate on a 24 hour basis. A road widening scheme is also proposed for Brenda Road which again could impact on the development in terms of noise and air quality.

15 Objections have been received from CORUS and Clydesdale Forge on the grounds that the development of housing in this area could in future restrict their activities. Similar concerns have been raised by the Economic Development Manager. This issue was recently debated at appeal when a residential development on the nearby vehicle hire premises on the other side of Seaton Lane was considered. There the Inspector accepted Council concerns that that development would constrain the proper development of the adjoining Park View East Industrial Estate. It is partly to overcome these concerns that the applicant has proposed additional controls on the adjoining industrial site.



16 The applicant has provided a noise assessment to support the application which recommends the incorporation of various measures to limit disturbance to the householders including appropriate double glazing, acoustic fencing and supplementary ventilation (to discourage residents from opening their windows at night). The neighbouring landowner has offered to restrict future use of the two closest bays to B1 use and restrict the use of the land to the rear. This will also benefit existing householders. The landowner is willing to enter into a section 106 agreement to that effect. The tenant in the neighbouring unit to the south, Williamsons (formerly Parsons), which includes a workshop has agreed to undertake works so that when equipment is operating in the workshop the doors remain closed.

17 The applicant has recently provided an air quality assessment in relation to the proposed road widening scheme on Brenda Road and this is currently being considered by the Head of Public Protection.

18 The proposal raises several issues including:

- the loss of industrial land,
- whether given the sites proximity to the commercial and industrial areas/road widening proposals it is suitable for housing development,
- whether the measures proposed by the applicant and the adjacent landowner can allow the housing development to be accommodated
- whether in land use terms the restriction to B1 use of the adjacent land can be supported.

19 It is not considered that the loss of industrial land and the restriction of use of 2 units would in itself be a reason to refuse this application. There is no shortage of industrial land in the town. It must also be acknowledged that the proposed restrictions would have a benefit for existing residents in the area.

20 A key consideration in assessing the amenity aspects of the above are the views of the Head of Public Protection & Housing. Initially concerns have been raised. It is anticipated that his final comments will be available before the meeting allowing Officers to proceed to a formal recommendation in respect to these issues.

## LAYOUT/DESIGN

21 Subject to the consideration of the above issues and relevant conditions (materials, levels, enclosures etc) the proposed layout and design considered to be acceptable.

## HIGHWAYS

22 The final comments of the Head of Traffic & Transportation are awaited. It is understood however that he is satisfied that the proposal can be accommodated in highway terms.

## FLOODING

23 Flooding has historically been an issue in the area and concerns have been raised by the occupiers of neighbouring properties. The Environment Agency have confirmed that they considered the development to be low risk. Currently rainwater runs from this area, over land and via blocked gullies on the car park, to impact on properties in Seaton Lane. The development of the area would control rainwater falling on the open space by way of a piped system with a discharge into the Stell watercourse. The Engineers have advised therefore that they consider that the development would in fact help to ameliorate flooding in the surrounding area.

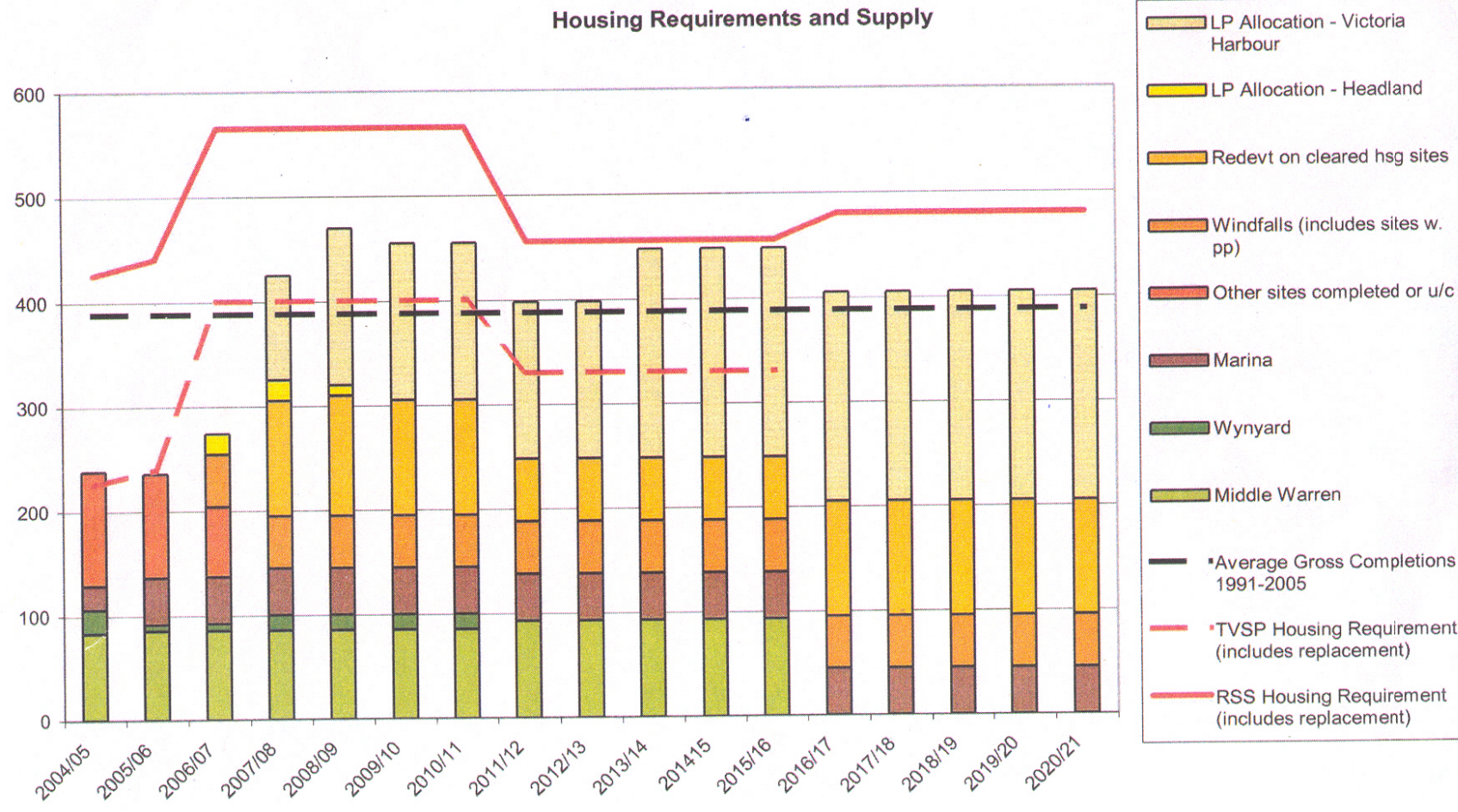
## OTHER MATTERS

24 Part of the site is subject to a restrictive covenant which states that no buildings are to be erected in the defined area. This is essentially a legal matter which would have to be addressed should planning permission be granted for the proposal.

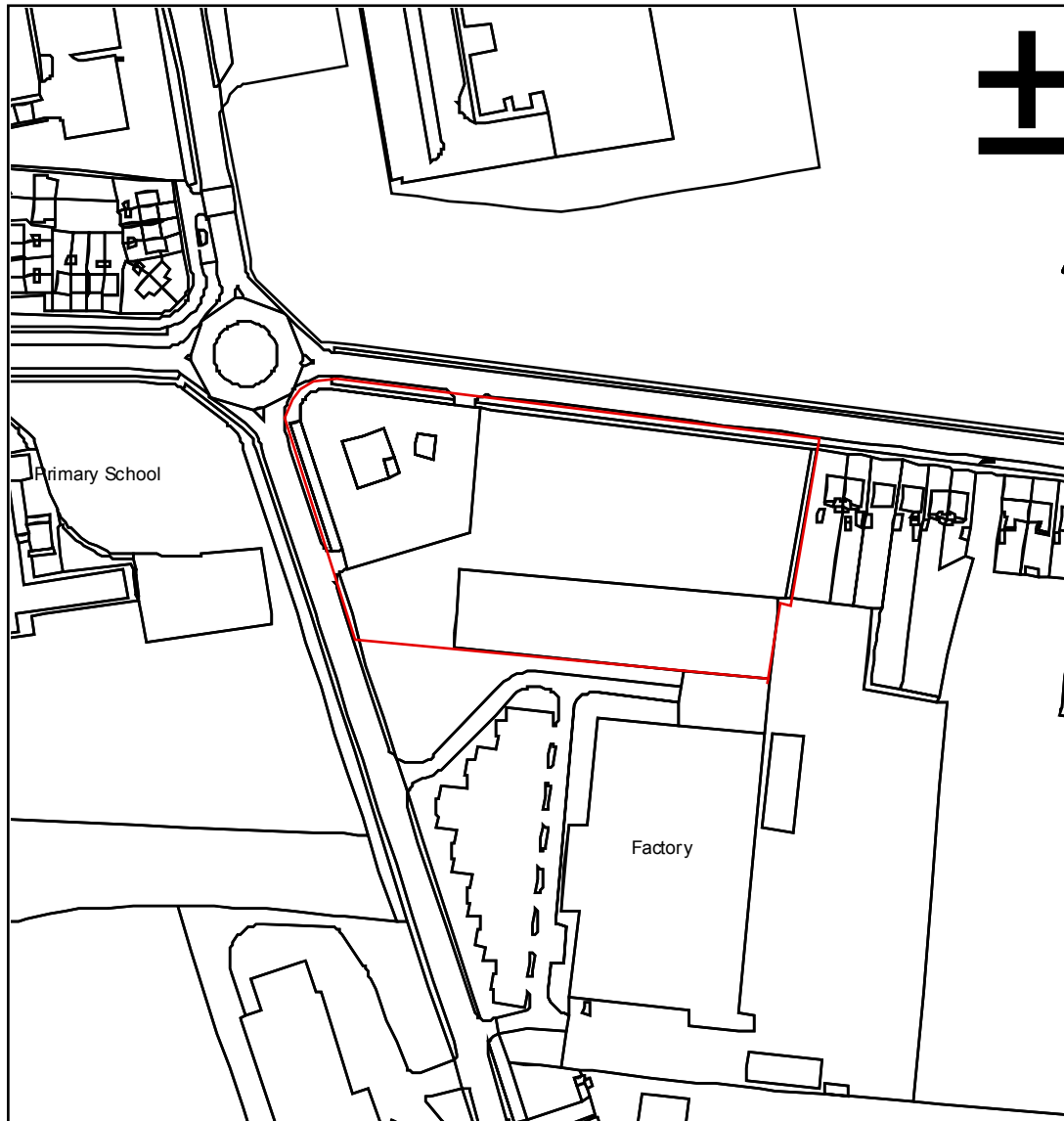
## CONCLUSION

25 In policy terms the application cannot be supported. In terms of the developments impact on and relationship with the commercial and industrial area/the road widening scheme these matters are still under consideration. It is hoped that Officers can proceed to a recommendation at the meeting.

**RECOMMENDATIONS** : TO TABLED AT THE MEETING.



## Land at Brenda Road/Seaton Lane



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

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

**Subject:** APPEAL BY MR NEIL ROBINSON, 7 THE GROVE, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Planning Authority to allow the erection of a swimming pool extension at the above property.
- 1.2 The appeal is to be decided by the written procedure and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

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

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

**Subject:** APPEAL REF APP/H0724/A/06/2008070:  
H/2005/5856 CHANGE OF USE OF VACANT  
OFFICES TO A HOT FOOD TAKEAWAY (A5 USE)  
AT 197 YORK ROAD 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 the change of use of vacant offices to a hot food takeaway (A5 Use) 197 York Road, 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 REF APP/H0724/A/06/2007707:  
H/2005/5883 DEMOLITION OF 42 BILSDALE ROAD  
AND ERECTION OF 4 NO. DWELLINGS WITH  
ASSOCIATED PRIVATE DRIVEWAY

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the demolition of No. 42 Bilsdale Road and the erection of 4 dwellings with associated private driveway on land at the rear.
- 1.2 The appeal is to be decided by an informal hearing and the authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

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

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

**Subject:** APPEAL – FORMER SERVICE STATION, POWLETT ROAD

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## **1. BACKGROUND**

- 1.1 Notice has been received that a planning inspector has dismissed an appeal in relation to the failure of the local planning authority to give notice of its decision within the prescribed period on an application for planning permission at the Former Service Station, Powlett Road. The application sought planning permission for the erection of 16 no flats comprising 2 no separate buildings: 1 no 3 storey housing 12 no flats and 1 no 2 storey comprising of 4 no flats, with proposed new entrance from Powlett Road.
- 1.2 The Inspector was of the opinion that the 3 storey element of the proposal would be detrimental to the street scene and that the residents to the north of the application site would suffer unacceptable harm to their living conditions through overlooking, loss of privacy and an overbearing visual effect.
- 1.3 A copy of the appeal decision is attached

## **2. RECOMMENDATION**

- 2.1 That Members note the appeal decision.





## Appeal Decision

Site visit made on 6 January 2006

**by Christopher John Checkley BA(Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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

Date  
**07 FEB 2006**

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**Appeal Ref: APP/H0724/A/05/1190605**  
**Former Service Station, Powlett Road, Hartlepool, TS24 8LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the local planning authority to give notice of its decision within the prescribed period on an application for planning permission.
- The appeal is made by Kingfield Developments Ltd against the decision of Hartlepool Borough Council.
- The application (ref. H/2005/5534), dated 17 June 2005, was refused by notice dated 13 September 2005.
- The development proposed is 16 no flats comprising 2 no separate buildings: 1 no 3-storey housing 12 no flats and 1 no. 2-storey comprising 4 no flats, with proposed new entrance from Powlett Road.

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

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**Procedural Matters**

- The appeal was made on the grounds of non-determination within the prescribed period after the Council had issued its refusal notice. I am determining the application on the basis of the revised layout drawing ref. JWD108\_005a.

**Main Issues**

- There are 3 main issues in this appeal regarding the effects of the proposed development. The first is the effect upon the street scene. The second is the effect upon the living conditions of nearby residents, with particular regard to overlooking and privacy, visual dominance, noise, overshadowing and loss of light. The third is the effect upon the safety of road users and pedestrians.

**Planning Policy**

- The relevant development plan includes the Hartlepool Local Plan (Local Plan) adopted in 1994. Policy Gen 1 indicates the general principles to be taken into account when considering proposals. These include the appearance of the development and its relationship with the surroundings, the effects upon the amenities of nearby occupiers and upon highway safety. Policy Ho7 dealing with housing developments includes similar considerations.
- The Local Plan is being revised. Proposed Modifications September 2005 to the Revised Deposit Local Plan August 2003 have been published in response to the Inspector's report on the public local inquiry into objections. Supplementary Note 5 of it sets out residential separation distances. The broad thrust of the Local Plan policies is being continued.

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5. Relevant national Planning Policy Statements and Guidance Notes include 'PPS1: Delivering Sustainable Development, PPG3: Housing and PPG13: Transport.

### **Reasons**

#### *Issue 1: the effect upon the street scene*

6. The disused petrol filling station stands on the north side of Powlett Road close to the junction to the west with Stonethwaite Close. There is a marked change of level down to the rear gardens and backs of the bungalows on Stonethwaite Close that adjoin the northern site boundary. Most of the development on Powlett Road to the east and south consists of 2-storey residential development. To the west is a small area of open space next to the junction with an industrial unit beyond.
7. The 2-storey block would be in scale with its immediate surroundings. However, the 3-storey block would stand in the more prominent position adjoining the open space where its height would appear exaggerated by the apparent reduced scale of the single-storey bungalows set down at a lower level. The 3-storey block would appear unduly dominating and obtrusive in this particular context.
8. On this issue, I conclude that the scale of the 3-storey block would be detrimental to the street scene, contrary to Local Plan Policies Gen1 and Ho7.

#### *Issue 2: the effect upon the living conditions of nearby residents*

9. The parking area would adjoin several gardens on Stonethwaite Close and the side of the No 49 Powlett Road. When the site was operating as 24-hour filling station with a car wash some noise would have been experienced from these activities, as well as from traffic on this busy road. I consider that noise from the parking area would be kept to acceptable levels by the proposed boundary fencing, with the 2 blocks also attenuating traffic noise from Powlett Road. Additionally, the buildings would be sufficiently far from neighbouring properties to avoid a seriously harmful degree of overshadowing or material loss of light to them. Therefore, I find no objection as regards noise, overshadowing and loss of light.
  10. However, the submitted drawings before me indicate that the northern elevation of the 3-storey block would include bedroom windows and full-length living room patio-style windows with railings at both first and second floor levels, only about 10m from the boundary with No 2 Stonethwaite Close and only about 20m from its rear windows. No 4 would be slightly further away. I note that Supplementary Note 5 specifies a minimum 20m separation distance between principal elevations. In this case, however, because of the combined effects of the change in levels and the 3-storey height of the flats, I consider that a greater distance is necessary.
  11. I find that the residents of Nos 2 and 4 Stonethwaite Close would experience an unpleasantly dominating and overbearing effect from the 3-storey building. They would also suffer a significant loss of sense of privacy within their rear gardens, with No 2 also suffering unacceptable overlooking of its rear windows from a dominating height. These effects could not be wholly overcome by landscaping or by changing the internal room layouts.
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12. On this issue, I conclude that the residents of Nos 2 and 4 Stonethwaite Close would suffer unacceptable harm to their living conditions through overlooking, loss of privacy and an overbearing visual effect.

*Issue 3: the effect upon the safety of road users and pedestrians*

13. The amended layout has the effect of reducing the width of the single access to about 3.5m. I consider that there is scope to widen the access to enable 2-way traffic, which is especially important at the site entrance to prevent entering vehicles being forced to brake suddenly on Powlett Road. There is provision for a separate pedestrian access and the car parking provision is acceptable.
14. I conclude that, subject to minor amendment, the proposed development would not result in conditions prejudicial to the safety of road users or pedestrians. ✱

*Other Matters*

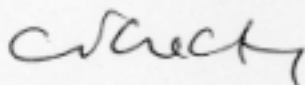
15. No objections have been raised to the principle of residential redevelopment of this brownfield site within the urban area. However, I consider that it would not be possible to make the scheme before me acceptable by the use of conditions. I have considered the other sites referred to, but none appear directly comparable in all respects to this proposal on this particular site. I have determined this case on its own merits.

**Conclusions**

16. Although I have found in favour of the appellant on the third issue, compelling objections remain under the other 2 issues. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

17. I dismiss the appeal.



INSPECTOR

**No:**  
**Number:** H/2005/6026  
**Applicant:** Mr A Dhaliwal 33 Siskin Close Bishop Cuthbert Hartlepool  
**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
 Thomlinson Road HARTLEPOOL TS25 1NS  
**Date valid:** 20/12/2005  
**Development:** Alterations and installation of new shop front including  
 roller shutters  
**Location:** 1 TOPCLIFFE STREET HARTLEPOOL

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## **The Application and Site**

1.1 The application site is a former fruit shop. It is located on the corner of Duke Street and Topcliffe Street in a mixed use area. Adjoining to the north and west on the opposite side of Topcliffe Street are residential properties. On the opposite side of Duke Street are an empty shop, residential properties and Hartlepool United Supporters Club.

1.2 Planning permission for the change of use of the fruit shop to a hot food takeaway was approved by Committee in September 2005. (H/2005/5500 refers). The current application seeks permission for alterations to the building including the provision of a new shop front. The existing modern shop front will be replaced by a new shop front. To the side/rear an existing window will be blocked up. The existing pebbledash render will be removed and a new coloured render coating applied. Internally a downstairs toilet, washing up, cooking, servery and customer area will be formed. In the rear yard area, not publicly visible, a door will be moved and an existing door and window will be replaced by a window.

## **Publicity**

1.3 The application has been advertised by way of neighbour letters (11). To date a single letter of objection has been received from a neighbouring property (attached). The objector raises the following issues:

- i) Design of shop front out of keeping.
- ii) White render will attract graffiti.
- iii) Siting of extraction/ventilation equipment. (smell and fumes)
- iv) Noise from building work and disposal of rubbish.

The period for publicity has expired.

## **Consultations**

1.4 The following consultation replies have been received:

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

**Traffic & Transportation – No objections**



## **Hartlepool Access Group – Access should comply with relevant regulations**

### **Planning Policy**

1.5 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:

Ec22: states that proposals for industrial, business and commercial developments or for their expansion in predominantly residential areas will not normally be permitted unless adequate servicing and parking arrangements are made and providing there is no significant detrimental effect on the amenities of neighbouring occupiers. Proposals for residential use will normally be approved.

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

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

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

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

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

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

### **Planning Considerations**

1.6 Planning permission for the use of the shop as a takeaway has already been approved. It is not considered that the proposed alterations in themselves will unduly affect the amenity of any nearby neighbours

1.7 The main publicly visible elements of the proposal will involve a replacement modern shop front and the re-rendering of the building. Objection has been received in relation to these elements. The alterations are however considered acceptable in design terms. The final finishing materials including the render have been conditioned.

1.8 An objector has raised concerns at the siting of the extract/ventilation on the grounds of smell and fumes. However these details are not shown on the submitted drawings. The applicant has confirmed that these details will be submitted in due course in accordance with condition 3 attached to the previous approval H/2005/5500. However at this stage they are still under consideration.

1.9 An objector has raised concerns at noise and rubbish from the building works. Building works will inevitably cause a degree of disruption however it is not considered that an objection on these grounds could be sustained.

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

#### **RECOMMENDATION - APPROVE**

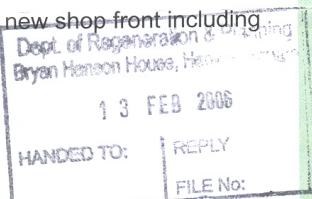
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing with the Local Planning Authority details of all external finishing materials 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 visual amenity.

Application No H/2005/6026

Proposal Alterations and installation of new shop front including roller shutters

Location 1 TOPCLIFFE STREET

Case Officer Jim Ferguson



~~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.

My main concerns for this building are as follows:

1. Shop front looks like it is glass from top to bottom, which would look out of place with the rest of the commercial building in the area (a three foot wall then glass). Would be better off in shopping centre.
2. The colour of the render on side of building, as white canvasses attract black marker and spray paint.
3. Siting of extraction, ventilation and, smell and fumes from these
4. Noise from alterations & installations and the disposal of rubbish while refurbishment is on going

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

(PLEASE COMPLETE THE REVERSE SIDE OF THIS FORM)