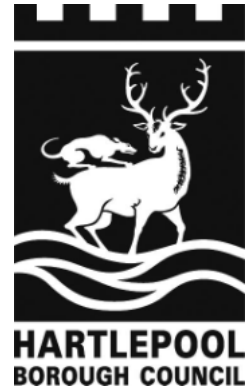


PLANNING COMMITTEE AGENDA



Friday 10 September 2010

at 10.00 a.m.

in the Council Chamber, Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brash, Cook, Cranney, Hargreaves, James, G Lilley, Lawton, London, J Marshall, Morris, Richardson, Sutheran, Thomas, H Thompson, P Thompson, Wells and Wright.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 13 AUGUST 2010**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*
 1. H/2010/0477 – Leadbitter Buildings, Stockton Street, Hartlepool
 2. H/2010/0470 – Leadbitter Buildings, Stockton Street, Hartlepool
 3. H/2010/0421 – Land Adjacent to Rossmere Centre, Rossmere Way Hartlepool
 - 4.2 Appeal by: Mrs Allison Willis - Appeal Ref No: APP/H0724/D/09/2131143 - Site At: 15 Warwick Grove Hartlepool TS26 9ND – *Director of Regeneration and Neighbourhoods*
 - 4.3 Appeal Ref: APP/H0724/D/10/2131140 H/2010/0007 - 35 The Green Elwick Hartlepool TS27 3EF – *Director of Regeneration and Neighbourhoods*

- 4.4 Appeal by: Mr Andy Nugent - Appeal Ref No: APP/H0724/D/10/2132256 - Site At: 55 Greta Avenue, Hartlepool TS25 5LE – *Director of Regeneration and Neighbourhoods*
- 4.5 Briar Court, 59 Hutton Avenue (H/2009/0542) – *Director of Regeneration and Neighbourhoods*
- 4.6 Appeal by: Mrs Susan Cawthorne - Appeal Ref No: APP/H0724/D/10/2127023 - Site At: Lonsdale Day Care Nursery 130 Grange Road Hartlepool TS26 8JJ – *Director of Regeneration and Neighbourhoods*
- 4.7 APPEAL REF APP/H0724/A/10/2125994/NWF: H/2009/0710 Use of premises as a takeaway (A5 Use) Sopranos, 93 York Road, Hartlepool TS24 9PB – *Director of Regeneration and Neighbourhoods*
- 4.8 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*

5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

6. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

7. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Wednesday 6 October 2010 at 9.00 a.m.

Next Scheduled Meeting - Wednesday 6 October 2010 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

13 AUGUST 2010

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Jonathan Brash, Kevin Cranney, Marjorie James, Trisha Lawton, Francis London, Carl Richardson, Lillian Sutheran, Stephen Thomas, Hilary Thompson, Paul Thompson and Ray Wells.

Also Present: in accordance with Council Procedure Rule 4.2;
Councillor Chris McKenna as substitute for Councillor Dr George Morris;
Councillor Sarah Maness as substitute for Councillor Pamela Hargreaves.

Officers: Richard Teece, Development Control Manager
Christine Pipe, Senior Planning Officer
Kate Watchorn, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Tony Dixon, Arboricultural Officer
David Cosgrove, Democratic Services Team

33. Apologies for Absence

Councillors S Akers-Belcher, Hargreaves, G Lilley and Dr Morris.

34. Declarations of interest by members

Councillor Brash declared a personal interest in planning application H/2010/0292 Land at Easington Road, Hartlepool.

35. Confirmation of the minutes of the meeting held on 16 July 2010

Confirmed.

36. Planning Applications (Director of Regeneration and Neighbourhoods)

The Committee considered the following planning applications.

H/2010/0277

Applicant: Mrs Brenda Farrow, WAVERLEY TERRACE
HARTLEPOOL

Agent: Mrs Brenda Farrow, THE WOODCUTTER, WAVERLEY
TERRACE, HARTLEPOOL

Date received: 27/05/2010

Development: Erection of boundary fence to create beer garden

Location: THE WOODCUTTER, WAVERLEY TERRACE,
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. No development shall commence until a detailed scheme for the resiting of the fence and scheme for planting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme of planting shall be implemented in the first planting season following completion of the development.
In the interests of visual amenity.
3. The landscaped area shall be retained at all times while the fence exists.
In the interests of visual amenity.
4. The fence and posts shall be set back one metre from the footpath and restricted access lane to the south, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
5. Unless otherwise agreed in writing by the Local Planning Authority the fence shall be painted/stained in a colour to be agreed by the Local Planning Authority within two months of the date of approval.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2010/0292

Applicant: HOUSING HARTLEPOOL
MR STEPHEN BELL, STRANTON, HARTLEPOOL

Agent: ARCUS CONSULTING LLPMR BOBBY
CHAKRAVARTHY, 8 RIVERSIDE STUDIOS, AMETHYST
ROAD, NEWCASTLE BUSINESS PARK

Date received: 17/05/2010

Development: Residential development comprising erection of 68 dwellings including two bedroomed bungalows, two, three and four bedroomed houses, associated road, landscaping and car parking

Location: LAND AT EASINGTON ROAD, HARTLEPOOL

Decision: **Minded to APPROVE – subject to the consideration of any further responses received in relation to the amended plans from consultees and neighbours, subject to the conditions below and any conditions arising from further consultation responses, and subject to the completion of a section 106 agreement securing developer contributions towards play and green infrastructure of £250.00 and £50.00 per dwelling respectively, the final decision to be delegated to the Development Control Manager (or substitute) in consultation with the Chair of the Planning Committee**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17th May 2010 as amended in respect to the site plan by the drawing 001E received at the Local Planning Authority on 4th August 2010, in respect to the house types 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15 by the drawings 007B, 008B, 009B, 012B, 013B, 014B, 015B, 016B, 017B, 019B, 020B, 021C respectively received at the Local Planning Authority on 22 July 2010, and in respect of the house types 4, 5 and 12 by the drawings 010C, 011C and 018C respectively received at the Local Planning Authority on 2 August 2010 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. For the avoidance of doubt the approved site plan drawing is drawing number 001E received at the Local Planning Authority on 4th August 2010 and not the site plans shown on the individual house type drawings referred to in

condition 2 above. The approved elevations are those on the approved house type drawings referred to in condition 2 above and not those shown on the streetscape drawing shown on drawing 001E.

For the avoidance of doubt. The elements of the drawings referred to do not appear to take account of subsequent amendments.

4. Unless otherwise agreed in writing with the Local Planning Authority no development shall take place unless in accordance with the mitigation detailed within the reports 'Application for a Natural England Bat Licence - Bats Method Statement, Document 1 and Document 2' prepared by E3 Ecology Ltd and submitted to the Local Planning Authority on 4th May 2010 including, but not restricted to;

- a) adherence to timing and spatial restrictions;
- b) adherence to precautionary working methods;
- c) provision of an updated timetable of works; and
- d) provision of alternative/compensatory roost opportunities.

To conserve bats and their habitat.

5. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until a detailed scheme for the diversion, or other means of protection of the public sewers which cross the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved.

In order to ensure that the public sewers which cross the site are appropriately dealt with.

6. Unless otherwise agreed in writing with the Local Planning Authority 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.

7. 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.

8. Notwithstanding the details submitted unless otherwise agreed in writing with the Local Planning Authority prior to the proposed vehicular link to link Hazel Grove being brought into use a scheme of traffic calming measures shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

9. 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. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or outbuildings other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
13. Unless otherwise agreed in writing with the Local Planning Authority the area(s) indicated for car parking on the plans hereby approved shall be provided before any of the dwellinghouses are occupied and shall 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.
14. Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, details of all bollards, walls, gates, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of security and visual amenity.
15. In the event that the development is phased, a phasing plan shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the approved phasing plan.
In order to ensure that any phased development can proceed in an orderly manner and with due regard to the amenity of the occupants of any neighbouring properties.
16. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.
In the interests of the environment.

17. Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved by the Local Planning Authority before their erection. Thereafter the development shall be carried out in accordance with the approved details.
These details were not included in the interests of visual amenity and the amenity of neighbours.
18. Notwithstanding the details submitted unless otherwise agreed in writing with the Local Planning Authority the proposed first floor window(s) in the side elevations of the dwellings hereby approved on plots 1, 8, 16, 34, 37, 38 and 68 shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To limit overlooking.
19. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
20. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until details of the proposed means of disposal of surface water arising from the development have been submitted to and approved in writing by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the details so approved.
In order to ensure that surface water is adequately dealt with in the interests of the amenity of the area.

Number:	H/2010/0346
Applicant:	Mr RTAYLOR 43 RUSWARP GROVE SEATON CAREWHARTLEPOOL
Agent:	SJR ARCHITECTS Mr RICHARD STOREY SUITE 101, THE INNOVATION CENTRE VENTURE COURT QUEENS MEADOW BUSINESS PARK HARTLEPOOL
Date received:	26/05/2010
Development:	Erection of a two storey extension to side to provide garage with master bedroom, dressing room and en suite and erection of a single storey extension at side/rear to provide lounge, dining room, kitchen, utility and store extension and provision of canopy to front (resubmitted application)

Location: 43 RUSWARP GROVE HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

Given the relationship and separation distances associated with the proposed two storey side extension and the neighbouring property of 133 Elizabeth Way it is considered that the proposed side extension, by virtue of its siting, design and scale would appear unduly large and overbearing upon the outlook currently enjoyed by the neighbouring property all to the detriment of the amenity of the occupants contrary to policies GEP 1 and Hsg10 of the adopted Hartlepool Local Plan 2006.

Number: H/2010/0408

Applicant: VODAFONE LIMITED, THE CONNECTION, NEWBURY

Agent: Lambert Smith Hampton, Mr Marcus Richman, 79 MOSLEY STREET MANCHESTER

Date received: 01/07/2010

Development: To determine whether the prior approval of the Local Planning Authority is required to the siting and appearance of a replacement 13.8m dual user monopole with 6 antennae, installation of 1 No. equipment cabinet and ancillary works

Location: VODAFONE COMMUNICATION STATION WYNARD ROAD HARTLEPOOL

Decision: **Subject to the existing mast being removed and based on the plans and details received on 1 July 2010 (Drawing No's 100 Issue A, 200 Issue A, 201 Issue A, 300 Issue A, 301 Issue B, 400 Issue B and 500 Issue B) PRIOR APPROVAL REQUIRED AND GRANTED**

Number: H/2010/0409

Applicant: VODAFONE LIMITED
THE CONNECTION NEWBURY

Agent: Lambert Smith Hampton, Mr Marcus Richman, 79 MOSLEY STREET MANCHESTER

Date received:	02/07/2010
Development:	To determine whether the prior approval of the Local Planning Authority is required to the siting and appearance of a replacement of 12.5m monopole housing 6 antennae, installation of 1 No. equipment cabinet and ancillary works
Location:	LAND OPPOSITE ALDI FOODSTORE LTD, HART LANE, HARTLEPOOL
Decision:	Minded to grant Prior Approval however due to the outstanding publicity the final decision delegated to the Development Control Manager (or substitute) in conjunction with the Chairman of the Planning Committee

37. Appeal By Mr A. Henderson, Site At Land South Of Navigation Point, Middleton Road, Hartlepool (H/2010/0098) *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the demolition of the existing single storey amenity building and erection of new mixed use building including A1/A3/A4 commercial use retail, (cafe/restaurant/pub/bar) at ground floor, cafe, kitchen, shower and toilet facilities at first floor together with second floor glazed cafe/restaurant and roof terrace. The appeal was to be decided by written representations and authority is therefore requested to contest the appeal.

Decision

That the Director of Regeneration and Neighbourhoods be authorised to contest the appeal.

38. Appeal by Mr Andy Nugent, Appeal Ref: App/H0724/D/10/2132256 Site at: 55 Greta Avenue, Hartlepool, TS25 5LE *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a two-storey utility, bathroom and garage extension to the side and a single storey rear kitchen extension and loft conversion. The appeal is to be determined by the Householder Appeals Service and authority was requested to contest the appeal.

Decision

That the Director of Regeneration and Neighbourhoods be authorised to contest the appeal.

39. Update On Current Complaints *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported on a series of current ongoing issues, which were being investigated. Developments would be reported to a future meeting where necessary.

Decision

That the report be noted.

40. Hartlepool Tree Strategy *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager updated the committee on the Draft Hartlepool Tree Strategy 2011 – 2016 and the intention to take the draft strategy out to public consultation in September. It was indicated that various methods of consultation would be used including the following;

- A presentation to Neighbourhood Forums
- Correspondence with Parish Councils
- A report to Planning Committee
- A local press release
- Your Town, Your Say e-consultation
- A dedicated page on the Council's website
- A public display in central library

The Planning Committee would also be contacted to enable their comments to be included in the document. On completion of the consultation period any comments received would be collated and incorporated into the document where appropriate. The document would then be taken to the Cabinet for approval.

Decision

That the report be noted.

41. Any Other Business – Retirement of Development Control Manager

The Chair referred to the retirement of the current Development Control Manager, Mr Richard Teece, at the end of the month. The Chair and members of the Committee spoke in tribute to Mr Teece's dedication and service to the authority. Mr Teece thanked Members for their comments and reported that Mrs Christine Pipe had recently been appointed as his successor and he wished her every success in the post.

42. Local Government (Access to Information) (Variation Order) 2006

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

Minute 44 – Any Other Business - ABLE UK TERRC Site, Greythorp, Hartlepool – (Para 3 - namely information relating to the financial or business affairs of any particular person (including the authority holding that information)).

Minute 45 – Any Other Business – Niramax (SWS) Landfill Site, Hartlepool - (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and

43. Any Other Business - ABLE UK TERRC Site, Greythorp, Hartlepool (*Development Control Manager*) - (Para 3 - namely information relating to the financial or business affairs of any particular person (including the authority holding that information))

The Development Control Manager reported on discussions held with ABLE UK in relation to monitoring at the TERRC site. Further details are set out in the exempt section of the minutes.

Decision

The Committee's decision is set out in the exempt section of the minutes.

44. Declarations of interest by members

Councillor P Thompson declared a personal and prejudicial interest in Minute No. 45 and left the meeting prior to consideration of the item.

45. Any Other Business – Niramax (SWS) Landfill Site, Hartlepool (*Development Control Officer*) - (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and (Para 6 – namely information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment).

The Development Control Manager reported further in the issues raised at the previous meeting of the Committee in relation to the involvement of Public Interest Lawyers and a potential breach of a planning condition at the site

and any enforcement that may result.

Decision

The Committee's decision is set out in the exempt section of the minutes.

The meeting concluded at 12.05 p.m.

CHAIR

No: 1
Number: H/2010/0477
Applicant: Mr D Lawton Cleveland College of Art & Design Green Lane MIDDLESBROUGH TS5 7RJ
Agent: Niven Architects Mr Dale Middleton 41 Coniscliffe Road DARLINGTON DL3 7EH
Date valid: 09/08/2010
Development: Listed building consent for over cladding and alterations to entrance area
Location: LEADBITTER BUILDINGS STOCKTON STREET HARTLEPOOL

The Application and Site

1.1 The application site consists of a pair of linked Grade II listed buildings, (Leadbitter and Archive Buildings), located at the junction of Stockton Street and Upper Church Street in the centre of Hartlepool. The site is located within the Church Street Conservation Area.

1.2 The buildings were listed in 1985 and are described respectively in the listing as follows:

1.3 “Public Library and former newsroom; 1894 on plaque in west gable; by J.W. Brown, Borough Engineer. Rear Extension of 1914 by N.F. Dennis, Borough Engineer. Red brick with ornamental terracotta dressings and plain clay tiled roofs each with 2 ventilation lanterns to ridge. ‘L’ Plan with Principal front of Library facing Clarence Street (North); Former newsroom faces Clarence Road (West). Northern Renaissance Style. 2 Storeys to Library; balanced asymmetry. First-floor windows are separated by simple half-lozenge pilaster strips continued through parapet to diminutive urn finials. Ornamented 3-Centred arched heads to windows in gable end. Dentilled eaves cornice and first floor sill string. Shaped gables to front and gable end, the latter having circular window. Single-storey 6-bay newsroom has doorway in left bay, with 4-panelled double doors and fanlight with glazing bars, under round-arched opening in pilaster and entablature surround having swan neck pediment with urn finial. Bays defined in parapet by half-lozenge pilaster strips with urn finials. Dentilled eaves cornice. 3-centred arched windows. All windows are transformed of cross-windows, in architraves.”

1.4 “Former Police Station and Court, 1871 by W. Crozier, county surveyor. Brick with stone dressings, Welsh slate roof and stone gable copings. 3 Storeys and basement; 6 Bays, the 3rd and 4th projecting slightly under pediments; symmetrical. Single and paired round-headed ground-floor windows have pilastered and keyed archivolt. Segmental and triangular pediments to first floor windows. Mullioned tripartite openings to end bays. Eared and shouldered architraves to 2nd floor windows. All windows have sashes and bracketed sills. Bracketed hoods on panelled pilasters to doorways in 2nd and 5th bays. 4-panelled door and fanlight to 2nd bay; 5th bay now holds window. Plinth. Moulded eaves cornice. 3 stacks having stepped

cornices and white brick dressings; stack to right rebuild. 2-storey rear extension in similar manner and detail. Included for group value.”

1.5 The buildings are currently in the process of being converted to educational use by Cleveland College of Art & Design following the approval of applications for planning and listed building consent in May this year (H/2020/0106 & H/2010/0108). Prior to this they were owned by the Borough Council and were being used by Offices. To the east across a narrow access way are the Municipal Buildings which are also Grade II listed and beyond that the Grade II*listed Christ Church and the Grade II listed Sir William Grey Monument. To the north is a car park. To the west is Stockton Street on the other side of which is a small square and the offices of Hartlepool Mail. To the south is Upper Church Street on the opposite side of which are various commercial properties and other buildings associated with Cleveland College of Art & Design.

1.6 Members may recall that when the College's earlier applications (H/2010/0106 & H/2010/0108) were considered at committee in April 2010 whilst the applications were approved Members were unable to support the then proposed alterations to the entrance onto Upper Church Street. The applicant agreed at committee to withdraw and reconsider that part of the scheme and appropriate conditions were imposed on the approvals.

1.7 The current application seeks listed building consent for the applicant's revised proposals for the entrance. The alterations proposed are limited to the south side of the building. An existing single storey entrance, a later addition to the building, will be altered and clad to create a distinctive contemporary new main entrance to the building. A new roof will be installed. Internal alterations will accommodate the revised access proposals. The main difference between the current and the previous proposals is that the entrance will be clad in terracotta tiles which will reflect the existing materials of the building. The entrance will also be marginally wider, deeper, and taller than that originally proposed. In support of the application the applicant states “The proposal is to provide a new external finish to the entrance of the Archive building, with terracotta tiles over the existing tired facing brickwork wall. The terracotta tiles give an attractive and more modern finish to compliment the existing building and surrounding area.”

Related Applications

1.8 H/2010/0470 Over cladding and alterations to existing entrance area.

1.9 The above application for planning permission for the works is also before members on this agenda for consideration.

Recent Relevant Planning History

1.10 H/2010/ 0108 Use for educational purposes, alterations, new main entrance feature, new link corridor to rear and internal alterations.

1.11 H/2010/0106 Listed building consent for alterations to entrance the Archive Building, new link corridor and internal alterations.

1.12 The above applications for planning and listed building consent for the change of use of the building(s) to educational use, and for alterations and extensions to facilitate that use, were approved in May 2010 following their consideration by Committee. Conditions on the approvals withheld permission for then proposed alterations to the entrance onto Upper Church Street which members were unable to support.

Publicity

1.13 The application has been advertised by site notice, neighbour notification and in the press. At the time of writing no representation had been received. The period for representations has not expired.

Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com6: 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. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

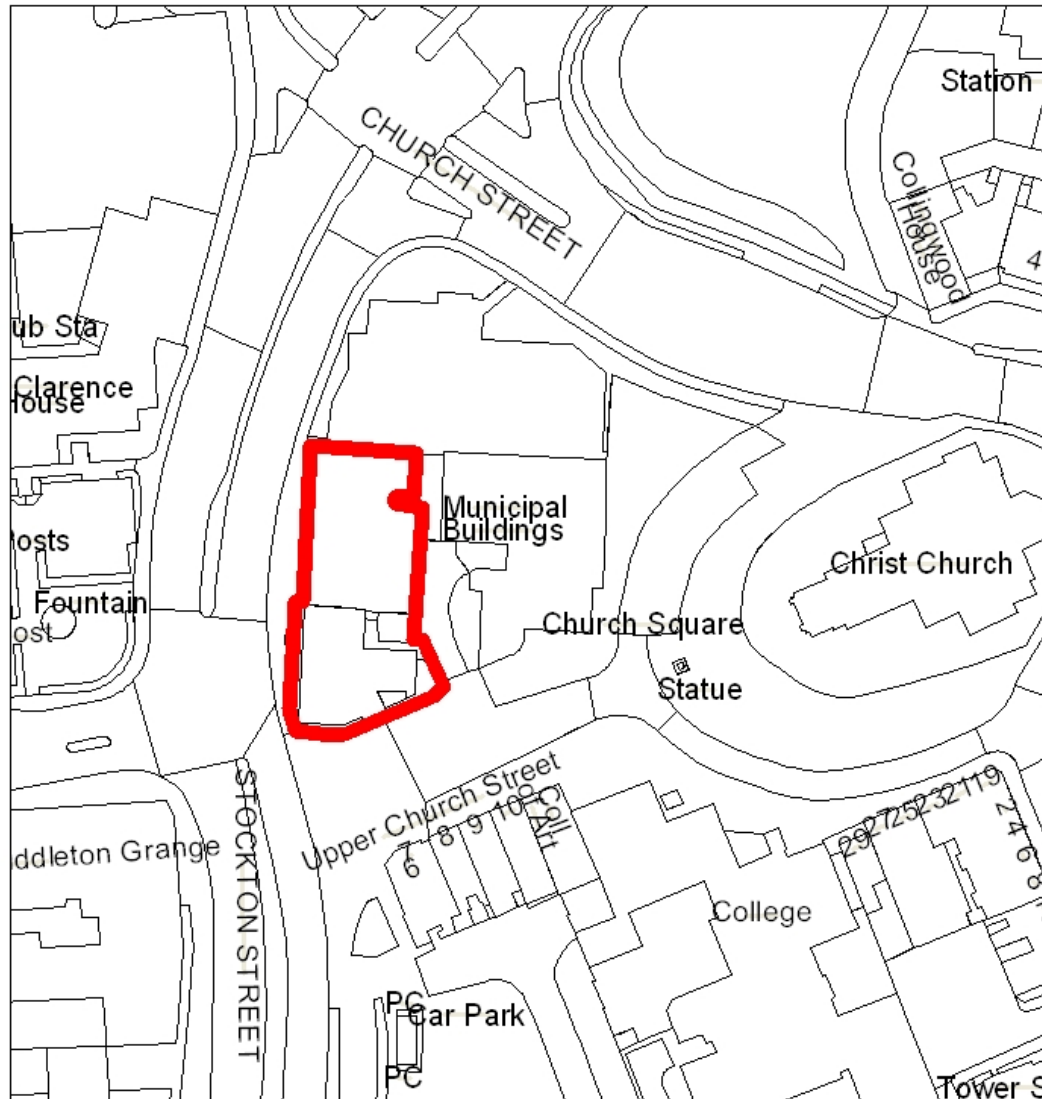
Planning Considerations

1.15 The main planning considerations are the impact of the development on the character and appearance of the listed building. As the publicity period and a number of responses are outstanding an update report will follow.

RECOMMENDATION : UPDATE – to follow.



LEADBITTER AND ARCHIVE BUILDING



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 26/08/10
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0470 H/2010/0477	REV

No: 2
Number: H/2010/0470
Applicant: Mr D Lawton Cleveland College of Art & Design Green Lane MIDDLESBROUGH TS5 7RJ
Agent: Niven Architects Mr Dale Middleton 41 Coniscliffe Road DARLINGTON DL3 7EH
Date valid: 09/08/2010
Development: Over cladding and alterations to existing entrance area
Location: LEADBITTER BUILDINGS STOCKTON STREET HARTLEPOOL

The Application and Site

2.1 The application site consists of a pair of linked Grade II listed buildings, (Leadbitter and Archive Buildings), located at the junction of Stockton Street and Upper Church Street in the centre of Hartlepool. The site is located within the Church Street Conservation Area.

2.2 The buildings were listed in 1985 and are described respectively in the listing as follows:

2.3 “Public Library and former newsroom; 1894 on plaque in west gable; by J.W. Brown, Borough Engineer. Rear Extension of 1914 by N.F. Dennis, Borough Engineer. Red brick with ornamental terracotta dressings and plain clay tiled roofs each with 2 ventilation lanterns to ridge. ‘L’ Plan with Principal front of Library facing Clarence Street (North); Former newsroom faces Clarence Road (West). Northern Renaissance Style. 2 Storeys to Library; balanced asymmetry. First-floor windows are separated by simple half-lozenge pilaster strips continued through parapet to diminutive urn finials. Ornamented 3-Centred arched heads to windows in gable end. Dentilled eaves cornice and first floor sill string. Shaped gables to front and gable end, the latter having circular window. Single-storey 6-bay newsroom has doorway in left bay, with 4-panelled double doors and fanlight with glazing bars, under round-arched opening in pilaster and entablature surround having swan neck pediment with urn finial. Bays defined in parapet by half-lozenge pilaster strips with urn finials. Dentilled eaves cornice. 3-centred arched windows. All windows are transformed of cross-windows, in architraves.”

2.4 “Former Police Station and Court, 1871 by W. Crozier, county surveyor. Brick with stone dressings, Welsh slate roof and stone gable copings. 3 Storeys and basement; 6 Bays, the 3rd and 4th projecting slightly under pediments; symmetrical. Single and paired round-headed ground-floor windows have pilastered and keyed archivolt. Segmental and triangular pediments to first floor windows. Mullioned tripartite openings to end bays. Eared and shouldered architraves to 2nd floor windows. All windows have sashes and bracketed sills. Bracketed hoods on panelled pilasters to doorways in 2nd and 5th bays. 4-panelled door and fanlight to 2nd bay; 5th bay now holds window. Plinth. Moulded eaves cornice. 3 stacks having stepped

cornices and white brick dressings; stack to right rebuild. 2-storey rear extension in similar manner and detail. Included for group value.”

2.5 The buildings are currently in the process of being converted to educational use by Cleveland College of Art & Design following the approval of applications for planning and listed building consent in May this year (H/2020/0106 & H/2010/0108). Prior to this they were owned by the Borough Council and were being used by Offices. To the east across a narrow access way are the Municipal Buildings which are also Grade II listed and beyond that the Grade II*listed Christ Church and the Grade II listed Sir William Grey Monument. To the north is a car park. To the west is Stockton Street on the other side of which is a small square and the offices of Hartlepool Mail. To the south is Upper Church Street on the opposite side of which are various commercial properties and other buildings associated with Cleveland College of Art & Design.

2.6 Members may recall that, when the College’s earlier applications (H/2010/0106 & H/2010/0108) were considered at committee in April 2010, whilst the applications were approved Members were unable to support the then proposed alterations to the entrance onto Upper Church Street. The applicant agreed at committee to withdraw and reconsider that part of the scheme and appropriate conditions were imposed on the approvals.

2.7 The current application seeks consent for the applicant’s revised proposals for the entrance. The alterations proposed are limited to the south side of the building. An existing single storey entrance, a later addition to the building, will be altered and clad to create a distinctive contemporary new main entrance to the building. A new roof will be installed. Internal alterations will accommodate the revised access proposals. The main difference between the current and the previous proposals is that the entrance will be clad in terracotta tiles which will reflect the existing materials of the building. The entrance will also be marginally wider, deeper, and taller than that originally proposed. In support of the application the applicant states “The proposal is to provide a new external finish to the entrance of the Archive building, with terracotta tiles over the existing tired facing brickwork wall. The terracotta tiles give an attractive and more modern finish to compliment the existing building and surrounding area.”

Related Applications

2.8 H/2010/0477 Listed building consent for over cladding and alterations to existing entrance area.

2.9 The above application for listed building consent for the works is also before members on this agenda for consideration.

Recent Relevant Planning History

2.10 H/2010/ 0108 Use for educational purposes, alterations, new main entrance feature, new link corridor to rear and internal alterations.

2.11 H/2010/0106 Listed building consent for alterations to entrance the Archive Building, new link corridor and internal alterations.

The above applications for planning and listed building consent for the change of use of the building(s) to educational use, and for alterations and extensions to facilitate that use, were approved in May 2010 following their consideration by Committee. Conditions on the approvals withheld permission for then proposed alterations to the entrance onto Upper Church Street which members were unable to support.

Publicity

2.12 The application has been advertised by site notice, neighbour notification and in the press. At the time of writing no representation had been received. The period for representations has not expired.

Consultations

2.13 The following consultation replies have been received:

Economic Development : Comments awaited.

Estates : Comments awaited.

Traffic & Transportation : Comments awaited.

Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com6: 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. Development should be located on previously developed land within the limits to development and outside

the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

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

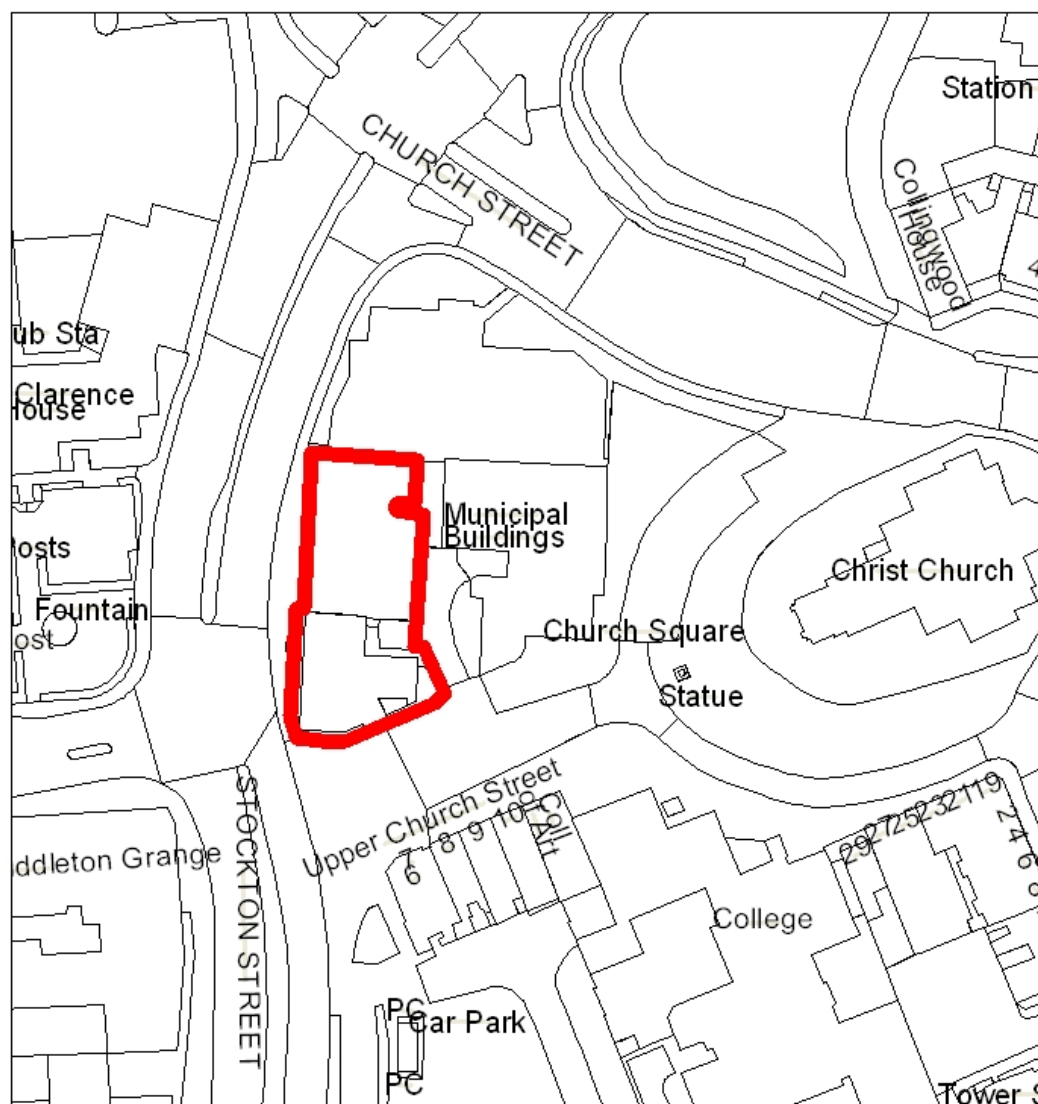
Planning Considerations

2.15 The main planning considerations are the impact of the development on the character and appearance of the listed building/conservation area, and on the setting of nearby listed buildings. As the publicity period and a number of responses are outstanding an update report will follow.

RECOMMENDATION : UPDATE – to follow.



LEADBITTER AND ARCHIVE BUILDING



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 26/08/10
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0470 H/2010/0477	REV

No: 3
Number: H/2010/0421
Applicant: Ms Maxine Crutwell Civic Centre Victoria Road Hartlepool
Cleveland TS24 8AY
Agent: Hartlepool Borough Council Ms Maxine Crutwell Level 4
Civic Centre Victoria Road Hartlepool TS24 8AY
Date valid: 08/07/2010
Development: Provision of a multi use games area with associated
floodlighting and mounding to provide a shared facility for
Rossmere Primary School, Rossmere Youth Centre and
the wider community (Amended plan and description)
Location: LAND ADJACENT TO ROSSMERE CENTRE
ROSSMERE WAY HARTLEPOOL

The Application and Site

3.1 The site to which this application relates is an area of incidental open space, sandwiched between the Rossmere Youth Centre, Rossmere Primary School and Rossmere Children's Centre. The site is located to the south of Rossmere Way, close to the junction with Catcote Road.

3.2 The application seeks consent for the erection of a multi use games area, with the provision of floodlighting columns and landscaping mounding to the north end of the site. The facility is proposed to be a shared facility between Rossmere Primary School, Youth Centre and the wider community.

3.3 The facility will measure 37m by 18.5m with a polymeric surface and will be accessed via lockable gates, with separate accesses for the school and the youth centre. The mounding will use excavation material to a height of 1m and will be landscaped to screen views from Rossmere Way. The MUGA will be fenced by 3m high mesh fencing. The development will include a 2.4m fence and gating between the MUGA and the youth centre to prevent unwanted access.

Publicity

3.4 The application has been advertised by two rounds of consultation containing neighbour letters (19) and site notice. To date, there have been 2 letters of objection from one neighbour.

3.5 The concerns raised are:

- a) Noise and nuisance
- b) Existing problems with children playing on the fields beyond 10pm

3.6 Five letters have been received expressing support for the proposal.

3.7 The period for publicity has expired.

Consultations

3.8 The following consultation replies have been received:

Sport England – Support the proposal.

Traffic and Transportation – No highway or traffic concerns.

Head of Public Protection – No objections to this application subject to an hours condition to restrict its use to no later than 21:00.

Property Services – No objections.

Cleveland Police – No objections.

Community Safety – No objections.

Planning Policy

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

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

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

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

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

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. Where

appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Planning Considerations

3.10 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of development, the impact of the development on the amenity of surrounding properties and the area in general, design, and highway safety.

Principle of Development

3.11 Policy Rec4 of the adopted Hartlepool Local Plan (2006) identifies the site as forming part an existing area of protected outdoor playing space. Policy Rec4 only allows the loss of such space where they are replaced by new play space provision which is comparable. It is considered that the proposals are an adequate provision of playing space which will compensate for the loss of the open space. Sport England have raised no concerns with the proposal, indicating that the site does not form part of a playing field. It is considered that the development is considered an appropriate use for the land subject to the consideration of the relevant issues discussed below.

Amenity

3.12 The main consideration in amenity terms is the visual impact, and the potential for noise and disturbance in relation to the closest residential properties, in this instance located on Rossmere Way. It is considered that the provision of sports facilities in close proximity to the school and youth centre is acceptable in terms of its relationship with the surrounding uses. The closest residential properties are in excess of 40m away to the north on the opposite side of Rossmere Way. In addition the application has incorporated 1m high mounding with landscaping and the provision of tree planting. It is considered that given such a provision and the distances involved that the proposal is unlikely to have a significant visual impact on the outlook of the closest residential properties. It is acknowledged that the proposed floodlights at 10m will be visible, however, they are not considered to be so dominant as to have a significant detrimental impact on the visual amenity of surrounding neighbours. The applicant has submitted details which demonstrate that the light levels from the floodlights will not extend beyond the site and the scheme is therefore considered acceptable in terms of potential for disturbance from lighting.

3.13 The Council's Head of Public Protection has raised no objections to the scheme. The facility is to be managed and lockable, and a planning condition is proposed to prevent its operation beyond 9pm. It is considered on that basis that the scheme is unlikely to give rise to significant noise and disturbance issues.

Design

3.14 It is considered that the design of the scheme is acceptable. The scheme incorporates a good degree of landscaping and the bulk of the visual impact will be from the 3m high fencing and the 10m high floodlighting. It is considered that the

proposed landscaping is acceptable subject to suitable conditions set out below. It is considered that the development will not appear incongruous and will appear in keeping with the surrounding educational/community land uses. On that basis the design of the scheme is considered acceptable.

Highway Safety

3.15 The Council's Traffic and Transportation section has raised no objections to the scheme. It is not considered that the proposal will give rise to any significant highway or traffic issues, and the scheme is therefore considered acceptable in highway terms.

Other Issues

3.16 Concerns have been raised in relation to nuisance. The scheme has been designed in consultation with Cleveland Police. The Police have indicated that they are satisfied with the proposal and have raised no objections. It is considered that the proposal offers good natural surveillance from Rossmere Way and the provision of adequate fencing will reduce the opportunity for anti-social behaviour.

3.17 The Council's Community Safety Office has indicated no objection for the scheme, however, has requested that if there are any issues with CCTV in the future that any CCTV cameras installed near the site have the images transferred to HBC CCTV monitoring centre. It is considered that this is an issue which falls outside the realms of consideration in relation to this planning application.

Conclusions

3.18 With regard to the relevant Hartlepool Local Plan (2006) policies, and the relevant planning considerations as discussed above, the proposal is considered acceptable subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 08/07/2010 (Drawing No(s) 760/25 L001, 760/25 L002, 760/25 L003, 760/25 L004), and the plans and details received by the Local Planning Authority on 02/08/2010 (760/25 L005).
For the avoidance of doubt.
3. Notwithstanding the submitted details, prior to the commencement of development, final details, including elevational details, of the floodlighting equipment hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.
To ensure a satisfactory form of development.
4. Prior to the commencement of development, final details of the proposed means of enclosure shall be submitted to and agreed in writing by the Local

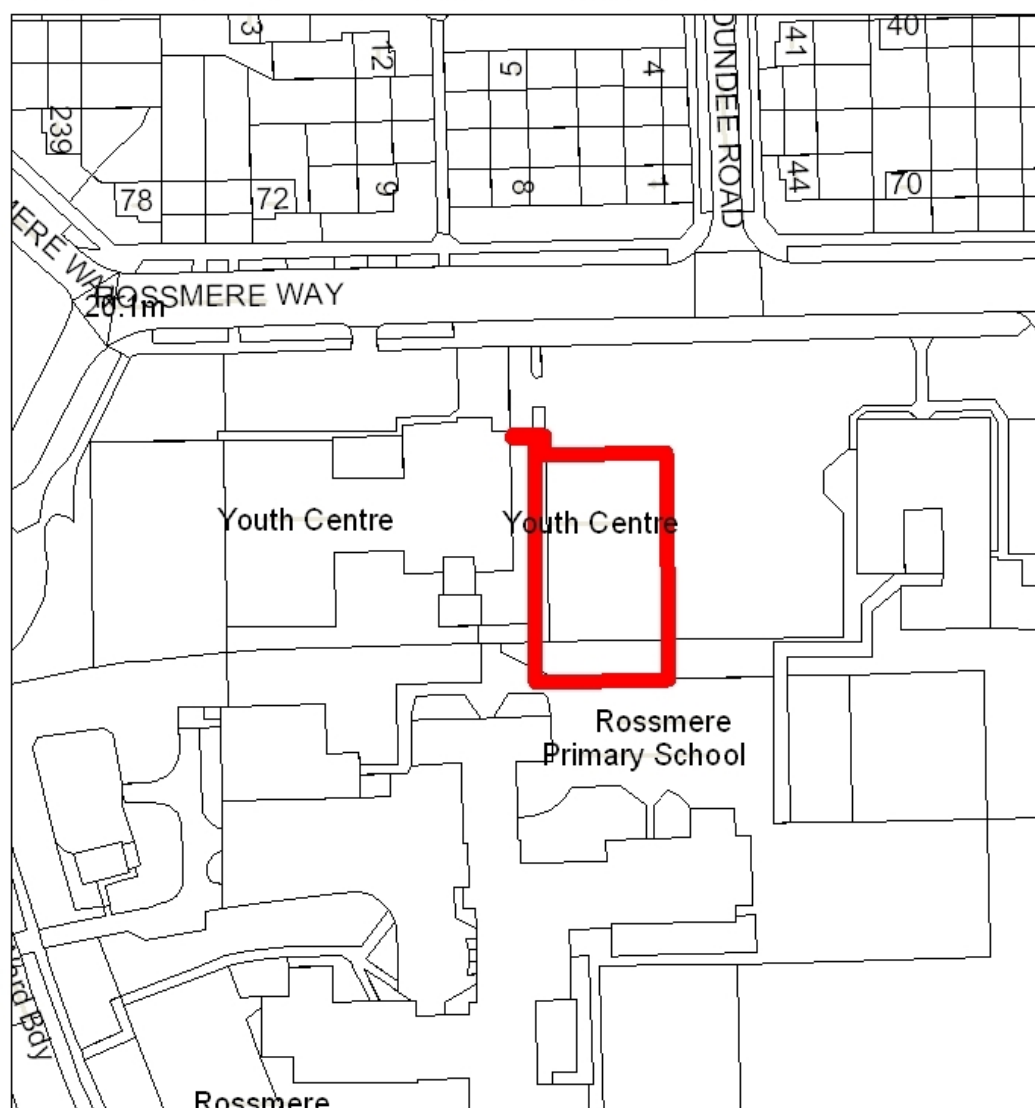
Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

To ensure a satisfactory form of development.

5. The Multi-Use Games Area facility and floodlighting hereby approved shall only operate between the hours of 8.30 and 21.00. The Multi-Use Games Area hereby approved shall be kept locked between the hours of 21:00 and 08:30.
In the interests of visual amenity
6. 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.
7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
8. If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.



LAND ADJACENT TO ROSSMERE CENTRE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30/07/11
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2010/0421	REV

UPDATE

No: 1
Number: H/2010/0477
Applicant: Mr D Lawton Cleveland College of Art & Design Green Lane MIDDLESBROUGH TS5 7RJ
Agent: Niven Architects Mr Dale Middleton 41 Coniscliffe Road DARLINGTON DL3 7EH
Date valid: 09/08/2010
Development: Listed building consent for over cladding and alterations to entrance area
Location: LEADBITTER BUILDINGS STOCKTON STREET HARTLEPOOL

Background

1.1 This application appears on the main agenda at item 1.

1.2 The recommendation was left open as the publicity period and a number of consultation responses were outstanding.

Publicity

1.3 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations in relation to the site notice has expired. The time period for representations in relation to neighbour notification letters and the press advert expire after the meeting on 15th September 2010 and 24th September 2010 respectively. The recommendation reflects this.

1.4 A single letter of objection has been received. The objector raises the following issues.

- Advises the building should be called the old police station and asks what has happened to the cells.
- Questions why the applicant would want to alter the building in the way proposed. The proposal is incomprehensible.
- Concerned that another piece of our architectural heritage will be lost forever. Ask that permission is not granted and no alterations are allowed to the building.
- Cites the example of Christ Church.

Copy letters **A**

UPDATE

1.5 A letter of comments has also been received from Hartlepool civic society this states

“The Society has studied the new plan for the doorway. The latest proposal, though an improvement on the earlier offering of a brash metal cladding is largely unchanged. The Old Police Station has stone surrounds to the windows. We were hoping that the latest plan would be more imaginative.

We are obviously pleased that this building is to be well used - it is one of our fundamental concerns that new uses can be found for old buildings but it does not lessen our desire for good design.

The key to this project is the shade of the terracotta to ensure it complements, rather than clashes, with the surrounding building.”

Planning Considerations

1.6 The main planning considerations are the impact of the development on the character and appearance of the listed building.

IMPACT OF THE DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDING

1.7 These matters are considered in detail in the relevant section of the report in the related application for planning permission which is also before members for consideration on this agenda. The Borough's Conservation Officer has raised no objections to the proposals subject to appropriate conditions on finishing materials. The proposed alterations to the entrance are considered acceptable in terms of their impact on the listed building.

1.8 It is recommended that the application be approved. The time period for representations expires on 24th September 2010. In order that any further responses can be considered. It is recommended that the final decision be delegated to the Development Control Manager in consultation with the Chair following the consideration of any further representations received.

RECOMMENDATION – APPROVE subject to the following conditions, the final decision to be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee following the consideration of any further representations received during the outstanding consultation period.

- 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 (9001B, 2102A, 2104A, 2105A, 2106A) and details received at the Local Planning Authority on 9th August 2010 as amended

UPDATE

in respect to the ground floor layout by the drawing (2108A) received at the Local Planning Authority on 6th September 2010, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

- 3 Details of all external finishing materials, including finishes, shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the character and appearance of the listed building and the conservation area.

UPDATE

No: 2
Number: H/2010/0470
Applicant: Mr D Lawton Cleveland College of Art & Design Green Lane MIDDLESBROUGH TS5 7RJ
Agent: Niven Architects Mr Dale Middleton 41 Coniscliffe Road DARLINGTON DL3 7EH
Date valid: 09/08/2010
Development: Over cladding and alterations to existing entrance area
Location: LEADBITTER BUILDINGS STOCKTON STREET HARTLEPOOL

Background

2.1 This application appears on the main agenda at item 2.

2.2 The recommendation was left open as the publicity period and a number of consultation responses were outstanding.

Publicity

2.3 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations in relation to the site notice has expired. The time period for representations in relation to neighbour notification letters and the press advert expire after the meeting on 15th September 2010 and 24th September 2010 respectively. The recommendation reflects that.

2.4 A single letter of objection has been received in relation to the application for Listed Building Consent for the works which is also for consideration on this agenda. The objector raises the following issues.

- Advises the building should be called the old police station and asks what has happened to the cells.
- Questions why the applicant would want to alter the building in the way proposed. The proposal is incomprehensible.
- Concerned that another piece of our architectural heritage will be lost forever. Ask that permission is not granted and no alterations are allowed to the building.
- Sites the example of Christ Church.

Copy letters **A**

UPDATE

2.5 A letter of comments has also been received from Hartlepool Civic Society. This states

“The Society has studied the new plan for the doorway. The latest proposal, though an improvement on the earlier offering of a brass metal cladding is largely unchanged. The Old Police Station has stone surrounds to the windows. We were hoping that the latest plan would be more imaginative.

We are obviously pleased that this building is to be well used - it is one of our fundamental concerns that new uses can be found for old buildings but it does not lessen our desire for good design.

The key to this project is the shade of the terracotta to ensure it complements, rather than clashes, with the surrounding building.”

Consultations

Traffic & Transportation : There are no highway or traffic concerns with the above application.

Estates : No comment.

Economic Development : I fully support the proposals. The redevelopment of Church Square by the College of Art is part of a fundamental regeneration programme based on an Innovation and Skills Quarter and the proposals will drive forward this agenda providing physical investment and most importantly expand the Higher Education provision in the town. The proposals will provide significantly improved functionality to the building and the design appears to be aesthetically appropriate for the building and location.

Planning Considerations

2.6 The main planning considerations are the impact of the development on the character and appearance of the listed buildings/conservation area and on the setting of nearby listed buildings.

IMPACT OF THE DEVELOPMENT ON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDINGS/CONSERVATION AREA

2.7 The buildings are grade II listed and located in the Church Street Conservation Area. The proposal is a small part of a larger scheme approved at Committee in April 2010 which will allow for the continued productive use of these buildings by Cleveland College of Art & Design (H/2010/0106 & 0108). In bringing forward these wider proposals the applicant has sought to minimise alterations to the building. In particular the principle elevations of the building, north and west, will be unaltered.

UPDATE

2.8 The existing entrance onto Upper Church Street, whilst prominent is a relatively minor feature of the building located to the side away from the buildings principle elevations. It is in itself a later addition to the building. It currently has the appearance of a service entrance and can best be described as utilitarian.

2.9 In the applicant's plans for the buildings this entrance will now function as a main entrance, linking conveniently with the main campus building on the other side of Upper Church Street. It is likely it will be a busy thoroughfare for students. It is understandable therefore that the applicant is seeking alterations, to reflect this change in status, and to provide a coherent and functional new entrance to the building. The applicant favours a contemporary approach here which in terms of its design will clearly contrast with the original building, whilst at the same time the choice of finishes will complement those of the original building. The existing structure will be clad in a terracotta tile which, following the concerns raised by members at the meeting in April 2010, it is considered will sit more comfortably with the red brick of the adjoining building. The entrance doors will be widened, glazed doors introduced and areas of glazing either side of the door introduced. The hardwood door, and frames, will be finished in black again all to match the current treatments of the existing building.

2.10 Concerns have been raised in relation to the proposed alterations. The Borough's Conservation Officer however has raised no objections to the proposals subject to appropriate conditions on finishing materials. The proposed alterations to the entrance are considered acceptable in terms of their impact on the listed building and the Conservation Area.

IMPACT ON THE SETTING OF NEARBY LISTED BUILDINGS

2.11 There are a number of other listed buildings in the vicinity of the site, notably the Municipal Buildings to the (east) and Christ Church and Sir William Grey's Monument across the Square to the east. The entrance feature is a relatively minor feature of the building and given the distance from the other listed buildings it is not considered that the proposal will detract from the setting of these listed buildings.

Conclusion

2.12 The proposal is part of a wider scheme which will encouraging investment in the town centre, support the continued expansion of the educational sector, have a positive impact on the town centre and the economy of the town and allow for the continued productive use of these prominent listed buildings in the conservation area.

2.13 The entrance whilst prominent is a relatively minor feature of the building. The alterations proposed are considered acceptable in terms of their impact on the character and appearance of the listed building, the conservation area and the setting of nearby listed buildings.

UPDATE

2.13 It is recommended that the application be approved. The time period for representations expires on 24th September 2010. In order that any further responses can be considered. It is recommended that the final decision be delegated to the Development Control Manager in consultation with the Chair following the consideration of any further representations received.

RECOMMENDATION – APPROVE subject to the following conditions, the final decision to be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee following the consideration of any further representations received during the outstanding consultation period.

- 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 (9001B, 2102A, 2104A, 2105A, 2106A) and details received at the Local Planning Authority on 9th August 2010 as amended in respect to the ground floor layout by the drawing (2108A) received at the Local Planning Authority on 6th September 2010, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
- 3 Details of all external finishing materials, including finishes, shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and the character and appearance of the listed building and the conservation area.

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: Appeal by: Mrs Allison Willis
Appeal Ref No: APP/H0724/D/09/2131143
Site At: 15 Warwick Grove Hartlepool TS26 9ND

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two storey extension at side to provide garage and utility with bedroom and en-suite above.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. The Inspector concluded that the proposal would have an unacceptable impact on the outlook of a neighbouring property. A copy of the decision is **attached**.

3. RECOMMENDATION

3.1 That members note the decision.



Appeal Decision

Site visit made on 4 August 2010

by **D R Cullingford BA MPhil MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
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Decision date:
10 August 2010

Appeal Ref: APP/H0274/D/10/2131143 15 Warwick Grove, Hartlepool, TS26 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mrs Allison Willis against the decision of the Hartlepool Borough Council.
- The application (ref: H/2009/0257 and dated 14 April 2010) was refused by notice dated 11 June 2010.
- The development is now described as 'demolish existing garage; erect new 2-storey extension to side to form garage, utility, bed 3 and en suite'.

Procedure

1. The development is described on the application form as involving the demolition of the existing garage and the erection of a new 2-storey side extension containing a garage, utility room and an en suite bedroom, as well as the erection of a single storey rear extension to contain a kitchen. In addition, the application sought retrospective planning permission to retain fence panels between piers above an existing wall. On the appeal form it is clear that the proposal to erect the single storey rear extension and to retain the wall and fence panels to the front and side of the property is withdrawn. Hence, the scheme now entails just the demolition of the existing garage and the erection of a new 2-storey side extension containing a garage, utility room and an en suite bedroom.

Decision

2. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

3. The appeal property is a pleasant semi-detached dwelling in a modest cul-de-sac behind the substantial detached villas in The Grove. The extension would project over 4m from the side elevation and reach a height of about 7.6m at the top of the hipped roof. The Council are concerned that, due to the siting, design and scale of the structure, it would appear unduly obtrusive and overbearing when seen from the neighbouring property at 22 The Grove, contrary to 'saved' policies GEP1 and Hsg10. That is the issue on which this appeal turns.
4. The proposed extension would project to within about 2m of the diagonal 'rear' boundary that separates the back garden at the appeal property from that at 22 The Grove. It would stand within about 13m of the imposing, bay-

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windowed rear elevation of that villa, be about 9m from a conservatory there and be very close to a small patio. As the structure would lie a little south of due west in relation to No.22, it would cast a shadow across the adjacent garden, patio and conservatory, particularly during late summer afternoons when what sun there might be would be most welcome. Moreover, I think that the looming presence of such an extensive and partially blank façade positioned so close to the property boundary would present an incongruously confining and enclosing prospect that would have an unpleasantly obtrusive and oppressive impact on neighbouring residents. I read that the operative guidance indicates (as set out in the Council's Supplementary Note 4) that there should be a minimum of 20m between facing principal elevations and at least 10m between those elevations and a blank gable wall. But, although the extension would only accommodate an obscure glazed bathroom window at first floor level (above a window and door to a utility room on the ground floor), it could not be described accurately as a 'blank gable wall'; on the contrary, it would be part of a 'principal elevation'. In any case, the distances cited seek to ensure that 'minimum' levels of separation are met; such limited separation is not necessarily applicable everywhere, including in an established suburb like this one. In those circumstances, I consider that this scheme would seriously impair the prospect that neighbouring residents might reasonably expect to enjoy here. I agree that the proposal would not spoil the street, but I am afraid that I find neither that nor any other matter raised sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: **Appeal Ref: APP/H0724/D/10/2131140**
H/2010/0007
Erection of a rear single storey extension to provide garden room, bathroom and lobby
35 The Green Elwick Hartlepool TS27 3EF

1. PURPOSE OF REPORT

1.1 To notify members of the outcome of the above planning appeal.

2. APPEAL

2.1 To inform Members that a planning appeal has been determined in relation to the refusal of the Local Planning Authority to grant planning permission for the erection of a rear single storey extension to provide garden room, bathroom and lobby at 35 The Green, Elwick, Hartlepool, TS27 3EF.

2.2 The application was refused for the following reason:

"It is considered that the proposed extension, by virtue of its scale and massing, would be unduly large and out of keeping with that of the existing property and as such would be detrimental to the character and appearance of the existing property and would not preserve or enhance the character and appearance of the Elwick Conservation Area, contrary to Policies GEP1, HE1 and Hsg10 of the Hartlepool Local Plan (2006)."

2.3 The appeal was decided by the written representations procedure.

2.4 The appeal was allowed subject to conditions. A copy of the decision is **attached**.

3. RECOMMENDATION

3.1 That Members note the decision.



Appeal Decision

Site visit made on 4 August 2010

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
10 August 2010

Appeal Ref: APP/H0724/D/10/2131140 35 The Green, Elwick, Hartlepool, TS27 3EF

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mrs Carolyn Dougherty against the decision of the Hartlepool Borough Council.
- The application (ref: H/2010/0007 and dated 16 January 2010) was refused by notice dated 11 June 2010.
- The development is described as the 'erection of rear single storey extension to provide garden room, bathroom and lobby'.

Decision

1. For the reasons given below, I allow this appeal, and grant planning permission for the erection of a rear single storey extension to provide a garden room, a bathroom and a lobby at 35 The Green, Elwick, Hartlepool in accordance with the terms of the application (ref. H/2010/0007) dated 16 January 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with plans entitled 'Existing Plans' and 'Proposed Alterations Rev A, 14/01/10, except as required by the condition set out below.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the submitted plans, prior to the commencement of development, final large scale details of the proposed windows and doors shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.
 - 5) The appellant shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow that person to observe the excavations and record items of interest and finds.

Reasons

2. The appeal property is a small cottage with a room in the roof space, once apparently used (together with the adjoining cottage) as 'coaching accommodation' for the adjacent McOrville Public House. It stands on a charming village green at the heart of the Elwick Conservation Area. The scheme is to erect a relatively large single storey rear extension containing a garden room, a bathroom and a lobby; the existing bathroom would become a utility room. The extension would project almost 10m from the rear wall of the cottage beneath a mono-pitched roof reaching 3.5m in height along the brick boundary wall with the public house; the bulk of the extension would be just

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over 4m wide. The Council are concerned that the scale, design, appearance and massing of the extension would be perceived as unduly large and out of keeping with the cottage. They consider that such development could set a precedent for similar proposals elsewhere within the Conservation Area, the cumulative effect of which would impair the character and appearance of the place, thereby contravening 'saved' policies GE1, HE1 and Hsg10. That is the issue on which this appeal turns.

3. Although the extension would increase the floor space on the ground floor of this cottage by over 70% and project disproportionately from the rear elevation there, I think that its design and location would combine to negate those potentially harmful effects. First, the mono-pitched roof, the limited height and even the length of the structure would clearly differentiate it (when seen at all) from the cottage itself; indeed, I think that it would tend to be perceived as more of an 'outbuilding' than as a natural part of the cottage. Second, the extension would reflect the pattern of the far more extensive additions and outbuildings behind the adjoining public house. I think that, due to its proximity and matching alignment to those structures, it would be read as a consistent element amongst the jumble of excrescences behind this part of the village green and as largely in character with its surroundings. Third, the extension would be evident from relatively few vantage points. It would not be seen at all from the village green. It would be seen from the public house car park and beer garden, which wraps around the back garden of the appeal property. But from there, it would largely appear amongst the plethora of other additions and outbuildings and, even then, it would be the modest end elevation that would be to the fore. The top of the roof and supporting wall would protrude up to 1m above the tall boundary wall of the public house. But I think that the potential impact of the extension would be largely camouflaged behind much of that existing wall.
4. I appreciate that many of the extensions in the Conservation Area appear proportionate to the main dwelling to which they relate. But most houses here are substantially larger than this small cottage and I saw that several properties appear to have back additions, extensions or outbuildings with which the projection of appeal proposal would be commensurate. Nevertheless, the desirability of preserving or enhancing the character or appearance of this Conservation Area (as indicated under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the requirement to consider the proposal in the context of 'saved' policy HE1, means that the scale and nature of the development remains important. After careful consideration, I think that it is the unique location, together with the scale and nature of the surroundings, that tip the balance in favour of this scheme; the extension would not be evident from important vantage points and, when seen, it would appear amongst a cacophony of additions, extensions and outbuildings at the back of this part of the village green. For that reason, I consider that this scheme would not offer an obvious precedent to encourage disproportionate residential extensions throughout the Conservation Area.
5. However, I agree with the Council that the windows and doors proposed for the extension would not reflect the style of opening typically found within the Elwick Conservation Area and evident at this cottage. I think that the imposition of a suitable condition should ensure the installation of fenestration more in keeping

Appeal Decision: APP/H0724/D/10/2131140

with the sash or casement windows evident here and the insertion of doors more like the 4-panelled or boarded style prevalent nearby. Subject to that proviso, I consider that the extension would not appear incongruous or out of character with either the cottage or the surroundings. It would thus preserve the character and appearance of the Conservation Area.

6. In all other respects it is agreed that the scheme would be acceptable. The extension would project just 0.7-1m above part of the boundary wall enclosing a small courtyard and beer garden at the McOrville Public House and the Council consider that such a modest alteration would be unlikely to affect the amenity of customers significantly. I agree. And, as the bulk of the extension would be positioned away from the boundary shared with the adjoining cottage (No.36 The Green) and as that boundary is formed by a dense and tall hedge, the extension would not significantly accentuate any overlooking or overshadowing likely to be experienced by neighbouring residents.
7. I read that Tees Archaeology have indicated that the site may well have been continuously occupied since the medieval period, so that the proposed extension could disturb interesting archaeological deposits; it is recommended that archaeological monitoring should be undertaken during the development. I shall impose a suitable condition. However, the condition actually suggested would entail a programme of archaeological work to be secured by the appellant which, in the absence of any detailed evidence that the site would contain important archaeological remains, would not be warranted.
8. Hence, and having considered all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out above.



INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: Appeal by: Mr Andy Nugent
Appeal Ref No: APP/H0724/D/10/2132256
Site At: 55 Greta Avenue, Hartlepool TS25 5LE

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two storey side and rear extension and loft.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. The Inspector concluded that the proposal would have a materially harmful effect on the living conditions of the occupiers of a neighbouring property. A copy of the decision is **attached**.

3. RECOMMENDATION

3.1 That members note the decision.



Appeal Decision

Site visit made on 9 August 2010

by **Graham Garnham BA BPHIL MRTPI**

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

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Decision date:
20 August 2010

Appeal Ref: APP/H0724/D/10/2132256

55 Greta Avenue, Hartlepool, Cleveland, TS25 5LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Andy Nugent against the decision of Hartlepool Borough Council.
- The application ref H/2010/0073, dated 4 February 2010, was refused by notice dated 14 April 2010.
- The development proposed is erection of two storey side and rear extension and loft.

Decision

1. I dismiss the appeal.

Procedural matter

2. In its Questionnaire, the local planning authority indicated that the Inspector can see the relevant parts of the appeal site from public land. It also stated that the case required me to enter the neighbouring property in order to view the relationship of it to the appeal site. In the event, I was satisfied that I was able to see all I needed from the highway and the rear of the appeal site. I consider that no interest was prejudiced by me not entering the next door property.

Main issue

3. I consider that this is the effect of the proposal on the living conditions of the occupiers of no.53 Greta Avenue.

Reasons

4. No.55 is a 2 storey semi-detached house. The adjoining property to the north is no.53, a bungalow, which has a door and window in the side wall facing the appeal site. Both properties have single garages to the side, abutting the common boundary. The garages maintain the original separation distance between the side walls of the dwellings.
5. The main part of the proposal is to extend the house over its attached garage, following the profile of the host building. The new side gable wall would abut the driveway of no.53, and be the width of a modest single garage away from the side window and door. I consider that the closeness and height of the extension relative to the ground floor of no.53 would have a very intrusive effect on what is already quite a restricted outlook. The full height blank gable

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wall would occupy much of what would be seen from the side window, creating a very poor outlook. In addition, the extension would materially reduce daylight into the property and, being due south of it, sunlight.

6. The appellant has drawn my attention to a number of situations nearby which are said to be similar to the appeal proposal. I viewed all the addresses given and went along the full length of Caledonian Road. I was unable to observe any instances that appeared to be directly comparable, by bringing a 2 storey extension up to the boundary and close to the side wall of a similarly sited bungalow. In the event, I have considered the proposal on its own merits.
7. The proposal also includes a full width single storey rear extension and an additional rooflight for the loft. The rear extension would have a flat roof and extend out less than 3 metres. I have no reason to disagree with the Council in finding these parts of the proposal to be acceptable. However, I consider that the lack of harm in these respects would not outweigh the adverse effect of the side extension on the occupiers of no.53.
8. I conclude that proposal would have a materially harmful effect on the living conditions of the occupiers of no.53 Greta Avenue, with respect to adverse consequences for outlook, daylight and sunlight. This would be contrary to saved policies GEPI & HSG10 in the Hartlepool Local Plan (2006).
9. Given my findings on the main issue, I consider that planning permission should be withheld. For the reasons given above I conclude that the appeal should be dismissed.

G Garnham

INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: BRIAR COURT, 59 HUTTON AVENUE
(H/2009/0542)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal lodged against the refusal of planning consent against officer recommendations for alterations and erection of a part single and part two storey extensions to side and rear to provide day room and two new bedrooms and internal alterations to update en suite facilities to some existing bedrooms at Briar Court, Hutton Avenue.

2. THE APPEAL

- 2.1 The appeal was decided by written representations. The inspector allowed the appeal concluding that the development would enhance the character and appearance of the Conservation Area, would not cause material harm to the living conditions of neighbouring occupiers, would be unlikely to cause significant parking, highway safety or disturbance problems. The appeal decision is **attached**.
- 3 An application for costs was made by the appellant against Hartlepool Borough Council. In this instance the inspector found that the Council had behaved unreasonably in refusing permission in respect of 3 of the 4 reasons for refusal and therefore allowed the application for an award of costs.



Appeal Decision

Site visit made on 22 July 2010

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

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Decision date:
13 August 2010

Appeal Ref: APP/H0724/A/10/2125067

Briar Court, Hutton Avenue, Hartlepool, TS26 9PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tom Wilson against the decision of Hartlepool Borough Council.
- The application Ref H/2009/0542, dated 29 September 2009, was refused by notice dated 30 November 2009.
- The development proposed is addition of a day room and two new bedrooms; internal alterations to update en-suites to some existing bedrooms.

Application for costs

1. An application for costs was made by Mr Tom Wilson against Hartlepool Borough Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for addition of a day room and two new bedrooms; internal alterations to update en-suites to some existing bedrooms at Briar Court, Hutton Avenue, Hartlepool, TS26 9PW in accordance with the terms of the application, Ref H/2009/0542, dated 29 September 2009 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Unless otherwise required by the conditions below, the development hereby permitted shall be carried out in accordance with drawing nos 960(2-) 01, 02, 03, 04 (Rev PD), 05 (Rev PA) and 06 (Rev PB).
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the west-facing elevation of the development hereby permitted.
 - 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 5387:2005 (*Trees In Relation To Construction* -

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Recommendations) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented, in accordance with the approved details, prior to the commencement of the development and before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any tree which is seriously damaged or dies as a result of site works in connection with the development hereby permitted shall be replaced, in the next available planting season, with a tree of such size and species as may be specified in writing by the Local Planning Authority.

- 6) Any work to trees on the site shall comply with BS 3998:1989 and, following such work, the tree(s) shall not exhibit untidy branch stubs or tearing of the bark. No tree work shall be carried out until a site visit has been held with the Local Planning Authority's Arboricultural Officer with a minimum of 48 hours prior notice being given of the intention to carry out work to trees.

Main issues

3. The main issues of the appeal are the effect of the proposal on:
 - the character and appearance of the property itself and the Grange Conservation Area;
 - the living conditions of the occupants of 61 Hutton Avenue, having particular regard to outlook, light and privacy;
 - the fear of crime and use of the footpath between Hutton Avenue and Wilton Avenue; and
 - the parking situation in the area and highway safety.

Reasons

Character and Appearance

4. The Grange Conservation Area is characterised by a wide variety of forms and styles of residential property, although few of the dwellings appear to have front or side extensions clearly visible from the public realm. Briar Court's existing side extension is therefore unusual in the area and its flat roofed, single storey form is, in my view, harmful to the appearance of the appeal property itself and the surrounding area. The proposal would, in effect, add a first floor level and pitched roof to the existing extension, although it would retain a subordinate appearance being set back from the main front elevation of the property and down from its roof ridge. Whilst its rendered finish would contrast with the brick of the main property and most buildings in the area, overall the proposal would be much more in keeping with the original building and the wider area than the existing utilitarian, flat roofed extension. I consider that in comparison with the single storey extension, the proposal would give the property a less 'lop-sided' appearance and, in any case, the prominent bay

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windows on its east elevation indicate that the building was not originally symmetrical.

5. I recognise that the Council's Character Appraisal for the area states that institutional uses can erode the character of historic houses. However, the replacement of the existing extension with a, more domestic looking, pitched roof addition would, to my mind, reduce rather than emphasise the institutional-use appearance of the property. I am not persuaded that its additional height would significantly harm the gap between Briar Court and the neighbouring property, or result in unacceptable overdevelopment of the property's plot. The Council refers to the loss of views to the rear of the site although these are already substantially obscured by the tree at the front of the property. In any case, I consider that the considerable improvement in the appearance of the property, including as seen from the footpath to its side, outweighs the loss of any views from the road to the rear of the site. I agree with the Council that the, to be retained, ground floor window of the proposal is not in keeping with the rest of the property although this already exists and would remain even if the appeal were to be dismissed.
6. I therefore conclude that, overall, the proposal would enhance the character and appearance of the property and the Grange Conservation Area and that it thus accords with policies GE1, HE1 and Hsg12 of the adopted *Hartlepool Local Plan 2006*. These policies indicate that residential institution proposals should have no detrimental impact on the character of the area and should preserve or enhance the character or appearance of Conservation Areas.

Living Conditions

7. It would be possible to have a view from the first floor front window of the proposal towards the side elevation windows of 61 Hutton Avenue. However no 61's side elevation windows are obscure glazed and, in any case, the view of them would be substantially obscured by the intervening tree. The side elevation of the proposal would be without windows and, contrary to the contention of the Council, from its rear windows it would not be possible to see no 61. I consequently consider that no loss of privacy to the occupants of no 61 would be caused by the proposal.
8. I have carefully considered the photographs submitted by no 61's residents. However, bearing in mind that the development would bring the two storey element of Briar Court less than 4m closer to no 61 than at present, that the extension would be positioned at an acute angle to the neighbouring property's side windows (which are obscured glazed) and noting the appellant's sun study, I am satisfied that the scheme would result in minimal loss of light, sunlight or outlook to the residents of no 61 in either their house itself or their garden.
9. I conclude, therefore, that the proposal would not cause material harm to the living conditions of no 61's occupants and that it thus has no conflict with the requirements of Local Plan policies GE1, HE1 and Hsg 12 that development does not adversely effect the amenities of occupiers of nearby properties.

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Fear of Crime

10. The footpath linking Hutton Avenue and Wilton Avenue is wide and straight with clear views from end to end and the proposal would extend for only 9m or so along the approximately 55m length of the path. I consider that the additional height of a first floor and pitched roof on Briar Court's existing side extension, which would be of comparable height and proximity as existing properties which bound the path, would not appear to be unduly large or imposing to users of the footpath; nor would it be likely to significantly darken the path or increase the extent of ice on its surface in winter. I therefore conclude that the proposal would be very unlikely to engender a fear of crime or discourage use of the footpath. Thus, whilst the proposal does not specifically incorporate features or measures to reduce crime, I conclude that it has no conflict with the objectives of policy GEP3 of the Local Plan or *Supplementary Note 7* which are to reduce crime and the fear of crime.

Car Parking

11. Whilst the submitted plans identify only two off-street parking spaces, the appellant indicates that there are in fact 12 off-street spaces shared between Briar Court and no 57, which is under the same ownership. At the time of my mid-morning visit several parking spaces were available in the off-street car park and, away from the residents' parking bays, Hutton Avenue itself was not heavily parked. I appreciate that there may be fewer on-street parking spaces in the evening when residents are at home. However, bearing in mind the off-street parking facility and noting the lack of objection by the Council's highway officers, it appears to me unlikely that the parking demands arising from the provision of two additional bedrooms and a day room at Briar Court would cause significant parking, highway safety or disturbance problems or harm to the character of the area.
12. The Council argues that Briar Court with the proposed extension in place would result in a much greater level of parking than would be likely with a dwellinghouse. However, this is already the case with the property and it appears to me that no significant parking problems are being experienced. The Council refers to the possibility of the residents' parking scheme being extended although I have seen nothing to suggest that this is likely. I therefore conclude that the proposal would accord with the requirements of Local Plan policies GEP1, HE1 and Hsg12 that development should incorporate appropriate car parking facilities which do not harm the character of the area.

Other matters

13. Reference is made to the harm caused to the character of the area by the loss of the wall between Briar Court and no 57. However, this is not part of the current proposal which, as indicated above, would reduce, rather than increase, the institutional appearance of the property. I am not persuaded that the likely increase in the number of residents resulting from the proposal would significantly extend commercial interests or change the balance of family and institutional residences in the area. I consider that the loss of the view of the shadow of the setting sun on the brickwork of the west elevation of the property does not justify refusal of permission for the scheme.

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14. I note that permission was refused at appeal for the change of use of 36 Hutton Avenue although I have seen no details of this scheme and I am not aware that it is comparable with the proposal before me. I appreciate that the extension would reduce the likelihood of the property being converted back to a family dwelling although I am not persuaded that any harm would result from this or that there is a likelihood of the property standing vacant. I recognise the level of local opposition to the scheme and that it was refused by elected members of the Planning Committee. However, these are not good reasons to dismiss the appeal given that I have found that the scheme would cause no demonstrable harm.

Conclusion and conditions

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to require that the scheme is implemented in accordance with the approved plans. To ensure the satisfactory appearance of the development and to protect the character of the area and the privacy of neighbours, conditions are also necessary concerning its materials, the protection of trees and to prohibit windows in the elevation facing no 61.

Malcolm Rivett

INSPECTOR



Costs Decision

Site visit made on 22 July 2010

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
13 August 2010

Costs application in relation to Appeal Ref: APP/H0724/A/10/2125067 Briar Court, Hutton Avenue, Hartlepool, TS26 9PW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Tom Wilson for a partial award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for addition of a day room and two new bedrooms; internal alterations to update en-suites to some existing bedrooms.

Decision

1. I allow the application for an award of costs.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. I have found that in respect of its effect on the living conditions of the occupants of 61 Hutton Avenue, on the parking situation in the area and on the fear of crime and the use of the Hutton Avenue – Wilton Avenue footpath the appeal proposal is acceptable. I agree with the Council that, as with most planning considerations, there is an element of judgement to these matters. However, I am not persuaded that the Council reached its decision on the proposal, contrary to the advice of its officers, on the basis of any substantial evidence that the development would be likely to cause material harm in these respects. The Circular states that whilst planning authorities should consider the views of local residents, the extent of local opposition is not, in itself, a reasonable ground for refusing a planning application. It also indicates that authorities should make their own objective appraisal of planning applications and support reasons for refusal with substantial evidence.
4. I note that the occupants of no 61 had submitted letters of objection and that, at the time of the determination of the application, the Council did not have the benefit of the applicant's sun study of the proposal. However, given the nature of no 61's windows which face Briar Court, the distance between, and orientation of, the two properties and the size of the proposal, I consider that the Council had no reasonable basis on which to determine that the proposal would result in material harm to the living conditions of no 61's occupants in terms of privacy, outlook, light or sunlight.

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5. The appeal proposal would extend for only 9m or so along the approximately 55m length of the footpath linking Hutton Avenue and Wilton Avenue and would be of a similar height and proximity to the path as the existing properties which bound it. Given this I consider that the Council also had no reasonable basis on which to contend that the scheme would appear so imposing to pedestrians as to have a significant effect on the fear of crime or the use of the footpath.
6. In relation to its fourth reason for refusal the Council has provided no sound evidence of there being an existing parking problem in Hutton Avenue and appeared to ignore the appeal property's existing, albeit shared, 12 space off-street car park in its deliberations. Against this background, and bearing in mind the small scale of the proposal and the lack of objection from its highways officers, I consider it was unreasonable for the Council to determine that the scheme would give rise to parking problems in the area.
7. The Council argues that its committee had to balance the positive and negative effects of the development in reaching its decision, although the documents submitted do not give substantial or convincing evidence of any negative effects being likely to arise from the proposal.
8. I conclude that the Council behaved unreasonably in refusing permission for the scheme in respect of its second, third and fourth reasons for refusal and that, thus, the applicant's appeal costs in relation to these matters were unnecessarily incurred. I therefore allow the application for an award of costs.

Formal Decision and Costs Order

9. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other powers enabling me in that behalf, I HEREBY ORDER that Hartlepool Borough Council shall pay to Mr Tom Wilson the costs of the appeal proceedings, limited to those costs incurred in respect of the second, third and fourth reasons for refusal of planning application ref H/2009/0542, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.

Malcolm Rivett

INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: Appeal by: Mrs Susan Cawthorne
Appeal Ref No: APP/H0724/D/10/2127023
Site At: Lonsdale Day Care Nursery 130 Grange Road
Hartlepool TS26 8JJ

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a rear conservatory and external soft play area to be replaced by astro-turf.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate insofar as it relates to the rear conservatory on highway grounds. The Inspector allowed the appeal insofar as it relates to the retention of the astro-turf. A copy of the decision is **attached**.

3. RECOMMENDATION

3.1 That members note the decision.



Appeal Decision

Site visit made on 4 August 2010

by **D R Cullingford** BA MPhil MRTPI

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

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Decision date:
17 August 2010

Appeal Ref: APP/H0724/A/10/2127023

Lonsdale Day Care Nursery, 130 Grange Road, Hartlepool, TS26 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mrs Susan Cawthorne on behalf of the Lonsdale Day Care Nursery against the decision of the Hartlepool Borough Council.
- The application (ref: H/2009/0473 and dated 28 August 2009) was refused by notice dated 15 December 2009.
- The development is described as a 'proposed conservatory and external soft play area to be replaced with astro-turf'.

Procedure

1. I saw that the back yard at the appeal property had already been covered with astro-turf. Hence, I shall treat this appeal as one against a refusal to retain the astro-turf already laid within the rear and side curtilage of the appeal property and, in addition, to erect a conservatory there.

Decision

2. For the reasons given below, and in exercise of the powers transferred to me:
 - 1) I allow this appeal in relation to the retention of the astro-turf and grant planning permission to retain the astro-turf laid within the rear and side curtilage of the Lonsdale Day Care Nursery at 130 Grange Road, Hartlepool, in accordance with the terms of the application (ref. H/2009/0473) dated 28 August 2009, but
 - 2) I dismiss the appeal in relation to the proposal to erect a conservatory at the rear of the Lonsdale Day Care Nursery, 130 Grange Road, Hartlepool.

Reasons

3. The appeal property is a large detached villa adorned with gables and bays that has been long established as a nursery; indeed, it was used as an educational establishment prior to the introduction of the Town and Country Planning Act back in 1948. It stands on Grange Road, where parking is at something of a premium, amongst solid semi-detached residences.

The astro-turf

4. The Council indicate that the works to lay the astro-turf are not visually intrusive and do not seriously effect the living conditions of neighbouring residents; very fairly, they indicate that, with hindsight, this aspect of the proposal could have been permitted and a split decision issued. I agree. Hence, and having considered all the other matters raised, I find nothing

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sufficiently compelling to alter my conclusion that this aspect of the appeal should be allowed. There are no conditions that would appropriately relate to that permission.

The conservatory

5. The conservatory would be positioned at the rear of the property and fill in the space between 2 projecting bays; it would extend about 2.7m from the main rear wall and be some 6.7m wide, resulting in an additional floor area (I estimate) of roughly 18.1m². The Council are concerned that the additional floorspace could accommodate additional children at the nursery, resulting in additional traffic and on-street parking that would damage amenity and accentuate traffic hazards, contrary to 'saved' policy GEP1. That is the issue on which this aspect of the appeal turns.
6. It is inevitable that an increase in the floor area of this nursery would accommodate a potential increase in the number of children catered for. I realise that any actual increase would depend on many factors, including the distribution of the ages of the children accommodated, on the facilities provided and on the provision for staff, offices and the like. But, it is not disputed that the conservatory would allow between 4-7 additional children to attend in accordance with the requirements imposed by Ofsted. There are currently 55 children attending the nursery. Hence, the proposal would cater for a potential increase in the order of about 7-13%.
7. There is no off-street parking at the nursery. Moreover, the Council say that the surrounding highway network is often congested with parents dropping off and picking up their children; that there have been numerous complaints from residents of Linden Grove; and, that it is a common occurrence for parents to park on the single yellow line outside the nursery. (That traffic restriction is intended to prohibit parking between 07.00-19.00hrs.) Several of those harmful effects are confirmed by the parking surveys undertaken between 08.50-09.00hrs and 17.00-17.10hrs on Tuesday 1 June. Because Grange Road is a relatively busy thoroughfare (serving as an approach to the town centre), inconsiderate and unauthorised parking immediately outside the appeal premises could, all too easily, obstruct traffic and add to the hazards faced by road users. I saw, and the parking surveys confirm, that the bays on the opposite side of the road are often full. And, although there may be space available in Linden Grove, the roadside there is restricted to residents' parking between 08.00-18.00hrs and the cited complaints indicate that parking there to escort children around the corner to this nursery can lead to the inconvenience and annoyance of residents. The fact that this nursery has operated here for many years does not mean that the site would be suitable to accommodate the traffic generated by a larger premises. And, although the actual increase in traffic could be quite modest, I think that an increase of up to about 13% would be significant in the circumstances that apply here; it could noticeably exacerbate the hazards and inconvenience caused by existing parking problems.
8. I appreciate the reluctance of the nursery to entertain the possibility of explicitly limiting the number of children catered for. But it seems to me that there is a balance to be struck here between the commercial opportunities offered under the current operating arrangements and the need to

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accommodate the impediments associated with the present location of the appeal building. In the absence of a suitable planning condition or undertaking, permission for the proposal could, all too easily, make it difficult to prevent further increases in the potential capacity of this nursery, thereby further exacerbating parking problems and road hazards. The effects of such incremental expansion could be very damaging.

9. I have considered all the other matters raised. The conservatory would not be seen from the street and, given its position at the rear of the property between 2 projecting bays, it would not overshadowing or dominate any neighbouring dwelling. Nevertheless, I find neither those, nor any other matter raised, sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL REF APP/H0724/A/10/2125994/NWF:
H/2009/0710 Use of premises as a takeaway (A5 Use)
operating between the hours of: Sunday to
Wednesday 8.00 - 24 hrs and Thursday, Friday &
Saturday 8.00 - 3.00 hrs. SOPRANOS, 93 YORK
ROAD, HARTLEPOOL TS24 9PB

1. PURPOSE OF REPORT

1.1 To advise members that the above appeal has been determined.

2 THE APPEAL

2.2 The appeal related to a planning application to extend the opening hours of a takeaway at 93 York Road.

2.3 The appeal decision is **attached**. The Inspector dismissed the appeal concluding that the proposal would lead to an unacceptable level of disturbance and harm to the living conditions of the occupiers of nearby residential properties.

3. RECOMMENDATION

3.1 That members note the outcome of the appeal..



Appeal Decision

Site visit made on 22 July 2010

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

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Decision date:
3 August 2010

Appeal Ref: APP/H0724/A/10/2125994

93 York Road, Hartlepool, TS26 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Memari against the decision of Hartlepool Borough Council.
- The application Ref H/2009/0710, dated 19 January 2010, was refused by notice dated 8 March 2010.
- The development proposed is use of premises as a takeaway (A5 use) operating between the hours of: Sunday to Wednesday 08:00 – 00:00 and Thursday, Friday and Saturday 08:00 – 03:00.

Preliminary matter

1. The premises currently has permission to operate as a takeaway between 08:00 and 00:00 on Mondays to Saturdays. Permission is now sought to extend the opening hours to 03:00 on Friday, Saturday and Sunday mornings and to also open between 08:00 and 00:00 on Sundays. A new planning permission has been sought, rather than a variation of the existing one, and this is the basis on which I have determined the appeal.

Decision

2. I dismiss the appeal.

Main issue

3. The main issue of the appeal is the effect of the proposal on the living conditions of nearby residents, having particular regard to noise/disturbance.

Reasons

4. Policy Rec13 of the adopted *Hartlepool Local Plan* states that developments which will operate between midnight and 07:00 will only be permitted in two specific areas of the borough, in which the appeal property does not lie. Consequently, the appeal proposal conflicts with this policy. Whilst this part of York Road is primarily commercial in character I understand that there are residential flats above some of the properties including no 93 itself. There is also a clear line of sight and sound, across Milton Road, between the appeal premises and residential properties in Barbara Mann Court some 30m or so away. It appears to me that this would continue to be the case if and when Milton Road is gated-off as a private car park.
5. In my judgement the arrival and departure of customers at the appeal property, particularly those in groups in high spirits, would be likely to be heard by the residents of these properties and, after midnight, it would cause them

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an unacceptable level of disturbance and thus harm to their living conditions. I do not consider that extending the premises' hours of opening from midnight to 03:00 on three nights a week can be regarded as a "limited extension", or that its closure prior to that of the bars/clubs in the area would eliminate disturbance problems.

6. The appellant argues that he has, in the past, operated until 04:00 without problem or complaint. However, I have noted the objection to the proposal from a local resident who refers to the disturbance he already suffers from the operation of the business. That, despite widespread publicity about the proposal, this is the only objection which has been made, and that it is contended that this resident has objected to other proposals in the area, does not, in my view, undermine the weight of the concerns raised about the appeal scheme.
7. I conclude therefore that the proposal also conflicts with Local Plan policies GE1 and Com12 which indicate that takeaways should not have a significant detrimental effect on the occupiers of nearby properties by reason of noise and disturbance.
8. I appreciate that there are existing takeaways in the vicinity which open beyond midnight, although I understand that their hours of operation have not been permitted since the adoption of policy Rec13. Moreover, the takeaway at 80 York Road is significantly further from Barbara Mann Court than is no 93. Although Siciliano's is much larger than, and a similar distance from Barbara Mann Court as, the appeal property, its entrance is considerably further from Milton Road which provides the clear line of sight and sound to the nearby dwellings from no 93. I recognise that benefits to local residents would be likely to accrue from the closure of Milton Road, although I see no reason why the implementation of this scheme should be dependent on the outcome of the appeal.
9. The appellant argues that, since the granting of permission for the takeaway at no 93, the character of the area has altered with a number of pubs/bars now staying open after midnight. Specific premises are not referred to and it appears to me that the nearest pubs/bars are in Lucan Street, a minimum of 50m or so further from Barbara Mann Court than the appeal premises. I accept that some customers of these bars/clubs may currently leave the area, after midnight, passing by Milton Road within sight and sound of residential properties. However, I envisage that the opening of the appeal premises after midnight would be likely to attract greater numbers of such people to this location and result in them being in the area for much longer. There would, thus, be greater potential for disturbance being caused. I recognise that there has never been trouble requiring police attendance at the premises and that the property already has CCTV. However, this does not mean that the arrival and departure of customers after midnight would not cause unacceptable disturbance to nearby residents. I have also borne in mind that permission for a very similar proposal at the premises was refused at appeal in 2007 and it is not clear to me that there has been any material change in circumstances since then.
10. I note the letters of support for the proposal (including from shift workers), the cited regenerative effect of takeaways/restaurants on the street and the desire

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of the appellant to be able to compete on a 'level playing field' with other takeaways in the area, albeit with a closing time not as late as some other businesses. Whilst it is unclear to me if the takeaway at no 93 is currently closed for business, I recognise that this could be the ultimate outcome of the dismissal of this appeal. However, I am not persuaded that these matters outweigh the harm I have identified the proposal has the potential to cause or justify a decision contrary to adopted Local Plan policy.

11. For the above reasons I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR

PLANNING COMMITTEE

10 September 2010



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

- 1 A neighbour complaint regarding the erection of a boundary fence to the front and side of a property in Harvester Close has been investigated. The fence was erected in accordance with a planning permission to incorporate land into a private garden.
- 2 A neighbour complaint regarding spare rooms advertised for let at a residential property on Hart lane.
- 3 A neighbour complaint regarding the erection of a gate to the side of a property on Pinewood Close.
- 4 A neighbour and Councillor complaint regarding the storage of a derelict caravan within the front garden of a property on Waverly Terrace.
- 5 A neighbour complaint regarding a joinery business operating from a residential property on Goldfinch Road.
- 6 A neighbour complaint regarding the erection of a fence blocking access to a back lane, incorporating Council owned to the side of a residential property on Lancaster Road.
- 7 A neighbour complaint regarding non compliance with a finishing materials planning condition linked to consent for the erection of rear extension at Dunoon Road. A different brick has been used in the construction of the extension that does not matching the original property.
- 8 A complaint regarding the placing of a steel container within the front garden of a property on Hylton Road.

- 9 A neighbour complaint regarding the provision of a block paved driveway at a property on Oxford Road has been investigated. As the driveway has been constructed to include a drainage channel to collect the runoff of rainwater planning permission is not required.
- 10 A neighbour complaint regarding a property and its gardens areas to be in an untidy condition.
- 11 A neighbour complaint regarding the placing of a steel container within the rear garden of a property on Bruntoft Avenue.
- 12 Officer monitoring recorded a rear extension under construction not being built in accordance with the approved plans.
- 13 Officer monitoring recorded a property and its garden areas on Birchill Gardens to be in an untidy condition.
- 14 A neighbour complaint regarding the provision of high decking within the rear garden of a property on Wansbeck Gardens.
- 15 A complaint regarding a restrictive planning condition to control the range of goods that could be sold from a retail unit on Highlight Retail Park.
- 16 A neighbour complaint regarding a property and its garden areas on Tunstall Avenue to be in an untidy condition.
- 17 A neighbour complaint regarding the erection of a fence to the side and front of a residential property on Norfolk Close.
- 18 A neighbour complaint regarding the erection of a boundary fence to the side to incorporate land into the garden of a residential property on Lancaster Road.
- 19 A neighbour complaint regarding the use of a facing brick not matching the existing building in the construction of a rear extension to a residential property on Lancaster Road.
- 20 A neighbour complaint regarding the erection of a structure within the front garden of a property on Cresswell Drive.
- 21 Officer monitoring recorded the erection of a fence across a service strip within the front garden of a property in Kingfisher Close.
- 22 A Councillor's complaint regarding a caravan park and the erection of a dry stone wall at a property on Dalton Back Lane.

2. RECOMMENDATION

- 2.1 Members note this report.