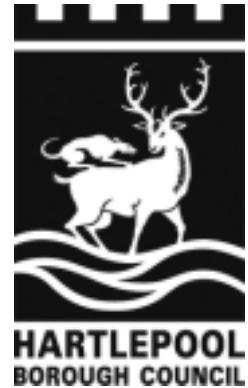


PLANNING COMMITTEE AGENDA



Friday, 8 October 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, Lawton, G Lilley, 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 10 SEPTEMBER 2010**
- 4. ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications (*Assistant Director (Regeneration and Planning)*)
 1. H/2010/0426 Station Hotel, Station Lane, Hartlepool
 2. H/2010/0486 Land at Easington Road, Hartlepool
 3. H/2010/0524 Rossmere Centre, Rossmere Way, Hartlepool
 4. H/2010/0448 42 Bilsdale Road, Seaton Carew, Hartlepool
 - 4.2 Appeal by Easy Skips, Thomlinson Road, Hartlepool (H/2009/0689) (*Assistant Director (Regeneration and Planning)*)
 - 4.3 Easy Skips Enforcement Appeal (*Assistant Director (Regeneration and Planning)*)
 - 4.4 Locally Important Buildings (*Assistant Director (Regeneration and Planning)*)
 - 4.5 TERRC Facility – Annual Environmental Audit (2009) (*Assistant Director (Regeneration and Planning)*)
 - 4.6 Update on Current Complaints (*Assistant Director (Regeneration and Planning)*)

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. ITEMS REQUIRING DECISION

- 6.1 Enforcement Action – Manor House, Owton Manor Lane, Hartlepool
(*Assistant Director (Regeneration and Planning)*) (Para 5)
- 6.2 Enforcement Action – 2 St Pauls Road, Hartlepool (*Assistant Director (Regeneration and Planning)*) (Para 5)
- 6.3 Niramax, Thomlinson Road, Hartlepool (*Assistant Director (Regeneration and Planning)*) (Para 5)

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

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Friday 5 November 2010 at 9.00 a.m.

Next Scheduled Meeting – Friday 5 November 2010 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES

10 SEPTEMBER 2010

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Jonathan Brash, Kevin Cranney, Pamela Hargreaves, Marjorie James, Trisha Lawton, Geoff Lilley, Francis London, Dr George Morris, Carl Richardson, Stephen Thomas, Hilary Thompson, Paul Thompson, and Ray Wells.

Officers: Damien Wilson, Assistant Director (Regeneration and Planning)
John Mennear, Assistant Director (Community Services)
Chris Pipe, Development Control Manager
Jim Ferguson, Principal Planning Officer
Sarah Scarr, Landscape Planning and Conservation Manager
Adrian Hurst, Principal Environmental Health Officer
Kate Watchorn, Commercial Solicitor
David Cosgrove, Democratic Services Team

46. Apologies for Absence

Councillors Lillian Sutheran and Edna Wright.

47. Declarations of interest by members

None.

48. Confirmation of the minutes of the meeting held on 13 August 2010

The open section of the minutes were confirmed.

49. Planning Applications (*Director of Regeneration and Neighbourhoods*)

The Development Control Manager submitted the following applications for the Committee's determination.

In accordance with the Planning Code of Conduct, para. 25.1, Councillor Akers-Belcher did not vote in the decision-making on any of the following

applications as he has not yet received the training specified in the code of conduct.

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 received: 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

Decision: **Item withdrawn from agenda by the Chair of Planning Committee (with the agreement of the Planning Committee) as a decision on the application should be made as a Chairmans Delegated Decision and not a Committee one.**

Number: H/2010/0470

Applicant: Mr D Lawton
Cleveland College of Art & Design, Cleveland College of Art & Design, Green Lane, MIDDLESBROUGH

Agent: Niven Architects, Mr Dale Middleton, 41 Conisdiffe Road, DARLINGTON

Date received: 09/08/2010

Development: Over cladding and alterations to existing entrance area

Location: LEADBITTER BUILDINGS, STOCKTON STREET
HARTLEPOOL

Decision: **Minded to approve subject to the following conditions, the final decision 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.

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 (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.

Number: H/2010/0477

Applicant: Mr D Lawton
Cleveland College of Art & Design, Green Lane,
MIDDLESBROUGH

Agent: Niven Architects, Mr Dale Middleton, 41 Conisdiffe
Road, DARLINGTON

Date received: 09/08/2010

Development: Listed building consent for over cladding and
alterations to entrance area

Location: LEADBITTER BUILDINGS, STOCKTON STREET,
HARTLEPOOL

Decision: **Minded to approve Listed Building Consent subject to the following conditions, the final decision 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**

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 (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.

50. 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)*

The Development Control Manager reported that 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. 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 was submitted as an appendix to the report.

Decision

That the appeal decision be noted.

51. Appeal Ref: APP/H0724/D/10/2131140 H/2010/0007 - 35 The Green Elwick Hartlepool TS27 3EF *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported 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.

The application had been refused as “it was 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).”

The appeal was decided by the written representations procedure and the appeal was allowed subject to conditions. A copy of the decision was submitted as an appendix to the report.

Decision

That the appeal decision be noted.

52. 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)*

The Development Control Manager reported that 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. 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 was submitted as an appendix to the report.

Decision

That the appeal decision be noted.

53. Briar Court, 59 Hutton Avenue (H/2009/0542) *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported on 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. 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 was submitted as an appendix to the report.

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. Officers indicated that the amount of the costs was not known at this time. Members requested that when the costs were agreed, that a further report be submitted to the Committee.

Decision

That the appeal decision be noted.

54. 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)*

The Development Control Manager reported that 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. The appeal was decided by written representations and dismissed by the Planning Inspectorate insofar as it related to the rear conservatory on highway grounds. The Inspector allowed the appeal insofar as it related to the retention of the astro-turf. A copy of the decision was submitted as an appendix to the report.

Decision

That the appeal decision be noted.

55. 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)*

The Development Control Manager reported on an appeal related to a planning application to extend the opening hours of a takeaway at 93 York Road. 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. A copy of the decision was submitted as an appendix to the report.

Decision

That the appeal decision be noted.

56. Update on Current Complaints *(Director of Regeneration and Neighbourhoods)*

The Development Control Manager reported on twenty-two current ongoing

issues, which were being investigated. Developments would be reported to a future meeting if necessary.

Members commented at the on-going issues with caravans parked on the highway in residential areas, some of which had been subject to action due to their placement in positions that affected road safety. Members considered that it may be useful for the Council to know how other authorities dealt with this issue. The Development Control Manager indicated that these were seldom planning matters rather a road safety / traffic management matter. The Development Control Manager did indicate that she would pass Members comments on to the Highways, Traffic and Transportation Manager.

Decision

That the report be noted.

57. 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 58 – Confirmation of the Exempt minutes of the meeting held on 13 August 2010 – Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

58. Confirmation of the Exempt minutes of the meeting held on 13 August 2010

The Development Control Manager indicated that a revised version of the exempt section of the minutes from the meeting on 13 August 2010 had been tabled for Members consideration. The Development Control Manager outlined the revisions that she had proposed to the minutes to clarify the issues in relation to the Niramax site. Members agreed the amendments.

The exempt section of the minutes were then confirmed.

59. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following item of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

60. ABLE UK TERRC Site, Greythorp, Hartlepool - Environmental Report by Scott Wilson (*Development Control Manager*)

The Development Control Manager reported that she had received the Annual Environmental Audit Report (2009) produced by the Council's consultants, Scott Wilson, in relation to the Able UK TERRC Site. A copy of the report would be placed in the Members' Library after the meeting, uploaded onto the Council's Website and a report highlighting the conclusions of the audit report would be brought to a future Planning Committee.

Decision

That the report be noted.

61. Date of Next Meeting

Members noted that the date of the next scheduled meeting of the Committee was Wednesday 6 October 2010 commencing at 10.00 a.m. In light of the recent experience of moving the meetings to a Friday for a trial period, Members suggested that the change to a Friday be made permanent.

Decision

That the future diaried meetings of the Committee move to the Friday of the same week commencing at 10.00 a.m. where possible and that Members be informed of the revised dates.

The meeting concluded at 10.40 a.m.

CHAIR

No: 1
Number: H/2010/0426
Applicant: Mr 93 Park Road Hartlepool Cleveland TS26 9HP
Agent: DKS Architects Mr Craig Stockley The Design Studio 22
 Ellerbeck Court Stokesley Business Park Stokesley
 Middlesbrough TS9 5PT
Date valid: 21/07/2010
Development: Demolition of Station Hotel and erection of two retail units
 and associated car parking
Location: STATION HOTEL, STATION LANE HARTLEPOOL
 HARTLEPOOL

The Application and Site

1.1 The application site is a former public house located on the north side of Seaton Lane. It is bounded to the north by allotments. To the west is a railway embankment. To the east are a dwellinghouse and its associated rear garden. To the south is Station Lane beyond which are an area of housing, access to the railway station and an area of allotments.

1.2 It is proposed to demolish the building and in its place erect two retail units which will be located in a modern single storey building. The larger retail unit will be located to the south side of the unit with a second unit located in the north east corner. The application has indicated the larger unit will be occupied by Sainsbury's, the occupier of the smaller unit is not known. In addition a cash point will be provided. The total gross floor area of the building will be some 469 square metres. A service area will be provided in the northwest corner of the site. Thirteen parking spaces for customer parking will be provided along the east and north boundaries of the site. Four staff car parking spaces will also be provided to the rear of the site. The existing vehicular entrance will be widened. The building will be constructed with brick walls and a grey metal sheet roof. The proposed stated hours of operation are 07:00 to 23:00 Monday to Saturday.

1.3 In support of the application the applicant has provided a planning statement, a transport statement and a design and access statement. The applicant has also offered a unilateral undertaking which would restrict the size of the delivery vehicles used to service the site.

Publicity

1.4 The application has been advertised by site notice and neighbour notification. The time period for representations has expired.

1.5 Four letters of no objection, six letters of objection and three letters of support have been received.

1.6 The objectors have raised the following issues:

- Traffic
- Access arrangements
- Parking
- Not needed/ample shops
- May lead to vacant units at the Elizabeth Way precinct
- Nuisance/litter/noise/anti-social behaviour.
- Access to allotments and railway station more difficult due to increased traffic.
- Sequential assessment incomplete.
- Impact assessment inadequate.
- General impact not considered.

1.7 The supporters have raised the following issues:

- Increased choice of shops better than noise and traffic of public house.
- May ease congestion at Elizabeth Way Shops.

Copy letters **A**

Consultations

1.8 The following consultation replies have been received:

Head of Public Protection: I would have no objections to this application subject to the following conditions. The provision of an acoustic fence between the car park and 130 Station Lane the details to be agreed with the LPA. An hour's restriction on opening hours to those applied for. A restriction on deliveries to between 7:00 am and 9:00pm. A restriction on the size of delivery vehicles to prevent servicing by large articulated vehicles to the site. A condition prohibiting the use of the small retail unit as a hot food takeaway.

Northumbrian Water: No objections

Engineering Consultancy: For the above application, we received a Section 80 Demolition notice in March 2010 from Euro Property Management. At the time, I requested further information in support of the Section 80. If any of the information provided within the Section 80 notice has changed, then I request they resubmit this form. I also need the applicant to submit a method statement for the demolition. Given the commercial nature of the proposal, including external parking areas, I would have no contaminated land concerns. Therefore there is no requirement for a preliminary risk assessment to be submitted with the application.

Economic Development: Economic Development would be generally supportive of the development as it would bring a redundant site back into use as well as provide job opportunities for local people.

Traffic & Transportation: The proposed use is acceptable in the terms of vehicle movements and the impact it would on the highway network.

I do have concerns about how the premises are going to be serviced, the applicant has stated that an articulated vehicle would be able to enter and leave the site in a forward gear an up to date swept path drawing is required to demonstrate that this can be achieved. (Swept path analysis subsequently received and considered acceptable). Due to the constraints of the site vehicles would need to reverse in public areas, this would be to the detriment to public safety, I would therefore recommend that servicing hours are restricted to avoid busy periods. The applicant is reducing the number of accesses onto Station Lane from two to one, this is acceptable. The redundant access to be made back to footway, this would be at the expense of the developer. An inspection of the footway on Station Lane should take place with the developer before any works can take place. The alterations to the access and any other works on the highway to be carried out by accredited RASWA contractor. The applicant has indicated that there will be 17 parking spaces. Taking measurements from the plans the approximate Gross Floor Area of the building is 468 sq meters. The parking requirements for this type of development would be 1 space per 30 sq meters and 16 spaces would be required. The parking for the development is acceptable. However I would be concerned that some motorists would park on Station Lane to the detriment of the existing advisory cycle lanes and the sight lines at the developments access. A legal order should therefore be introduced in the vicinity of the development prohibiting parked vehicles; this should be introduced at the developer's expense. The cycle parking is shown at the side of the building, it should be located between the two entrances in the interest of reducing the fear of crime and encouraging people to use other forms of transport than a motor vehicle.

Landscape Planning & Conservation: There are no tree constraints on this site other than the adjacent trees on the railway embankment which have already been covered in comments made to you by Margaret Lake, Network Rail (London North Eastern). Some tree cover should be incorporated within this scheme where space allows and this should be by way of a planning condition. I therefore have no objection to this scheme providing that the comments that I have made are taken into account and in this respect if approval is given I welcome sight of the appropriate landscape details.

Cleveland Police: Please see attachment for forwarding to developers recommending Secured By Design accreditation be sought and recommending the use of alternative products where possible to metals and lead. If SBD accreditation is not to be sought, having viewed the application I would like to make the following comments from a Crime and Disorder prospective.

I would recommend that the proposed cycle parking area at the front elevation of the store be moved further towards the side entrance doors, but still on the front. This would allow greater natural surveillance from the store if it were in front of the windows. I would recommend that the gate and fenced area around the delivery area be of a minimum of 2.4metres in height and that the bins are secured to a fixing point away from the building. (The proposed siting is away from the building). The fence should have all horizontal support rails on the inside to eliminate climbing aids. Recommended that all lighting in car park area meet requirements as stipulated by HBC street lighting standards.

The proposed parking areas for staff parking and the 2 adjacent customer bays are not overlooked by any windows or doors on the rear elevation of the building. This makes them vulnerable, some natural surveillance from the retail units would be recommended. The shown planting between afore mentioned bays could further reduce visibility and assist in hiding areas for an offender. I would like to see proposed details of the design and height of boundary treatments to side and rear elevations to enable comment to be passed. With regards to the proposed cash point on side wall of the development. This is an obvious area where people are vulnerable with their money. I would recommend that the cash point have the following. A clear area around it so as users are not feeling crowded if other users are waiting, it is well lit, has a reflective device fixed above to give users greater visibility. I would also ask that the machine be alarmed, have a camera fitted within it and be fitted with an anti tampering device. Any CCTV system fitted within and outside the store meet approved standards, these are on the SBD website.

Tees Archaeology : I commented on this scheme at one stop shop last year. The Station Hotel was built in 1872. It is a historic building associated with the industrial development of Seaton Carew in the later 19th century. I recommend that a record is made of the current building prior to demolition in line with the advice given in PPS5 HE12.3. This could be enforced by means of a planning condition

Environment Agency: This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the Agency should not have been consulted on this application. Please refer to our Standing Advice which can be found at <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for the relevant comment relating to this proposal.

Network Rail : No objection in principle to the development, but make various recommendations in relation to drainage, use of mechanical plant, excavations and earthworks, security, fencing, method statements, location of development, landscaping, lighting and access to the railway. In order to ensure that the safety, integrity and operation of the railway is not affected. Network Rail advise particularly that drainage, boundary fencing, method statements (covering excavations/piling/buildings located within 10m of the boundary) lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters they request an informative is attached to the application.

Planning Policy

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

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should to conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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

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

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

Planning Considerations

1.10 The main planning considerations are policy, design/layout/impact on the visual amenity of the area, impact on the amenity of neighbours, highway considerations, crime, proximity of rail line, and heritage issues.

POLICY

1.11 The site is a retail development. It is not located within the town centre or other local centre.

1.12 Policy PPS4 (published December 2009) Planning for Sustainable Economic Growth sets out government policy in relation to town centres and town centre uses including retailing. It postdates the current Local Plan policies and is therefore a material consideration in the determination of planning applications. Guidance on the application of PPS4 is provided within “Planning for Town Centres: Practice Guidance on need impact and the sequential approach” (2009). The government’s overarching objective is sustainable growth. The objectives identified for planning include promoting the vitality and viability of town and other centres by amongst other things focusing new growth, and town centre uses, on existing centres and by encouraging competition and choice. The statement includes a number of development management policies which can be taken into consideration when determining planning applications. The new guidance removes the requirement for applicant’s in edge of centre locations to demonstrate need instead considerations focus on the sequential test and the impact of a development. (Though the guidance on the application of PPS4 states that need remains an important consideration in developing robust town centre strategies and to the understanding and application of the sequential approach 1.6). The guidance advises that a positive and constructive approach should be taken towards applications for economic development and that planning applications that secure sustainable economic growth should be considered favourably (EC10). A sequential assessment is required for retail developments outside a town centre, and not in accordance with an up to date development plan, where the gross floor space exceeds 200 square metres. An impact assessment is required for out of centre retail developments which are not in accordance with an up to date development plan that would be likely to have a significant impact on other centres. (EC14). The issues to be assessed in any such impact assessment include the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area, the impact on town centre vitality and viability, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area. (EC16). The guidance advises that applications for development outside of the town centre and not in accordance with an up to date development plan should be refused where the applicant has not demonstrated compliance with the requirements of the sequential approach, or, there is clear evidence that a proposal is likely to lead to significantly adverse impacts taking into account any cumulative effects. (Policy EC17) Judgements about the extent and significance of any impacts should be informed by the development plan (where this is up to date), recent local assessments of the health of town centres, and any other published local information (such as town centre or retail strategies).

1.13 Current Local Plan policies predate PPS4. The site lies outside the Hartlepool town centre and any designated local centre. Policies Com8 (Shopping Development) sets out the preferred sequential locations of shopping development. The town centre is the preferred location followed by edge of centre sites, the Victoria Harbour Regeneration Area and then other out of centre locations. Policy Com 9 (Main Town Centre Uses) advises that retail development should be located in the town centre. The policy requires proposals outside the town centre to justify need and that the scale and nature of the proposal is appropriate and that the vitality

and viability of the town centre and other centres is not prejudiced. It also advises that for proposals outside the town centre the sequential approach to site selection be applied. It is noted that parts of these policies which predate PPS4, particularly the requirement for developers to demonstrate need, are not entirely in step with current government advice with its focus on the sequential approach and impact.

1.14 The Hartlepool Retail Study 2009 demonstrates that retailing is a dynamic sector of the economy even during recession. However, developers and investors are now much more cautious of promoting retail development, particularly speculatively, and require greater certainty before investing. The Retail Study states that throughout the entire plan period there is no identified need for further A1 comparison or convenience goods floor space in the Borough. It warns “9.18 It is estimated that there is a £27 million deficit in convenience goods expenditure (as at 2009)...9.19 extreme caution should be exercised in permitting new floor space in locations outside the established centres within Hartlepool”. The closest local centre to the development and, therefore the one most likely to be affected by it, is that at Elizabeth Way. This provides most of the day-to-day facilities and retail needs for the local area. In terms of the Elizabeth Way Shopping Centre the Hartlepool Retail Study concluded in 2009 “(7.14) In short the centre provides a localised convenience shopping facility which appears to be performing well and popular amongst the local community. There is a good mix of uses and it provides a convenient and attractive environment for visitors”. Currently there is one vacant unit at the local centre. There is also an existing planning permission for a small extension to the shopping parade, for two additional units and a first floor flat, which was granted in 2009 (H/2009/0379).

1.15 National and local policy requires those promoting retail development where it is argued that no other sequentially preferable sites are appropriate, to demonstrate why such sites are not practical alternatives in terms of their availability, suitability and viability. It also advises that scope for disaggregating specific parts of the retail development onto separate sequentially preferable sites should be explored. The impact of proposed out of centre retail development is likely to have on investment and nearby centres is also a key consideration. In terms of retail policies the applicant's planning statement acknowledges the sequential approach to new retail development endorsed in government advice and in local plan policies and that the site is not located within any local centre or town centre. However, it concludes a town centre location would not be appropriate in this case and that the site meets the main proposed retailers (Sainsbury's) requirements. It advises that there are no available units in the nearest local centre Elizabeth Way or in Seaton Carew that would meet these requirements. The applicant's planning statement states “Having regard to Policy EC16.1 of PPS4, and the scale of the development proposed, there would be no significant impact on the existing, committed and planned public and private investment within the catchment area of the proposal. There would also be no significant impact on the town centre vitality and viability or on allocated sites being developed outside of the town centre”. The applicant also concludes that, notwithstanding the fact that current government and local plan policies, favour town centre and local centre sites for new retail developments, there are exceptional circumstances relating to the fall back position (see below) which would justify the proposals.

1.16 In respect to the arguments advanced by the applicant there are several difficulties with the analysis and the supporting information provided. The supporting information includes no definition of the “catchment” of the retail development proposed. The applicant’s sequential assessment, focuses on the larger retail unit (Sainsbury’s Unit), it does not appear to address the fact that the smaller of the two units proposed could potentially be disaggregated and accommodated within a sequentially preferable site either within the existing vacant unit in the Eliz abeth Way Local Centre or in the approved extension to that Centre. It includes no detailed explanation as to why it is concluded that there will not be any significant impacts arising particularly on the nearby local centre. In terms of the fall back position whilst this is advanced as representing “exceptional circumstances” which justify the proposal, is not considered to be compelling for the reasons discussed below.

1.17 The applicant’s fallback position is that the existing public house could be converted to retail use without the need for planning permission. The applicant suggests that this scenario could yield a retail unit of some 435 square metres which compares favourably with the 469 square metres of retail floor space proposed. The fallback position advanced by the applicant however appears to rely on the proposition that all the available accommodation ground floor, upper floors and even a rear detached storage building could be used for retail purposes without the need for planning permission. In “theory” this might be the case however no detailed fall back proposals have been provided and in practice it is considered that any retail unit that could be contrived from the imaginative use of the existing accommodation, would be a very different proposition in retail terms from that which is currently proposed. It is unlikely for example that the upper floors and the rear store would lend themselves to anything other than use as ancillary areas perhaps for storage. The effective “sales” area would therefore be likely to be the ground floor area of the existing building and therefore be likely to be far less extensive than that which is accommodated in the proposal. (In the absence of detailed fall back proposals showing a potential ground floor layout and a detailed layout of the smaller unit proposed it is difficult to quantify, but even the “sales” area of the larger unit alone at 280 square metres, excluding the sales area of the proposed second unit, far exceeds the 210 square metre (estimated by the applicant) ground floor area of the existing building even without any ancillary areas which would undoubtedly be required being excluded from the latter). The applicant himself in his planning statement considering whether the building could be retained concludes “The existing building is not suited for retail purposes in its present form and would require significant extension and alteration to suit the needs of a modern convenience store” (6.41). It is not considered therefore that a strong fall back position exists in this case and consequently that little weight should be attached to this position.

1.18 The Hartlepool Retail Study advises that even taking an ultra long term view with regard to convenience goods expenditure there is insufficient capacity for further convenience goods retail floor space in Hartlepool. As a result the Retail Study states that extreme caution should be exercised in permitting new floor space outside of existing centres. The applicant has failed to provide a robust impact assessment and as a result there must be concern that any new convenience retail floor space granted permission outside of, but nearby, the Eliz abeth Way local centre would have a negative impact on the retail units at the local centre. At least 50% of the retail units at the Eliz abeth Way local centre derive their business from

convenience shopping. The proposals would have the potential to competing with and draw trade from this Local Centre. It is also apparent that the applicant's sequential assessment is incomplete in particular it does not address the fact that the smaller of the proposed retail units proposed could apparently be accommodated within vacant or approved accommodation in the Local Centre. It is considered that the proposals are not in accordance with the criteria set out in PPS4 and the Hartlepool Local Plan. The proposals would be contrary to policies EC14, EC15, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the Hartlepool Local Plan 2006. It is acknowledged that the development would bring forward regeneration and employment benefits however these would not outweigh the concerns at the potential negative impact of the development on the vitality and viability of the local centre.

DESIGN/LAYOUT/IMPACT ON THE VISUAL AMENITY OF THE AREA

1.19 The proposed building is a modern single storey retail building, whilst it contrasts somewhat with the neighbouring two storey dwellinghouses located in the neighbouring street it is typical of the type of buildings which accommodate modern retail units and the proposed design is considered acceptable in this location.

1.20 The applicant was asked, at the pre-application stage, to reconsider the siting of the building to reflect the orientation of the adjacent housing. It is considered that the proposed building sits somewhat awkwardly on the site, skewed to the road, relative to the neighbouring residential properties which face squarely onto Station Lane. It is acknowledged however that the siting as proposed reflects the orientation of the existing Hotel and allows the maximum use of the site. Given the existing situation, notwithstanding Officer concerns, on balance it is not considered that the siting would warrant refusal of the application.

1.21 The proposal will replace the existing Station Hotel building which has deteriorated in recent years overall having a positive impact on the visual amenity of the area.

1.22 It is considered that the design of the building and layout is acceptable and that the proposal will have an acceptable impact on the visual amenity of the area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

1.23 The property is bounded to the east by residential properties and there are also residential properties to the south and south east on the other side of Station Lane which face the site. The residential property immediately to the east faces the site with a blank gable and the rear garden is enclosed by a high close boarded fence. In considering the impacts on the amenity of neighbours the physical impact of the development and issues arising from its use must be considered.

1.24 In terms of the physical impact of the development the proposed building is single storey and located some 14 to 17m from the closest part of the boundary of the neighbouring property to the east whilst the closest part of the closest dwellinghouse on the south side of Seaton Lane is located some 25m from the building. Given the design of the development and the relationships with the nearby

neighbours, in particularly the separation distances involved, it is not considered that the development will unduly affect the amenity of the neighbours in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.25 In terms of the use of the premises concerns have been raised that the development will give rise to noise, nuisance, litter and anti-social behaviour. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. The Police and Public Protection have raised no objections to the proposals subject to conditions (acoustic fencing, size of delivery vehicles, hours of operation, hours of deliveries, no takeaway units). It is considered that with appropriate conditions any concerns could be addressed.

HIGHWAY CONSIDERATIONS

1.26 It is proposed that access from the site will be taken via a modified access from Station Lane, within the site 17 car parking spaces are accommodated. Concerns have been raised by objectors in relation to the increased traffic, the access arrangements, parking and that access to the allotments and railway station will be more difficult due to increased traffic.

1.27 Traffic & Transportation have assessed the proposed arrangements and, following the consideration of a swept path analysis showing how lorries will service the premises, have raised no objections to the proposals. They do however recommend conditions covering servicing hours and requiring the imposition of traffic regulation order controlling parking on Station Lane at the applicant's expense. Traffic & Transportation and the Police have also requested the cycle parking be relocated closer to the doors. It is considered that these matters could be conditioned.

1.28 In highway terms the proposal is considered acceptable.

CRIME

1.29 Cleveland Police have been consulted on the proposal and made various recommendations in relation to CCTV, lighting, boundary treatments, landscaping and the position of the cycle racks. As previously indicated concerns have been raised that the development might attract antisocial behaviour. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. It is considered that with appropriate conditions covering the security measures described and through the appropriate management of the premises these matters could be addressed.

PROXIMITY OF RAILWAY LINE

1.30 The site is located adjacent to a railway line. Network Rail have been consulted and whilst they have highlighted issues which will need to be addressed have raised no objection to the proposal. It is considered that with appropriate conditions any concerns regarding the safety, integrity and operation of the railway could be addressed.

HERITAGE ISSUES

1.31 Tees Archaeology have commented that the Station Hotel is a historic building associated with the industrial development of Seaton Carew in the later 19th century. They have recommended therefore that a record is made of the current building prior to its demolition. It is considered that this could be conditioned.

CONCLUSION

1.32 It is acknowledged that the development would bring forward regeneration and employment benefits however these would not outweigh the concerns regarding the potential negative impact of the development on the vitality and viability of the nearby local centre. The application is therefore recommended for refusal.

RECOMMENDATION - REFUSE

1. On the basis of the information provided and the evidence of the Hartlepool Retail Study 2009 it is considered that the development would be likely to have a significant detrimental impact on the vitality and viability of the Eliz abeth Way local centre contrary to policies EC14, EC16 and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.
2. On the basis of the information provide the applicant has failed to provide a robust sequential assessment to demonstrate that the development, or at least part of it, cannot be accommodated in a sequentially preferable site contrary to policies EC14, EC 15, and EC17 of PPS4 and policies Com8 and Com9 of the adopted Hartlepool Local Plan 2006.

Station Hotel



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|---|------------------------------|------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 8/10/10 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2010/0426 | REV |

No: 2
Number: H/2010/0486
Applicant: HOUSING HARTLEPOOL STRANTON HARTLEPOOL
 TS24 7QS
Agent: ARCUS CONSULTING LLP MR BOBBY
 CHAKRAVARTHY 8 RIVERSIDE STUDIOS AMETHYST
 ROAD NEWCASTLE BUSINESS PARK NE4 7YL
Date valid: 18/08/2010
Development: Amendment to planning application H/2010/0292 to allow
 for the re-siting of the dwellinghouses on plots 36 and 37
 and the relocation of parking bays
Location: LAND AT EASINGTON ROAD HARTLEPOOL

Background

2.1 Members may recall that at the August 2010 meeting of the Planning Committee they considered an application for the erection of 68 dwellinghouses on a site on the south side of Easington Road between its junction with Jesmond Gardens and Raby Road (H/2009/0292). Members were minded to approve the application subject to the consideration of any further responses to the amended plans and the completion of a legal agreement securing developer contributions towards play and green infrastructure. The final decision was delegated to the Development Control Manager in consultation with the chair. The later subsequently were minded to approve the application subject to the completion of a legal agreement securing the developer contributions. This is nearing completion and it is anticipated that the application will be approved before the meeting.

2.2 At and prior to the meeting the concerns of a group of residents, in the area of Lime Crescent and Larch Grove, at the loss of informal vehicular access to the rear of their property's were discussed. Following discussions, as a compromise, the applicant agreed to revise the scheme in this area to accommodate the resiting of a small parking area and to submit an application to effect this. The current application seeks permission to amend the relevant part of the scheme.

The Application and Site

2.3 The application site is part of a larger redevelopment site (until recently occupied by pre-war housing now demolished) which extends along the south side of Easington Road between its junction with Jesmond Gardens and Raby Road. It is located in the centre of this larger site. This application seeks permission for amendments to part of the larger scheme (H/2010/0292). The amendments involve the re-siting of a pair of semi detached houses onto the Raby Road frontage and the re-siting of a car parking area to a position to the rear of the houses fronting Lime Crescent and Larch Grove. Access gates in the fence enclosing the car parking area will allow pedestrian access to the rear alleyway and thence to the rear of those properties. To the north of the site is Easington Road beyond which is housing and a church. To the west is housing fronting onto Larch Grove. To the south is housing

fronting onto Lime Crescent. To the east is the adjacent part of the redevelopment site.

2.4 The proposed dwellinghouses are of a modern design incorporating monopitch roofs of varying heights they will be constructed in concrete tiles, render and timber cladding. The properties have been designed to achieve the lifetime homes standard and to comply with level 4 of the code for sustainable homes, or the Eco Homes Excellent Standard, incorporating photovoltaic panels, energy saving technology and rainwater recycling. The properties affected by the current proposal are a pair of three bed two storey dwellinghouses for part ownership. On the redevelopment site as a whole a range of properties and tenures are proposed, including two bedroom bungalows (7), two bedroom houses (29), three bedroom houses (26), and four bedroom houses (6).

Relevant Planning History

2.5 H/2009/0523 To determine whether the prior approval of the local planning authority is required for the method of demolition and any proposed restoration of the site in connection with the demolition of residential properties. The applicant was advised that prior approval was required and this was subsequently granted.

2.6 H/2010/0292 Residential development comprising erection of 68 dwellings including two bedroomed bungalows, two, three and four bedroomed houses, associated road, landscaping and car parking. This application is awaiting the completion of a legal agreement. It is anticipated it will be approved before the meeting.

Publicity

2.7 The application has been advertised by neighbour notification (20) and site notice. The time period for representations has expired.

Five responses were received, no objections.

Consultations

2.8 The following consultation responses have been received.

Head of Public Protection : No objection.

Head of Property Services : No comments received.

Engineering Consultancy : No comments.

Traffic & Transportation : No objections.

Northumbrian Water : Advise a public sewer crosses the site. The developer has contacted Northumbrian Water but negotiation is not complete. Request a condition requiring a scheme to divert their apparatus, or amend the scheme to avoid building over.

Natural England : Natural England have advised that the above proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to an appropriate condition to protect bats located on part of the site. As the bat is a European Protected Species, Natural England would further advise that, subject to the conditions, the proposals will not be detrimental to the maintenance of the population of the species at a favourable conservation status in its/their natural range (as defined in Regulation 53 of the Habitat Regulations). They also ask if opportunities to enhance and better connect green spaces, for example by creating corridors from the rural hinterland to the town centre, can also be explored.

Environment Agency : No objection.

Cleveland Police : No comments received.

Planning Policy

2.9 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.

Hsg2: States that selective demolition will be carried out to contribute to restoring the balance between demand and supply and to achieve better local amenities and a better environment. The policy also sets out criteria for re-use and re-development of cleared sites.

Tra1: Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

Planning Considerations

2.10 The main planning considerations are policy, design/layout/impact on the visual amenity of the area, impact on the amenity of the occupiers of neighbouring properties, highways, security, ecology and drainage.

POLICY

2.11 The site is within the urban area and in an area which was previously occupied by housing. Policy supports housing re-development in this area and in policy terms the proposal is considered acceptable.

DESIGN/LAYOUT/IMPACT ON THE VISUAL AMENITY OF THE AREA

2.12 The proposed dwellinghouses are of a striking modern design incorporating mono-pitched roofs with render and timber clad finishes. The modern designs will clearly contrast with the existing older dwellings which bound the redevelopment site on the Raby Road and Easington Road frontages however this is considered an area where a modern design is appropriate.

2.13 The amended scheme will result in a reduction in the width of an area of green space on the Raby Road frontage of the site, however this will be off set to a degree by the removal of the car parking area which was previously at the western end of this space. The existing site was until recently occupied by vacant and increasingly derelict housing. It is now largely cleared and in its current state contributes little to the visual amenity of the area. The proposed dwellinghouses for this part of the development meet or exceed the council guidelines for separation distances. It is considered that the proposed development will have a significantly positive impact on the street scene and the visual amenity of the area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

2.14 The site is bounded to the east and south by existing housing development. This part of the development exceeds the council guidelines for separation distances both within and outwith the site. It is not considered that the proposal will unduly affect the amenity of any neighbours in terms of loss of privacy, light, outlook or in terms of any overbearing effect.

2.15 The parking area to the rear of properties on Larch Grove and Lime Crescent has been introduced to address the concerns raised by some of these residents in relation to their loss of the informal vehicular access they previously enjoyed at the rear of their properties. The parking area will be separated from these properties by an alleyway, some two to three metres in width beyond which will be their high rear fences/gates. The closest property on the new development will be gable ended on to the parking area. It is not considered therefore that its proper use will unduly affect the amenity of the occupiers of neighbouring properties.

2.16 No objections have been received from Public Protection. It is concluded that in terms of the impact on the amenity of neighbouring properties the proposed development is acceptable.

HIGHWAYS

2.17 The main road layout is unchanged, no objections have been raised by the Traffic & Transportation Section and in highway terms the proposal is acceptable.

SECURITY

2.18 The main additional security concern arising from the development is the introduction of the parking area. This area will be to the rear of the properties fronting Lime Crescent and Larch Grove, however it will be largely enclosed save for the entrance, located at the end of a cul-de-sac and will be overlooked from properties to the east within the site. The comments of Cleveland Police are awaited however it is anticipated that these will be favourable.

ECOLOGY

2.19 Prior to the demolition of the original houses on the site bat surveys were carried out on four occasions in September 2009. Two, or possibly three of the houses were shown to be roosts for single Common Pipistrelle bats.

2.20 As a consequence of this the relevant properties were excluded from the demolition programme in order that a licence could be obtained from Natural England for their demolition.

2.21 The Habitats Directive requires member states to establish a system of protection for protected species prohibiting the deterioration or destruction of breeding sites or resting places. If there is no satisfactory alternative however and derogation is not detrimental to the maintenance of the species states may derogate (effectively depart from the requirements of the Directive) “in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance to the environment”. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. Regulation 3 of Directive provides that every competent authority in the exercise of their functions shall have regard to the Habitats Directive.

2.22 It is considered that the redevelopment of the site is in the public interest. The method statement of the licence application, submitted in support of the application by the applicant, lists a series of measures that are to be taken by way of mitigation for the loss of the bat roosting opportunities afforded by the remaining houses and further measures to avoid harming any bats that might be present during demolition. Natural England and the Council's own ecologist have raised no objections to the proposal subject to an appropriate condition. It is considered that the mitigation measures proposed are sufficient to prevent harm to this European Protected Species and to maintain its conservation status in the local area. In ecological terms therefore the proposal is considered acceptable.

DRAINAGE

2.23 Foul sewage will be disposed of to the mains sewer. Surface Water will be disposed of via a combination of sustainable drainage systems (including rainwater

harvesting) and the mains sewer. It is proposed to condition the approval of the details for the disposal of surface water to ensure that the final details are acceptable.

2.24 The larger site is currently crossed by Northumbrian Water apparatus. An appropriate condition is proposed to ensure that this is accounted for when the site is redeveloped.

CONCLUSION

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

RECOMMENDATION –APPROVE - subject to the consideration by the Development Control Manager of any further responses received from outstanding consultees and the following conditions. The final decision and consideration of appropriate conditions to be delegated to the Development Control Manager.

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 (1520/001G, 1520/004A, 1520/005A, 1520/003A, 1520/012C) and details received by the Local Planning Authority at the time the application was made valid on 18th August 2010 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. This permission relates to the part of the site identified by the red line shown on plan 1520/004A.
For the avoidance of doubt.
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. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no 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.

10. 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.

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), 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 visual amenity and highway safety.

12. 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.

13. 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.

14. 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.

15. 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.

16. Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved in writing by the Local Planning Authority before their erection. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of neighbours.

17. 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.

18. 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.



HARTLEPOOL
BOROUGH COUNCIL

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| DRAWN | GS |
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| DATE |
| 8/10/10 |

SCALE
1:2000

Department of Regeneration and Planning
Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT

| |
|--------------------|
| DRG.NO |
| H/2010/0486 |

REV

No: 3
Number: H/2010/0524
Applicant: Ms Maxine Crutwell Civic Centre Victoria Road Hartlepool
 Cleveland TS24 8AY
Agent: Hartlepool Borough Council Mr Steven Wilkie Bryan
 Hanson House Lynn Street Hartlepool TS24 7BT
Date valid: 03/09/2010
Development: Provision of a concrete in-ground skatepark facility on the
 site of existing five-a-side football court with associated
 lighting, security fencing and landscape works
Location: ROSSMERE CENTRE ROSSMERE WAY
 HARTLEPOOL

The Application and Site

3.1 The site to which this application relates is a currently derelict multi use games area which is unused given its current condition. The site sits adjacent to Rossmere Youth Centre and is located at the junction of Rossmere Way and Catcote Road.

3.2 The application seeks consent for the provision of a skate park, with the provision of floodlighting and landscaping. The facility is a public facility to be managed by the Rossmere Youth Centre. The park is proposed to be open 9.00 – 21.00 Mondays – Sundays.

3.3 The park will be bounded by 2.4m high fencing with a 0.3m high landscaped bund on the Catcote Road boundary of the site, a 0.4m high landscaped bund on the Rossmere Way boundary and a 0.75m landscaped bund on the south side of the site. The facility will comprises concrete surfacing and will be accessed via gates adjacent to the Youth Centre.

Publicity

3.4. The application has been advertised by way of neighbour letters (21). To date, there have been 2 objections and 15 letters of support. A 174 name petition in support of the proposals has also been received.

3.5 The concerns raised are:

- a) Problems with youth club – broken windows, plants pulled out.
- b) Disturbance from youth club at present, this will continue with the skate park.

3.6 The period for publicity is ongoing and expires prior to the meeting, any further representations received will be presented to the Planning Committee accordingly.

Copy Letters **B**

Consultations

3.7 The following consultation replies have been received:

Cleveland Police – Comments awaited.

Engineering Consultancy – Comments awaited.

Head of Public Protection – Comments awaited.

Head of Property Services – No objection

Traffic and Transportation – Comments awaited.

Planning Policy

3.8 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.

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

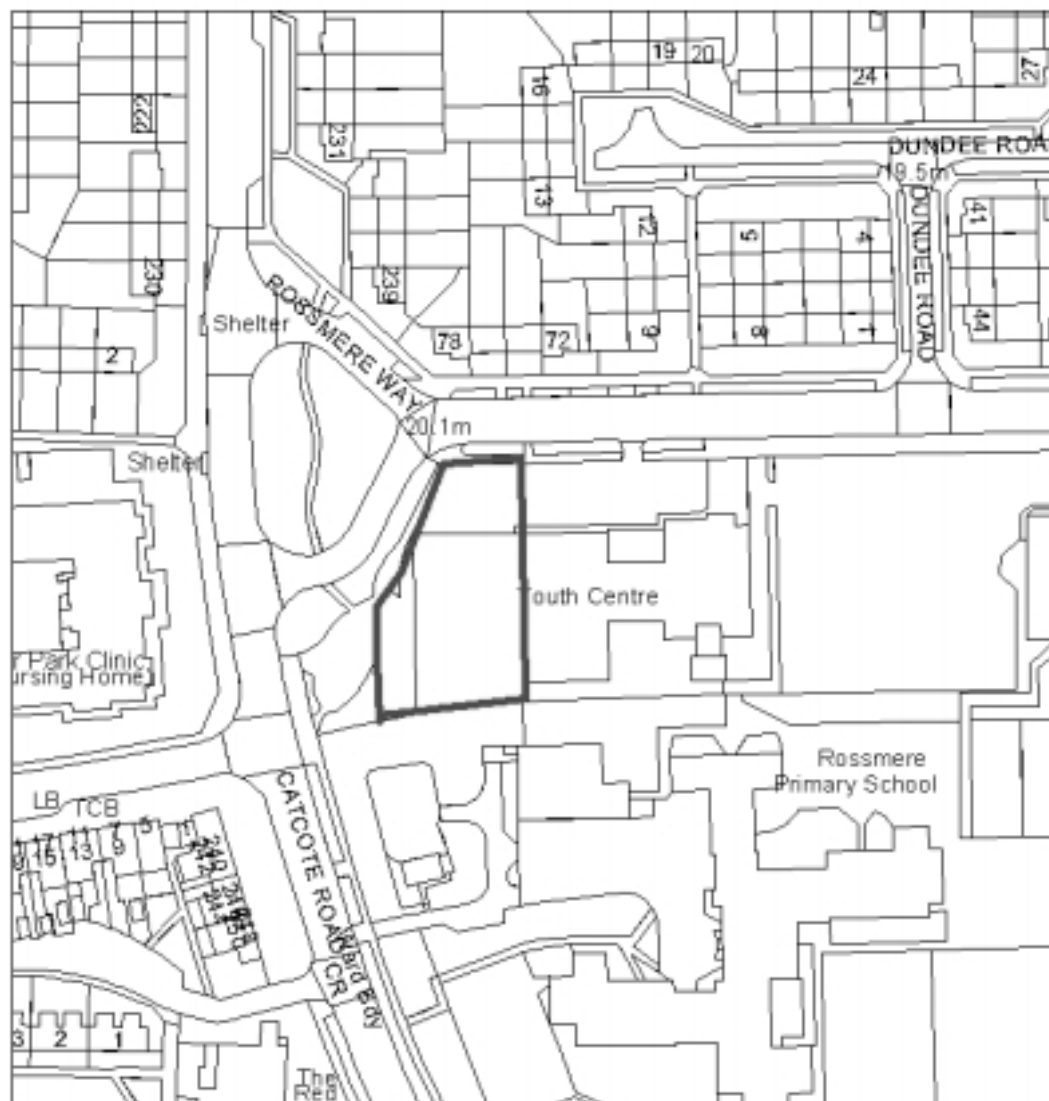
Planning Considerations

3.9 The main planning considerations in this instance are the appropriateness of the proposals 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.

3.10 The majority of consultation responses are awaited and anticipated shortly. In addition, publicity of the application is outstanding and expires prior to the meeting. It is therefore considered prudent to provide a comprehensive update addressing all the relevant issues.

RECOMMENDATION – UPDATE to follow.

Rossmere Centre



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|---|------------------------------|------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 8/10/10 |
| | SCALE 1:1250 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2010/0524 | REV |

No: 4
Number: H/2010/0448
Applicant: Mr T Horwood c/o Agent
Agent: SL Planning Ltd Mr Stephen Litherland 12 Cragston
Close HARTLEPOOL TS26 0ET
Date valid: 23/08/2010
Development: Erection of a detached single storey dwelling for use in
association with the existing dwellinghouse
Location: 42 Bilsdale Road Seaton Carew HARTLEPOOL

The Application and Site

4.1 The application site is a semi-detached dwellinghouse with associated access and curtilage. It lies on the west side of Bilsdale Road. To the north and south are other residential properties and their associated gardens. To the west is a public right of way beyond which is a railway line and embankment.

4.2 The dwellinghouse (42) is located at the front (east) side of the site. To the rear is a relatively large parcel of land, largely laid to grass which was incorporated into the curtilage of number 42 under the provisions of an approval in 2005 (H/2005/5334). A paved access has subsequently been constructed under permitted development rights which connects this land to Bilsdale Road. The access passes between 42 and 40 Bilsdale Road and their associated rear gardens. Walls have also been constructed to enclose the sides of the gardens to the front and rear of number 42.

4.3 It is proposed to erect a detached single storey dwellinghouse on the land to the rear of the house. Access will be taken via the access described above. The dwellinghouse will accommodate three bedrooms (one en-suite) a kitchen/dining room, living room, bathroom, utility and pantry. Also indicated on the proposed site plan are an extended driveway/turning area and a garage. (These have not been constructed) The applicant maintains that the dwellinghouse would be occupied by the applicant and his wife with the applicant's daughter occupying the existing property (42 Bilsdale Road). It is understood that the applicant is willing to accept a planning condition or sign a section 106 agreement restricting the separation of the new dwellinghouse from existing one.

Planning History

4.4 The site has a complicated planning history including a history of refusals and unsuccessful appeals for residential development.

4.5 In April 2004 planning permission for the demolition of 42 Bilsdale and the erection of 5 dwellings and associated garages and a private way was refused (H/FUL/0108/04). A subsequent appeal was dismissed in April 2005.

4.6 In June 2005 planning permission was approved for the incorporation of an area of land to the rear to the premises into the curtilage of 42 Bilsdale Road, subject to conditions (H/2005/5334). These conditions included a condition requiring the approval of means of boundary enclosure (2), a condition removing permitted development rights for outbuildings and hardstandings (3), a condition removing permitted development rights for the erection of fences, gates or other means of enclosure (4), and a condition removing rights to form a vehicular access onto Blackberry Lane (5). The applicant subsequently appealed against the imposition of conditions 3, 4 and 5 and the appeal was allowed. Consequently permitted development rights were not removed from the approved curtilage extension.

4.7 In September 2005 planning permission was granted for the erection of a garden shed in the north east corner of the site (H/2005/5613).

4.8 In November 2005 planning permission was refused for the erection of 4 dwellings with detached garages on the site (H/2005/5833). A subsequent appeal was dismissed in December 2006.

4.9 In February 2006 planning permission was refused for the erection of 2 dwellings with detached garages and a private driveway on the site (H/2005/5997). A subsequent appeal was dismissed in December 2006.

4.10 In March 2007 an application for the erection of a detached bungalow and detached double garage and a single detached garage including alterations to access was refused (H/2007/0006). A subsequent appeal was dismissed. The appeal decision is attached.

4.11 In May 2010 an application for a certificate of Lawfulness for a proposed development comprising erection of a detached double garage, associated driveway and front and rear walls was determined. On the basis of the information provided the council took the view that the developments were permitted development (H/2010/0038).

Publicity

4.12 The application has been advertised by neighbour notification (5) and site notice. Two responses have been received.

4.13 One respondent advises that they have no objections but advise that this is on the basis that it will be only one dwellinghouse. Concerns are also raised at the possible impacts during the construction process.

4.14 A second respondent advises that they object to the proposal on the grounds that:

- The land is designated as a green field plot.
- The land has not been designated for development through an urban capacity study.
- Precedent, could lead to similar proposals. This would lead to Health & Safety issues due to increased traffic in the road.

- Precedent for applicant to build additional dwellings on the land.

4.15 Additional neighbours (7) were notified following the Case Officers site visit. The time period for representations expires after the meeting.

COPY LETTERS C

Consultations

4.16 The following consultation replies have been received:

Head of Public Protection - I cannot see any substantial difference regarding this application and the application made in 2007 which was dismissed on appeal. The single storey dwelling would appear for all intent and purpose as an independent dwelling. I am therefore of the opinion that this application should be resisted.

Traffic & Transportation – There are no highway or traffic concerns

Northumbrian Water – No comments received.

Parks & Countryside - Comments awaited.

Planning Policy

4.17 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.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Hsg11: States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling

when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

4.18 The main planning considerations are policy, impact on the amenity of neighbours and highways.

POLICY

4.19 The site currently forms part of the curtilage of an existing dwellinghouse and is located within the limits to development. Recent changes in national guidance, aimed at controlling “garden grabbing”, have reclassified residential curtilage as Greenfield and not Brownfield land. Notwithstanding this fact it may still be possible to build dwellings in rear gardens if the proposal complies with the principals set out in policy Hsg9 of the Hartlepool Local Plan. This policy advises that proposals for new residential development will be allowed provided amongst other things that the location of the new development is such that there are no significant detrimental effect on the occupiers of both the new and existing development. It advises that tandem development will not be allowed. Similarly Policy GEP1 advises that in determining planning applications regard should be had to the effect on the amenities of neighbouring properties. For the reasons discussed below in the relevant section it is considered that the development would have a significant detrimental effect on the occupiers of existing adjacent development. In policy terms therefore the proposal is considered to be unacceptable.

4.20 The applicant maintains that the dwellinghouse will be occupied in association with the existing dwellinghouse. Even if the dwellinghouse were considered as an annexe, which it is not, it would fail to satisfy the requirements of the relevant Local Plan Policy (Hsg11) covering residential annexes. This policy advises firstly that such development must be of a satisfactory, scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings, for the reasons discussed below it is not considered satisfactory. Secondly, it must be designed to serve an ancillary function to the main house and not be of a form that would encourage its occupation as a separate dwelling when no longer required (as an annexe). It is not considered that the dwellinghouse proposed is designed to serve an ancillary function it clearly has all the facilities one would expect from an independent dwellinghouse and is clearly capable of being occupied independently of the main house.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

4.21 Given the design and location of the dwellinghouse it is not considered that it would significantly affect the amenity of neighbours in terms of loss of light, privacy, outlook, or in terms of any overbearing effect.

4.22 However the access to the property will pass between the donor property (no 42 which is in the applicant's ownership) and the neighbours property (no 40) to the north. It will pass the gable of these properties and down the length of the side boundary of their rear gardens. In considering a recent appeal (attached) for a similar development on the site the Inspector whilst taking the view that the buffer afforded by the garage of the neighbouring property (no 40) would protect the amenity of that property he was particularly concerned at the impact on number 42, the donor property, advising that "I consider the effect on No. 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours." Whilst having regard to the appeal decision (attached) it should be noted that Officers do not agree with the Inspector in terms of the effect on the neighbouring property (40). It is considered by Officers that whilst the buffer identified by the Inspector does provide a degree of separation and therefore protection it is likely that the proposed development will have a detrimental affect on the amenity of the occupants of that property in terms of noise and disturbance.

4.23 The applicant recently received confirmation that the construction of a driveway and garage in the rear garden of the property (H/2010/0038) serving no 42, could be undertaken under permitted development rights without the necessity of first obtaining planning permission. It is acknowledged that the driveway (in part constructed) and garage (if build) would result in some movement associated with the existing dwellinghouse even if the current application were refused. However it is considered that this use would be likely to be far less intense than any use associated with a new dwellinghouse in a similar location. Given the length of the drive, the new dwellinghouse would be a considerable distance from the street making it much more likely that visitors, delivery services and the occupiers would use the drive. Notwithstanding the fact that the applicant has erected walls to the side gardens front and rear of number 42, it is considered that this will cause an unacceptable degree of disturbance to the occupiers of the neighbouring properties. The gates in the side rear gardens of these properties onto the drive mean that those leaving the gardens could step out into the path of approaching vehicles whilst this would not happen frequently it would be a dangerous situation which reinforces the view that the development is unsatisfactory.

4.24 The applicant maintains that the dwellinghouse will be occupied in association with the existing dwellinghouse and is willing to enter into a legal agreement or accept conditions to secure this. This is presumably an attempt to address the Inspector's concerns, and assumes that the association would make the residents of the donor property more tolerant of any noise and disturbance. However, it is considered that there would be noise and disturbance issues which would have a detrimental impact on any resident's of the donor property related or not. In any case given the fact that the two properties will be functionally independent the

prospects of the properties remaining “associated”, should circumstances change, must be questionable. It is considered that in agreeing to the proposal the Local Planning Authority would be accepting the principle of a residential property in this location, with all the activity and disturbance that would entail and this would make it very difficult to resist any subsequent application to have any occupancy restriction relaxed or removed.

4.25 In conclusion it is considered that the development would be an unacceptable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of the neighbouring properties in relation to noise and disturbance arising from the comings and goings to the site. As such it would be contrary to Policies GEP1 and Hsg 9 of the adopted Hartlepool Local Plan.

HIGHWAYS

4.26 The Traffic and Transportation section have raised no objection to the proposal. It is not considered that the proposed development will raise any significant highway issues outside the site. In highway terms the proposal is considered satisfactory.

RECOMMENDATION - REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of neighbouring residential properties by virtue of noise and disturbance associated with comings and goings to the site contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006.
2. In the opinion of the Local Planning Authority the proposed development would not be acceptable as a residential annex in that i) it would be detrimental to the amenities of the occupiers of neighbouring residential properties by virtue of noise and disturbance associated with comings and goings to the site, ii) it is not of a designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policies GEP1 and Hsg11 of the Hartlepool Local Plan 2006.

42 Biltsdale Road



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|---|------------------------------|------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 8/10/10 |
| | SCALE 1:1250 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2010/0448 | REV |



Appeal Decision

Hearing held on 24 October 2007

Site visit made on 24 October 2007

by **Bern Hellier** BA(Hons) 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
Bristol BS1 6PH
Tel: 0117 972 6332
email: enquiries@pins.gov.uk
Decision date:
20 November 2007

Appeal Ref: APP/H0724/A/07/2039591

42 Bilsdale Road, Hartlepool, Cleveland, TS25 2AH

- 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 T Horwood against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0006, dated 4 January 2007, was refused by notice dated 1 March 2007.
- The development proposed is the erection of a detached bungalow, double garage, single garage and new private drive.

Decision

- I dismiss the appeal.

Application for costs

- At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main issue

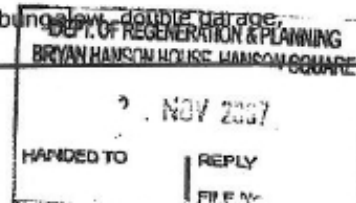
- I consider the main issue is the effect of the proposal on the living conditions of the occupiers of 40 and 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive.

Reasons

- The appeal site is a substantial area of garden land to the rear of a row of semi detached houses backing onto an unmade lane and railway line. The garage attached to the side of No 42 would be demolished and a shared drive would run alongside the boundary with No 40. A new garage and parking area for No 42 would be provided within the appeal site. The proposed bungalow would be a considerable distance from the street so that the drive would be used by the vehicles of visitors, delivery services and occupiers.
- The lane to the rear of the site is little used. Apart from the occasional sound of trains on the adjacent railway the area of back gardens is quiet. The introduction of the noise of vehicles into this setting would be noticeable and uncharacteristic. The effect on No 40 would not be unreasonable since it would be mitigated by the noise buffer provided by its attached garage. However I consider the effect on No 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce

SCANNED

22 NOV 2007



Appeal Decision APP/H0724/A/07/2039591

noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours.

6. Three previous appeals for residential development on the appeal site have been dismissed. One was for two dwellings and additional garaging with a shared drive similar to that now proposed (Ref APP/H0724/A/06/2010866). Whilst the decision in that case was finely balanced, it does not follow that a single dwelling would necessarily be acceptable. Indeed the Inspector implies that the proximity of the proposed drive to the reduced garden area of No 42 would result in an unsatisfactory layout.
7. I found no evidence of similar tandem development in the immediate neighbourhood. I visited examples elsewhere in Hartlepool. To the rear of 65 Seaton Lane a dwelling has been allowed on appeal served by a separate, parallel access. In Eldon Grove there is a short, narrow shared access, although I was unable to establish its impact on properties to the rear. Other developments have more space between frontage properties. None of these is directly comparable to the proposed development.
8. From measurements taken on site it was established that the appellant owns approximately 2.9 metres to the side of No 42. This would be the maximum width available for a drive and the actual width might well be less because of the need to take account of the change in level between the two existing properties and to protect the access rights of No 40. The drive narrows at a point where it would be hard up against the gable end of No 42. As a result those leaving the front or rear of the house could step out into the path of approaching vehicles. Whilst this would not happen frequently it would be a dangerous situation and reinforces my conclusion that the appeal should be dismissed.
9. I conclude that the proposal would be an undesirable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive. As such it would be contrary to Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan.
10. I acknowledge that the proposal would make effective use of previously developed land within the development boundary of the town. It would also comply with required highway and building design standards. The Council's Public Protection Officer does not object, but his focus is on environmental health legislation. In this case I consider the noise and disturbance generated would be detrimental to residential amenity even though it might not amount to a statutory nuisance. I also note that, in the future, there is likely to be more traffic on the railway and therefore more associated noise. I have taken account of these and all other matters raised, including the previous appeal decisions, but they do not outweigh the harm the development would cause in relation to the main issue.

Bern Hellier

INSPECTOR

UPDATE

No: 3
Number: H/2010/0524
Applicant: Ms Maxine Crutwell Civic Centre Victoria Road Hartlepool
Cleveland TS24 8AY
Agent: Hartlepool Borough Council Mr Steven Wilkie Bryan
Hanson House Lynn Street Hartlepool TS24 7BT
Date valid: 03/09/2010
Development: Provision of a concrete in-ground skatepark facility on the
site of existing five-a-side football court with associated
lighting, security fencing and landscape works
Location: ROSSMERE CENTRE ROSSMERE WAY
HARTLEPOOL

Background

3.1 This item appears as item 3 on the main agenda. The comments of the majority of statutory consultees have now been received. The period for publicity has now expired. No additional responses have been received. Any further responses will be tabled at the meeting.

Planning Considerations

3.2 As set out in the original report, 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, highway safety and crime/anti-social behaviour.

Principle of Development

3.3 The site is white land within the adopted Hartlepool Local Plan (2006). The site is currently occupied by an unused multi use games area. It is therefore considered that the principle of leisure facilities has been established on this site and therefore the proposal is considered acceptable in land use terms.

Amenity

3.4 The main consideration in amenity terms is visual impact and the potential for noise and disturbance in relation to the closest residential properties on Rossmere Way and Catcote Road. It is considered that the provision of sport 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 20m to the north on Rossmere Way. In addition the application proposed 0.6m high mounding with landscaping and the provision of tree planting. It is considered that given such provision and the distances involved that the proposal is unlikely to have a significant visual impact on the outlook of the closest residential properties.

UPDATE

3.5 It is acknowledged that the provision of two 10m high floodlighting columns will be visible from surrounding properties, however, they are not considered to be of a design or scale to be dominant, it is considered the columns would not have a significant detrimental impact on visual amenity. The provision of floodlights is considered appropriate in relation to the adjoining land uses. The applicant has submitted details which demonstrate that the light levels from the floodlights will not extend beyond the site and the scheme is considered acceptable in terms of its potential for disturbance from lighting.

3.6 Two wall mounted lighting units are also proposed to be attached to the Rossmere Youth Centre these are not considered to have a significant affect on neighbouring properties or the surrounding area in general.

3.7 As with the recently approved Multi Use Games Area (MUGA H/2010/0421), the site will be managed and lockable and a planning condition is proposed to prevent its operation beyond 9pm. It is considered on such a basis that the scheme is unlikely to give rise to significant noise and disturbance issues, however, the final comments of the Head of Public Protection are awaited.

3.8 The Council's Public Lighting Manager has indicated that no housing will be affected by the lighting. However, light may encroach onto the highway. A condition is therefore recommended to ensure light spillage is reduced.

Design

3.9 It is considered that the design of the scheme is acceptable and will be a significant improvement on the existing condition of the site. The scheme incorporates a good level of landscaping and given the sunken design of the skate park the majority of the visual impact will be from the 2.4m high twin-wire fencing and the two 10m lighting columns. The proposed landscaping scheme in the form of mounding, shrubs and trees is considered acceptable. It is considered that the development will not appear incongruous and will appear in keeping with the adjoining land uses. On that basis the design is considered acceptable.

Highways

3.10 The Council's Traffic and Transportation section have indicated that there are no highway or traffic issues with the proposal. The proposal is unlikely to give rise to significant demands on the highway network. There is existing parking provision serving the Youth Centre adjacent to the site. It is considered unlikely that the proposal will give rise to highway safety concerns.

Crime/Anti-Social Behaviour

3.11 The Police Architectural Liaison Officer has considered the proposals and has raised no issues of concern. The proposal will be afforded good natural surveillance from the surrounding area. Access will be controlled by the Youth Centre via only two gates adjacent to the Youth Centre with the remainder of the site bounded by

UPDATE

2.4m high fencing. In addition there is a good provision of lighting for the facility and the hard surface materials are unlikely to attract potential risk of arson.

Conclusions

3.12 With regard to the relevant Hartlepool Local Plan (2006) policies set out above, and with regard to the relevant planning considerations as discussed above the proposal is considered acceptable and recommended for approval subject to the conditions below and to no objections from the Head of Public Protection or the Council's Public Lighting Manager, with the final decision to be delegated to the Development Control Manager.

RECOMMENDATION – APPROVE subject to the following conditions and no objections from Head of Public Protection, with the final decision delegated to the Development Control Manager.

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 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 03 09 10 (Drawing No(s) 760/24 L001, 760/24 L002, 760/24 L003), the plans and details received by the Local Planning Authority on 28 09 10 (Drawing No(s) UKS6670), and the floodlighting details received by the Local Planning Authority on 03 09 10 (Drawing No (s) T107RLH/FP and Document Ref: T107RLH Sheet 1 and 2, Challenger 1 AL5760).
For the avoidance of doubt.
3. The Skate Park hereby approved shall only operate between the hours of 08.30 and 21.00. The Skate Park hereby approved shall be kept locked between the hours of 21.00 and 08.30.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the submitted details, prior to the installation of the floodlighting hereby approved details of back shields to be fitted to the floodlights 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 and shall be retained as such for the lifetime of the development.
In the interests of highway safety.

PLANNING COMMITTEE

8 October 2010



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL BY EASY SKIPS THOMLINSON ROAD
HARTLEPOOL (H/2009/0689)

1. PURPOSE OF REPORT

- 1.2 A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the variation of condition 3 of planning permission H/2006/0394 to allow the height of the stockpiles on site to extend to a maximum height of 6 metres at Easy Skips, Thomlinson Road. The appeal was to be decided by written representations.
- 1.3 The Environment Agency previously served revocation notices on Easy Skips (NE) Ltd in relation to the waste carrier licence and environmental permit. Easy Skips (NE) Ltd appealed against both notices. Since the submission of the appeal against Hartlepool Borough Council's refusal the two appeals against the Environment Agency have been dismissed which has resulted in the revocation of the companies waste carrier licence and environmental permit being upheld.
- 1.4 The appeal against Hartlepool Borough Council's refusal to allow the height of the stockpiles on site to extend above those previously allowed has therefore been withdrawn as the appellant considers it no longer prudent to pursue this appeal.

2. RECOMMENDATION

- 2.1 Members to note the report.

PLANNING COMMITTEE

8 October 2010



Report of: Assistant Director (Regeneration and Planning)

Subject: EASY SKIPS ENFORCEMENT APPEAL

1. PURPOSE OF REPORT

- 1.2 Easy Skips (NE) Ltd lodged an appeal against the enforcement notice issued by Hartlepool Borough Council. The enforcement notice referred to the unauthorised use of the land for the deposit and storage of waste materials.
- 1.3 The Planning Inspectorate has timescales for lodging appeals and Easy Skips (NE) Ltd did not submit the appeal in time to arrive before the timescale expired. There is no power to accept a late appeal, or to extend the time for making an appeal. Therefore the Planning Inspectorate refused to accept the appeal against the enforcement notice.

2. RECOMMENDATION

- 2.1 Members to note the report.

PLANNING COMMITTEE

8 October 2010

**Report of:** Assistant Director (Regeneration and Planning)**Subject:** LOCALLY IMPORTANT BUILDINGS

1. PURPOSE OF REPORT

- 1.1 Some local authorities have lists of locally important buildings. These are properties which are important to an area but do not merit inclusion on the statutory list of listed buildings. This list, compiled by English Heritage, uses national criteria which usually do not take into account the local significance or impact of a building. This report outlines Hartlepool Borough Council's proposals for a list of locally important buildings.

2 BACKGROUND

- 2.1 Hartlepool has some 200 listed buildings. These are properties which have been designated by the Government as structures which are of 'special architectural or historic interest'. Nominations for potential listed buildings are considered by English Heritage who make a recommendation to the Government on the potential to list a property. The Department for Culture Media and Sport (DCMS) considers this recommendation and will, if it deems appropriate, list the building.
- 2.2 English Heritage and DCMS have encouraged the development of Local Lists. While no formal guidance exists for the development and production of a Local List planning guidance does encourage the development of such lists. By 2004 approximately 44% of Local Authorities in England had produced a Local List and saw it as a way to identify and encourage protection of locally important heritage assets as well as raise the profile of local history and heritage and conserve local distinctiveness.
- 2.3 Locally important buildings are not of national significance however they may merit protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless make a contribution to the local sense of place. These buildings are sometimes omitted from the list by the Secretary of State or English Heritage because the view is that there are better examples elsewhere within the Country. Some characteristics of buildings may, however, be rare within Hartlepool or may have important group value or

may display important local distinctiveness which makes up the town's heritage.

- 2.4 The recently introduced Planning Policy Statement 5: Planning for the Historic Environment defines a heritage asset as 'A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions.' These can include 'assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).'
- 2.5 Within the Local Plan the Authority has made a commitment, to prepare a non-statutory list identifying Buildings of Local Interest which would be desirable to preserve as a means of emphasising local character and a sense of place.
- 2.6 Identifying a building as being of local importance would not provide any additional statutory protection above and beyond the existing planning controls that currently cover the property. It would however, be a means of highlighting the significance of a building, to the Borough.
- 2.7 A policy in the Local Plan (HE12) indicates that the Council will seek to prevent the demolition of locally important buildings or the removal of their important features. Their removal or alteration would only be supported 'if it can be demonstrated that it would help preserve or enhance the character of the site and the setting of other buildings nearby.'

3. CRITERIA

- 3.1 A series of criteria have been compiled for assessing potential locally important buildings. The full list can be found in Appendix 1.
- 3.2 In essence the criteria is similar to those considered for national listing, the architectural merit of the property, the historic interest in the building and the survival of the original structure and features.
- 3.3 The buildings would be known as Locally Important Buildings and unlike those nationally listed there would be no grades distinguishing different levels of completeness or importance.
- 3.4 It is proposed that although referred to as buildings nominations would not be limited to what is thought of as a building and therefore could include other structures for example pill boxes or traditional telephone boxes, along with parks or landscapes.

4 CONSULTATION

- 4.1 Alongside officers compiling a list of potential nominations it is proposed that the process is opened up to public consultation to allow residents and local groups an opportunity to nominate buildings which they feel are significant.

- 4.2 A standard form would be developed and made available at Council offices and on the website. Alongside this would be a guidance note including the criteria for listing the property and asking, where possible, that people include a photograph of the property or location plan so there can be no doubt of the building which is nominated. In addition they would be asked to provide any research or information they have on the property which they feel demonstrates why the building is locally important.
- 4.3 Local groups and committees would be invited to submit any nominations that they have. It is suggested that these groups would include the Hartlepool Conservation Area Advisory Committee, Headland Conservation Area Advisory Group, Parish Councils and residents groups across the town.

5 SELECTION PROCESS

- 5.1 Once nominations are closed officers would compile a full list of the buildings including any relevant information which would assist in the selection process. This list would then be published with a further period of consultation to enable residents and groups to nominate any buildings they feel have been missed off the initial draft list.
- 5.2 All of the properties will be contacted directly to make owners and occupiers aware that their building has been nominated and inviting them to make any comments. Their comments will be presented alongside any material considered for selecting the buildings to be placed on a final list.
- 5.3 It is proposed that the selection of buildings would be carried out by an independent panel. The panel would comprise individuals with specialist knowledge in the field of conservation, architecture or history.
- 5.4 Once the panel have compiled the final list owners and occupiers will be notified that their properties are on this list and given an opportunity to comment.
- 5.5 The final list will be presented to this Committee for comment prior to being taken to the Portfolio Holder for Community Safety and Housing for agreement.

6 RECOMENDATION

- 6.1 That the Committee notes the processes outlined in the report to establish a list of Locally Important Buildings in Hartlepool.

APPENDIX 1**Defining a locally important building**

The statutorily listed buildings can be all sorts of structures including telephone boxes, walls and gates as well as what we all recognise as buildings. In addition there is also a statutory process which recognises parks and gardens. It is proposed that when considering locally important buildings these definitions are combined and therefore the list will not be limited to buildings but will include other streetscape structures along with parks and landscapes.

Assessment Criteria

The proposed assessment criteria that will be used;

- **Design merit:** is it the work of a particular architect or designer of regional or local note? Does it have qualities of age, style or distinctive characteristics relative to the area? Does it have landmark quality? Is it characterful and time-honoured or locally-valued
- **Historic interest:** does it relate to an important aspect of local, social, economic, cultural, religious or political history; does it have an historic association with an important local feature?
- **Historic association:** does it have close associations with famous local people (must be well documented); does it relate closely to any statutorily protected structure or site?
- **Survival:** does it survive in a substantial and recognisable form; are historic features and layout still present; does it represent a significant element in the development of the area?
- **Layout:** is it part of a planned layout that has remained substantially intact e.g. a terrace or a square?
- **General:** does it provide an important visual amenity?

PLANNING COMMITTEE

8 October 2010



Report of: Assistant Director (Regeneration and Planning)

Subject: TERRC FACILITY – ANNUAL ENVIRONMENTAL AUDIT (2009)

1. PURPOSE OF REPORT

- 1.1 Scott Wilson has been appointed by Hartlepool Borough Council (HBC) to provide planning and environmental advice with respect to the Able UK Ltd (Able UK) Teesside Environmental Redamation and Recycling Centre ("TERRC site") development and operation. Able UK was granted planning permission in 2007 (H/2007/0543) for activities including the dismantling of ships, which includes the four former US Navy ships (the MARAD Ships) operations at the TERRC site in 2007. Clause 5.4 of the Section 106 (S106) agreement for the development requires for an external environmental audit to be carried out at the site by a suitably qualified consultant or consultants, who shall be appointed by the Council after consultation and agreement with the Developer. One such annual audit is to be completed in each year of operations and after three years the need for the external audit shall be reviewed. The S106 requires the first audit to be carried out at such time during the first year after the commencement of development as the Council shall determine
- 1.2 Able UK agreed the appointment of Scott Wilson to fulfil the role of the environmental auditor. This report presents the findings of the audit undertaken by Scott Wilson. The audit process was initiated in September 2009 within one year of the commencement of the development and covers the period from November 2008 to November 2009.
- 1.3 The objective of the audit is to confirm that environmental monitoring and mitigation of impacts associated with potentially polluting activities at TERRC and dredging activities in the Seaton Channel have and are being undertaken to the most appropriate standards.
- 1.4 The audit is not a formal review of the company's wider environmental management procedures but is focused, as required by the S106, on activities directly related the works permitted under planning permission.

- 1.5 In summary Scott Wilson has undertaken a stand alone audit of operations at the TERRC facility. The information obtained during that audit, has been supplemented with their experience of activities at the site obtained during the numerous Environmental Inspections carried out at the site. Operations including ship demolition and the associated construction works at the site have and continue to be carried out in a manner which conforms with the various environmental and legislative instruments and planning conditions imposed on the site. Importantly, key pathways by which the environment (including nearby human and ecological receptors) could be impacted by site operations are being managed in a way to control such risks.
- 1.6 The commitments made in the Environmental Statement and the conditions imposed through the implemented planning permission are, where applicable, being carried out in a manner appropriate to the operations and activities being undertaken at the site. A number of observations have been made where some action is recommended but these reflect improvements to existing procedures. For example improvements to the Environmental Management System have been recommended, but are not considered to be a significant concern.
- 1.7 A copy of the TERRC Facility Annual Environmental Audit (2009), Final, March 2010 has been provided in the Members room and can be viewed online at:
http://www.hartlepool.gov.uk/downloads/file/6472/annual_environmental_audit_09

2. RECOMMENDATIONS

- 2.1 Members to note the report

PLANNING COMMITTEE

8 October 2010



Report of: Assistant Director (Regeneration and Planning)

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 Councillor's complaint regarding external building work started at a residential property on Dodsworth Walk has been investigated. The work was determined as 'permitted development' not requiring planning permission and exempt from building regulations.
- 2 A neighbour complaint regarding horse trading activities operating from Housing Hartlepool owned properties in Jutland Road. The complaint has been forwarded to the Housing Management Team for action.
- 3 A neighbour complaint regarding the paving of a front garden to provide hardstanding at a residential property on Hayston Close.
- 4 Officer monitoring recorded the fitting of a patio door to access a flat roofed single storey extension and erection of fencing to form a roof area at a residential property on Burn Valley Road.
- 5 Officer monitoring recorded the stationing of a caravan on the highway for residential use at a property on Liz ard Walk.
- 6 A resident complaint regarding the stationing of a caravan on vacant agricultural land on Dalton Lane.
- 7 A neighbour complaint regarding the use of a residential property for 'dog sitting' on Tavistock Close.
- 8 A neighbour complaint regarding a tall aerial attached to the chimney of a residential property on Chepstow Walk.

- 9 Officer monitoring recorded the erection of a single storey extension without the benefit of planning consent to rear of a residential property on Hampstead Gardens.
- 10 A neighbour complaint regarding the sitting of a steel container on the driveway of a residential property on Torquay Avenue.
- 11 A resident complaint regarding the erection of a fence along the top of an existing boundary wall higher than 1m at a property on Dundee Road.
- 12 Officer monitoring recorded a change of use from retail to nail salon of a commercial property on Church Square.
- 13 Residents' complaints regarding a recently approved and completed coach drop off point on Catcote Road not complying with operational and landscape planning conditions.
- 14 Officer monitoring recorded a takeaway on York Road opening outside approved opening hours.
- 15 A resident complaint regarding the sitting of an external lighting secured on a school building funding by new school for future scheme on King Oswy Drive.
- 16 A local complaint regarding the non compliance to a temporary consent to allow the occupation and its final removal of a caravan related to an agricultural/livery business on Dalton Back lane.
- 17 A neighbour complaint regarding the erection of a wall up to 2 metre in height to rear of a property on Nookston Close.
- 18 A neighbour complaint regarding the erection of a fence up to 2 metre in height to side of a property on Amble Close.
- 19 Officer monitoring recorded a property on Stockton Road in use as a House in Multiple Occupation.
- 20 Officer monitoring recorded the erection of a garden room extension without the benefit of planning consent at a property on Northgate.

2. RECOMMENDATION

- 2.1 Members note this report.