

PLANNING COMMITTEE AGENDA



Friday 12 August 2011

at 10.00 a.m.

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Barclay, Brash, Cook, Fenwick, James, Lawton, A Lilley, G Lilley, Morris, Richardson, Robinson, Shields, Simmons, Sirs, 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 15 JULY 2011**
4. **ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director, Regeneration and Planning*
 - 1 H/2011/0144 10 Hillston Close, Hartlepool. (*page 1*)
 - 2 H/2011/0246 Sea View House, Hart Lane, Hartlepool. (*page 6*)
 - 3 H/2011/0277 Aldi Foodstore, Dunston Road, Hartlepool. (*page 11*)
 - 4 H/2011/0294 Fernbeck, Dalton Back Lane, Claxton, Billingham (*page 15*)
 - 4.2 Update on Current Complaints - *Assistant Director, Regeneration and Planning*
 - 4.3 Appeal by Mr T Horwood Site at 42 Bilsdale Road, Hartlepool TS25 2AH (H/2011/0176) - *Assistant Director, Regeneration and Planning*
 - 4.4 Appeal by Mr Boagey 12-14 Montague Street Hartlepool - *Assistant Director, Regeneration and Planning*
 - 4.5 Appeal by Mr Ainsley 3 Henry Smith Terrace Hartlepool - *Assistant Director, Regeneration and Planning*

5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
6. **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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action – JC Decaux Advertisement Hoardings, Clarence Road, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.2 Enforcement Action – Cameron Lodge, Serpentine Road, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.3 Enforcement Action – Tunstall Court, Grange Road, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.4 Enforcement Action – 190-192 Raby Road, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.5 Enforcement Action – Century Park, Former RHM Site, Greatham - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.6 Enforcement Action – 16 Egerton Road, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)
- 7.7 Enforcement Action – 51 Conway Walk, Hartlepool - *Assistant Director, Regeneration and Planning* (paras 5 & 6)

8. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will be undertaken on the morning of the next scheduled meeting of the Committee which takes place on Friday 9 September, 2011 at 10.00 am

PLANNING COMMITTEE
MINUTES AND DECISION RECORD

15 July 2011

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Mick Fenwick, Marjorie James, Patricia Lawton, Alison Lilley, Geoff Lilley, Carl Richardson, Jean Robinson, Linda Shields, Hilary Thompson, Paul Thompson, Ray Wells and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Chris McKenna was in attendance as substitute for Councillor George Morris and Councillor Sarah Maness was in attendance as substitute for Councillor Chris Simmons.

Officers: Christine Pipe, Planning Services Manager
Sylvia Pinkney, Public Protection Manager
Peter Frost, Traffic and Transportation Team Leader
Jim Ferguson, Principal Planning Officer
Angela Armstrong, Principal Democratic Services Officer

14. Apologies for Absence

Apologies for absence were received from Councillors George Morris, Chris Simmons and Kaylee Sirs.

15. Declarations of interest by Members

Councillors Sarah Maness and Carl Richardson declared a personal interest in minute no 17 (H/2011/0165).

16. Confirmation of the minutes of the meeting held on 17 June 2011

Confirmed.

17. Planning Applications *(Assistant Director (Regeneration and Planning))*

Number: HFUL/1999/0320

Applicant: Hart Aggregates Limited 15 Front Street Sherburn Hill Durham

Agent: Hart Aggregates Limited 15 Front Street Sherburn Hill Durham

Date received: 29/06/1999

Development: Application to determine suitable new planning conditions for quarrying operations

Location: HART QUARRY HART LANE

Decision: **Deferred by the Chairman of the Planning Committee prior to the meeting to allow further discussions with the applicant**

Number: H/2009/0482

Applicant: MR MICHAEL HODGES
HART AGGREGATES LTD FRONT STREET
SHERBURN HILL DURHAM

Agent: HART AGGREGATES LTD MR MICHAEL HODGES
15 FRONT STREET SHERBURN HILL DURHAM

Date received: 03/09/2009

Development: Continuation of mineral extraction within expansion area previously approved under application CH/293/83

Location: HART QUARRY HART LANE HARTLEPOOL

Decision: **Deferred by the Chairman of the Planning Committee prior to the meeting to allow further discussions with the applicant**

Number: H/2011/0144

Applicant: Mr Thomas Dodds
10 Hillston Close HARTLEPOOL

- Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL
- Date received:** 21/03/2011
- Development:** Erection of a two storey side extension to provide
garage and family room with bedroom suite above
- Location:** 10 Hillston Close HARTLEPOOL
- Decision:** **Deferred by the Chairman of the Planning
Committee prior to the meeting at the request by
a Member of the Committee to carry out a site
visit prior to consideration of the item**
- Number:** H/2011/0165
- Applicant:** Punch Partnerships (Pml) Ltd, Second Avenue,
Burton on Trent
- Agent:** CBA LIMITED, MR CHRIS BAKER, THE LONG
BARN, ECKLANDS MILLHOUSE GREEN
- Date received:** 18/04/2011
- Development:** Change of use of public house to three flats
including alterations to windows
- Location:** THE FISHERMANS ARMS SOUTHGATE
HARTLEPOOL
- Representations:** Mr Edwards (applicant) was in attendance to
answer questions of Members however, none were
posed.
- Decision:** **Planning Permission Approved subject to the
following;**

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. Details of all external finishing materials including render and rainwater goods 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.

3. Prior to the hereby approved development commencing large scale details including sectional drawings of all new windows architraves stone/concrete cill details to the rear elevation, bin store gates and doors shall be submitted to and agreed in writing by the Local Planning Authority. The windows and doors shall be constructed in timber. Thereafter the approved details shall be implemented and retained thereafter for the lifetime of the development.
In the interests of visual amenity and the Headland Conservation Area.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22 March 2011 Drg No: 11.232/D-001A, 11.232/D-001B, 11.232/D-003A, 11.232/D-003B, 11.232/D-004 and site location plan, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

Number: H/2011/0283

Applicant: Mr Jon Whitfield
Euro Property Management Ltd 93 Euro House 93
Park Road Hartlepool

Agent: Euro Property Management Ltd Mr Jon Whitfield 93
Euro House 93 Park Road Hartlepool

Date received: 26/05/2011

Development: Variation of condition No 13 of planning approval
H/2010/0703 to allow vehicles with a maximum
length of 11m to serve the development

Location: 132 STATION LANE HARTLEPOOL

Representations: Mr Jon Whitefield (agent) was in attendance to
answer questions of Members, however none were
posed.

Decision: **Variation Approved subject to the following;**

CONDITIONS AND REASONS

1. This permission relates only to the variation of condition 13 attached to the original approval (H/2010/0703) on this site. All other conditions on the original approval (H/2010/0703) remain extant and must be complied with unless a variation is otherwise approved by the Local Planning Authority.
For the avoidance of doubt.
2. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day. The premises shall not be serviced by an vehicle exceeding 11m in total length.

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

18. Update on Current Complaints (*Assistant Director (Regeneration and Planning)*)

Members' attention was drawn to 18 ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

Decision

The report was noted.

19. Appeal Ref: APP/H0724/H/11/2154372 H/2011/0073 – The White House, Wooler Road, Hartlepool, TS26 ODR Display of Three Illuminated Signs (Retrospective Application) (*Assistant Director, Regeneration and Planning*)

Members were notified that a planning appeal had been lodged against the part refusal of the Local Planning Authority to grant advertisement consent for the 'display of three illuminated signs' at the White House Public House, Wooler Road, Hartlepool. A copy of the delegated report was attached by way of appendix. The appeal was to be decided by written representations.

Decision

Officers were given authority to contest the appeal.

20. Appeal by BNP Paribas Securities Services Trust Company (Jersey) Limited and BNP Paribas Securities Services Trust Company Ltd as Trustees of the Threadneedle Property Unit Trust Site at Units 1 and 2 Burn Road, Hartlepool, TS25 (H/2010/0592) (*Assistant Director, Regeneration and Planning*)

Members were informed that the above appeal had been withdrawn

Decision

Members noted the withdrawal of the appeal.

21. Introduction of Charges for Pre-Application Advice and Monitoring of Planning Legal Agreement *(Assistant Director, Regeneration and Planning)*

It was noted that in November 2010, Members had approved in principle to the introduction of charges for pre-application advice and for monitoring planning legal agreements. The report sought Members' endorsement of the schedule of fees proposed for the introduction of a charging policy for pre-application advice and for the monitoring of legal agreements associated with planning consents. It was proposed to commence charging September/October 2011, however this was subject to agreement with the relevant Portfolio Holder. Members were asked to note that it was not proposed to charge for listed building consent or developments within conservation areas. In addition, normal household developments including conservatories, porches etc would not incur a charge. However, should a fast-track service be requested, a charge would be introduced.

Details of the proposed charges were included within Appendix A and it was noted that the charges were on sliding scale in line with the classification of development type.

During the discussions that followed, clarification was sought on the level of income it was anticipated would be received through the implementation of these charges. The Planning Services Manager responded that it was difficult to estimate the amount of income that may be generated but it was hoped to be in the region of £2k per year as a minimum amount. However, the income generated would be monitored, including officer time and any impact on enforcement activity, on a quarterly basis to ascertain the effectiveness of charging for this service.

Members were asked to note that charging for the provision of this service was new to a number of local authorities and it was suggested that a temporary trial of introducing charges may be the best way forward. It was acknowledged that the implementation of these charges and the criteria for exemption to these charges should be publicised extensively, including through the Council's publication *Hartbeat*.

A Member questioned the erection of solar panels and whether this would be covered by the charges. The Development Control Manager responded that any application to erect solar panels on residential properties would be considered as householder development and would therefore not be subject to the charges agreed as part of this policy.

The Development Control Manager informed Members that Middlesbrough Borough Council had introduced a charging policy for pre-application advice in 2008-9. This was at the height of the recession and at the end of the first year, the charges were removed as the anticipated income had not been achieved.

In relation to charging to monitor legal agreements, it was proposed that a charge of £250 per agreement for financial monitoring be introduced with £300 per visit where it related to physical monitoring. In response to clarification sought from a Member, the Planning Services Manager confirmed that should an additional visit be required due to an officer error, no additional charge would be levied.

It was suggested that during the first 12 months of the charging policy being place, any income generated be held within the Department to mitigate costs associated with implementing the policy. This would be subject to review at the end of the first year as would the effectiveness of the policy. It was anticipated that the introduction of charges could be in place from 1 October, subject to approval from the relevant portfolio holder.

Members requested a monitoring report to provide an update on the effectiveness of the policy be submitted to the Planning Committee six months after implementation.

Decision

- (i) The proposed scale of fees for pre-application advice and monitoring of legal agreements was endorsed.
- (ii) That should the Portfolio Holder agree to the implementation of the charges a report be submitted to the Planning Committee, six months after the implementation date to update Members on the effectiveness of the charging policy.

22. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 10.50 am.

CHAIR

No: 1
Number: H/2011/0144
Applicant: Mr Thomas Dodds 10 Hillston Close HARTLEPOOL
 TS26 0PE
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
 HARTLEPOOL TS26 0SR
Date valid: 21/03/2011
Development: Erection of a two storey side extension to provide garage
 and family room with bedroom suite above
Location: 10 Hillston Close HARTLEPOOL

The Application and Site

1.1 This application was withdrawn from the agenda at the previous Committee meeting to allow Members to undertake a site visit.

1.2 The site to which this application relates is a two-storey detached dwelling located within a predominately residential area. The property is contained within a small cul-de-sac within Hillston Close and benefits from a double garage to the side. The garage projects beyond the rear wall of the property and also beyond the rear wall of the neighbouring property, 9 Hillston Close, which sits roughly in line with the application property.

1.3 The application seeks consent for the erection of a two-storey side extension comprising garage and family room at ground floor, and a master bedroom and en-suite to first floor. The plans have been amended during the course of the application to set the extension in from the shared boundary and back 1m at first floor.

1.4 At present the garage projects 3.8m beyond the rear wall of no.9. The main rear wall of the application property projects 0.5m past the rear wall of no.9. The ground floor element of the extension will project the full depth of the property, therefore projecting 0.5m beyond the rear wall of no.9. It will project forward of the front wall of the application property by 1.3m, the first floor will be set back 1m from the front wall. The neighbouring property no.9 has a conservatory to the rear, which extends half the width of the opposite side of the property to the application site.

Publicity

1.5 The application has been advertised by two rounds of publicity by way of neighbour letters (9). To date, there have been 6 letters of objection from 4 households.

1.6 The concerns raised include:

- a) Large extension will encroach on adjacent property and quality of life;
- b) Insufficient space between 9 and 10 Hillston Close to accommodate an extension of this size;

- c) Light obstruction and overshadowing to neighbouring property;
- d) Street offers light and space, no need to live 'on top of each other';
- e) Extremely large and out of keeping with existing properties in terms of space/build ratio;
- f) It goes against the original construction concept for the area;
- g) Contrary to the development of the area and would set a precedent for a 'hemmed in' environment;
- h) Hillston Close is a unique and clever design, being one of spaciousness, light and an open feel and aspect;
- i) Extension will overshadow neighbouring garden, conservatory and terrace;
- j) Will reduce sunlight to neighbouring property garden by two-thirds;
- k) The sunlight is reliant on the space between the two properties;
- l) The extension will result in only 1m between the two properties;
- m) Loss of amenity in terms of warmth, light and sun in bathroom;
- n) Will result in the properties appearing to be terraced;
- o) Disturbance during building work.

Copy Letters A

The period for publicity has expired.

Consultations

1.7 The following consultation replies have been received:

Head of Traffic and Transportation – No highway or traffic concerns.

Planning Policy

1.8 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.

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.

Planning Considerations

1.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies. Particular regard is to be had to the effect of the proposal on the amenity of neighbouring

properties in terms of overlooking, overshadowing, dominance and outlook, the effect on the character and appearance of the existing property and the street scene in general.

Amenity

1.10 The main relationship for consideration in this instance is that with 9 Hillston Close. In terms of overlooking, whilst it is acknowledged that there are first floor windows proposed in the rear of the extension which can potentially overlook the garden area of no.9, it is considered that it is not an unusual relationship for first floor windows to overlook neighbouring gardens. It is common within Hillston Close itself and indeed 9 Hillston Close has the potential to overlook the garden of the application site. On such a basis it is considered difficult to sustain refusal of the application on the grounds of overlooking, particularly given that there are no windows proposed in the side elevation of the extension.

1.11 In terms of outlook, there is a single window in the side elevation of the neighbouring property which is a first floor bathroom window. As the extension projects only 0.5m beyond the rear wall of 9 Hillston Close, it is unlikely to be largely visible from the rear windows of that property, and whilst visible from the conservatory to the rear, is considered unlikely to be unduly dominant or detrimental in terms of outlook. Indeed the extension will result in the loss of the existing garage, which, whilst single storey, it is considered somewhat more intrusive in terms of outlook than the proposed extension is anticipated to be.

1.12 The extension will be located to the south of the neighbouring property. Whilst the neighbour has no habitable rooms facing south, the property does benefit from a garden area and rear conservatory. It is acknowledged that light does penetrate between the two properties; however, it is considered that the angle and orientation of the conservatory is such that it is unlikely to receive significant levels of direct sunlight through that gap at present. The extension therefore is unlikely to significantly reduce direct sunlight to the conservatory beyond that currently experienced.

1.13 It is acknowledged that the garden area will receive direct sunlight through the gap at certain times of the year. However, the trajectory of the sun will be largely obscured by the application property at present and the extension is unlikely to significantly compound this. Furthermore, it is when the sun's trajectory is likely to be lower during winter months that it directly penetrates the gap between the properties. The sun is notably higher during summer months and as such direct sunlight is unlikely to be significantly reduced by the extension.

1.14 The siting of the extension is such that it is unlikely to have a significant impact on the amenity of the neighbouring property, 11 Hillston Close. The extension is sited such a distance as to be unlikely to have a significant impact on surrounding properties within Hillston Close.

Existing Property and Street Scene

1.15 Hillston Close is characterised by detached properties, with large open plan front gardens and driveways. Whilst a number of properties have substantial spaces between one another, a number of properties are sited within close proximity. For example, 12 and 14 Hillston Close, 17 and 18, and 19 and 20 Hillston Close are separated by only 2m between gable elevations. As a result of the extension there would be a gap of 1.7m between the two properties. It is not considered that the extension would appear unduly obtrusive or out of keeping within the context of the street scene. It is acknowledged that the extension will be visible within the street scene but it is considered unlikely that it would appear incongruous.

1.16 Whilst it is acknowledged that the extension is significant in terms of its size, it is considered that sufficient design elements allow the extension to be appear subservient and not unduly out of keeping or intrusive to the main property. The property is set back 1m at first floor and also incorporates a lower ridge line that the main house. Sufficient off-street car parking is to be retained.

Other Issues

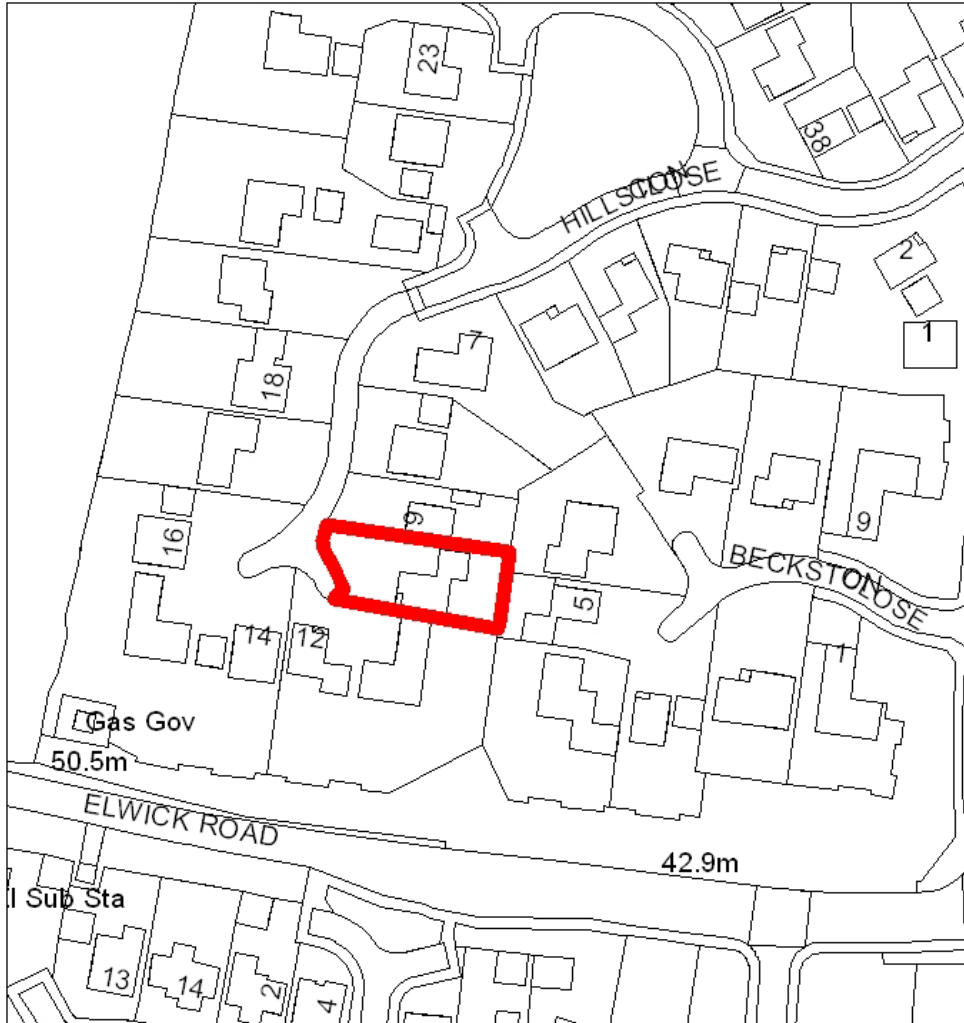
1.17 An issue has been raised regarding builders covenants. It considered that any such covenants on the properties within Hillston Close are a matter for the property owner and the respective parties and not a material consideration in the determination of this application. Any disturbance arising during building work can be managed through the appropriate Environmental Health regimes.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans 'Proposed Alterations 4 (Rev A)', 'Proposed Alterations 2 (Rev A)', 'Proposed Alterations 3 (Rev A)', 'Proposed Alterations 5 (Rev A)' received by the Local Planning Authority on 16 05 11 and 'Existing Plans 1' received by the Local Planning Authority on 21 03 11
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s)
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 9 Hillston Close without the prior written consent of the Local Planning Authority.
To prevent overlooking.



10 HILLSTON CLOSE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL BOROUGH COUNCIL</p>	<p>DRAWN GS</p>	<p>DATE 29/06/11</p>
	<p>SCALE 1:1000</p>	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	<p>DRGNO H/2011/0144</p>	<p>REV</p>

No: 2
Number: H/2011/0246
Applicant: Mr David Trebble Hart Lane HARTLEPOOL TS26 0UQ
Agent: Mr David Trebble Sea View House Hart Lane
HARTLEPOOL TS26 0UQ
Date valid: 10/06/2011
Development: Erection of a detached dormer bungalow and two
detached garages
Location: Seaview House Hart Lane HARTLEPOOL

The Application and Site

2.1 The application site is the garden area of Sea View House. The site is bounded by residential properties in Siskin Close to the northeast, landscaping and open space to the north and the south and the donor property Sea View House to the west. Access to the site is via a drive off Hart Lane. The site to which this application relates to is currently garden area of Sea View House. The proposal will involve the demolition of an existing detached double garage.

2.2 The application proposes the erection of a detached dwellinghouse and two detached double garages, one serving the proposed dwellinghouse and the other serving the donor property. Following concerns raised by the Environment Agency regarding foul sewage the applicant is now proposing a package treatment plant as opposed to a septic tank.

2.3 Land levels on site slope from west to east meaning those dwellings located in Siskin Close are at a lower land level than that of the application site. The streetscene in the immediate area is solely residential in nature and is made up predominantly of modern detached dwellinghouses.

Relevant Site History

2.4 In 2009 outline consent was issued for alterations to the donor property and extensions to form 3 dwellings on the site. A Lawful Development Certificate was issued in 2007 for the area surrounding the original curtilage of Sea View House for an extended garden. Again in 2007 outline consent was granted by Hartlepool Borough Councils Planning Committee for an additional dwelling on the site. It is considered necessary in the context of this application to outline that garden area which were included in all of the aforementioned applications, which lies to the eastern boundary of Sea View House has now been sold to properties in Siskin Close. The new site boundaries are those which are shown on the supporting plans and information. A further application was submitted in 2010 but was withdrawn following concerns raised by the Local Planning Authority regarding design.

Publicity

2.5 The application has been advertised by way of neighbour letters (6) and site notice. To date, there have been three letters of objection.

2.6 The concerns raised are:

1. Concern regarding height of property from gardens of Siskin Close due to the extreme slope of the land.
2. Concerns about drainage of surface water due to the slope of the land towards rear gardens of Siskin Close. The rear gardens are already very wet.
3. Concern regarding the use of soakaways. They will need to be well designed as the area is mainly clay due to the topography of the site could lead to problems with the lower garden levels in Siskin Close as we already have flooding in parts of the garden when it rains heavily, even in the summer months certain parts of our garden are still damp and this is due to the position of the Pill Box, water seems to drain around it and that causes the problems in our garden. The existing open space areas already cause a steady trickle of water across Siskin Close during and after heavy rainfall.
4. Concerns regarding sewerage and household water drainage from this development and would appreciate clarification on the proposed measures to address these problems.
5. Further concern raised regarding Seaview House being at a higher level to properties in Siskin Close and the impact this would have on respect of excess drainage onto the properties.

Copy letters B

The period for publicity has expired.

Consultations

2.7 The following consultation replies have been received:

Traffic and Transportation – The access onto Hart Lane should be 4.8 metres to allow 2 vehicles to pass. There are no other highway or traffic concerns.

Tees Archaeology - Sea View Farm is one of the last remaining farmsteads of the former medieval village of High Throston. Because the village became depopulated it is difficult to estimate its original size. We have a few clues as in 1997 an earthwork survey was conducted in the triangular field surrounding the farm. This identified a number of boundary features which related to property division in the medieval period. To the north of the farm was part of a ridge and furrow field system. This probably extends southwards in to the area of the proposed new build. If this is the case then the archaeological implications of the scheme will be limited.

In order to safeguard against this interpretation of the northern extent of the village being incorrect I would recommend that an archaeological watching brief takes place during development. This would allow of a member of Tees Archaeology to be

present during excavation for foundations and being allowed to record any features of interest and finds. This is a purely precautionary measure and would entail no financial cost to the developer and the minimum of delay. Any finds would remain the property of the landowner unless otherwise directed by national law.

I would request that a condition is used to secure this.

Landscape and Conservation – No objections

Environment Agency – Objections raised to the originally proposed method of drainage (septic tank to soakaway). Following the concerns raised the applicant has altered the proposed method of drainage to include a package treatment plant for the disposal of foul sewage. Comments from the EA regarding the altered drainage methods are awaited and are anticipated prior to the Planning Committee.

Engineering Consultancy Section - I understand that the proposals for foul drainage are to be discharged to septic tank with treated effluent to a drainage field in accordance with Building Regulations.

For storm drainage, the application lists discharge to public sewer and I understand that Northumbrian Water has raised no objections to this. For completeness, the proposed storm drainage system to the point of connection should be detailed and this can be controlled by suitable condition.

NB. The above comments have been made with reference to the previous drainage proposals (septic tank). Engineering Consultancy will provide amended comments following the receipt of the amended drainage details.

Northumbrian Water – No objections

Planning Policy

2.8 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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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

2.9 The main issues for consideration in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Development Plan including the Hartlepool Local Plan 2006, National Planning Policies, the design and layout, the impact of the development on the surrounding area and on the amenities of nearby residents, highway safety and drainage considerations.

2.10 Given that the response of the Environment Agency is outstanding and this could in turn have an impact upon existing consultee responses it is considered necessary for a comprehensive update report to follow.

RECOMMENDATION – UPDATE REPORT TO FOLLOW



SEA VIEW HOUSE, HART LANE



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<p>HARTLEPOOL BOROUGH COUNCIL</p>	DRAWN GS	DATE 28/7/11
	SCALE 1:1,000	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	DRGNO H/2011/0246	REV

No: 3
Number: H/2011/0277
Applicant: Aldi Stores Ltd C/O Agent
Agent: PROJECT ARCHITECTS MR MARK JANSZ 57 LIME STREET OUSEBURN VALLEY NEWCASTLE UPON TYNE NE1 2PQ
Date valid: 01/06/2011
Development: Variation of Conditions 2 on planning approval H/FUL/0375/99 to allow Sunday trading from 10am to 6pm
Location: ALDI FOODSTORE LTD DUNSTON ROAD HARTLEPOOL

The Application and Site

3.1 The application site is the Aldi supermarket located at the junction of Dunston Road and Hart Lane.

3.2 The property which shares a site with the Golden Lion Public House is located within a predominantly residential area with houses to the north, west and south.

3.3 There is a landscaped buffer between the shop and the residential properties to the north and west. Car parking is shared with the public house.

3.4 The current proposal seeks a variation of condition to allow Sunday trading from 10.00hrs to 18.00hrs. The applicant has confirmed that the shop will be open to the public for a maximum of 6 hours in accordance with the current Sunday trading legislation.

Background

3.5 Planning consent was originally granted in 1996 (H/FUL/1996/0141) for the erection of the food store. This permission included a planning condition prohibiting Sunday trading without the prior consent of the Local Planning Authority. This was imposed in the interests of the protection of the amenities of nearby residential properties.

3.6 This condition was varied in 1999 (H/FUL0375/99) to allow some limited Sunday trading (five Sundays per year) including the run up to Christmas.

3.7 A further consent was granted in 2005 (H/2005/5170) to allow Sunday opening between 10.00hrs and 16.00hrs. This was for a temporary period of one year only to enable the noise generated as a result of comings and goings from the car park to be monitored in the interests of protecting residential amenity.

Publicity

3.8 The application has been advertised by way of neighbour letters (14) and site notice. To date, there has been one letter of no objection and one letter of support.

3.9 The letter of support provides comment that “it supports a smaller store in competition with Tesco which now has 8 stores under the Tesco/One Stop brand in Hartlepool”.

Copy letter C

The period for publicity has expired.

Consultations

3.10 The following consultation replies have been received:

Head of Public Protection – considers that as the shop is close to the public house it would be difficult to sustain an objection to the application. No objections to this application.

Police - awaited

Planning Policy

3.11 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.

Planning Considerations

3.12 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted

Hartlepool Local Plan and the impact of the additional trading hours on the amenities of nearby residents in terms of noise and disturbance.

3.13 At the time planning consent was originally granted for the development of the food store, permission was also granted for the erection of a public house on land immediately to the west. The pub has a small beer garden to the front and there is a large car park between the 2 buildings which is used by both businesses. It should be noted that the permitted opening times for the pub are 09.00hrs and 23.30hrs daily including Sundays and Bank Holidays. The proposed Sunday opening hours for the food store are therefore well within the hours allowed to the pub.

3.14 The Sunday Trading Act 1994 allows small shops with a floor area of less than 280sq m to open all day. Larger shops such as in this instance Aldi, have restricted opening of no more than 6 hours between the hours of 10.00hrs and 18.00hrs.

3.15 The hours requested by Aldi in this case are 10.00hrs to 18.00hrs. This would allow the store to open for 6 hours within a period of 8 hours in relation to Sunday Trading legislation. It is for the Trading Standards to apply and enforce the 6 hour trading on Sunday rule.

3.16 The main consideration in this case in this case is the potential for additional noise and disturbance to nearby residential properties.

3.17 The nearest properties are to the rear of the store in Saddleston Close to the north. There are also dwellings to the west in Bushton Close and on the south side of Dunston Road. There is a fairly dense landscaped strip between the site and the rear of properties in Saddleston and Bushton Close.

3.18 No objections have been raised by the Councils Principle Environmental Health Officer who is of the opinion that the additional hours requested by Aldi would have little impact on residential properties in terms of noise and disturbance given the existing hours of operation at the adjacent pub. No complaints have been received in relation to the food store as a result of the stores existing trading patterns.

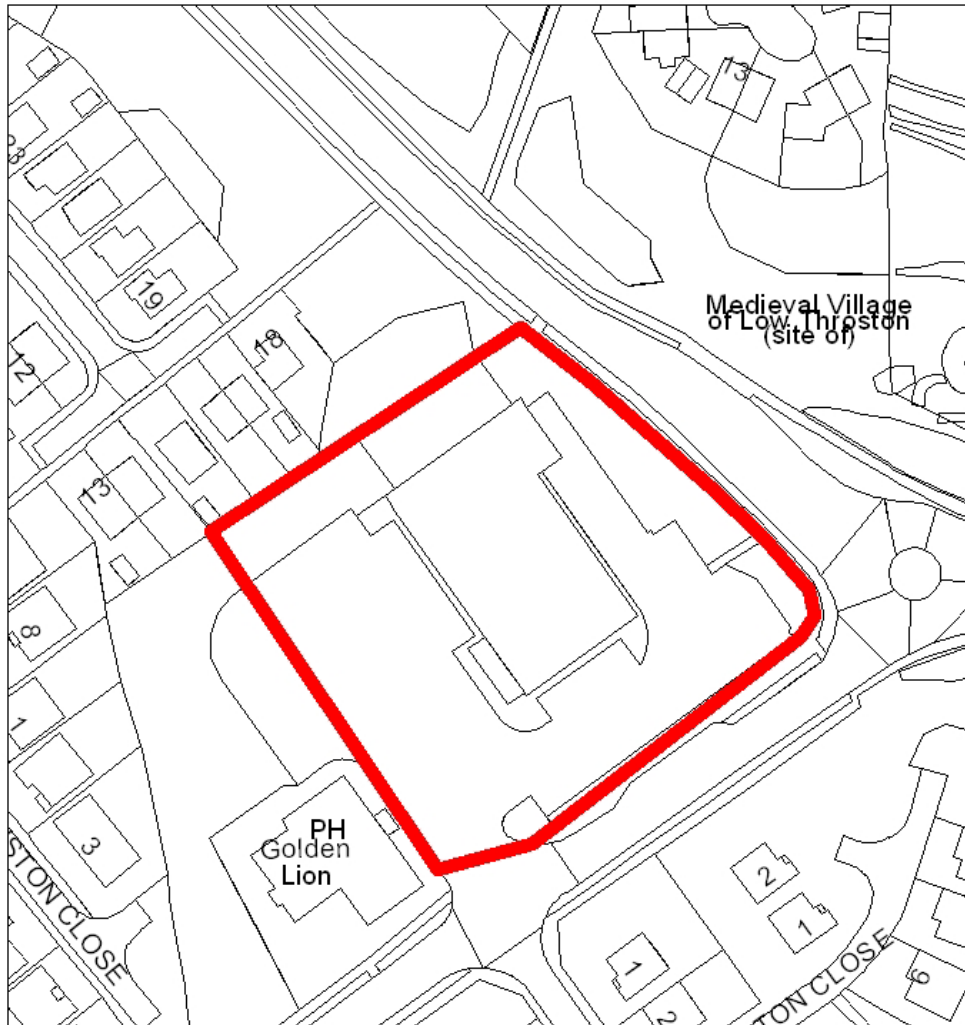
3.19 In view of the above it is considered that the additional opening hours would be unlikely to have a significant impact on the amenities of neighbouring properties and approval is therefore recommended.

RECOMMENDATION – APPROVE subject to the following conditions

1. The premises shall only be open to the public between the hours of 08.00 to 20.00 Mondays to Saturdays inclusive and on Sundays between the hours 10.00 to 18.00.
In the interests of the amenities of the occupants of neighbouring properties.
2. For the avoidance of doubt all conditions attached to the original planning consent H/FUL/0141/96 shall still apply, unless varied by this approval.
For the avoidance of doubt.



ALDI FOODSTORE, DUNSTON ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 29/06/11
	SCALE 1:1000	
Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRGNO H/2011/0277	REV

No: 4
Number: H/2011/0294
Applicant: Mr J Odgers Fernbeck Dalton Back Lane BILLINGHAM
TS22 5PG
Agent: Sean McLean Design The Studio 25 St Aidans Crescent
BILLINGHAM TS22 5AD
Date valid: 09/06/2011
Development: Erection of a two storey dwellinghouse
Location: Fernbeck Dalton Back Lane Claxton BILLINGHAM

The Application and Site

4.1 The application site is an existing livery business located to the west side of Dalton Back Lane. It consists of a group of some 18 stables and tack room arranged in a horseshoe, a ménage, a static caravan and car parking area, all located in the north west corner of the site. Access is taken to the south east corner of the site via an access shared with neighbouring holdings, including a site where Planning Permission was recently granted for a caravan site, and a neighbouring livery business. To the north and west are fields surrounded by hedges. To the east is Dalton Back Lane and to the south is the shared access road and beyond the neighbouring livery business. The proposed site of the caravan park lies beyond fields to the south west. It was noted at the time of the site visit that a small “isolation” stable block, a number of large metal containers variously being used for the storage of feed and the applicant’s furniture/tools were also on site adjacent to the applicant’s caravan and stable block. These unauthorised items are currently the subject of a separate investigation.

4.2 Planning permission is sought for the erection of a two storey 3 bedroom dwellinghouse incorporating a yard office, boot room and secure tack room. The dwellinghouse will be located to the east of the existing stable block complex in an area of relatively lower lying land and will replace the existing static caravan. It will accommodate the owner/operators of the livery business and their family. In support of the application the applicant has provided details of accounts for the last three years and a business plan. This explains that the business was first established in January 2008 following the grant of planning permission. It states that the livery is operated by the applicant’s wife who has a lifetime of experience in the field and it is hoped that as the business continues to grow others may be employed. In support of the need for permanent residential accommodation on the site the applicant advises that whilst the temporary accommodation has been a major help it no longer meets the applicant’s needs and that living conditions can be challenging especially in winter. Permanent accommodation is required for site security and to care for animals. The applicant considers that there is no suitable accommodation elsewhere to meet this need and without a residential presence on site the business would fail.

Planning History

4.3 In November 2006 planning permission was granted for the erection of a stable block and to provide a car park in the north west corner of the site and to provide access to the access to the south east corner was approved in November 2006. (H/2006/0573)

4.4 In January 2008 planning permission to change the use of the holding to provide livery services including the erection of 2 stable blocks, 1 arena and the siting of a static caravan was approved (H/2007/0663). The caravan was granted a temporary three year permission from the commencement of work on the stable block.

Publicity

4.5 The application has been advertised by neighbour notification (9), site notice and press advert. No responses have been received. The time period for representations expires after the committee meeting and should any representations be received these will be reported to the Planning Committee accordingly.

Consultation

4.6 The following consultation replies have been received:

Northumbrian Water : No Objections

Greatham Parish Council : The parish council requests that certain conditions are put in place should permission be granted for this application. The unit as a whole must remain as one item to ensure that the house cannot be sold alone in the future and further applications for houses on the same site are not accepted. It states that tanks will be used for the house's sewage system but soakaways will be in place at other parts of the site which raises concerns for the local water courses should effluent get into them. The council also states that they hope that the current accommodation be removed once the house is built if the application is accepted.

Dalton Parish Council : No comments.

Traffic & Transportation : There are no highway or traffic concerns.

Landscape Planning & Conservation : I have no objections to this proposal. The dwelling house would be situated in an area where it is likely to be less intrusive than the caravan, which currently forms the dwelling on the site, as it would be at a lower point on the site and would be screened to some extent by existing hedges.

In the interests of visual amenity some further screening should be provided, in the form of trees or hedges to the south and east of the proposed house and a landscaping scheme should therefore be submitted for approval. Also in the interests of visual amenity, the existing caravan should be removed once the proposed house is completed and any containers associated with the caravan should at that point also be removed or relocated to a less obtrusive part of the site.

Parks & Countryside : The only general comment I would make is with regards to improvements to the visual landscape from a perspective of rights of way users to the south. The planting of trees/hedges to screen the development, from the sight of rights of way users, would be the only consideration for me to put forward.

Environment Agency : No objections

Ramblers Association : No objections.

Economic Development : No comments received.

Public Protection & Housing : No comments received.

Engineering Consultancy : No comments received.

Finance : No comments received.

Planning Policy

4.7 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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

PLANNING CONSIDERATIONS

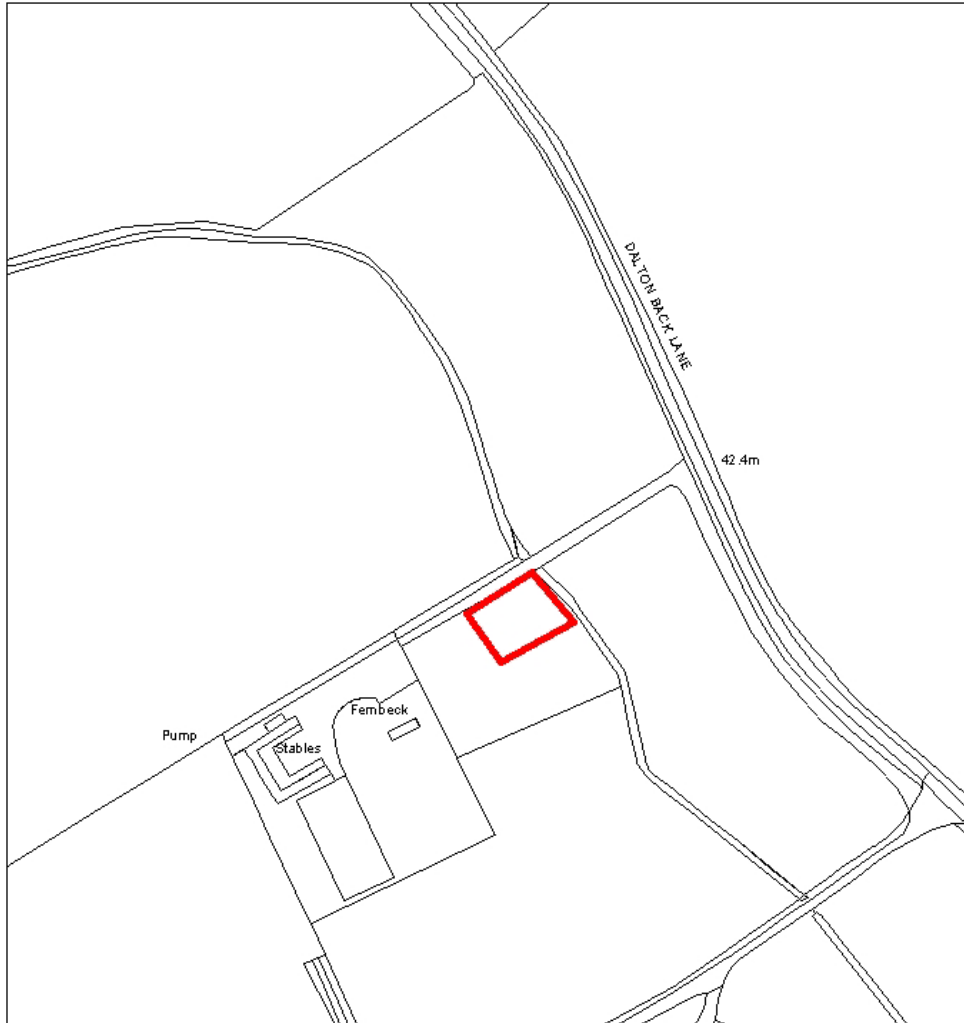
4.8 The main planning considerations are considered to be policy, design and impact on the visual amenity of the area.

4.9 A number of consultation responses are outstanding an update report will therefore follow.

RECOMMENDATION - UPDATE report to follow.



FERNBECK, DALTON PIERCY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<p>HARTLEPOOL BOROUGH COUNCIL</p>	<p>DRAWN GS</p>	<p>DATE 28/7/11</p>
	<p>SCALE 1:2,000</p>	
<p>Regeneration and Neighbourhoods Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT</p>	<p>DRGNO H/2011/0294</p>	<p>REV</p>

UPDATE REPORT

No: 2
Number: H/2011/0246
Applicant: Mr David Trebble Hart Lane HARTLEPOOL TS26 0UQ
Agent: Mr David Trebble Sea View House Hart Lane
 HARTLEPOOL TS26 0UQ
Date valid: 10/06/2011
Development: Erection of a detached dormer bungalow and two
 detached garages
Location: Seaview House Hart Lane HARTLEPOOL

Background

2.1 The item appears on the main agenda as Item 2. Since the previous report was compiled the response of the Environment Agency and the Council's Engineering Consultancy Section have been received with regard to the amended method of drainage.

2.2 Further Consultations Responses Received

Environment Agency: No objections to the development proposed subject to a suitably worded condition and informative.

Engineering Consultancy Section: Previous comments still apply.

Planning Policy

2.3 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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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

2.4 The main planning issues are considered to be the principle of housing development on the site, visual amenity, residential amenity, highway safety and drainage.

Principle of the Development

2.5 The principle of a dwelling on the site is considered to be acceptable in terms of land use policy should all other material planning considerations be satisfied.

Visual Amenity and Design

2.6 Planning Policy Statement 1 (PPS1) sets out the Government's commitment to good design. Paragraph 33 of PPS1 states that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving development which is sustainable. It is considered prudent to state that good design is indivisible from good planning. Paragraph 34 of PPS1 states that, design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

2.7 The adopted Hartlepool Local Plan 2006 states that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy.

2.8 Officers are in agreement that the provision for the site for residential development at the proposed amount i.e. one dwelling is acceptable in design terms.

2.9 Given the context of the area in general and taking into consideration the appearance of the donor property it is considered that the design, scale and massing of the proposed development is acceptable. Whilst an objection has been received with regard to the height of the property from the rear garden areas of the properties in Siskin Close it is considered that the proposed dwelling has been designed in such a way to restrict the impact upon the amenity of the aforementioned properties. Whilst there is a difference in levels, the relationship between the properties in Siskin Close and the application site is acceptable there will be an adequate separation distance of approximately 30m retained. It is not considered that the proposal would create a significant impact upon the living conditions of the properties in Siskin Close at a level whereby the Local Planning Authority could sustain a refusal.

2.10 In terms of the impact on the donor property, whilst the proposed property is in close proximity to the existing dwelling and will appear prominent in the outlook from the windows in the front elevation, it is not considered that any significant impact will be created upon the amenities of the occupants of the donor property due to the design and siting of the proposed dwelling. No significant mutual overlooking will be created between the two properties as there are no primary windows in the elevation of the proposed dwelling facing Seaview House. It is prudent to state that in 2009 (H/2009/0189) outline consent was granted on the site to create 3 dwellings in a 'mews' style layout on a similar footprint to that which is being proposed. The height of the dwellings was conditioned to be between one and a half and two storeys in height. It is considered prudent in this instance for the officer to remove PD rights for not only the proposed property but also the existing property.

2.11 With regard to the remaining properties in the vicinity it is considered that the separation distances and screening associated with the development are acceptable.

Landscaping and Archaeology

2.12 The Council's Arborist has raised no objections to the proposed development. Notwithstanding the above, the officer has requested a landscaping scheme by way of a planning condition.

2.13 Tees Archaeology have requested that an archaeology watching brief takes place during development. The officer has attached a condition with regard to this.

Highway Considerations

2.14 Access to the site is proposed from the existing access to Sea View House, off Hart Lane. The Council's Traffic and Transportation Section require that the access should be 4.8m wide to allow two vehicles to pass. The proposed plans submitted with the application show an access width in excess of the aforementioned requirement. Notwithstanding this, the officer considers it prudent to attach a planning condition requested final details of the access arrangements to be submitted to and approved in writing by the Local Planning Authority.

Drainage

2.15 Three letters of objection have been received from properties in Siskin Close with regard to drainage. It is understood that there is an existing problem in the area with regard to excess surface water in the rear garden areas of the abovementioned properties due to the topography of the area. It is understood surface water will be disposed of to the surface water drain in the adjacent highway. An appropriate condition to ensure any drainage scheme is satisfactorily proposed.

2.16 Following concerns raised by the Environment Agency the applicant is now proposing to use a Package Treatment Plant as opposed to a septic tank. The details of which will be controlled by way of condition to ensure adequate drainage is provided. The Environment Agency have raised no objections to the amended drainage proposals subject to a condition. The three objectors have all been notified regarding the amendment and no responses have been received. The Council's Engineering Consultancy Section as well as Northumbrian Water have also raised no objection to the drainage methods proposed.

2.17 Given the responses of the consultees outlined above it is not considered that the proposed development and method of drainage will exacerbate the existing drainage issues in the area as outlined in the letters of objection received. The method of drainage proposed is considered to be appropriate for the site and dwelling. Notwithstanding this, it is considered prudent to attach planning conditions requesting the final details of the drainage scheme for foul sewage (package treatment plant) and surface water to be submitted to the LPA and approved prior to the commencement of construction. In addition, the final location of the non-mains drainage scheme will be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Conclusion

2.18 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular considerations of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing and its appearance in relation to the donor property, the streetscene, highway and drainage considerations the development is considered satisfactory.

RECOMMENDATION – APPROVE SUBJECT TO THE CONDITIONS OUTLINED BELOW

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 05/05/2011 (Proposed Detached Dwelling Sea View House - TITLE: Draft 4 Layouts & Rear Elevation (east) and the site location plan), 26/05/2011 (plans annotated: Existing block Plan, SEA VIEW HOUSE Proposed donor garage, SEA VIEW HOUSE Proposed new build garage and 10/06/2011 (Plans annotated: SEA VIEW BLOCK PLAN, SEA VIEW BLOCK PLAN (with

SECTION A, B and C annotated), Sea View House South Elevation Section A, Sea View House North Elevation Section B, Sea View House North Elevation to new build garage Section C), unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. 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.
4. Details of all walls, fences and other means of boundary enclosure, including details demonstrating how the boundaries of the two properties will be enclosed on site 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 visual amenity.
5. Before the development hereby approved is commenced, the dwelling and both garages shall be pegged out on site and their exact location agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. 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 existing property (referred to as Sea View House on the plan received 10/06/2011 (SEA VIEW HOUSE BLOCK PLAN)) and the dwelling 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.

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 garages or any other buildings or enclosures other than those expressly authorised by this permission shall be erected within the curtilage of the the existing property (referred to as Sea View House on the plan received 10/06/2011 (SEA VIEW HOUSE BLOCK PLAN)) and the dwelling hereby approved 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 County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the west and east elevations of the dwellinghouse hereby approved (as shown on plan submitted 05/05/2011: Title - Draft 4 Layouts & Rear Elevation (east)) and the side elevation of the donor property (Sea View House) facing the dwelling hereby approved without the prior written consent of the Local Planning Authority.

To prevent overlooking

11. The proposed first floor bathroom window of the dwellinghouse hereby approved facing Siskin Close shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window exists.

To prevent overlooking

12. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.

The site is of archaeological interest.

13. Prior to the commencement of development details of the proposed surfacing materials of all paths and access roads serving the dwellinghouse hereby approved and the donor property shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.

In the interests of amenity

14. Prior to commencement of construction of the dwelling hereby approved details of a suitable non-mains drainage scheme for the disposal of foul sewage arising from the site should be submitted to and approved by the LPA. The schemes should only be installed once approval has been granted

and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

To prevent pollution to controlled waters and ensure appropriate drainage is installed to prevent flooding arising from the development.

15. Notwithstanding the details submitted prior to the commencement of the construction of the dwelling hereby approved the final location of the non-mains drainage scheme to be agreed by way of condition 14 should be submitted to and agreed by the LPA. The scheme should only be installed in the location agreed and retained in that location for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of amenity.
16. Notwithstanding the approved plans prior to the commencement of development final details of access arrangements for the two properties should be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented at the time of development and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
17. Prior to the commencement of construction of the dwelling hereby approved details of proposals for the disposal of surface water arising from the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme so approved shall be implemented at the time of development and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In order to ensure appropriate drainage is installed to prevent flooding arising from the development.

UPDATE

No: 4
Number: H/2011/0294
Applicant: Mr J Odgers Fernbeck Dalton Back Lane BILLINGHAM
TS22 5PG
Agent: Sean McLean Design The Studio 25 St Aidans Crescent
BILLINGHAM TS22 5AD
Date valid: 09/06/2011
Development: Erection of a two storey dwellinghouse
Location: Fernbeck Dalton Back Lane Claxton BILLINGHAM

Background

4.1 This application appears on the main agenda as item 1. The recommendation was left open as a number of consultation responses were awaited.

4.2 Following discussions with the applicant's agent it is understood that the applicant is to provide additional financial information for consideration. This information is awaited and will need to be properly assessed on its receipt. It is recommended therefore that the application be deferred.

RECOMMENDATION – DEFER consideration of the application to the next meeting of the Planning Committee.

PLANNING COMMITTEE

12 August 2011



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 An officer complaint regarding the running of a business from home at a property on Dent Street.
- 2 A notification from Building Control regarding the erection of a fence on top of a wall which excess 1m in height and is adjacent to the highway at a property on Howden Road.
- 3 A neighbour complaint regarding the erection of a raised decking area to the rear of a properly on Sandbanks Drive.
- 4 A neighbour complaint regarding the installation of a window in the side elevation of a property on Sandbanks Drive.
- 5 An officer complaint regarding the erection of a large dog house in the front garden of a property on Dunoon Road.
- 6 A neighbour complaint regarding the erection of a detached building in the rear garden of a property on Belmont Gardens.
- 7 An anonymous complaint regarding the erection of a detached garage at a property on Peakston Close.
- 8 A Councillor complaint regarding extensive works being carried out to a property on Meadow Drive.
- 9 A Councillor complaint regarding works being carried out at a property on Valley Drive.

- 10 An officer complaint regarding the burning of waste and siting of caravans, with people living in them, at an industrial site on Windermere Road.
- 11 A neighbour complaint regarding the erection of a shed with windows on the boundary of a property on Mardale Avenue.
- 12 A neighbour complaint regarding the erection of a detached garage at the side of a property on Penrith Street which has the rainwater down pipe on the neighbours land.
- 13 A neighbour complaint regarding a property advertised for sale at Cliff Terrace with the sale details referring to the property as 3 separate apartments.
- 14 A neighbour complaint regarding the creation of a beer garden to the rear of a public house on Church Street which encroaches onto the back street.
- 15 A Councillor complaint regarding the installation of a large expanse of solar panels to a pair of semi detached properties on Intrepid Close.
- 16 An anonymous complaint regarding a business operating from home at a property on Ashby Grove.
- 17 An officer complaint regarding an advertising sign attached to highway authority sign on A179 east bound.
- 18 A neighbour complaint regarding the erection of a smoking shelter at a business premises on Northgate.
- 19 An anonymous complaint regarding the erection of a wall to the front of a property on Nookston Close.
- 20 An officer complaint regarding the siting of two residential caravans at a farm on Sumerhill Lane.
- 21 An officer complaint regarding the non erection of bin stores at properties on Thornton Street.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

12 August 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR BOAGEY 12-14 MONTAGUE STREET HARTLEPOOL

1 PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to impose a condition on a planning approval.

2 APPEAL

- 1.1 A planning appeal has been lodged against Hartlepool Borough Council relating to condition 4 of planning approval H/2010/0622 for replacement windows on a property within the Headland Conservation Area and covered by an Article 4 Directive. A copy of the delegated report is attached.
- 1.2 Condition 4 states:
- “Unless otherwise agreed in writing with the Local Planning Authority the windows hereby approved shall be white in colour.
In order to protect the character of the conservation area and in the interest of visual amenity”.*
- 2.3 Plans and details can be viewed on the internet at <http://eforms.hartlepool.gov.uk:7777/portal>.
- 2.4 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATIONS

- 3.1 That authority be given to officers to contest the appeal.

Application No H/2010/0622

Proposal Replacement of rear window, re rendering to front and rendering to rear and new rainwater goods

Location 12 14 Montague Street HARTLEPOOL

PS Code:21

DELEGATION ISSUES	Neighbour letters:	26/11/2010
1) Publicity Expiry	Site notice:	26/11/2010
	Advert:	03/12/2010
	Weekly list:	21/11/2010
	Expiry date:	20/12/2010
2) Publicity/Consultations		
<p>Headland Parish Council – No comments received Headland CAAG – No comments received Landscape & Conservation – The proposal is to change the existing timber sliding sash windows to UPVC sliding sash windows to the rear of the property. This is in line with the agreed policy therefore no objections to this element of the application.</p> <p>Timber windows within this conservation area are usually painted rather than stained a condition to request windows to be painted white.</p> <p>There are no objections to the re-render the property in lime render.</p> <p>There are concerns with the installation of upvc guttering and downpipes to the front and rear of the property this would not be acceptable.</p> <p>The applicant has agreed not to replace the front guttering and downpipes and only replace the rear, this is acceptable.</p>		
3) Neighbour letters needed		N
4) Parish letter needed		Y
5) Policy		
GEP1: General Environmental Principles Hsg10: Residential Extensions Comments: N/A		
6) Planning Considerations		
<p>The main issues to consider when assessing this application are the effects upon the character of the Headland Conservation Area, and the street scene.</p> <p>12-14 Montague street is a residential property with the Headland Conservation Area. The area is predominately residential.</p> <p>The proposal seeks to replace the existing rear sliding sash windows, re-render</p>		

the front and rear elevations and new rain water goods.

The applicant has amended the scheme to remove the replacement of the rain water goods to the front elevation of the property this is in accordance with the Conservation Managers recommendation.

In February 2009 Committee approved a policy relating to replacement windows in conservation areas. The relevant section of the policy relating to Article 4 properties states:

'Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (ie, hinged or sliding)'

In this instance the proposal is to change the existing timber sliding sash windows to UPVC sliding sash windows to the rear of the property. This is in line with the agreed policy therefore no objections to this element of the application have been raised.

Timber windows within this conservation area are usually painted rather than stained therefore it would be prudent to condition that the windows are white.

The second element of this application is the proposal to re-render the property in lime render. There are no objections to these works.

The proposal includes installing UPVC guttering and downpipes to the front and rear of the property. Although there has been some flexibility on the use of UPVC for windows the use of this material is not widely accepted in other forms e.g. doors or guttering. This property has recently benefitted from grant assistance to re-roof the building in a natural slate. The owner decided not to carry out works to replace the rain water goods with a more traditional option.

In this instance both the front and rear of this property can be widely viewed from the street. The introduction of minor alterations, without the benefit of consent, can lead to an accumulation of works which eventually change the character of the conservation area. In this instance the gutter which exists on the property would not be accepted if the proposal was to replace traditional materials and therefore to allow the replacement of the gutter in a matching material would endorse the use of this material. It is considered that the accumulation of such materials cause harm to the character of the conservation area. After consultation with the applicant he has reconsidered the replacement of the rainwater goods and has acknowledged that the replacement guttering and downpipes will be to the rear of the property only. The existing rainwater goods on the rear of the property are upvc and the replacement are on a 'like for like' basis, therefore consent is not required for this element of the proposal. The Conservation Manager has raised no objection to this.

<p>It is considered that the proposed works will not harm the Headland Conservation Area or have a negative impact upon the street scene or neighbouring properties.</p> <p>It is for the above reasons that the application is recommended for approval.</p>	
7) Chair’s Consent Necessary	N
8) Recommendation	APPROVE
<p>CONDITIONS/REASONS</p> <ol style="list-style-type: none"> 1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid. 2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 October 2010 Drg No: IB-02, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt. 3. For the avoidance of doubt the hereby approved scheme does not include the replacement of the front guttering and drainpipes, as detailed on Drg No: 1B-02 received on the 25 October 2010. In order to protect the character of the conservation area and in the interest of visual amenity. 4. Unless otherwise agreed in writing with the Local Planning Authority the windows hereby approved shall be white in colour. In order to protect the character of the conservation area and in the interests of visual amenity 5. Details of all external finishing materials shall be submitted to and approved in writing 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. 	

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
 Development Control Manager
 Principal Planning Officer
 Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

12 August 2011



Report of: Assistant Director (Regeneration & Planning)

Subject: APPEAL BY MR AINSLEY 3 HENRY SMITH
TERRACE HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council.

2 APPEAL

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow planning permission for the retention of a front door on a property within the Headland Conservation Area and covered by an Article 4 Directive. A copy of the delegated report is attached.

- 1.2 The application was refused for the following reason:

“The replacement front door by reason of its design and style is not considered appropriate. It is considered that the door detracts from the character and appearance of the Conservation Area contrary to policy HE1 of the Hartlepool Local Plan 2006.”

- 2.3 Plans and details can be viewed on the internet at <http://eforms.hartlepool.gov.uk:7777/portal>.

- 2.4 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATIONS

- 3.1 That authority be given to officers to contest the appeal.

CHAIRMANS DELEGATION

Application No H/2011/0006
Proposal Installation of replacement front door
Location 3 HENRY SMITH TERRACE HARTLEPOOL
PS Code:21

DELEGATION ISSUES	Neighbour letters:	01/02/2011
	Site notice:	07/02/2011
1) Publicity Expiry	Advert:	15/02/2011
	Weekly list:	06/02/2011
	Expiry date:	02/03/2011
2) Publicity/Consultations		
The application has been advertised by neighbour notification (2) site and press notices. No representations have been received.		
Headland Parish Council – No comments received.		
Landscape & Conservation – Objection to the proposal, comments are detailed in the report below.		
3) Neighbour letters needed		N
4) Parish letter needed		N
5) Policy		
GEP1: General Environmental Principles		
GEP2: Access for All		
GEP3: Crime Prevention by Planning and Design		
HE1: Protection and Enhancement of Conservation Areas		
HE2: Environmental Improvements in Conservation Areas		
Hsg10: Residential Extensions		
To2: Tourism at the Headland		
Comments: No objection		
6) Planning Considerations		
The application site is a mid terraced house located within the Headland Conservation Area and is subject to an Article 4 Direction which removes permitted development rights from the front and rear elevations of the building.		
<u>History of site</u>		
It was brought to the Local Authorities attention that works had been carried out to the property without the benefit of planning permission.		

An application was submitted for the installation of UPVC windows to the front of the property. The proposal was contrary to policies and was subsequently refused.

This is a retrospective application for the retention of a front door.

The legislation and policy advice relating to conservation areas states that all development should be considered against the criteria of whether the significance of a heritage asset is sustained and enhanced by a proposed development or change. The heritage asset is the designated Headland Conservation Area where 3 Henry Smith Terrace is located. The significance of the heritage asset is further underlined by an Article 4 Direction applying to 3 Henry Smith Terrace and other adjoining properties, requiring planning consent for any proposed changes to the external appearance. 3 Henry Smith Terrace forms a short terrace of houses with 2 and 4 Henry Smith Terrace and 21 Gladstone Street and 24 Beaconsfield Street. The houses date from the late 19th century. Henry Smith Terrace is located in the north part of the Headland Conservation Area overlooking the open area of the Town Moor.

The applicant submitted a photograph of 3 Henry Smith Terrace with the original door to the house consisting of a four panelled door with raised and fielded panels surrounded by bolection moulds. A weather board can be seen at the base of the door to the bottom rail. The door frame, also original to the property, was detailed with a moulded transom and detailed mouldings to the rest of the frame. The door and frame were also painted in a dark green and cream which is a typical colour finish appropriate to the age and character of the dwelling and contrasted, but at the same time complemented, its neighbouring dwellings in the terrace which are painted in differing appropriate colour finishes, giving individuality and variety to the terrace.

The installed replacement door consists of a four panelled door. The door panels are fielded but flat without any raised panelling or other details to the fielded panels. Any form of moulding detail like the bolection moulds surrounding the panels as in the original door are absent. The door component dimensions also differ, particularly with the bottom and mid rails to the replacement door which are substantially narrower than in the original door. No weather board is present to the bottom rail. Jointing detail to rail and stile components on the replacement door also contrast with the original door with splayed or diagonal jointing detail contrasting with the vertical joints to components in the original door. The replacement door frame differs substantially from the appearance of the original door frame in the record photograph. On the frame to the replacement door the transom and other frame components are made of flat sections without any moulding details which provide visual interest to the entrance as is evident in the record photograph. The colour finish to the replacement door and frame is a dark wood effect finish. Painted wood effect can be a finish typical of properties of this age and character; however they are not evident in the

Headland Conservation Area where strong dark colours contrasting with cream or white are more evident. The wood effect finish to the replacement door is likely to be permanent. This contrast with the original door where periodic re-decoration can give rise to the possibility of a change in colour finishes.

On the basis of the above it is considered there has been a loss of heritage significance to the individual property of 3 Henry Smith Terrace and to the designated heritage asset of the Headland Conservation Area. This arises due to the replacement of an original timber door and frame with the detail and finish that both provided (as described above) and their replacement by an alternative door and frame which lacks such details of design and finish. 3 Henry Smith Terrace is in a prominent visual position in the Headland Conservation Area over looking the open space of the Town Moor and is elevated above street level due to the door and frame being at the head of a flight of stone steps forming the entrance to the property.

It is considered that the changes to the door and frame have a detrimental visual impact on the street scene and the Headland Conservation Area. It is therefore recommended that the application be refused and appropriate enforcement action be authorised to secure the replacement of the door and surround in the interest of the character and appearance of the Conservation Area.

7) Chair’s Consent Necessary YES

8) Recommendation REFUSE for the reasons outlined below and for the same reasons authorise enforcement action to secure the replacement of the door and surround with a door and surround appropriate to the character and appearance of the Conservation Area.

CONDITIONS/REASONS

1. The replacement front door by reason of its design and style is not considered appropriate. It is considered that the door detracts from the character and appearance of the Conservation Area contrary to policy HE1 of the Hartlepool Local Plan 2006.

INFORMATIVE

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
 Development Control Manager
 Principal Planning Officer
 Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed:

Dated:

Chair of the Planning Committee