

PLANNING COMMITTEE AGENDA



Wednesday, 2nd August, 2006

at 10.00 a.m.

in the Council Chamber

MEMBERS OF PLANNING COMMITTEE:

Councillors D Allison, Belcher, R Cook, S Cook, Henery, Iseley, Kaiser, Lauderdale, Lilley, Morris, Payne, Richardson, M Waller, R Waller, Worthy and Wright.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 5th July 2006 (*attached*)
- 3.2 To receive the minutes of the Planning Committee Working Group meeting held on 17th July 2006 (*to follow*)

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|------------------|
| 1. | H/2006/0448 | 15 Burwell Walk |
| 2. | H/2006/0333 | Ashfield Farm |
| 3. | H/2006/0385 | 18 Lowthian Road |
| 4. | H/2006/0502 | 143 Oxford Road |
| 5. | H/2006/0417 | Tunstall Court |

4.2 Diversion of Public Footpath No 26, Elwick Parish at Low Burntoft Farm – *Director of Adult and Community Services*

- 4.3 Update on Current Complaints – *Head of Planning and Economic Development*
- 4.4 14 Redcar Close – Notice of Appeal Decision regarding proposed detached garage to rear – *Head of Planning and Economic Development*
- 4.5 The White House Public House – Notice of Appeal Decision on proposed extension of opening hours – *Head of Planning and Economic Development*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 31st July 2006 at 10.00 am

Next Scheduled Meeting – Wednesday 2nd August 2006 at 10am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th July, 2006

Present:

Councillor Bill Iseley (In the Chair)

Councillors Derek Allison, Stephen Belcher, Rob Cook, Shaun Cook, Gordon Henery, Geoff Lilley, Robbie Payne, Carl Richardson, Maureen Waller, Ray Waller and Edna Wright

Also Present: In accordance with Paragraph 4.2 (ii) of the Council's Procedure Rules, Councillor John Marshall as substitute for Councillor Dr George Morris

Officers: Richard Teece, Development Control Manager
Ralph Harrison, Head of Public Protection and Housing
Tony MacNab, Solicitor
Roy Merrett, Principal Planning Officer
Chris Roberts, Development and Coordination Technician
Chris Scaife, Countryside Access Officer
Daniel Jeffries, Student Planner
Pat Watson, Democratic Services Officer
Jo Wilson, Democratic Services Officer

14. Apologies for Absence

Apologies for absence were submitted from Councillors Stan Kaiser, John Lauderdale, Dr George Morris and Gladys Worthy

15. Declarations of interest by members

Councillor Lilley declared a personal and prejudicial interest in Planning Application H/2006/0460 and left the meeting during consideration of this item.

Councillor Richardson declared a personal and prejudicial interest in Planning Application H/2006/0391 and left the meeting during consideration of this item.

16. Confirmation of the minutes of the meeting held on 7th June, 2006

Confirmed

17. Application to add a Public Footpath, from Elwick Road to Manor Road, to the Definitive Map and Statement *(Director of Adult and Community Services and Chief Solicitor)*

Purpose of report

To seek the Committee's consideration on an application to add a public footpath, from Elwick Road to Manor Road, to the Definitive map and Statement.

Issue(s) for consideration by the Committee

Immediately prior to consideration of this item members undertook a site visit to the area in question.

The detailed report provided to Members contained general background information and history of the footpath. The report also provided details of:

- the claimed path;
- the applicants;
- the landowner and adjoining landowners;
- consultation that had taken place;
- Legislation;
- Consideration of evidence – documentary evidence;
- Definitive Map and Statement;
- Durham Archive Research;
- Installation of the Chicane;
- Alleged Public Footpath sign;
- Development of Manor Road Properties – 6-24;
- Agreement document;
- Consideration of Evidence – Evidence of use and witness statements;
- Evidence that there was no intention to dedicate – landowners response;

The report summarised the issues and gave two options for Members consideration. An Officer recommendation was given.

Appended to the report were a plan covering the area of the public footpath between Elwick Road and Manor Road, a bar chart of usage period and an Investigation Report,

Decision

- i. That the evidence in support of the claim not be accepted
- ii. That the Parks and Countryside Section, Adult and Community Services Department, be instructed to advise the Applicant of their right to appeal to the Secretary of State.

18. Planning Applications *(Assistant Director (Planning and Economic Development))*

Mr Gillen (Applicant) and Mr Walker (Objector) addressed the Committee in relation to the following application:

Number: H/2006/0391

Applicant: The Dunston Partnership
c/o 49 Wynyard Road Hartlepool

Agent: Business Interiors Group 73 Church Street
HARTLEPOOL

Date received: 19/05/2006

Development: Removal of planning condition to allow an external eating and drinking area

Location: GOLDEN LION DUNSTON ROAD HARTLEPOOL

Decision: **Planning Permission Refused**

CONDITION AND REASONS OR REASONS FOR REFUSAL

1. It is considered that the proposed development would lead to an increase in noise and general disturbance from outside drinkers to the detriment of the amenities of the occupiers of nearby houses particularly at times of the day when those occupiers could reasonably expect to enjoy the peace and quiet of their surroundings contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Councillor Payne indicated his concern that an officer from the Public Protection Division had initially been unable to attend the meeting as their presence would have assisted Members in determining the application.

Councillor Rob Cook in the Chair

Mr Gillies (Applicant) addressed the Committee in relation to the following application:

Number: H/2006/0383

Applicant: Mr Gillies
28 COURAGEOUS CLOSE HARTLEPOOL

Agent: Mr Gillies 28 COURAGEOUS CLOSE
HARTLEPOOL

Date received: 01/06/2006

Development: Erection of a front boundary fence (0.9m high)

Location: 28 COURAGEOUS CLOSE HARTLEPOOL

Decision: **Members took the view that a side fence less than 1m in height would not be unduly obstrusive therefore Planning Permission Approved**

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.

The Committee considered representations in relation to this matter.

David Haycock (Agent for the Applicant) addressed the Committee in relation to the following application:

Number: H/2006/0420

Applicant: Ogden Walker Properties Ltd

Agent: Planning Prospects Ltd 1 Bromhall Business Centre
Bromhall Lane Worcester

Date received: 25/05/2006

Development: Erection of 3 retail units including take away use (Classes A1 and A5) and 1 veterinary unit (Class D1) and associated car parking servicing and landscaping

Location: Belle Vue Service Station BELLE VUE WAY
HARTLEPOOL

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. 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.
3. 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.
4. Provision for cycle parking shall be made within the site in accordance with details to be previously agreed by the Local Planning Authority.
In order to promote access to the site by means other than the private car
5. The floor space of the respective units shall remain as approved. There shall be no amalgamation of floor space associated with any of the units.
In the interests of maintaining satisfactory parking provision within the site and in order to protect the vitality of the town centre.
6. The use of the units hereby approved shall be restricted as follows:-
Unit 1 - A1 retail
Unit 2 - D1 veterinary surgery
Unit 3 - A1 retail or A5 hot food takeaway subject to condition 9 below
Unit 4 - A1 retail or A5 hot food takeaway subject to condition 9 below
In the interests of residential amenity
7. The opening hours of the proposed units shall be restricted as follows:-
Unit 1 - 7 am - 11pm
Unit 2 - 8 am - 8 pm
Unit 3 - 7 am - 11pm
Unit 4 - 7 am - 11pm
In the interests of the amenities of the occupants of neighbouring and nearby properties properties.
8. No A5 use shall be commenced until there have been submitted to and approved in writing by the Local Planning Authority plans and details

for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

9. Of the two units approved for A5 use, i.e units 3 and 4 only one unit shall be so used at any one time.

In the interests of residential amenity and highway safety

10. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Redamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

11. There shall be no vehicular access to the site from or egress from the site to Stanley Road, the junction to remain physically closed to traffic at all times.

In order to prevent a potential short cut route in the interests of pedestrian safety.

The Committee considered representations in relation to this matter.

Mr Cox (Applicant) addressed the Committee in relation of the following application:

Number: H/2006/0114

Applicant: Mr/Mrs Cox
East Lodge The Parade Hartlepool

Agent: Mr/Mrs Cox East Lodge The Parade Hartlepool

Date received: 24/04/2006

Development: Listed Building Consent to replace two windows in upvc

Location: East Lodge The Parade Hartlepool

Decision: **Members took the view that the difference in appearance between the proposed windows and those existing would not be significant therefore Listed Building Consent Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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

The Committee considered representations in relation to this matter.

Terry Bates (Applicant) and Mr Babinski (Objector) addressed the Committee in relation to the following application:

Number: H/2006/0311

Applicant: Mr T Bates
7 Brinkburn Court Hartlepool

Agent: Mr T Bates 7 Brinkburn Court Hartlepool

Date received: 02/05/2006

Development: Use of land as quad and motorcycle track

Location: Brierton Moor House Farm Dalton Back Lane
Hartlepool

Decision: **Planning Permission Refused**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. It is considered that the proposed development would by its nature lead to an increase in noise and general disturbance to the detriment of the amenities of the occupiers of nearby farms and the well being of animals there contrary to policies GEP1 and Rur16 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Councillor Stephen Belcher requested that his vote to approve the above application be recorded.

Richard Reed (Agent for the Applicant) addressed the Committee in relation to the following application:

Number: H/2006/0197

Applicant: Three Rivers Housing Group
Three Rivers House Abbey Woods Business
ParkPity Me

Agent: Ellliott Holmes Johnson Towneley House Station
Road Rowlands Gill

Date received: 18/04/2006

Development: Replacement windows reconstruction of bays and
provision of insulated render system

Location: 17 MOOR TERRACE HARTLEPOOL

Decision: **Members took the view that the upgrade of the building to provide improved living accommodation was urgent and that the proposed development would not significantly affect the appearance of the building therefore Planning Permission Approved**

The Committee considered representations in relation to this matter.

Councillor Bill Iseley in the Chair

Number: H/2006/0460

Applicant: ALAB ENVIRONMENTAL SERVICES
Billingham Reach Industrial Estate Billingham

Agent: ALAB ENVIRONMENTAL SERVICES Able House
Billingham Reach Industrial Estate Billingham

Date received: 13/06/2006

- Development:** Installation of treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme H/FUL/0043/03) RESUBMITTED SCHEME)
- Location:** Seaton Meadows Brenda Road
- Decision:** Deferred for consideration at a special Planning Committee to be arranged to enable full consideration of the application and to enable the period for publicity to expire

19. Update on Current Complaints (*Head of Planning and Economic Development*)

Members were advised that during the four week period prior to the meeting sixty eight (68) planning applications had been checked. Thirty nine (39) required site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to fourteen (14) current ongoing issues detailed in the report.

Decision

That the report be noted.

20. Current Position on Untidy/Derelict Land and Buildings (*Head of Planning and Economic Development*)

Members were advised on the progress on ten problematic untidy/derelict buildings and sites identified in the Borough for action. A report had been submitted to the Portfolio Holder for Regeneration, Liveability and Housing on 23rd June 2006, on the basis that both the Portfolio Holder and Planning Committee had asked for progress reports. A copy of the report was attached for members information.

Decision

That the report be noted.

21. Appeal Ref. APP/HO724/A/2008070: H/2005/5856 Change of Use of Vacant Offices to Hot Food Takeaway (A5 Use), 197 York Road, Hartlepool, TS26 9EE (*Assistant Director (Planning and Economic Development)*)

A planning appeal had been lodged against the refusal to grant planning permission for the change of use from vacant offices to a hot food takeaway (A5 use). Notification had now been received from the Planning

Inspectorate that the appeal had been allowed. A copy of the decision letter was submitted as an appendix.

Decision

That the decision be noted

22. Appeal by Mr Lloyd Nichols Site at 15-17 The Front, Seaton Carew, Hartlepool *(Assistant Director (Planning and Economic Development))*

A planning appeal had been lodged against the refusal of a planning application for the change of use and alterations to provide ground and first floor licensed premises. Notification had now been received from the Planning Inspectorate that the appeal had been allowed. A copy of the decision letter was submitted as an appendix.

Decision

That the outcome of the above appeal be noted.

23. Conservation Area Advisory Committee *(Assistant Director (Planning and Economic Development))*

At the previous meeting of the Planning Committee members had queried the role of the Conservation Area Advisory Committee. To clarify this matter a report, agreed by the Regeneration and Liveability Portfolio Holder, outlining the remit and membership of the Committee was attached as an appendix.

In addition the Portfolio Holder had agreed to the formation of a Headland Conservation Area Advisory Committee. A report detailing their remit and membership was attached as an appendix although it was stressed that the final details had yet to be finalised.

Decision

That the attached information be noted.

24. Any other items which the Chairman considers are urgent.

The Chairman ruled that the following three items 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 matters could be dealt with without delay.

25. H/2006/1069 – Baths Site, Seaton Carew

Members were advised that an extra condition had been added to the existing planning permission as follows:

The development hereby approved shall not be commenced until details of an art feature to be incorporated into the scheme have been submitted to and approved in writing by the LPA. The development hereby approved shall not be brought into use until the approved art feature has been implemented.

Reason: In the interests of visual amenity in a prominent gateway location

Decision

That the extra condition be noted.

26. Members Training Session

Members were advised that a planning training session had been scheduled for Wednesday 19th July in the Civic Suite.

Decision

That the training session be noted.

27. Replacement Piling and Related works 4, 5, 6, 7, 9, 10, 11, 32, 40 and 2, 3, 18 Barley Close, Meadowgate Drive and Hayfield Close

Members were advised that officers were monitoring the replacement piling and related works currently taking place at Barley Close, Meadowgate Drive and Hayfield Close in Hartlepool. There had been some problems with noise but these had occurred during the day.

Decision

That the information be noted.

BILL ISELEY

CHAIRMAN

No: 1
Number: H/2006/0448
Applicant: Mr M Allen Sandgate Industrial Estate Hartlepool TS25 1UB
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR
Date valid: 07/06/2006
Development: Renewal of outline permission for the erection of a dwellinghouse
Location: 15 BURWELL WALK HARTLEPOOL

The Application and Site

1.1 The site to which this application relates is the side/part rear garden of 15 Burwell Walk. The donor property is a two-storey dwelling with a single storey attached garage and kitchen extension to the side located at the head of the Burwell Walk cul-de-sac.

1.2 The application site has an existing detached flat roofed double garage upon it. It is approximately 37m in depth with an average width of 11.9m. The site is bounded to the east by the Fens County Primary School playing field and to the north by the rear garden area of 16 Upton Walk (single storey bungalow).

1.3 The application seeks outline consent for the erection of a two-storey dwellinghouse, with all matters being reserved. This application follows a previous approval on the site (granted upon appeal APP/H0724/A/03/1109303) for outline permission for the erection of a dwelling. The approval has since expired.

Publicity

1.4 The application has been advertised by way of neighbour letters (6) and a site notice. To date, there have been 2 letters of objection

1.5 The concerns raised are:

- i) A two-storey construction would spoil the existing open outlook from the rear of the single storey bungalows to the north.
- ii) Original application was for a single storey bungalow only for owner of 15 Burwell Walk to move into to care for family.
- iii) The proposed development would result in inadequate parking facilities.
- iv) Drains have been blocked on several occasions, another property could lead to further problems.

The period for publicity has expired.

Consultations

1.6 The following consultation replies have been received:

Engineering Consultancy – No objection

Head of Traffic and Transportation – No objection providing the host property and application site have 2 parking spaces each.

Greatham Parish Council – No objection

Head of Public Protection and Housing – No objection

Northumbrian Water – No objection

Planning Policy

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

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

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

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

1.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the proposal upon the area and the reasoning behind the previous appeal decision.

1.9 The original application (H/OUT/0545/02) upon the site to which the appeal decision relates was for the erection of a bungalow. The appeal decision makes reference to the erection of a dwelling upon the site and did not specify a housing type or a height limit within the attached conditions.

1.10 This application seeks outline consent for the erection of a two-storey dwellinghouse. As the site is located within the urban fence (limits to development) it is considered that the principle of residential development is acceptable in this location. Given the predominantly residential nature of the locality and the distance from the adjacent school buildings (approx 60m) it is considered a residential property would not be out of keeping or out of character of the area.

1.11 The size of the application site is similar to those of the surrounding residential properties. It is anticipated that the separation distances normally required between residential developments can be achieved. It is considered that subject to a reserved matters planning application a two storey dwellinghouse could be satisfactorily accommodated upon the site.

1.12 A concern has been raised from a nearby resident regarding drainage problems within the locality and the potential for an additional dwelling further exacerbating those problems. Northumbrian Water has raised no objection to the proposal and it is important to note that the drainage of any property upon the application site will be subject to a Building Regulation application.

1.13 The Council's Head of Traffic and Transportation has raised no objection to the proposed development providing that the host property and the application site can accommodate off street parking provision for two cars.

1.14 The Planning Inspector (of the previous appeal) looked into the potential parking provision and highway safety issues in detail in reaching her formal decision. She acknowledged that the residents of 15 Burwell Walk would lose the application site for parking, however the property would still retain 2 off street parking spaces in the existing attached garage and driveway to the front.

1.15 With regard to the application site it is considered that off street parking provision for two vehicles could be satisfactorily accommodated within the property's curtilage. The level of parking provision and proposed access can be controlled and assessed through a reserved matters planning application.

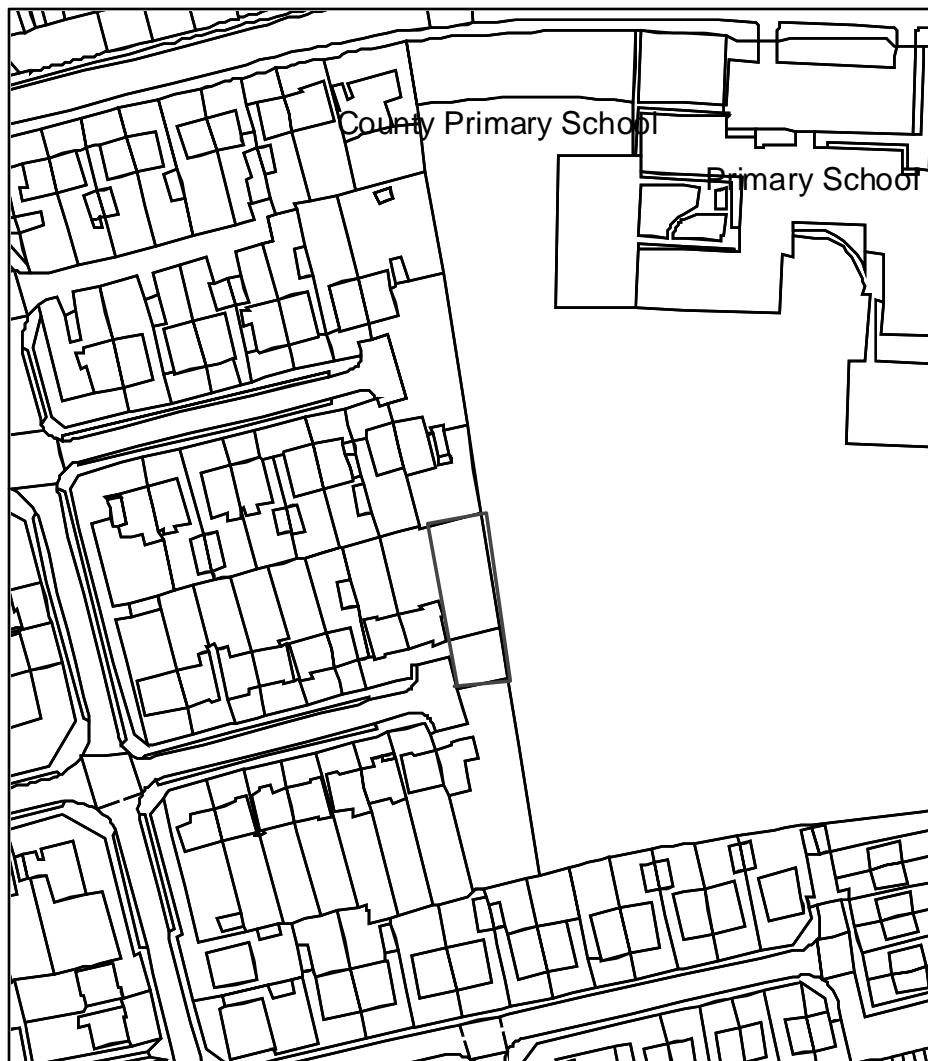
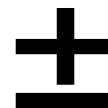
1.16 The Inspector assessed the potential increase in traffic from the additional dwelling upon the cul-de sac and its effect upon highway safety. She concluded that the proposed development would be liable to lead to an increase in traffic using the road but felt it could be suitably accommodated. With regard to the turning head close to the application site the Inspector considered that the proposed development would be unlikely to hinder the use of the turning head and noted that there is existing access taken from it.

1.17 Concern has been raised by nearby residents with regard to the provision of a two-storey dwellinghouse upon the site as the previous application was for a bungalow. As previously stated, the appeal decision made reference to the erection of a dwelling on the site and did not restrict the type or height of dwelling through planning condition.

1.18 It is your officer's opinion that given the size of the site and the physical relationship and orientation of the surrounding properties that a two storey or a single storey building could potentially be accommodated upon the site without adversely impacting upon the amenities of neighbouring residential occupiers. As this application is only outline, the siting, design, external appearance, access and landscaping of the development will be assessed through a reserved matters application.

RECOMMENDATION – Approve subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. The siting, design and external appearance of the building, the means of access and the landscaping of the site (hereinafter called the 'reserved matters') shall be obtained in writing from the Local Planning Authority before any development is commenced.
To ensure the site is developed in a satisfactory manner.
3. The dwellinghouse hereby approved shall not exceed two storeys in height.
In the interest of the visual amenity of the occupiers of surrounding residential properties.

15 Burwell Walk

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/7/06
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0448	REV

No: 2
Number: H/2006/0333
Applicant: Mr M Ashton 10 Hillcrest Close Elwick TS27 3EH
Agent: Business Interiors Group 73 Church Street
HARTLEPOOL TS24 7DN
Date valid: 23/05/2006
Development: Provision of a touring caravan and campsite with
associated facilities
Location: ASHFIELD FARM DALTON BACK LANE HARTLEPOOL
HARTLEPOOL

The Application and Site

2.1 Detailed planning permission is sought for the development of a touring caravan site with associated ancillary buildings including toilet / shower facilities and reception / store on land at Ashfield Farm near Dalton Piercy

2.2 It is proposed to accommodate up to 68 caravans within the site. An area in the north-eastern corner of the proposed camp site would be reserved for tent pitches. The proposal would not involve the siting of any static caravans.

2.3 The reception building would be a single storey L-shaped building located at the site entrance. The toilet/shower block would be sited adjacent to the eastern boundary of the site.

2.4 The applicant proposes tree and hedge planting within the site to help soften the visual impact of the development.

Publicity

2.5 The application has been advertised by way of neighbour letters (8) and by a site notice and press notice. To date, there have been 2 letters of objection.

2.6 The concerns raised are:

- a) Dalton Back Lane is a dangerous road with many accidents. Caravans will make the road more dangerous.
- b) The development would result in considerable noise disturbance.
- c) Dalton Piercy is a quiet tranquil village with no amenities. There is nothing to bring people in.
- d) It would give rise to trespassing.

e) Neither the Caravan Club or Camping UK are interested in the proposed sites. There are adequate sites within a few miles that are in a better location. The organisations would not promote a site in such a quiet area.

f) Previous development of surrounding land has devalued property and spoilt the appearance of the area. It needs to stop.

g) The development would be out of keeping with the area.

2.7 1 letter raising concerns about how sewage will be dealt with and the potential noise disturbance from the site.

Copy letters A

The period for publicity has expired.

Consultations

2.8 The following consultation replies have been received:

Head of Public Protection – comments awaited but verbally no objections

Head of Traffic and Transportation – No objections to the proposed use. There is adequate parking available on the land. Sightlines for the access should be 9x90 metres, which can be achieved. Vehicles can pass one another on the track. This development would encourage the use of the A19 / Dalton Back Lane, A19 / Elwick and A689/ Dalton Back Lane junction. The accident record at these junctions give concern and the proposal for touring caravans could increase the potential risk for accidents at these locations given the nature of the type of vehicle and their speeds accessing and egressing the above roads. The applicant must demonstrate how the usage of the above junctions can be minimised by publicising preferred routes and through the use of signage.

Hartlepool Access Group – request an Access Statement

Ecologist – Site appears to be adequately screened on all sides with the exception of the south-east corner which is the most elevated part of the site and which could be viewed from Summerhill Country Park. Would object to caravans being sited at this extremity of the site. No objections to tents being located in this part of the site subject to the erection of a close boarded fence for a distance of some 50 metres either side of the south-east corner. Fence to be left in place until the newly planted perimeter hedge becomes established. Welcome additional shelter planting within the site itself, but would want to see these being largely of native species.

Economic Development Manager – Considers that this proposal would help to promote tourism and visitor market in the town.

Highways Agency - No objections in principle however concerns expressed regarding possible routes that might be used to access the A19 Trunk Road. There is a significant accident history at the A19/Dalton Back Lane/Red Lion Farm junction

with 4 slights and 1 fatal accident at the junction in the last 5 years. At the A19/Elwick junctions to the north, there have been 10 slights and 3 serious accidents at and around the junction in the last 5 years.

As you will appreciate, given the poor safety record at the above locations, the Agency would like to ensure that the safety of all road users on the A19 Trunk Road is not further compromised as a result of the proposed development.

The Agency would request that if the applicant is successful in gaining planning consent for the site provisions are put in place to promote safe routes to and from the site to the A19. The Agency would suggest that for the traffic travelling northbound on the A19, a route via the A179 northbound be promoted, and for traffic heading southbound a route using the A689 would be preferred by the Agency.

Please note that the Agency would not support the use of any directional signage intended to attract and promote the caravan park on the A19 trunk road, however appropriate signage at the exit from Ashfield Farm indicating the preferred routes would be welcomed by the Agency.

Environment Agency – Comments awaited

Northumbrian Water – Comments awaited

Tees Forest – No comments

Dalton Piercy Parish Council – The proposed development would significantly increase traffic through the village and with abnormal size vehicles. Could also expect to see increased road activity from the neighbouring livery facility. As there are no footpaths to and through the village we fear for the safety of pedestrians and horse riders. The road between Elwick / Dalton crossroads and the village is at its narrowest only 3.1 metres wide and not suitable for wide vehicles. If a caravan approaches from the crossroads direction and overshoots the junction to the planned facility there is no possibility of turning between there and the A19. Caravans approaching from the west would have to cross the dangerous junction at the A19.

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.

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

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.

Rur16: States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

To10: States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

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

Planning Considerations

2.10 The main planning considerations in this case are policy related issues, the visual impact of the development, its effect on the local highway network, noise and disturbance and sewage treatment.

Policy Considerations

2.11 The proposal is broadly in line with local plan policies for development in the countryside.

Visual Impact

2.12 The application site is a grassed sloping field which forms part of a small holding. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall holding is part of a cluster of holdings which are being used for various commercial and rural related enterprises.

2.13 The site is accessed from Dalton Back Lane via a track some 300 meters in length.

2.14 It is not considered to be in a particularly prominent position in relation to public view points. It would be set back from Dalton Back Lane and screened behind a relatively mature hedge along its southern and western boundary. To the North and east the site is well screened by a narrow strip of mature trees, which follow the line of the beck. Within the boundaries of the field itself a new hedge has been planted and the new hedge would form the perimeter of the caravan site. There are other tree lines within the wider countryside which provide additional screening. There are no public rights of way in close proximity of the site. A small part of the site (the south eastern corner) would be visible from Summerhill although this would be at distance, and further planting and fencing would be used to help screen any impact.

Highway Issues

2.15 The Head of Traffic and Transport has confirmed that he is satisfied that adequate visibility can be achieved at the junction of the site with Dalton Back Lane, that there is sufficient space for vehicles to pass one another on the access road to the site and that adequate parking can be achieved within the site.

2.16 Both the Head of Traffic and Transport and the Highways Agency are concerned about the prospect of vehicles pulling caravans manoeuvring across the path of the A19 traffic. Neither, however, have objected to the development provided safe routes between the site and the wider highway network are promoted.

2.17 The routes between the site and the A19 passing through the villages of Dalton Piercy and Elwick is narrow and winding in parts. In the event that planning permission is granted it is recommended that this should be conditional on advisory signage being erected on the site and also in advertising literature in order to promote safe routes to site users. This is still under discussion.

Noise Related Issues

2.18 Noise disturbance could potentially arise from clientele using radios etc on the site. The site, however, is not in immediately close proximity to the nearest residential properties of Field House Farm, Abbey Hill Farm and Lowfield Farm. The screen fence proposed along southern and eastern boundaries of the site could be designed to act as an acoustic barrier. It should also be noted that there are no objections anticipated from the Head of Public Protection although his final view are awaited.

Sewage Treatment

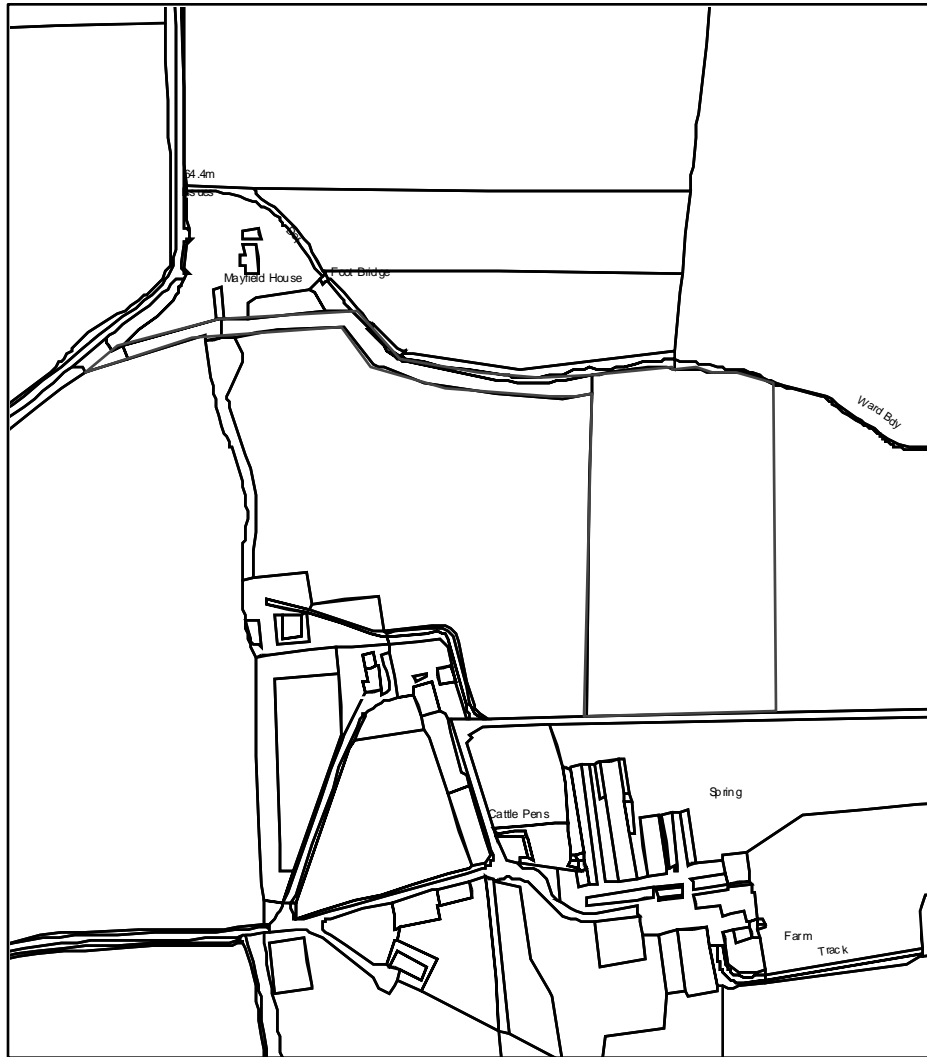
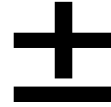
2.19 The applicant proposed to install a sewage treatment plant on the site, details of which could be agreed by planning condition.

Conclusion

2.20 While it is considered that the proposed development would be broadly in keeping with Local Plan policy and would promote a desirable tourist facility in a discreet location, a number of key issues, particularly access related issues are under discussion. It is anticipated that these should be concluded before the meeting.

RECOMMENDATION – Update to follow

Ashfield Farm



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/7/06
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0333	REV

No: 3
Number: H/2006/0385
Applicant: Mr Weed 18 LOWTHIAN ROAD HARTLEPOOL TS24 8BJ
Agent: Design 2 Build 2, Middlewood Close, Hartlepool, TS27 3QP
Date valid: 19/05/2006
Development: Alterations and use as offices
Location: 18 LOWTHIAN ROAD, HARTLEPOOL

The Application and Site

3.1 The application site constitutes a large, two-storey end terraced property on the corner of Lowthian Road and York Road.

3.2 The application proposal seeks a change of use from residential to offices. Although there are a number of businesses operating from premises to the southern side of Lowthian Road, the surrounding area is predominantly residential in nature. The application site is located on the northern side of Lowthian Road which is occupied solely by residential properties. The site lies outside the defined town centre boundary. The application is retrospective as the use has commenced and is occupied as The Property Supermarket.

Publicity

3.3 The application has been advertised by way of neighbour letters and a site notice. To date, there has been 1 letter of no objection and a further 4 letters of objections

3.4 The main concerns raised are:

1. Parking and traffic generation;
2. Principally residential area;
3. No fire escape;
4. Size of offices;
5. Security

3.5 The period for publicity has expired.

Consultations

3.6 The following consultation replies have been received:

Head of Traffic & Transportation – There is no off-street parking available for the proposed development. Lowthian Road has a residential parking scheme, however, a business operating in the road may apply for a parking permit. There is also a

public car park available at nearby Mill House. York Road is also part of the main priority bus route. It would therefore be difficult to sustain an objection on highways grounds.

Head of Public Protection & Housing – No objection subject to a sound insulation condition restricting the use to daytime office hours only Monday to Saturdays and at no time on Sundays and Bank Holidays

Planning Policy

3.7 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.

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 edges. 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.

Hsg4: States that the spread of commercial uses to the residential areas around, but outside the defined town centre will be resisted except where they involve the provision of local services or community based uses.

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 operation.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract a 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 conform to Com8, To9, Rec 14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility

Planning Considerations

3.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, traffic generation and car parking, and the impact of the development on neighbouring properties.

3.9 A number of objections have been raised by local residents in relation to car parking and traffic generation issues. There is no off-street parking associated with the application premises. However, there is an existing residential parking scheme in operation on Lowthian Road and there is also a public car park located in close proximity to the site at Mill House. In addition, York Road is part of the main priority bus route and, as such, the application site is accessible by modes of transport other than the private car. In light of the above it would be difficult to sustain an objection to the proposed development on highways grounds as such.

3.10 It is considered that the provision of adequate sound insulation measures and an hours condition restricting the use to daytime office hours only Monday to Saturday and at no time on Sundays or Bank Holidays will ensure that the proposed development has no significant impact on the level of residential amenity enjoyed by the occupants of the neighbouring properties.

3.11 As outlined above, it is considered that there will be little direct impact in terms of noise disturbance from activities taking place inside the buildings subject to the imposition of appropriate conditions. However, it is considered that the proposed office use will result in an increased number of coming and goings to and from the property by the very nature of the proposed use, which may lead to increased levels of noise and disturbance. Despite the operation of a residents parking scheme in the surrounding area it is considered that staff and visitors to the premises will attempt to park along Lowthian Road rather than walk from the nearby public car park. Based on the nature of objections received and a site visit there appears to be limited parking available to residents at present. It is considered that the proposed office use will only serve to exacerbate the existing parking problems in the area to the detriment of the amenities of existing residents of Lowthian Road.

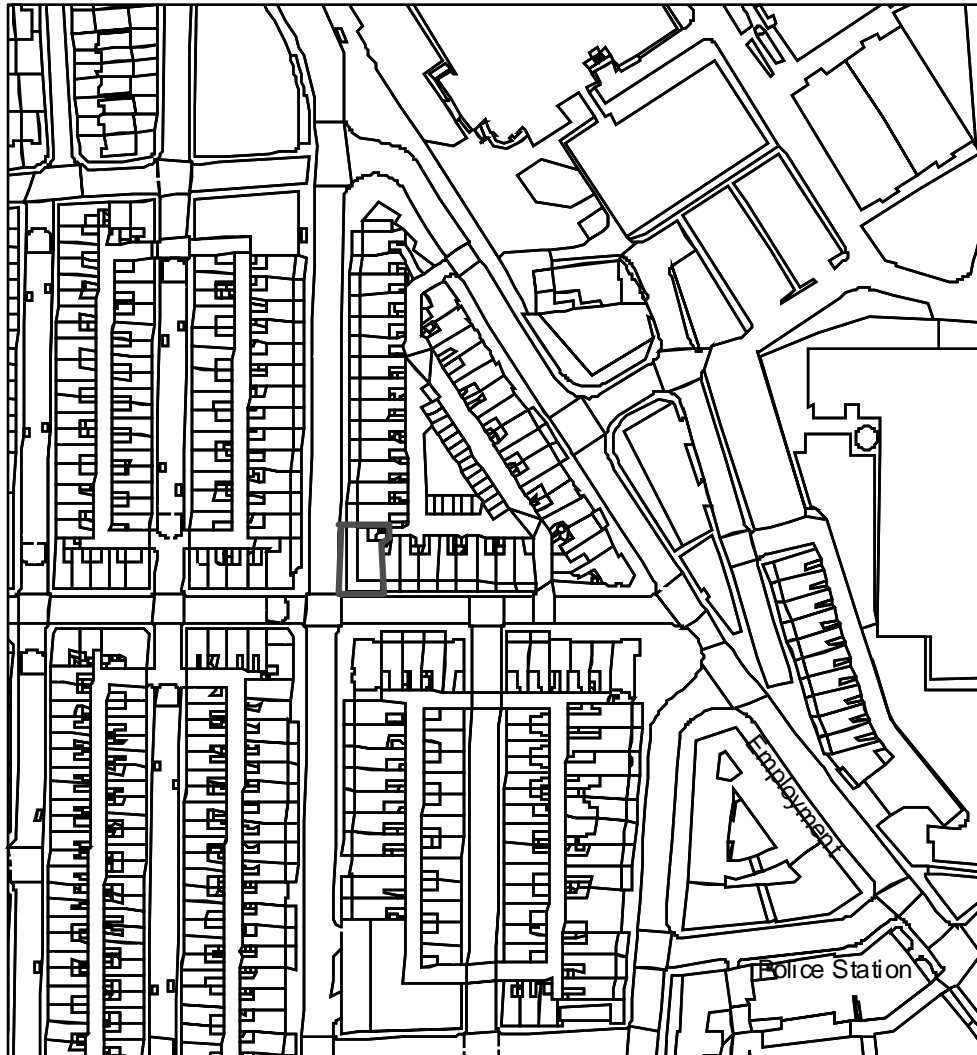
3.12 It is considered that the grant of planning consent for the proposed development will act as a precedent for future office development along this section of Lowthian Road, which would further erode the level of residential amenity enjoyed by the occupants of existing properties.

3.13 The application site is located on the corner of Lowthian Road and York Road. Although a number of office uses have been accommodated to the southern side of the Lowthian Road, the surrounding area is predominantly residential in nature. Indeed, the northern side of Lowthian Road is occupied solely by residential properties. The application proposal seeks to provide an office use within a predominantly residential area and is therefore contrary to Policy Hsg4 of the Hartlepool Local Plan 2006 which indicates that the spread of commercial uses to the residential areas around, but outside the defined town centre will be resisted except where they involve the provision of local services or community based uses. The application proposal does not involve the provision of a local service or community based use and should therefore be resisted.

3.15 For the reasons stated above the application is recommended for refusal.

RECOMMENDATION - REFUSE

1. The application proposal will result in the provision of a commercial use within a predominantly residential area outside the defined town centre to the detriment of the amenities of neighbouring residents in terms of noise and disturbance from comings and goings on foot and by car contrary to Policy Hsg4, Policy Com13 and Policy GEP1 of the Hartlepool Local Plan 2006
2. The proposal would, if approved, make it difficult to resist other similar proposals in the locality to the further detriment of the amenities of existing residents and the vitality and viability of the town centre contrary to Policy GEP1, Policy Hsg4 and Policy Com13 of the Hartlepool Local Plan 2006

18 Lowthian Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/7/06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0385	REV

No: 4
Number: H/2006/0502
Applicant: A Griffiths OXFORD ROAD HARTLEPOOL TS25 5RJ
Agent: 143 OXFORD ROAD HARTLEPOOL TS25 5RJ
Date valid: 30/06/2006
Development: Change of use to a hot food takeaway shop
Location: 143 OXFORD ROAD, HARTLEPOOL, HARTLEPOOL

The Application and Site

4.1 The application proposal seeks a change of use to a hot food takeaway at 143 Oxford Road.

4.2 The application site constitutes a vacant retail unit within the Oxford Road Local Centre. The other units in the centre are occupied by a greengrocer, newsagent, florist and pet shop.

Publicity

4.3 The application has been advertised by way of neighbour letters (18) and a site notice. To date, there have been 3 letters of objection.

4.4 The concerns raised are:

1. Car Parking
2. Congregation of youths
3. Litter

4.5 The period for publicity expires on 26th July 2006. Details of any further responses will be reported in an Update Report to be presented to Committee.

Consultations

4.6 The following consultation replies have been received:

Head of Public Protection and Housing – Informally, subject to an hours restriction and ventilation no objections in principle.

Head of Traffic & Transportation – Informally no objections.

Planning Policy

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

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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 edges. 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.

Rec 13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Planning Considerations

4.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, highway implications, and the impact on the surrounding properties.

4.9 The application site constitutes a vacant retail unit within the Oxford Road Local Centre. The application proposal would result in a viable use for a vacant unit and the proposed hot food takeaway use is considered acceptable within a Local Centre in accordance with Policy Com5 of the Hartlepool Local Plan 2006.

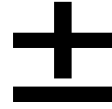
4.10 Both the Head of Public Protection and Housing and Head of Traffic and Transport have informally raised no objections to this proposal in principle. Final consideration will however be given to the issues of car parking and traffic generation and the impact of the proposed development on the amenities of surrounding residents within an Update Report to be presented to Committee.

4.11 A number of concerns have been raised in relation to litter generation as a result of the proposed use. There is a litter bin located directly outside the unit and a number of others in close proximity to the site and it is not therefore considered that litter generation will be a significant issue in this case.

4.12 In terms of the issue of youths congregating outside the premises, the immediate locality is well lit and benefits from the presence of a CCTV camera directly outside the unit. It is therefore considered that it would be difficult to sustain an objection to the proposed development on grounds of anti-social behaviour.

RECOMMENDATION – Update to follow

143 Oxford Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/7/06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0502	REV

No: 5
Number: H/2006/0417
Applicant: Hartlepool Borough Council Parks And Recreation
 Municipal Buildings Church Street Hartlepool
Agent: Landscape Section Leadbitter Buildings Stockton Street
 Hartlepool
Date valid: 26/05/2006
Development: Provision of a car park
Location: TUNSTALL COURT GRANGE ROAD HARTLEPOOL
 HARTLEPOOL

The application and site

5.1 The application site forms the south western corner of the grounds of Tunstall Court. It forms an area of mature and somewhat overgrown woodland located in the Park Conservation Area. It is bounded to the west and south by Park Avenue and The Parade respectively. On the other side of the road to the west is Ward Jackson Park. Ward Jackson Park has been included by English Heritage in a non statutory register of Parks and Gardens of Special Historic Interest. It is the only site in Hartlepool included on the register. To the east side of the site is the existing access to Tunstall Court, and the West and East Lodges which are Grade II listed buildings. The garden area associated with West Lodge bounds the south east corner of the site. The boundaries of the site to the north, west and east are open. The boundary to the south is formed by a low brick wall with pillars. Planning permission has recently been granted for the residential development of Tunstall Court itself and the remaining grounds (see below).

5.2 Full planning permission is sought for the creation of a car park. The car park will accommodate 28 car parking bays including 3 bays for people with disabilities. The works will require the removal of six trees however additional planting will be provided within the site. The low wall on the southern boundary of the site will be retained with a gated opening formed for pedestrians. The open western boundary fronting Park Avenue will be enclosed by 1.4m high railings and a gated access will be formed to allow vehicular access/egress via Park Avenue. It is understood that the enclosures to the northern and eastern boundaries of the site will be undertaken by the future developers of the approved adjacent residential development. The car park layout and construction has been designed to have the least impact on the existing trees and to be sympathetic with the woodland character of the site. The surface will be elevated rather than excavated and finished in sympathetic materials (Granular stone to dust fill) rather than tarmaced. Bays will be demarcated by flush timbers on a concrete bed.

5.3 The car park is primarily to serve visitors to Ward Jackson Park. It is intended that it will reduce incidents of visitor parking on the adjacent streets. It will operate during the same hours as the Park. The gates will be closed at dusk on a seasonal basis to prevent vehicular access outside these hours. It is not intended to light the car park in order to discourage its use after operational hours.

5.4 In association with the development highway safety improvements will be carried out to the highway to the south of the site where the footway will be widened, pedestrian crossing points added and a bus layby formed. These highway works do not require planning permission but have been indicated on the submitted drawings.

Recent Planning History

5.5 In March 2005 planning permission was granted for the conversion and extension of Tunstall Court to provide 24 apartments, the erection of a new apartment block to provide 10 units and for the erection of 5 detached dwellings with associated roads and sewers. (HFUL/1029/04). The approved layout shows that the area immediately adjacent to the proposed car park site will be occupied by two detached dwellinghouses and their associated gardens. The dwellinghouses will be gable ended to the site and located some 10 and 13m from the common boundary.

Publicity

5.6 The application has been advertised by neighbour notification (12) site notice and in the press. One letter of no objection was received. The time period for representations has expired.

Consultations

5.7 The following consultation replies have been received:

Northumbrian Water : No objections. Surface water discharges must be prevented from entering public surface water or combined sewers.

Traffic & Transportation : No objections.

Head of Public Protection & Housing : No objection.

Planning Policy

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

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

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

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

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

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

HE6: States that design and materials in new developments in the immediate vicinity of registered parks and gardens of special historic interest should take account of the character of the area and that no special features should be lost to development.

WL4: States that development which would directly or indirectly harm species protected by law and their habitats will not be permitted unless effective steps are taken to secure the protection of such species and their habitats.

WL8: States that the Borough Council will seek to minimise or avoid any significant adverse impact of a development on the nature conservation interest of a site through the use of planning conditions or obligations where appropriate.

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

Planning Considerations

5.9 The main planning considerations in this case are the appropriateness of the proposals in terms of the policies of the adopted Hartlepool Local Plan, the impact of the development on the character and appearance of the Park Conservation Area/Ward Jackson Park, the impact of the development on the setting of the listed buildings to the east, the impact on the woodland/ecology, highway safety, the impact of the development on the amenity of neighbouring properties and crime/disorder.

Policy

5.10 The key Local Plan policies relevant to this proposal are considered to be those relating to the protection and enhancement of Conservation Areas and registered parks and gardens. Policy advises that development within a Conservation Area will be approved only where it can be demonstrated that the development will preserve or enhance the character and appearance of the Conservation Area. Car parking in Conservation Areas should be located, designed and landscaped in such a way as to preserve the character and appearance of the area. Local Plan Policy also advises that developments within the vicinity of registered parks and gardens should take account of their character and should not detract from their enjoyment, layout, design character appearance or setting. The Council will encourage environmental improvements to enhance registered parks and gardens. These matters are discussed in more detail below where it is concluded that the proposal is acceptable. It is considered therefore that the proposal is acceptable in policy terms.

The impact of the development on the character and appearance of the Park Conservation Area/Ward Jackson Park

5.11 The proposal will result in the loss of small number of trees and to a degree change the character of the wooded area, which has become somewhat overgrown, through the creation of accesses, enclosures and the laying out of the parking areas and access. However the car park layout and construction has been developed to make the least impact on the existing trees and to be sympathetic with the woodland character of the site. It will provide a car parking area primarily to serve visitors to Ward Jackson Park, a long held aspiration of the Borough Council, and hopefully help to alleviate the congestion which is periodically experienced in the vicinity of the Park at certain times. The Conservation Officer has not raised any objections to the proposal. It is considered that overall the development will have a positive impact on the Conservation Area and will enhance the facilities associated with Ward Jackson Park without affecting its character and appearance.

The impact of the development on the setting of the listed buildings to the east

5.12 The physical changes associated with the development are of a relatively minor and low key nature sympathetic to the existing woodland character of the site. The site will be screened from the listed buildings by existing and proposed tree planting. It is not considered that development will have a detrimental impact on the setting of the listed buildings to the east.

Impact on the woodland and its ecology

5.13 The car park has been designed to minimise any impact on the trees. Six trees will be removed however these are considered to be those on the site which are in poorer condition. Replacement planting is proposed. The Arboriculturalist and Ecologist have raised no objection to the proposal and the impact on the woodland and its ecology overall is considered to be acceptable.

Highways

5.14 The access to the site will be taken from Park Avenue where appropriate sight lines will be accommodated. It is hoped that the will help alleviate periodic congestion in the area and with associated improvements to the highway to the south of the site detailed above will have a positive impact on highway safety. The Head of Traffic & Transportation has raised no objections to the proposal and in highway terms it is considered acceptable.

The impact of the development on the amenity of neighbouring properties

5.15 The car park will only be used until dusk and thereafter will be locked, the areas designated for parking will be located in the wooded area well away from any existing or proposed residential properties, the access will be located directly opposite Ward Jackson Park and its use should not therefore unduly affect the amenity of the closest neighbour on the opposite side of the road to the north west. The Head of Public Protection & Housing has raised no objection to the proposal. It is not considered that the proper use of the site will unduly affect the amenity of any existing or future neighbouring residential properties.

Crime/disorder

5.16 The car park will be enclosed and the gates to it locked at dusk. The gates will be managed as part of the community safety contract. It is understood that the site, and the wider area around Tunstall Court, is currently attracting an element of antisocial behaviour exacerbated by the open nature of the site and the fact that the buildings are not occupied. It is considered that the proposal, together with the development of the wider site, which will bring the area into legitimate use, and ensure it is enclosed and managed will help to address these problems.

Conclusion

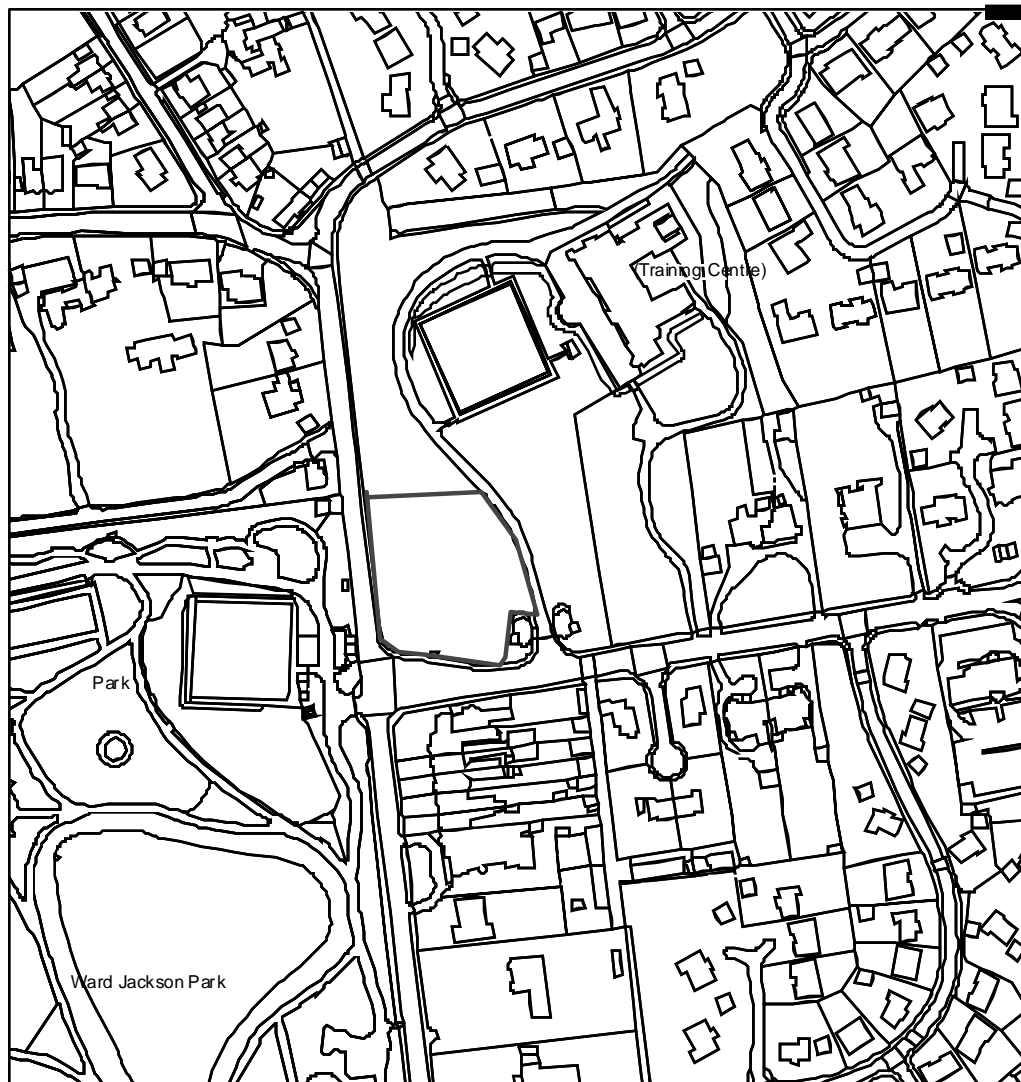
5.17 The proposal will provide car parking for visitors to Ward Jackson Park thereby enhancing the facilities associated with the park and hopefully helping to alleviate periodic congestion. The car park has been designed to minimise its impact on the trees and the Conservation Area. The proposal is considered acceptable and is recommended for approval

RECOMMENDATION – APPROVE – subject to the following conditions

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

2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) received on 19 July 2006, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
5. 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.

Tunstall Court



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22/6/06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H-2006-0417	REV

PLANNING COMMITTEE

2nd August 2006



Report of: Director of Adult and Community Services

Subject: DIVERSION OF PUBLIC FOOTPATH No 26,
ELWICK PARISH, AT LOW BURNTOFT FARM

1. PURPOSE OF REPORT

- 1.1 To seek approval for the diversion of Public Footpath No 26, Elwick Parish, at Low Burntoft Farm (as shown in **Appendix 2**).

2. BACKGROUND

- 2.1 On the 1st November 2005 the Parks and Countryside Section received an application to divert a section of the above-mentioned Public Footpath that runs through a Horse Paddock, west of Low Burntoft Farm. The location of Low Burntoft Farm is shown in **Appendix 1**. The present and proposed routes are shown in **Appendix 2**.
- 2.2 The proposed diversion is to re-route the existing cross field path around the outside of the paddock (route as shown in **Appendix 2**). The to be diverted route has already been allowed, through the good wishes of the landowner, as a permissive footpath.
- 2.3 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. Initially none of these informal consultees raised any objections to the proposal concerned. However the Ramblers Association did later object to the diversion on the grounds that the existing route was not open for public use, due to the obstruction of temporary fencing. This objection was removed after the landowner removed the said obstructions and provided full access. A full list of consultees is provided as **Appendix 3**.

- 2.4 Both Access Groups and the Ramblers Association require that the full width of 2m, for the diverted route, be assured.

3. FINANCIAL IMPLICATIONS

- 3.1 The cost of diversion to a landowner will be £600.00.
- 3.2 Hartlepool Borough Council have considered and concluded that the benefit to the public, especially those with mobility and visual impairments, will be such that a reduction of costs is justified. Normally the overall costs for diversion amount to approximately £1,400.00.

4. LEGAL TESTS

- 4.1 Under Section 119 of the Highways Act 1980 several criteria must be met before a diversion order is made. The order making authority must be satisfied that:
- It is expedient to divert the path in the interests of either the public or the landowner, occupier or lessee of the land crossed by the path.
 - The diversion does not alter the termination of the path other than to another point on the same path or on another highway (including rights of way) connected with it and which is substantially as convenient to the public.
- In both instances it is felt that these criteria have been met after full investigation and consultation
- 4.2 Under the same section of the Highways Act 1980 the Council or (if the diversion order is opposed) an Inspector must apply a number of legal tests. The Council or Inspector must be satisfied that
- The diversion is expedient in the interests of the persons stated in the order.
 - The path will not be substantially less convenient to the public as a consequence of the diversion.
 - It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on the land served by the existing path, and on the land affected by the new path taking into

account the provision for payment of compensation. In this case no such provision, for compensation, is necessary, as the proposed diversion will run within the same land ownership as the existing path, to be diverted.

The proposed diversion would meet these legal tests.

5. SECTION 17

5.1 Section 17 of the Crime and Disorder Act 1988 requires local authorities and police authorities to consider the community safety implications of all their activities.

5.2 Section 17 states:

‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.

5.3 The Community Safety Implications, in respect of the diversion of the Public Footpath at Low Burntoft Farm, have been taken into account and that all has been reasonably done to prevent crime and disorder

6. DIVERSITY

6.1 It is believed that there are no Diversity issues or constraints in relation to the diversion of the Public Footpath, at Low Burntoft Farm.

7. ACCESS

7.1 Hartlepool Access Group and Hartlepool Borough Council Access Forum have been consulted. In their opinion all reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

8. RECOMMENDATIONS

- 8.1 That the Planning Committee approves the diversion, of Public Footpath No 26, Elwick Parish, at Low Burntoft Farm (as shown in **Appendix 2**).

CONTACT OFFICER: Chris Scaife, Countryside Access Officer

This document is also available in other languages, large print and audio format upon request.

এই ডকুমেন্ট অন্য ভাষায়, বড় প্রিন্ট আকারে এবং অডিও টেপ আকারেও অনুরোধে পাওয়া যায়। (Bengali)

本文件也可應要求，製作成其他語文或特大字體版本，也可製作成錄音帶。(Cantonese)

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है (Hindi)

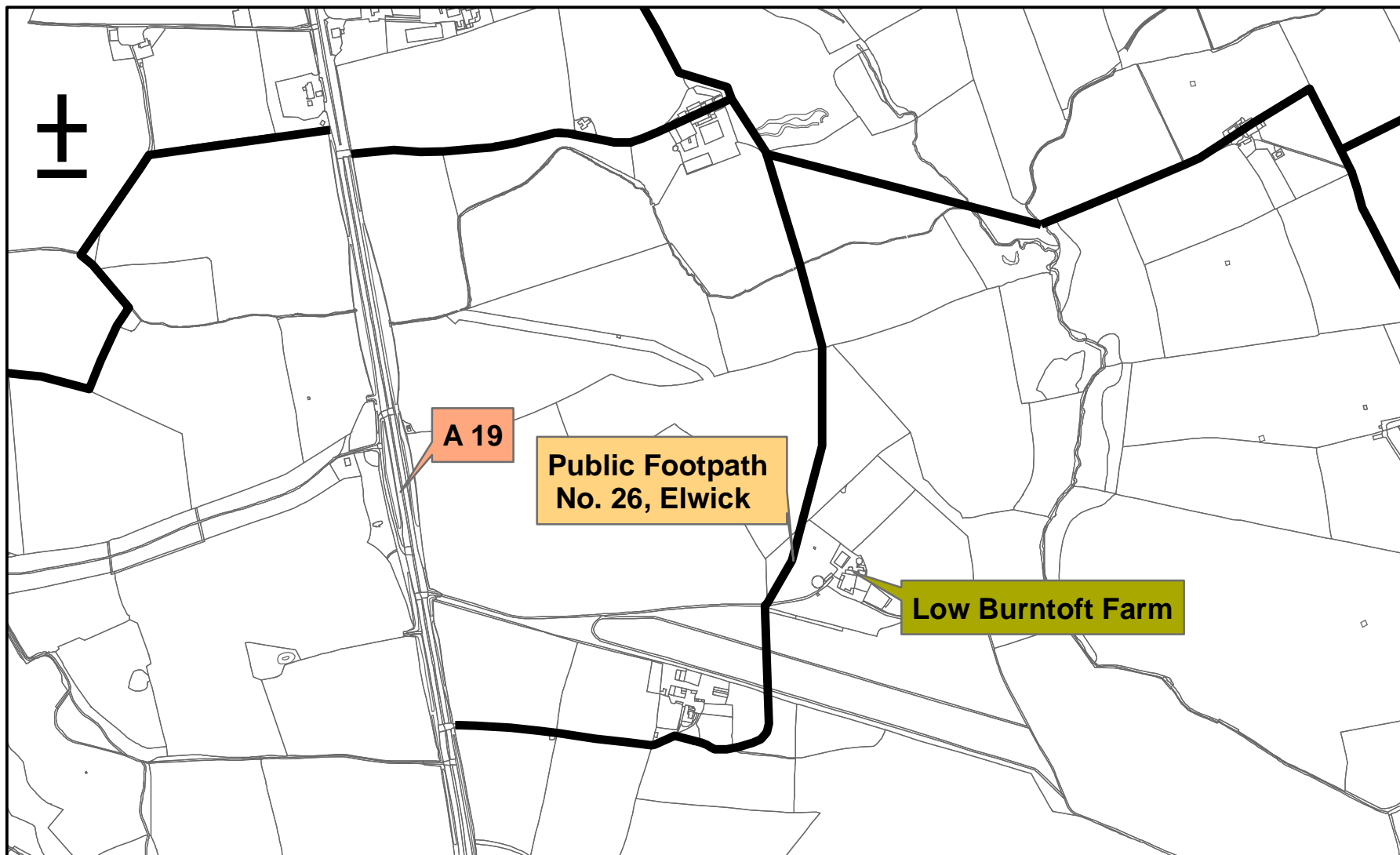
ئەم بەلگەیه هەرودها به زمانهکانی که، به چاپی درشت و به شریتی تهسجیل دەس دهکەویت (Kurdish)

本文件也可应要求，制作成其它语文或特大字体版本，也可制作成录音带。(Mandarin)

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਵੀ ਮੰਗ ਕੇ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ। (Punjabi)

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔ (Urdu)

Appendix 1 - Location of Low Burntoft Farm

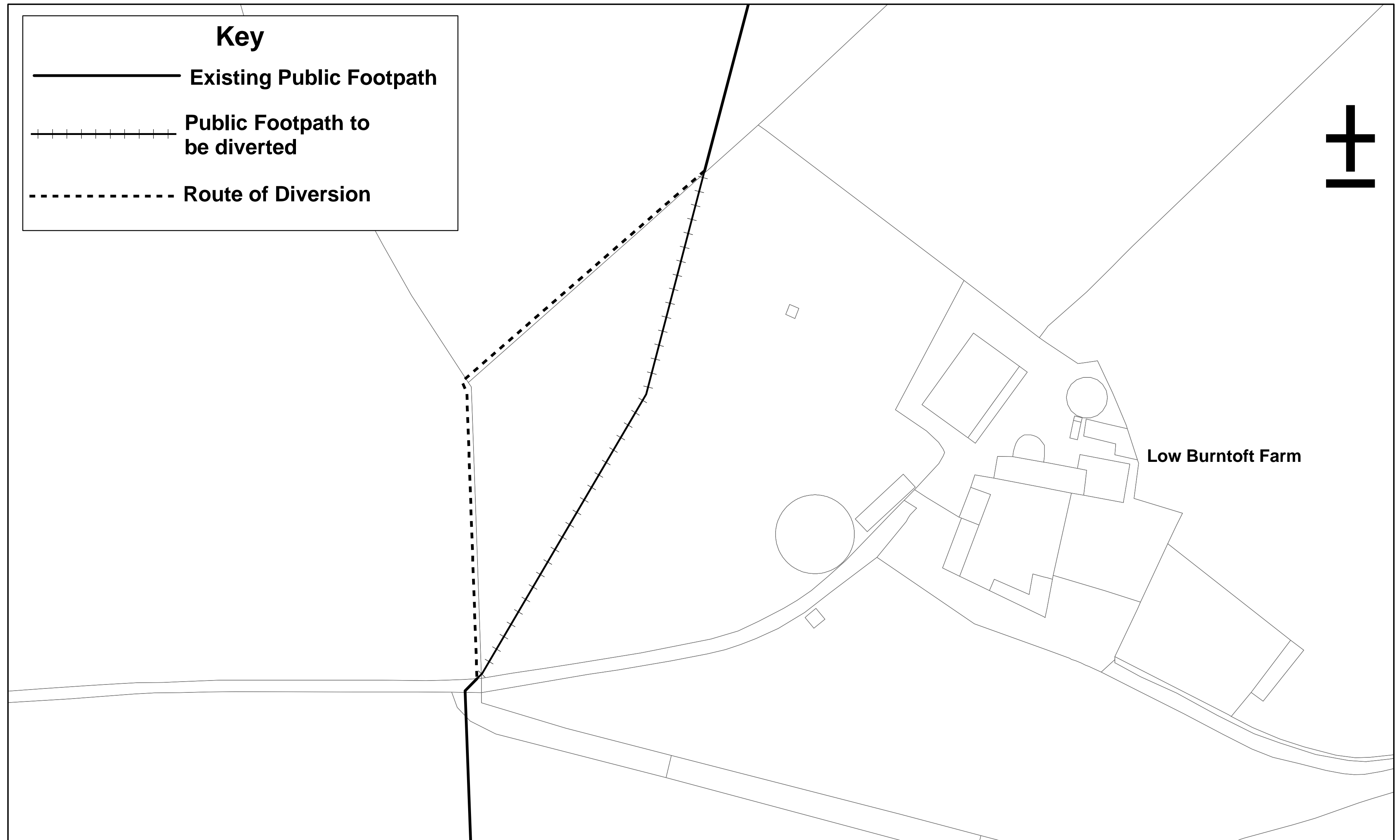


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Sub Title: Low Burntoft Farm
Scale: 1:5,000
Date: 18th July 2006
Drawn By: Parks and Countryside

Hartlepool Borough Council
Parks and Countryside
Suite 8, Municipal Buildings
Church Square
Hartlepool, TS24 7EQ
Tel: 01429 523524
Fax: 01429 523450

Appendix 2 - Route of diversion



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Sub Title: Public Footpath No. 26, Elwick
Scale: 1:750
Date: 18th July 2006
Drawn By: Parks and Countryside

Hartlepool Borough Council
Parks and Countryside
Suite 8, Municipal Buildings
Church Square
Hartlepool, TS24 7EQ
Tel: 01429 523524
Fax: 01429 523450

Appendix 3

List of Consultees

The Mayor

Elwick Parish Council

Ward Member - Councillor S Kaiser

Ramblers Association

Hartlepool Access Group

Hartlepool Blind Welfare

Environment Agency

Hartlepool Borough Council Services:

Ecology

Tees Archaeology

Planning

Apparatus

Street Lighting

Access Forum

Utilities:

Electricity - N.E.D.L

Gas - TRANSCO

Telecom - NTL

Telecom - BT

Water - Hartlepool Water Authority

National Grid

Report of: Head of Planning and Economic Development

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 During this four (4) week period, seventy (70) planning applications have been registered as commencing and checked. Thirty five (35) required site visits resulting in various planning conditions being discharged by letter.

2. BACKGROUND

- 2.1 Your attention is drawn to the following current ongoing issues:

1. Three cases regarding the erection of boundary walls/fences at properties in Beaconsfield Square, Merlin Way, and Claremont Drive are being investigated. Developments will be reported to a future meeting if necessary.
2. A neighbour complaint about wooden posts sunk into Council and to the rear of Gala Close is being investigated. The Council's Estates Division is leading the enquiry and developments will be reported to a future meeting if necessary.
3. Four cases of business operating from home, specifically parking of commercial vehicles, mobile catering trailer, home delivery service, car repairs at Stockton Road, Vane Street, Queensway, Greatham, and Meadowgate Drive are being investigated. Developments will be reported to a future meeting if necessary.
4. A complaint about the alteration of a garage roof from flat to pitch at Tenby Walk has been investigated. The unauthorised works are immune from enforcement action because more than 4 years has elapsed since the breach.
5. An officer has noted a steel palisade fence had been erected around the former baths site on Coronation Drive. The site benefits from a planning permission for a restaurant and wine bar development. The developer has been contacted and asked to submit details of the fence so that this and other relevant planning conditions can be discharged. Land clearance works have also been stopped until the relevant conditions have been discharged. Developments will be reported to a future meeting if necessary.

6. An officer has noted that internal works were being carried out to a Listed Building in Park Road without consent. The property owner has been written to and cautioned it is a criminal offence to carry out unauthorised works to a Listed Building. Work has stopped and a meeting has been arranged with the owner and developments will be reported to a future meeting if necessary.
7. A neighbour complaint about the erection of a rear extension at a property in Moffatt Road is being investigated. Developments will be reported to a future meeting if necessary.
8. A complaint about the display of signs on footpath barriers in Stockton Road has been investigated. The Council's Environmental Protection Team contacted the person responsible for the signs and successfully had them removed.
9. The subdivision of a former car showroom in Greatham Street is being investigated. Developments will be reported to a future meeting if necessary.
10. A neighbour complaint about outside drinking in the car park of a public house in Mowbray Road, has been investigated. The land is within the curtilage of the public house and does not require planning permission. Licensing has been informed.
11. A neighbour complaint about the installation of a picture window in the gable of an extension to a property at Campbell Road has been investigated. A condition attached to the planning permission approval for the extension removed 'permitted development' rights for new windows. There are no objections to this development so the house owner has been asked to submit a planning application to retain the window. Developments will be reported to a future meeting if necessary.
12. A neighbour complaint about a new vehicular access being created to a new development at Hillcrest Grove is being investigated. Developments will be reported to future meeting if necessary.
13. A neighbour complaint about the burning of horse manure at stables in the garden of a property at Forester Close is being investigated. Developments will be reported to a future meeting if necessary.
14. An officer has noted building works being carried out to a commercial building at Surtees Street. The owner has been contacted and a site meeting has been arranged to discuss whether planning or Building Regulation consents are required. Developments will be reported to a future meeting if necessary.
15. A Councillor complaint about the residential occupation of a vacant factory in Greatham is being investigated.

The site owner has engaged a property management company who specialises in the protection of vacant property. This involves renting out the building as an effective way to protecting it against the risks of vandalism, dereliction and squatting. The use would require planning permission and the company has been written to. The application will be reported to a future meeting if necessary.

Report of: Head of Planning and Economic Development

Subject: 14 Redcar Close
Notice of appeal decision regarding proposed detached garage to rear

1. PURPOSE OF REPORT

- 1.1 Notification has been received from the Planning Inspectorate that the above appeal has been allowed. The appeal was lodged against the refusal of the Local Planning Authority to grant planning permission for a detached garage at the rear of the property. The refusal had been based on a concern that if the garage was erected it would increase the likelihood of access being taken to Woodburn Lodge from Redcar Close.
- 1.2 The Inspector considered that it was reasonable for the Council to seek to control further vehicular use of Redcar Close to avoid adverse consequences arising. Notwithstanding this he considered it improbable that granting planning permission for the garage would increase the likelihood of vehicular access being established between Redcar Close and Woodburn Lodge.

2. BACKGROUND

- 2.1 The appellant made an application for a full award of costs against the Council on the basis that its decision had been unreasonable. The Inspector concluded that the Council's case had substance in planning terms and accordingly rejected the application for a full award of costs. There had however been a misinterpretation of part of the application plan during the consideration of the application. The LPA had provided further information qualifying this matter however the appellant had incurred expense in rebutting this element of the LPA's case. In this respect a partial award of costs was awarded to the appellant.

3. RECOMENDATION


- 3.1 A copy of the appeal decision is attached.

Recommendation:-

That the appeal decision be noted.

SCANNED

27 JUN 2006



Appeal Decision

Hearing held on 1 June 2006
Site visit made on 1 June 2006

by Graham Garnham BA BPhil 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 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

26 JUN 2006

Appeal Ref: APP/H0724/A/05/1178723
14 Redcar Close, Hartlepool, TS24 5QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A F Walker against the decision of Hartlepool Borough Council.
- The application Ref: H/FUL/0998/04, dated 24 November 2004, was refused by notice dated 20 January 2005.
- The development proposed is 'garage'.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

- At the Hearing an application for costs was made by Mr Walker against the Council. This application is the subject of a separate Decision.
- The appellant is involved in other matters with the Council, as is the owner of Woodburn Lodge. However, it is only the planning merits of the appeal proposal that are before me for consideration.

Main Issue

- I consider the main issue to be whether the proposal would harm highway safety and living conditions for the occupiers of nearby dwellings.

Planning Policy

- The decision notice refers to policies in the adopted and emerging Hartlepool Local Plans. The Hearing was informed that the latter was adopted in April 2006, and the former version is no longer relevant. The Council has referred to policy GE1, which concerns general environmental principles. Among other things, it requires decision makers to take account of the effects of proposals on the amenities of the occupiers of adjoining or nearby properties and on highway safety. I am satisfied that the changes of wording in the new policy are relatively minor and have no material bearing on the consideration of the appeal.

Reasons

- The proposed detached garage would be sited in the rear garden. Access would be taken from the end of a back lane which is broad and has several existing vehicular accesses. Other accesses would not be affected and no highway safety concerns would arise. There would be no material obstruction to use of the lane and I see no need for a condition to

control the opening movement of the garage door. The building would not be in a position where its use would have an adverse effect on nearby occupiers. The design and appearance would be acceptable, subject to a planning condition to require details of materials to be approved, in the interest of ensuring a satisfactory appearance. I have not identified any direct impacts of the proposal that would materially harm highway safety or living conditions for the occupiers of nearby dwellings.

6. The Council's case is that the proposal would increase the likelihood of an undesirable access being established to the rear of the adjoining Woodburn Lodge, via Redcar Close. It says that this would have a prejudicial impact on the amenities of nearby residents, and that this is a material consideration.
7. The layout of Redcar Close is compact and the cul-de-sac offers restricted room for manoeuvring vehicles and only limited parking opportunities other than on private curtilages. It appears to have been planned and laid out only to serve the new dwellings built around it. No.14 takes access from the head of the cul-de-sac, using a shared surface that also serves no.s 12 & 13. I consider that additional traffic using the cul-de-sac and shared surface for purposes for which they were not designed could result in congestion and conflicts of movement and, given the closeness of the shared surface to the fronts of no.s 12 – 14, cause disturbance to the occupiers of these houses. I find that this possibility is a planning consideration and that it is reasonable for the Council to wish to control access at Redcar Close in order to avoid adverse consequences arising. I understand the Council's case to turn on the probability that permitting the appeal proposal would increase the likelihood of an undesirable vehicular access becoming established in planning terms.
8. The source of such additional traffic is said to be development on land at the rear of Woodburn Lodge. This property adjoins the edge of the Redcar Close estate, and has a house and garage that front onto Blakelock Gardens. Woodburn Lodge used to have an access onto the back lane behind the appeal site. However the land providing the connection has been transferred to no.14 and is now part of the appeal site. Although in theory access could physically be obtained into the rear of Woodburn Lodge past the door of the proposed garage, the appellant says that no legal right of way was retained to do so.
9. At the Hearing, the appellant tabled a Land Registry plan that shows that the owner of Woodburn Lodge has a legal right to use the shared surface in front of no.14 to gain access between Woodburn Lodge and Redcar Close. The physical means of doing this were evident at the site visit. In terms of land ownership and private access rights, it now seems that the only remaining opportunity to access land to the rear of Woodburn Lodge, other than through the house or garage, is from Redcar Close. This would appear to be the case whether or not the appeal garage is built, and regardless of how feasible it might be physically to get past the garage into Woodburn Lodge.
10. Both parties have provided several documents that cover the planning history surrounding development at Woodburn Lodge and access to it. Considering all of them in the round, I am unable to identify a direct connection between the appeal proposal and the Council's ability to control – or otherwise – access arrangements between Woodburn Lodge and Redcar Close.
11. Overall I find that, on balance, it is improbable that granting planning permission for the proposed garage would increase the likelihood of vehicular access being established

between Woodburn Lodge and Redcar Close. As there are no harmful effects arising directly from the proposal, I conclude that it would not harm highway safety and living conditions for the occupiers of nearby dwellings. There would be no conflict with local plan policy GEP1.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

13. I allow the appeal, and grant planning permission for a garage at 14 Redcar Close, Hartlepool, TS24 5QN in accordance with the terms of the application Ref: H/FUL/0998/04 dated 24 November 2004, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Glynnhous.

INSPECTOR

SCANNED
27 JUN 2006

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr R Merrett BSc Dip TP
MRTPI

Principal Planning Officer, Hartlepool Borough Council,
Bryan Hanson House, Hanson Square, Hartlepool,
TS24 7BT

FOR THE APPELLANT:

Mr A F Walker
Mr M T Walker

Appellant, 14 Maritime Avenue, Hartlepool, TS24 0XF
Woodburn Lodge, Blakelock Gardens, Hartlepool,
TS25 5QW

DOCUMENTS SUBMITTED AT THE HEARING

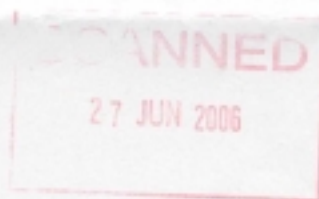
Document 1	List of persons present at the hearing
Document 2	Council notification letter for the hearing
Document 3	Appellant – HE2 – letter of 15 September 2005
Document 4	Appellant – HE3 – letter of 23 September 2005
Document 5	Appellant – HE4 – letter of 3 January 2006
Document 6	Appellant – HE5 – letter of 17 January 2006
Document 7	Appellant – HE6 – Formal Complaint dated 27 February 2006
Document 8	Appellant – HE7 – Review of Official Complaint dated 22 March 2006
Document 9	Appellant – HE8 – Planning Committee minutes, dated 29 March 2006
Document 10	Appellant – HE9 – extract of Halsbury's Laws of England: Fraud
Document 11	Appellant – HE10 – Refusal Certificate dated 24 December 2003
Document 12	Appellant – HE11 – Planning Committee document, 17 December 2003
Document 13	Appellant – HE12 – letter of 15 January 2004
Document 14	Appellant – HE13 – letter of 24 October 2005
Document 15	Appellant – HE14 – letter of 4 November 2005
Document 16	Appellant – HE15 – extract of Council Statement to the Hearing
Document 17	Appellant – HE16 – extracts from Payne v NAW and Caerphilly CBC
Document 18	Appellant – HE17 – extract of planning report on H/LAW/0006/04
Document 19	Appellant – HE18 – Planning Committee document, 17 December 2003
Document 20	Appellant – HE19 – extract from APP/H0724/C/01/1062451 decision
Document 21	Appellant – HE20 – extract from APP/H0724/X/05/2002074 decision
Document 22	Appellant – HE21 – part of Enforcement Notice for a gate and post
Document 23	Appellant – application for costs


4

Document 24 Council – Hartlepool Local Plan policy GEP1 as adopted, April 2006
Document 25 Council – full decision letter for APP/H0724/X/05/2002074

PLANS SUBMITTED AT THE HEARING

- | | | |
|---|-------|---|
| 1 | HE 1 | Area Plan |
| 2 | HE 1B | Area Plan – enlarged scale |
| 3 | HE 22 | Drawing No BPW47-22 Land Registry Plan showing 'hatched green area' |





Costs Decision

Hearing held on 1 June 2006
Site visit made on 1 June 2006

by Graham Garnham BA BPhil MRTPI

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

SCANNED
27 JUN 2006

The Planning Inspectorate
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Temple Quay House
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☎ 0117 372 6372
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inspectorate.gsi.gov.uk

Date **26 JUN 2006**

Costs application in relation to Appeal Ref: APP/H0724/A/05/1178723
14 Redcar Close, Hartlepool, TS24 5QN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr A F Walker for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for a garage.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Applicant

1. The application is for a full award of costs and is made in relation to paragraphs in Annex 3 and Annex 2 of Circular 8/93.
2. With regard to paragraph 8 of Annex 3, the Council failed to produce evidence to substantiate its reason for refusal, in respect of the following matters. These are that:
 - a) it failed to show that the proposed garage would create a permanent physical barrier to rear access to Woodburn Lodge, and has since admitted that this would not be the case;
 - b) it now claims that access would be restricted, but has failed to substantiate this reasonably either;
 - c) it has not been able to prove that there is a right of way between Woodburn Lodge and the back lane, and has suppressed information that shows there is none;
 - d) it has failed to show what the proposed development would prejudice;
 - e) it has not shown how resisting an unacceptable access at Redcar Close would be weakened by granting planning permission for the garage;
 - f) it has relied on a 2001 appeal decision on an Enforcement Notice, when a 2004 case shows that the Notice was a nullity; and
 - g) it has provided no evidence that an access is being sought between Redcar Close and Woodburn Lodge.
 - h) The allegation that there is a broader exercise of “planning by stealth” has not been substantiated.
3. With regard to paragraph 14 of Annex 3, the Council has sought to exercise a degree of control beyond what is appropriate for the circumstances of the location concerned. The

Council has also ignored previous appeal decisions relating to Woodburn Lodge, which is unreasonable having regard to paragraph 16 of Annex 3.

4. Finally, the Council acted unreasonably in regard to paragraph 4 (1) & (3) of Annex 2, by introducing a new reason for refusal late in the proceedings, and failing to cooperate in agreeing the facts relevant to the case.

The Response by the Council.

5. The Council denies unreasonableness in relation to all the submissions made by the applicant.
6. With respect to the submissions relating to paragraph 8 of Annex 3:
 - a) The reason for refusal was not limited to the physical barrier effect, but also concerned access at Redcar Close.
 - b) The change from “barrier” to “restriction” was intended as a clarification, and the effect remains the same as in the Hearing Statement.
 - c) The issue of a right of way to the back lane was dealt with on the best evidence available at the time.
 - d) Permitting the garage would prejudice the consideration of unauthorised access between Woodburn Lodge and Redcar Close.
 - e) The effect of the garage would be to remove access to Woodburn Lodge.
 - f) It is refuted that the 2001 Enforcement Notice is a nullity.
 - g) The Council has substantiated the claim that access to Redcar Close is sought.
 - h) The “planning by stealth” point refers to a series of incremental actions (e.g. land ownership changes, operations around the Redcar Close boundary, the appeal proposal) that are all pursuant to establishing an access between Woodburn Lodge and Redcar Close.
7. With regard to the submission under paragraph 14 of Annex 3, the Council is not seeking an unreasonable degree of control – it is acting reasonably in the interests of the living conditions of the occupiers of Redcar Close. In relation to paragraph 16, it is not seeking to negate the recent appeal decision on a Lawful Development Certificate.
8. In relation to the Annex 2 submissions, the Council has not introduced a new reason for refusal, it has clarified the issue. It has used the correct information, to the best of the Council witness’s knowledge, and had not seen the Land Registry plan tabled by the appellants before the Hearing.

Conclusions

9. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

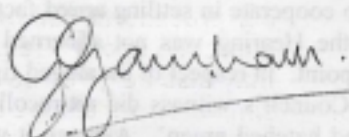
10. It is clear that the parties are, and have been for some time, at odds on many of the matters raised. However, on the information before me, I do not consider that the Council acted all on "beliefs, in defiance of facts", as claimed by the applicant. I find that some of the material provided before and during the Hearing was of limited direct value in relation to the main issue upon which I decided the appeal. Nonetheless, three things seem clear.
11. First, there is an unusually involved planning and ownership history relating to the issue of access between Woodburn Lodge and Redcar Close (paragraphs 8 & 9 of my appeal decision letter refer). This includes the land ownership changes along the historic boundary between Woodburn Lodge and Redcar Close, which have resulted in the owner or occupier of Woodburn Lodge gaining a legal right of way over the shared surface in front of nos 12-14 Redcar Close, and the proposed garage for no.14 being largely sited on land formerly part of Woodburn Lodge. Second, a considerable amount of building using permitted development rights either has or could take place to the rear of Woodburn Lodge. This includes a very substantial building already in place and the ability to add a double garage very close to the historic boundary with the Redcar Close estate through a Lawful Development Certificate obtained on appeal. Third, the layout of Redcar Close means that any significant increase in vehicular traffic across the shared surface would have undesirable consequences for highway safety and living conditions within the Redcar Close Estate (paragraph 7 of my appeal decision letter refers).
12. In these circumstances, while I have not been persuaded by the merits of the Council's case, I consider that it largely has substance in planning terms. Previous appeal decisions were not ignored. I do not consider that the Council failed to cooperate in settling agreed facts - the parties simply do not agree on the facts - and the Hearing was not adjourned or prolonged unnecessarily because of the Council's standpoint. In respect of the alleged right of way from the back lane to Woodburn Lodge, the Council's witness did not recollect seeing the critical Land Registry plan showing the 'land hatched green'. Although it was associated with a Land Registry Edition Date of 16 August 2001, this plan was not on the appeal file and it was apparently not provided by the applicant until the Hearing was underway. With the exception of point b) in paragraph 2 above, I conclude that the application for costs does not succeed in relation to paragraphs 8, 14 & 16 of Annex C and paragraph 4 (3) of Annex 2 of Circular 8/93.
13. In a letter dated 12 May 2006, the Council recognised that the proposed garage would "restrict" access from the back Lane to Woodburn Lodge, rather being "the complete barrier" referred to in the Council's Statement. This was due to "a misinterpretation". I see no reason why the Council should not have realised the actual situation at the time the application was considered. I do not consider that this changed the Council's position significantly to the extent of introducing an entirely new reason for refusal. However, it means that the Council has failed fully to substantiate its original case. By introducing new information at a late stage it has also caused the applicant to waste expense unnecessarily on this aspect of the case. This work is expressed in identifiable albeit limited parts of the applicant's original Statement and in the material provided at the Hearing. In this respect, I consider that the Council's unreasonable behaviour resulted in unnecessary costs being incurred with regard to paragraph 4 (1) of Annex 2 and paragraph 8 of Annex 3.
14. I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has been demonstrated, as set out in the previous paragraph. I therefore conclude that a partial award of costs is justified.

Formal Decision and Costs Order

15. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Hartlepool Borough Council shall pay to Mr A F Walker, the costs of the appeal proceedings limited to those costs incurred in preparing and presenting paragraph 2.4 of Mr Walker's appeal Statement as augmented by section 1 of the costs application document (Document 23 in the List of Documents submitted to the Hearing), such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of an application for planning permission for a garage on land at 14 Redcar Close, Hartlepool, TS24 5QN.
16. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

Information

17. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR

SCANNED

27 JUN 2006

Report of: Head of Planning and Economic Development

Subject: The White House Public House
Notice of appeal decision on proposed extension of opening hours

1. PURPOSE OF REPORT

- 1.1 Notification has been received from the Planning Inspectorate that the above appeal has been dismissed. The appeal was lodged against the refusal of the Planning Committee to vary permission so as to allow the premises to open between 10 a.m and 12:30 a.m (1 hour later than at present)

2. BACKGROUND


- 2.1 The Inspector considered that the existing control over opening hours struck a reasonable balance between the interests of customers and those of residents. He considered that an extension of opening hours had the potential to cause disturbance to residents.

3. RECOMENDATION

- 3.1 A copy of the appeal decision is attached.

Recommendation:-

That the appeal decision be noted.



Appeal Decision

Site visit made on 13 March 2006

by Michael Hurley BA DipTP MRTPI

an Inspector appointed by the First Secretary of State

RECEIVED
PLANNING & PLANNING
HARTLEPOOL BOROUGH COUNCIL

JUL 2006

FORWARDED TO
REPLY
FILE NO.

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning
inspectorate.gov.uk

REPLY OF RECEIVED
HARTLEPOOL BOROUGH COUNCIL
Date
17 JUL 2006

FORWARDED TO

REPLY

FILE NO.

Appeal Ref: APP/H0724/A/05/1194308

The White House Public House, Wooler Road, Hartlepool, TS26 0DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
- The appeal is made by Mitchells and Butlers Retail Ltd against the decision of the Hartlepool Borough Council.
- The application (Ref: H/2005/5572) dated 11 July 2005, was refused by notice dated 3 October 2005.
- The proposal is under Section 73A of the Act, to continue to use of the premises as a Class A3 public house/restaurant in accordance with Planning Permission H/FUL/0050/92 but without complying with Condition No 2 controlling the hours of opening.


Decision: I hereby dismiss this appeal, for the reasons given below.

Reasons

1. The White House is a detached public house, on the south-western corner of the roundabout junction between Wooler Road, The Parade and Grange Road. Adjacent to the south elevation of this building, there is a terrace with tables, where customers can sit outside to eat and drink. The main exit from the public house leads onto this terrace. There is an extensive car park with capacity for about 40 vehicles to the south of the public house, with smaller parking areas to the east and north. The appeal site is within a predominantly residential area, being bounded by detached houses in Relton Way to the west, from which it is separated by a high fence. There is also residential development immediately to the south.
2. The current use of the appeal premises is authorised by a planning permission that was granted in 1992. Condition No 2 attached to that permission allows the premises to be open to the public between 09:00 and 23:30 hours every day. The appellants wish to continue the authorised use without complying with that condition, but suggest an alternative condition, which would allow the premises to be open between 10:00 and 00:30 hours every day.
3. Policy Gen 1 of the Hartlepool Local Plan indicates that, in determining planning applications, the Borough Council will take account of the effect on the amenities of the occupiers of neighbouring properties, particularly as a result of noise and general disturbance. A noise survey has been commissioned by the appellants. This indicates that, when measured at a point adjacent to the boundary with No 2 Relton Way, noise levels during the period when customers currently disperse from the appeal premises (prior to 23:30 hours) are in the range 51-61dB_{L_{Aeq}}. A representative reading is given as 57dB_{L_{Aeq}}. The windows in No 2 Relton Way are about 10m away from the point of measurement, and the boundary fence also provides some attenuation. The evidence is that the noise level at the windows of the adjacent house would be about 48-49dB_{L_{Aeq}}.

Appeal Decision APP/H0724/A/05/1194308

4. After the public house customers have dispersed, the general noise level attributable to traffic on the surrounding roads was measured as falling within the range 48-58dB_{L_{Aeq}}, with the majority of readings within the range 49-51dB_{L_{Aeq}}. The appellants' case is that the noise generated by public house customers leaving the premises at 00:30 hours, as experienced at the windows of the nearest dwelling, would be similar to the ambient noise already created by road traffic at that time.
5. I note that the maximum noise levels recorded during the existing dispersal period are only slightly higher than those recorded during the proposed extension period. Nevertheless, it seems to me that people leaving the public house are likely to cause far more disturbance, than the background traffic noise at 00:30. People who have spent an evening in the public house may well be in boisterous spirits. From time to time, they are likely to converse in raised voices in the car park, slam car doors and rev engines, within a few metres of residents' bedrooms. There is evidence that taxis collecting customers from the White House already enter the car park and sound their horns to attract the attention of their fares. This disturbs neighbouring residents. Their annoyance would doubtless be compounded were it to happen after midnight.
6. The appellants' noise survey was conducted on two nights in December 2005. It seems unlikely that much use would have been made of the White House's external terrace on those occasions. But in the summer months, I am sure it would be an attractive facility for public house customers in general, and particularly for those customers who smoke. I note that the appellants would accept a planning condition that would preclude customers from drinking on the terrace during the proposed extension period. However, it seems to me that such a condition might be extremely difficult to enforce. Attempts to do so might well result in arguments in raised voices between recalcitrant customers and staff members, adding to the potential for disturbance to neighbouring residents.
7. In my view, the existing control over the public house's opening hours strikes a reasonable balance between the interests of its proprietors and customers on the one hand, and neighbouring residents on the other. I consider it to be consistent with Policy Gen 1 of the Local Plan. It seems to me that the proposed extension of the opening hours would have the potential to cause disturbance to neighbouring residents, at a time when they are entitled to expect some peace and quiet. For this reason I shall dismiss the appeal.
8. I have taken account of all the other matters raised, including the appellants Alcohol and Social Responsibility policy; and the powers available to the licensing authority. However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to my decision.



Inspector