

PLEASE NOTE VENUE

PLANNING COMMITTEE AGENDA



Wednesday, 21st February, 2007

at 10.00 a.m.

at Ow ton Manor Community Centre, Wynyard Road

MEMBERS OF PLANNING COMMITTEE:

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

Also to Councillor Griffin (substitute for Councillor Iseley)

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 24th January 2007 (*to follow*)

4. ITEMS REQUIRING DECISION

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

- | | | |
|-----|-------------|-------------------------------|
| 1. | H/2006/0856 | Thornton Street |
| 2. | H/2006/0882 | 249 Raby Road |
| 3. | H/2006/0723 | 80 Reed Street |
| 4. | H/2007/0006 | 42 Bilsdale Road |
| 5. | H/2006/0906 | 27 Murray Street |
| 6. | H/2006/0814 | Land at corner of Warren Road |
| 7. | H/2007/0035 | 10 Gledstone |
| 8. | H/2006/0755 | Eden Park Self Drive |
| 9. | H/2006/0891 | 7 Hylton Road |
| 10. | H/2006/0893 | Huntsman Tioxide |

PLEASE NOTE VENUE

- 4.2 Appeal by Mandale Commercial Ltd, Slake Terrace, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.3 Appeal by Gorkhan Tikna, Site at 93 York Road, Hartlepool, TS26 8AD – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr Griffiths, 143 York Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal – 5 Mayflower Close – *Assistant Director (Planning and Economic Development)*
- 4.6 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.7 Rear of 23-32 Ashwood Close, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.8 Information – Illegal Burning of Materials on the Longhill and Sandgate Industrial Estates, Hartlepool – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985”.

6. ITEMS REQUIRING DECISION

- 6.1 Planning Applications – *Assistant Director (Planning and Economic Development)*
 - 11. H/2007/0059 Woodburn Lodge
- 6.2 Enforcement Action – The Brus Arms Public House, West View Road, Hartlepool (para 12) – *Assistant Director (Planning and Economic Development)*
- 6.3 Enforcement Action – Land to the rear of 48-50 The Front, Seaton Carew (para 12) – *Assistant Director (Planning and Economic Development)*
- 6.4 Enforcement Action – 50 The Front, Seaton Carew (para 12) – *Assistant Director (Planning and Economic Development)*
- 6.5 Enforcement Action – 107 Merlin Way, Bishop Cuthbert, Hartlepool (para 12) – *Assistant Director (Planning and Economic Development)*

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

8. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 19th March 2007 at 9.30 am

Next Scheduled Meeting – Wednesday 21st March 2007

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

24 January 2007

The meeting commenced at 10.00 a.m. in West View
Community Centre, Hartlepool.

Present:

Councillor Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Stan Kaiser, John Lauderdale, Dr George Morris,
Robbie Payne, Carl Richardson, Maureen Waller, Ray Waller, Gladys Worthy
and Edna Wright.

Also Present

In accordance with Council Procedure Rule 4.2
Councillor Jayne Shaw as substitute for Councillor Shaun Cook,
Councillor Sheila Griffin as substitute for Councillor Bill Iseley,
Councillor Mike Turner as substitute for Councillor Geoff Lilley.

Officers: Tony Brown, Chief Solicitor
Richard Teece, Development Control Manager
Roy Merrett, Principal Planning Officer
Pete Riddell, Enforcement Officer
Alan Coulson, Engineering Manager
Adrian Hurst, Principal Environmental Health Officer
Chris Roberts, Development and Coordination Technician
David Cosgrove, Principal Democratic Services Officer

110. Apologies for Absence

Councillors Derek Allison, Shaun Cook, Bill Iseley and Geoff Lilley.

111. Declarations of interest by members

None.

112. Confirmation of the minutes of the meeting held on 22 November and 20 December 2006.

Confirmed.

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

The following planning applications were submitted for the Committee's determinations and decisions are indicated as follows.

Number:	H/2006/0839
Applicant:	Mr A Alfaham Gledstone, Wynyard Woods, Stockton
Agent:	Newbys Solicitors, 100 Borough Road, Middlesbrough.
Date received:	07/12/2006
Development:	Change of use to hot food takeaway shop
Location:	132 OXFORD ROAD HARTLEPOOL
Representations:	Councillor Brash (Ward Councillor) (Objector) addressed the Committee. The Committee considered written representations in relation to this matter.
Decision:	Planning Permission Refused

REASONS FOR REFUSAL

1. The application site lies outside the defined Oxford Road local centre identified under Policy Com5 of the adopted Hartlepool Local Plan. It is considered that uses of this type should be located within the local centre to ensure the vitality and viability of the centre is retained and to ensure that related car parking does not spill over to affect housing adjoining the centre.
2. It is considered that vehicles visiting the proposed use could park in adjoining streets which are predominantly residential in character or outside houses on the opposite side of Oxford Road and that noise and general disturbance from the comings and goings of the users of those vehicles could be detrimental to the amenities of the occupiers of those houses particularly at times of the day when they could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan.
3. Oxford Road is a heavily trafficked bus route. It is considered that the regular comings and goings of vehicles using the proposed takeaway could be detrimental to highway safety and the free flow of traffic contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan.
4. It is considered that the proposed development could in itself and in conjunction with other developments of this type recently approved on appeal (143 Oxford Road application H/2006/0502) and currently the subject of appeal (122 Oxford Road application H/2006/0565) should they proceed lead to a proliferation of such uses, encourage youths to congregate, and result in additional litter and general disturbance to the detriment of the amenities of the occupiers of

houses on the opposite side of Oxford Road and nearby streets contrary to policies GEPI and Com12 of adopted Hartlepool Local Plan.

Number: H/2006/0755

Applicant: Mr K Hair
4 Burnhope Road Hartlepool

Agent: Jacksonplan Limited Mr Ted Jackson 7 Amble Close
Hartlepool

Date received: 09/10/2006

Development: Outline application for the erection of 4 detached houses with detached garages

Location: EDEN PARK SELF DRIVE HIRE SEATON LANE
HARTLEPOOL

Representations: The Committee considered written representations in relation to this matter.

Decision: **Deferred for additional information**

Number: H/2006/0834

Applicant: Mr Amar Dhalwal
DUKE STREET HARTLEPOOL

Agent: Stephenson Johnson & Riley, Suite 101, The Innovation Centre, Venture Court, Queens Meadow Business Park, HARTLEPOOL

Date received: 15/11/2006

Development: Variation of condition 2 attached to planning approval H/2005/5500 to allow Sunday opening between the hours of 9 a.m. and 10.30 p.m.

Location: 34A DUKE STREET HARTLEPOOL

Representations: Mr D Johnson (Applicant's agent) and Mr Hughes (objector) addressed the Committee.
The Committee considered written representations in relation to this matter.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. It is considered that the trading of the hot food takeaway on a Sunday, given its close physical relationship with residential properties would be detrimental to the amenities of the occupants of those properties in terms of noise and general disturbance on a day of the week when residents could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP 1 and Com 12 of the adopted Hartlepool Local Plan 2006.

Number: H/2006/0814

Applicant: Mr Nigel Dawson
Keel Row 12 Watermark Gateshead

Agent: Mackellar Architecture Limited, Mr Brian Wood, 77-87 West Road, Newcastle Upon Tyne

Date received: 01/12/2006

Development: Erection of a 3 storey, 80 bedroom care home with car parking (resubmitted application)

Location: LAND AT CORNER WARREN AND EASINGTON ROAD
HARTLEPOOL

Representations: Mr N Baker (applicant's representative) and Councillor D Waller (Ward Councillor) addressed the Committee. The Committee considered written representations in relation to this matter.

Decision: **Deferred for additional information**

Number: H/2006/0906

Applicant: Mr H Ullah
Grosvenor Street Hartlepool

Agent: Business Interiors Group, 73 Church Street,
HARTLEPOOL

Date received: 18/12/2006

Development: Alterations, installation of new shop front and change of

use to provide a hot food takeaway shop

Location: 27 MURRAY STREET HARTLEPOOL

Representations : Mr Nunn (objector) addressed the Committee.
The Committee considered written representations in relation to this matter.

Decision: **Deferred for additional information**

Number: H/2006/0813

Applicant: Mr Alistair Scott
Oriol House Bishop Street, STOCKTON-ON-TEES

Agent: Jomast Developments Ltd, Mr Alistair Scott, Oriol House
Bishop Street STOCKTON-ON-TEES

Date received: 07/11/2007

Development: Omission of 5 penthouse apartments on Block 27 and replacement with 10 flats and provision of lifts and increase in height of part of building (amendment to planning approval H/FUL/0638/01)

Location: BLOCK 27 FLEET AVENUE HARTLEPOOL

Representations : Mr A Scott, (applicant's agent) addressed the Committee.
The Committee considered written representations in relation to this matter.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The car parking spaces shown on the plan hereby approved shall be provided prior to the development being brought into use.
In the interests of highway safety.
4. Floor levels should be set no lower than 5.00m AOD.
To protect the development from flooding.

5. No part of the development shall commence unless the Local Planning authority is satisfied that there is adequate capacity in the foul and surface water drainage system to accommodate the foul and surface water flows arising from that part of the development.
To ensure the adequate foul and surface water drainage facilities are available to serve the development.
6. Notwithstanding the submitted details final details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available for use before the building they are designed to serve is brought into use and shall thereafter be retained for the intended purpose at all times during the life of the development. To ensure adequate facilities are available to serve the development/in interests of the visual amenities of the area.
7. Details of the provision for cycle parking to serve the development shall be submitted to and agreed by the Local Planning Authority prior to the development being commenced.
To encourage alternative means of transport to and from the site

Number: H/2006/0816

Applicant: Leebell Mitchells And Butler, Oakdene Capital Ltd

Agent: Signet Planning, 26 Apex Business Village, Annitsford, New castle Upon Tyne

Date received: 20/11/2006

Development: Erection of a public house and 2 no retail units and associated works

Location: Land at Middle Warren, Hartlepool

Representations: The Committee considered written representations in relation to this matter.

Decision: **Minded to APPROVE subject to a legal agreement restricting the size of service vehicles to the site and the following conditions**

CONDITIONS AND REASONS

1. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 1st, 20th, 21st

and 30th November, and 21st December 2006, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

3. The retail unit(s) with floor space comprising 186 square metres hereby approved shall be retained for retail use independent from the larger 743 square metre retail unit at all times.

For the avoidance of doubt and to ensure a variety of retail units are provided.

4. The retail units shall only be open to the public between the hours of 7am and 11pm Monday to Saturday and between 10am and 5pm on Sunday and Bank Holidays.

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

5. The public house shall only be open to the public between the hours of 10:00 and 00:30 other than on the following special days when the public house shall be permitted to open between 10:00 and 01:30 hours: the Friday, Saturday, Sunday and Monday of:

1. Easter Weekend

2. 1st and 2nd May Bank Holiday weekends

3. August Bank Holiday

and on

St. Patrick's Day - 17th March

Halloween- 31st October

Christmas Eve - 24th December

Boxing Day - 26th December

and from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

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

6. With the exception of the collection of bottles from the public house hereby approved, the servicing of the public house and retail units shall only take place between the hours of 6am and 5pm daily. The collection of bottles shall not take place before 8am and later than 5pm daily.

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

7. 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 Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been

- considered in the 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.
8. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
 9. 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.
 10. 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.
 11. Final location details of the plant bin store to the retail units shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. Thereafter the plant bin store shall be carried out in accordance with the approved details.
In the interests of visual amenity and highway safety.
 12. A scheme to define the boundary of the area identified for outside drinking on plan 2276/101/SRDC rev. C shall be submitted and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity and to control the area allocated for outside drinking.
 13. Outside drinking shall only take place within the area defined by condition 12 above and no outside drinking shall take place anywhere else within the site.
In the interests of the amenities of the area.
 14. A scheme for the final details and locations for the CCTV cameras shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.

In accordance with Council Procedure Rule 17.5, Councillor Payne requested that his vote against the above decision be recorded.

Number: H/2006/0861

Applicant: Mr Dennis Hancock, Hanson House, Lynn Street, Hartlepool

Agent: Hartlepool Borough Council, Mr Dennis Hancock, Hanson House, Lynn Street, Hartlepool

Date received: 01/12/2006

Development: Engineering works comprising removal of 600mm of contaminated soils and associated reinstatement works within residential curtilages

Location: Lithgo Close, Hornby Close, Cowley Close, Wainwright Close, And Wainwright Walk, Hartlepool

Representations: The Committee considered written representations in relation to this matter.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
 2. All works shall be carried out in accordance with the submitted details received on the 1st of December 2006 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
 3. No deliveries shall be accepted at the site outside the hours of 8am and 6pm Monday to Friday, 8am to 1pm Saturday and at no time on a Sunday or a Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
 4. No works shall be carried out upon the site outside the hours of 8am and 6pm Monday to Friday (inclusive) and 8am and 1pm Saturday and at no time on a Sunday or a Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
 5. All bulk storage of materials and plant shall take place in the storage area/compound to the north of the site indicated on drawing PR216-PA3 received on the 1st of December 2006 unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
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114. Update on Current Complaints *(Assistant Director (Planning and Economic Development))*

During the previous four (4) week period, fifteen (15) planning applications have been registered as commencing and checked, fourteen (14) required site visits resulting in various planning conditions being discharged by letter. Members' attention was drawn to four on-going issues, which were briefly set out in the report.

Decision

That the update report be noted.

115. Appeal by Mr P Gold – Site at 12 Moorhen Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

Members were advised of the outcome of an appeal against the refusal of planning permission for the erection of a bedroom extension above an existing conservatory at the above property. The appeal was dismissed, the Inspector concluding that the proposed extension would have a detrimental effect on the living conditions of neighbouring occupants in terms of privacy, overshadowing and outlook. A copy of the appeal decision was attached as an appendix to the report.

Decision

That the appeal decision be noted.

116. Appeal by Mr and Mrs Hopper – Site at Meadowcroft, Elwick Road *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Committee to allow the erection of a gatehouse at the above site. The appeal is to be decided by a hearing and authority was requested to contest the appeal.

Decision

That the Assistant Director (Planning and Economic Development) be authorised to contest the appeal.

117. Appeal by Tyne Valley Developments – Site at Shu Lin, Elwick Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal has been lodged against the refusal of the Committee to allow the erection of seventeen executive apartments with access road and service facilities at the above site. The appeal was to be decided by a hearing and authority was requested to contest the appeal.

Decision

That the Assistant Director (Planning and Economic Development) be authorised to contest the appeal.

118. Appeal Against Enforcement Notice – Lowfield Farm, Dalton Piercy *(Assistant Director (Planning and Economic Development))*

It was reported that a previous meeting of the planning committee, it was agreed to initiate enforcement action to secure the removal of an unauthorised residential building (including extension) from the above site. The site owner has lodged an appeal against the enforcement notice served and consequently the matter is to be decided by a planning inspector following a hearing.

Decision

That the Assistant Director (Planning and Economic Development) be authorised to contest the appeal and maintain the enforcement action.

119. Tesco, Belle Vue Way, Hartlepool *(Assistant Director (Planning and Economic Development))*

At the meeting on 20 December 2006, the Planning Committee were minded to grant planning permission for an extension to the Tesco store on Belle Vue Way, subject to planning conditions a planning agreement and a decision by the Secretary of State not to call in the application. It was not made explicit in the previous committee report that part of the scope of the planning agreement will be to commit the developer to a staff travel plan with a view to reducing dependency on the private car.

Decision

That the report be noted.

120. Draft Development Brief for the former Fair Ground at Seaton Carew *(Assistant Director (Planning and Economic Development))*

A draft development brief had been prepared for the Council owned former fairground and coach park at Seaton Carew. The site was identified in the Local Plan for commercial leisure and recreational uses. It was considered a key location for the regeneration of Seaton Carew and the aim was to secure a suitable development, which would provide a significant addition to the existing visitor offer. The site also incorporates land owned by Seaton Carew Golf Club. The development brief would be used to market the land and sets out the council's vision and planning guidelines for the development of the site. A copy of the development brief was attached as an appendix to the report.

Decision

That the report be noted.

121. Any Other Items, which the Chairman considers are urgent.

The Chairman ruled that the following 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.

Decision**122. Recent Planning Appeal Decisions – Letter to MP**
(Development Control Manager)

The Development Control Manager reported that as requested at the meeting of the Committee on 30 August 2006 (Min. No. 51 refers) Members had requested that a letter be sent to the Member of Parliament expressing the Committee's concerns in relation to recent Planning Inspectorate appeal decisions. A response had been received from Iain Wright MP and a copy of the letter was circulated for Members information.

Decision

That the letter received from Iain Wright MP be noted.

123. H/2006/0334 - Baker Petrolite, Tofts Farm Industrial Estate, West Brenda Road, Hartlepool *(Development Control Manager)*

The Development Control Manager reported that at the Planning Committee on 27 September 2006 (Min. No. 56 refers), Members approved a one year temporary planning permission, subject to no objections being received from the Nuclear Installations Hazardous Substances Inspectorate. Confirmation had been received on 19 January 2007 that there were objections to the permission. In light of this late response, the Development Control Manager recommended that the Committee agree to vary the condition in order to allow the one-year period to run from the date of this meeting.

Decision

That condition 5 of the permission granted on 27 September 2006 be amended as follows: -

5. The permission hereby granted in relation to the increased amount of acrolein on the site is valid up to 31 January 2008 and the additional acrolein shall be removed from the site on or before that date unless the prior consent of the Local Planning Authority has been obtained to an extension of this period.

124. Middle Warren Development – Reserved Matters

(Development Control Manager)

The Development Control Manager reported that a letter had recently been received from Leebell Developments Limited concerning an earlier meeting with the company in respect of funding for a pedestrian light controlled crossing to the A179. Members were informed that a planning application on this matter may be lodged in the near future. Members requested that the Ward Councillors be kept up to date on this matter.

Decision

That the report be noted.

125. Local Government (Access to Information) Act 1985

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

Minute 126 – (Para 5) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Minute 127 – (Para 5) - This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

126. Appeal Decision – Land at Woodburn Lodge

(Assistant Director (Planning and Economic Development))

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the this item of business on the grounds that it involves the likely disclosure of exempt information as defined in of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Members were advised that following an appeal against the service of enforcement notice in relation to an alleged formation of an access at Woodburn Lodge from Redcar Close, the Inspector had quashed the Enforcement Notice. The Inspector concluded that the works that had been alleged to create the access, i.e. the erection of a wooden gate and opening in a boundary wall, were in fact separate operations that individually did not require planning permission.

A legal view was sought as to the prospects of this decision being overturned in the High Court. The legal opinion received was that the Inspector had not acted unreasonably in reaching his decision and as such, the prospects of a successful challenge were not good.

Decision

That the report be noted and no further action be taken.

127. Enforcement Action – 26 Courageous Close, Hartlepool *(Assistant Director (Planning and Economic Development))*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

It was reported that in January 2004, an anonymous complaint about the erection of a front garden wall was brought to the Council's attention. A retrospective application was refused for the wall at the meeting of Council's Planning Committee 21st December 2005, as it was contrary to the open plan condition attached to the planning consent for the estate. The Planning Committee also agreed to authorise the Development Control Manager, in consultation with the Chief Solicitor to take enforcement action, if necessary, to secure the removal of the wall and make good resulting ground works.

However, since this decision, the committee on 5th July 2006 decided to grant permission for a low front side fence at 28 Courageous Close. It was considered that the requirement for the side boundary wall to be demolished would be inconsistent with this later decision and it was, therefore, recommended that the occupier be allowed to retain the side wall and that they be required to remove only the front element of the boundary wall.

Decision

That the proposal to allow the retention of the side boundary wall, as set out in the report, be approved.

128. Enforcement Action – The Lion Public House, Lancaster Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

It was reported that in August 2004 planning permission was granted for the demolition of the existing building and the erection of six two-bed apartments. The approved scheme has not been implemented and the vacant site has fallen into a state of disrepair. The general untidy appearance of the former public house associated outbuilding and its immediate surroundings is having an adverse impact upon the amenity and general appearance of the street scene. A complaint had recently been received from the occupiers of nearby premises regarding the untidy condition of the site. It was recommended that enforcement action should be taken in respect of the untidy condition of The Lion Public House, Lancaster Road, Hartlepool, by way of issuing a Section 215 Notice.

Decision

That the Assistant Director (Planning and Economic Development) be authorised to undertake enforcement action in this case.

R W COOK

CHAIRMAN

No: 1
Number: H/2006/0856
Applicant: Ms Alex Ross 41 Park Road Hartlepool TS24 7TW
Agent: Anthony Walker and Partners St Josephs Businesss
 Centre West Lane Killingworth Village New castle upon
 Tyne NE12 7BH
Date valid: 24/11/2006
Development: Formation of a linear park and associated works including
 alley gates and boundary walling
Location: THORNTON STREET HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The application site consists of a row of properties located at the eastern end of Thornton Street as it approaches York Road. It lies within the NDC area and on the edge of the Town Centre. The properties within the site are largely vacant and boarded up they are predominantly Victorian residential properties but include commercial properties, a hairdressers, a health clinic and a Chinese restaurant at the eastern end of the site. To the north are the gable ends of terraced dwelling houses which front the various streets which terminate at Thornton Street and associated gated alleyways. To the south the properties on the other side of Thornton Street are largely residential. To the west the rear yards of terraced residential properties back onto the site, Clifton Avenue a residential street extends to the west, the junction here marks the beginning of the Grange Conservation Area. To the east are commercial properties fronting onto the eastern end of Thornton Street and York Road.

1.2 It is proposed to demolish the properties within the site and to create a linear park. The park will have an east west orientation and will be located on the northern side of the site. The park will be enclosed by railings on a plinth wall. At the termination of the streets to the north new walls will be built with alley gates resited. In some instances the new walls will accommodate extended yards for the adjacent properties. The park will be landscaped, and benches and various pathways provided. As part of the scheme Thornton Street itself will be narrowed and parking bays accommodated on its south side. Raised pedestrian crossing points will also be provided. A separate Traffic Regulation Order is also being pursued which will introduce a one-way system in Thornton Street/Johnson Street.

1.3 In bringing forward the proposals the applicant, Hartlepool Revival, have consulted with partner agencies, local residents and businesses since early 2006. They advise "This consultation has taken the form of 7 public consultation events where local people gave their views on how they saw the park working, talked to the Landscape Architect and commented on a variety of draft proposals. In addition, local people have been kept updated via letters, notices, leaflets and one to one visits. Around 300 properties were invited to consultation events and around 25% attended events and approx 80% preferred the linear park proposal against other options eg. pocket parks."

Publicity

1.4 The application has been advertised by site notice and neighbour notification (72). The time period for representations has expired. Three letters of no objection were received. One letter from a resident of Clifton Avenue was received. The writer advised that she had insufficient information before her on which to base her decision, raised concerns that the residents of Clifton Avenue had been excluded from the decision making process, concerns that the description of the application was an oversimplification and understated the changes proposed i.e. alterations to pedestrian/vehicular access. A letter was sent to this respondent advising them as to how the information submitted by the applicant could be viewed, on line or in person, and offering the opportunity to meet with the planning officer or the applicant. No further contact was received but discussions with the applicant indicate a meeting was facilitated.

Copy letter B

The publicity period has expired.

Consultations

1.5 The following consultation replies have been received:

Engineers - Standard site investigation condition for contamination required. Adapted to allow for demolition, as it is the redevelopment phase that needs to address any issues contamination. (verbal comments)

Head of Public Protection & Housing - No objections

Traffic & Transportation - No objections

Landscape, Planning & Conservation - No objections. Makes various recommendations in relation to the landscaping including the species proposed, the siting and spacing of the trees. Recommends condition J161 should apply.

Northumbrian Water - No formal comments received confirmed verbally no objections.

Access Group - No comments received.

Fire Brigade - No formal comments received confirmed verbally no objections.

Police - No comments received

Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec 13 and will be controlled by the use of planning conditions.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

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.

GEP10: Encourages the provision of public art and craftwork as an integral feature of new development.

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.

GEP16: States intention to acquire by compulsory purchase untidy sites in order to achieve the proper planning of an area.

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.

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.

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

Hsg1: States that a high priority will be given to the improvement of the existing housing stock and to the enhancement of the local environment particularly in areas of high deprivation.

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

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance. A possible Park will be considered in the West Central Area.

Planning Considerations

1.7 The proposal has been developed following consultations with the local community and is part of a range of proposals designed to improve the environment within the West Central Area as part of the New Deal For The Communities Community Housing Plan. It is considered that the proposal will enhance the general environment of the area, and approaches to the Grange Conservation Area, introducing a linear greenspace and tree planting in an area lacking in such amenities. It will also provide a recreational resource for the local community. 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 2378.15 received on 25th January 2007, unless otherwise agreed in writing by the Local Planning Authority

For the avoidance of doubt

3. Unless otherwise agreed in writing with the Local Planning Authority 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, with the exception of demolition works, 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.
4. 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.
5. Unless otherwise agreed in writing details of all walls, gates, railings, bollards, fences and other means of enclosure shall be submitted to and approved by the Local Planning Authority before these parts of the development so approved are commenced.
In the interests of visual amenity.
6. Unless otherwise agreed in writing details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development, with the exception of demolition works, commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
7. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, with the exception of demolition works, the final treatment of the gables of 4 Johnson Street, 1 & 2 Stotfold Street, 1 & 2 Alderson Street and 1 & 2 Mitchell Street shall be submitted to and agreed in writing with the Local Planning Authority. The gables shall thereafter be finished in accordance with the details so approved.
In the interests of the visual amenity of the area.
8. With the exception of any demolition works 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 Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the 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.

Thornton Street



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 07/02/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0856	REV

No: 2
Number: H/2006/0882
Applicant: Lee Stoddart Jones Road Hartlepool TS24 9BB
Agent: 42 Jones Road Hartlepool TS24 9BB
Date valid: 22/12/2006
Development: Change of use to cafe to include hot food for sale for consumption off the premises
Location: 249 RABY ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 The application site is a terraced commercial property located close to the junction of Raby Road, Chester Road and Brougham Terrace. The property which was formerly in use as a video shop is close to other commercial properties including a number of hot food takeaway shops.

2.2 The proposal involves the change of use of the property to a café/sandwich shop. This will also include the sale of takeaway food and a catering service. The shop has already opened. The applicant has requested 7am till 3pm opening hours Monday to Saturday. Two members of staff are currently employed.

Publicity

2.3 The application has been advertised by way of neighbour letters (15) and a site notice. One letter of no objection has been received together with a petition of 50 names against the proposal.

2.4 The concerns raised are:

- 1) no need for another hot food takeaway/café
- 2) will add to parking and traffic congestion
- 3) early morning noise

Copy Letter A

The period for publicity has expired.

Consultations

2.5 The following consultation replies have been received:

Head of Public Protection - No objection subject to restricted opening times and the usual extract ventilation conditions

Traffic & Transport – No objections

Planning Policy

2.6 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.

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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

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

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

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

Planning Considerations

2.7 The main considerations in this case are the appropriateness of the proposal in terms of the policies and the proposals within the Hartlepool Local Plan, the impact on neighbouring properties in terms of noise and disturbance and on highway safety.

2.8 The property is located within the Raby Road Commercial Improvement area which includes a variety of uses such as fish and chip shops and other hot food takeaways.

2.9 The site lies just outside the local centre boundary, however in view of the mixed business use nature of the area the proposed use is considered to be acceptable in principle subject to opening hour restrictions to take into account the adjacent residential properties.

2.10 This particular application differs from existing hot food outlets in the area in that the applicant intends to cater for daytime trade and offer an eat-in facility. The opening hours requested are 7.00am till 3.00pm. However it is considered acceptable to trade until 6.00pm without causing undue disturbance to local residents that might otherwise arise if the premises were allowed to open later.

2.11 It should be noted that the previous use as a video shop had no restriction on opening times and is likely to have opened until late.

2.12 In terms of highway safety, the property is an existing shop with no off street parking. The use as requested is unlikely to attract large numbers of vehicle borne customers. The highway engineer has commented that given the above it would be difficult to sustain an objection.

2.13 The proposal is considered acceptable and is therefore 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 premises shall only be open to the public between the hours of 07.00 hours and 1800 hours Mondays to Saturdays inclusive and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding the submitted plans, within 3 months of the date of this permission, details for a ventilation filtration and fume extraction equipment to reduce cooking smells should be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved equipment shall be installed, 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.



249 Raby Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/2/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0882	REV

No: 3
Number: H/2006/0723
Applicant: Ms Amanda Senior Three Rivers House Abbeywoods
 Business Park Durham DH1 5TG
Agent: Mackellar Architecture Limited 77-87 West Road
 Newcastle Upon Tyne NE15 6RB
Date valid: 23/10/2006
Development: Erection of a Supported Living Scheme for adults
 comprising 10 one bedroom flats, communal
 living/dining/kitchen/laundry/resource areas, staff overnight
 stay facility and rest rooms
 (AMENDED PLANS RECEIVED)
Location: adjoining 80 REED STREET HARTLEPOOL

The Application and Site

3.1 The application site is an L-shaped area of Council owned land situated between Reed Street, Huckelhoven Way and Lynn Street.

3.2 The site, which has been vacant for many years, is mainly grassed over.

3.3 To the north of the site is the former Focus DIY store, to the east is the Hartlepool Reproduction Centre and to the south, commercial/industrial properties on Lambton Street. To the south of Huckelhoven Way is predominantly residential.

3.4 The proposal involves the erection of a two-storey building to provide accommodation for ten single people together with office and staff accommodation, car parking and walled courtyard.

3.5 The building which would face onto Reed Street has been designed to resemble a small terrace of houses.

3.6 The scheme includes 10 self contained flats, one to wheelchair standard, staff facilities, kitchen, dining room, laundry, day space, resource/quiet room, interview room and overnight sleep-in facilities.

3.7 This supported living scheme was second priority in the Council's Homelessness Strategy (after the scheme for younger people, new built and operational) and responds to an identified gap in provision within the Supporting People Strategy.

3.8 The scheme is intended for people who are at risk of homelessness and want to move on to independent accommodation. Tenants will be male or female, aged over 25, who wish to stabilise their lives and learn new skills to help them to sustain a tenancy when they move on. The Council will have 100% nomination rights for tenants. They will stay up to two years with the project.

3.9 Staff will be present throughout the day and night, with a local manager, five full time staff and several part time staff. Cover during the day will be up to 3 staff members and two overnight. All staff will be police checked and trained.

3.10 Staff members will provide two roles – managing the project and offering a support service to the tenants.

Publicity

3.11 The application has been advertised by way of neighbour letters (65), site notices (4) and press advert. The amended scheme was re-advertised. To date, there have been 7 letters of objection and a petition with 189 names. 1 letter of no objection was received. Since the amended plans were received a further 4 letters of objection were received together with 4 letters of no objection.

3.12 The objections include:-

- a) will affect existing business
- b) will be built on industrial land
- c) will prevent access to rear of existing business uses in Lambton Street
- d) insufficient parking
- e) the project will endanger existing jobs and will interfere with day to day running of business
- f) will be used to house people of a criminal nature
- g) there is drug dealing going on in broad daylight
- h) should build the centre somewhere else – more than fair share of this type of use in Burbank area.

Copy letters (C).

The period for publicity has expired.

Consultations

3.13 The following consultation replies have been received:

Head of Public Protection – No objections

Northumbrian Water – No objections subject to usual drainage conditions

Traffic & Transportation – No objections

Property Services – Has commented on issues which would be controlled under the Building Regulations.

Adult & Community Services – Awaiting comments.

Economic Development – No objections.

Engineering Consultancy – Requires a desktop study.

Planning Policy

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

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.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Planning Considerations

3.15 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, the impact of the development on the amenities of the existing businesses and residential properties and on highway safety.

3.16 Although the site is in an area allocated for office, business, education, leisure and entertainment uses, Local Plan policy states that uses not specified will be considered on their own merits.

3.17 The proposed development, which includes a mixture of residential, office and educational uses, seeks to meet an identified priority housing need and is considered an acceptable alternative use in this fringe town centre area. (Proximity to town centre facilities was one of the main criteria in identifying a location for this proposal).

3.18 The development, which has domestic proportions not unlike a row of terraced houses, should have little effect on the visual amenities of the area. Whilst the original plans show one of the first floor flats overlooking Sally's Valetting yard on Lambton Street, this has now been amended so that this corner of the building contains non-domestic rooms/windows. This amendment will protect the outlook for future tenants and also safeguard any future development plans on Lambton Street.

3.19 The original scheme contained a number of land ownership issues which instigated alterations to the site layout. The boundary has now been changed in order to avoid the abovementioned complications.

3.20 The main objections to the proposals from local residents/businesses, appear to revolve around the type of person who would live in the building.

3.21 Although the applicant has provided explicit information to local residents and business people as part of its own consultations (as in paras. 3.8 – 3.10 above), there are strong feelings that the development would introduce a certain unwanted element into the area. The residents who are opposed to the scheme consider that the area already has more than its fair share of this type of use and have referred to existing problems associated with the Community Drug Centre on Whitby Street.

3.22 It is acknowledged that the introduction of a new use close to an existing community can raise concerns. In particular, this type of use where there is an element of the unknown and uncertainty regarding future residents, clearly raises questions regarding the potential for anti social behaviour in the area.

3.23 Crime and the fear of crime are material planning considerations. The proposed development includes a number of provisions and procedures to monitor and prevent anti-social or criminal behaviour.

3.24 The building will be supervised 24 hours a day by trained staff. Appropriate lighting will be provided at the entrance and in the parking area. There will be CCTV throughout the external and interior communal areas. The building is to 'Secured by Design' standards.

3.25 It is understood that the similar project in Stockton (seen on the Members' site visit) has been running for twelve years without any reported problems or impact on the local community.

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.

2. To clarify the period for which the permission is valid
The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 8 January 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
3. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
5. 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.
6. 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 Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the 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.
7. 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.
8. 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.

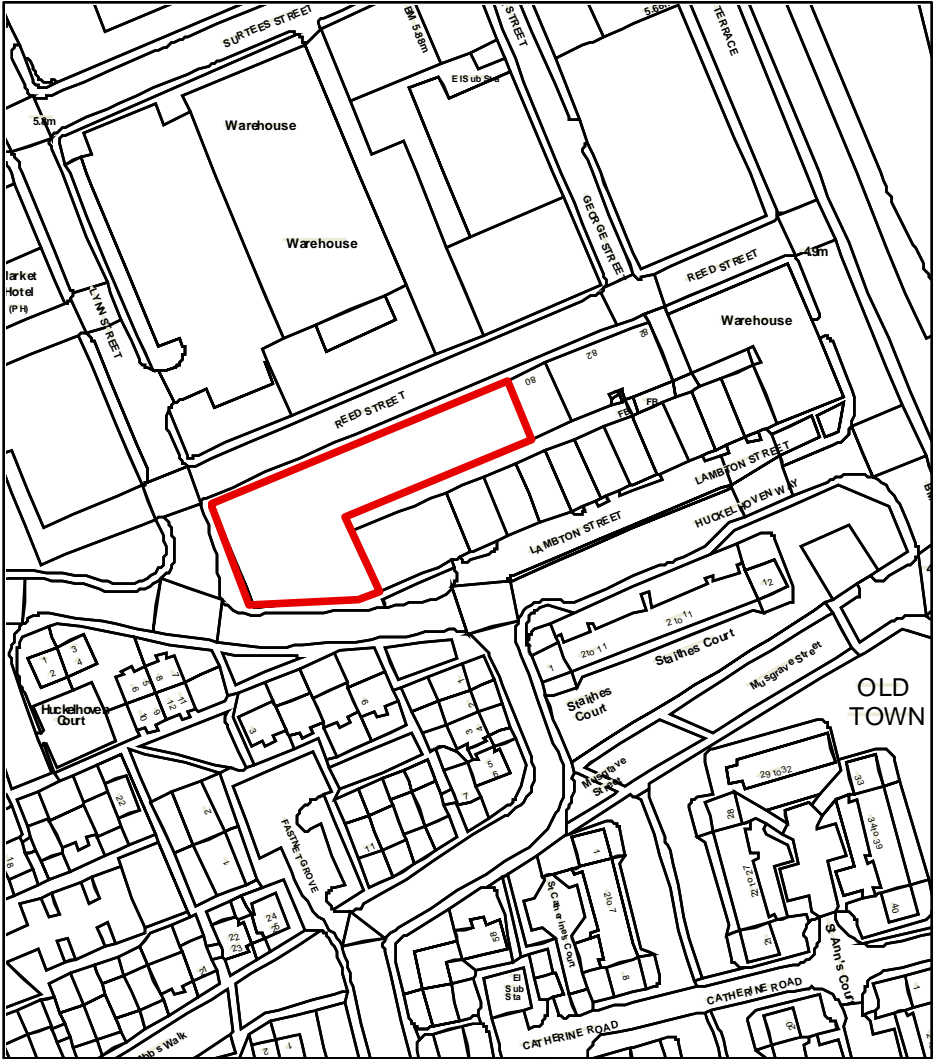
In the interests of visual amenity.

9. The development hereby approved shall relate to a supported living scheme for adults as referred to in the supporting information provided within this application and for no other use in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Amendment (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

To enable the Local Planning Authority to control the future use of the premises in the interests of the amenities of the area and the occupiers of nearby housing.



Reed Street



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 07/02/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0723	REV

No: 4
Number: H/2007/0006
Applicant: Mr T Horwood 42 Bilsdale Road Hartlepool TS25 1JG
Agent: Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP
Date valid: 04/01/2007
Development: Erection of a detached bungalow and detached double garage and a single detached garage including alterations to access

Location: 42 BILSDALE ROAD HARTLEPOOL

The application and site

4.1 Detailed planning permission is sought for the erection of a detached bungalow within the rear garden area of 42 Bilsdale Road. The site comprises a grassed and cultivated area that was previously the subject of a planning permission for change of use to domestic garden in connection with the donor property (approved in June 2005). It has also been the subject of previous applications for 5, 4 and then 2 dwelling units. All of these applications were previously refused by the planning committee.

4.2 All 3 previous applications for 5, 4 and 2 dwellings on the site were later dismissed following appeals. In common to all three appeals was the conclusion by the relevant Inspectors that adjacent residential properties would be adversely affected by traffic related noise.

4.3 Whilst the appeal in relation to the five dwelling proposal was also dismissed because of the greenfield status of the site this was not accepted as a relevant reason in the latter appeals because the Inspector considered that by this time the site had become part of the garden of 42 Bilsdale Road and accordingly had lost its greenfield status.

4.4 The site is to be accessed from Bilsdale Road, facilitated through the demolition of the garage belonging to No. 42 and by the provision of a driveway. The driveway would have a maximum width of 4.2 metres but would narrow to approximately 3 metres immediately adjacent to No. 42.

4.5 The bungalow, which would have a roughly square footprint would incorporate hipped roof, bay windows to the front and chimney to the side. It would be served by a detached double garage within a courtyard area to the front incorporating vehicle-turning area. A further single garage and adjacent car parking space would be sited between the proposed double garage and the rear of 40 Bilsdale Road. This facility would provide the parking accommodation for 42 Bilsdale Road that would be lost to the proposed access.

4.6 In support of this proposal, the applicant makes the following points:-

- 1) Having regard to the architecture of the donor and surrounding properties, the design for the proposed bungalow with detached double garage and detached single garage for the donor property follows the broad detailing already considered acceptable by Inspectors who determined the previous appeals.
- 2) Privacy standards would be met.
- 3) It is the applicant's intention to utilise eco-friendly principles for heating, lighting and drainage.
- 4) The dwelling is expected to generate similar traffic levels to other individual dwellings in this part of the estate which would be more than capable of being satisfied by the existing adopted highway.

Publicity

4.7 The application has been advertised by way of neighbour letters (12) and also by a site notice. To date there have been 8 letters of objection making the following points:-

- i) Adjacent houses would suffer increased disturbance as a result of vehicle noise which would be detrimental to living conditions and enjoyment of gardens.
- ii) Would lead to increased traffic in the street to the detriment of highway safety.
- iii) Narrow access to the site will be hazardous.
- iv) Would be out of keeping with the character and appearance of other properties in street
- v) It would be too difficult for emergency vehicles to gain access.
- vi) The land is a greenfield site and should not be built on
- vii) Construction vehicles would cause additional noise, dust and dirt on the roads and would also have difficulty gaining access to the site
- viii) Would adversely affect privacy. Car headlights would be intrusive.
- ix) The proposed development would establish a precedent that would make it difficult to resist further residential development on the site
- x) Houses might suffer subsidence as a result of vibration from construction vehicles.
- xi) Blackberry Lane is an ancient walkway and should be left as such
- xii) Loss of view due to size of property
- xiii) Provision of services would cause complications

xiv) Would cause property devaluation

Copy letters D

The publicity period has expired.

Consultations

4.8 The following consultation replies have been received:

Highway Engineer – Comments awaited but verbally no objections.

Head of Public Protection – No objections.

Head of Engineering – Condition recommended to identify and remediate any contamination present

Northumbrian Water – Comments awaited

Planning Policy

4.9 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.

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

demand. Developer contributions towards demolitions and improvements may be sought.

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

Planning Considerations

4.10 The main issues to be considered in this case are:-

- a) whether the principle of residential development in this location is satisfactory
- b) the implications for residential amenity
- c) siting and design issues
- d) the implications of extra traffic flowing from the development
- e) emergency vehicle access
- f) precedent

The principle of the development

4.11 Planning Policy Statement 3 (PPS3) sets out the government's strategy for new residential development. The guidance indicates that in general terms the development of previously used land is to be prioritised over greenfield land in identifying land supply.

4.12 Following the recent planning appeals for 4 and 2 dwellings on the site respectively it was determined by the Inspector that the site is now to be regarded as previously used on account of it having become part of the garden of no. 42.

4.13 It is important to have regard to Policy in the Local Plan concerning the design and other requirements for new residential layout. Policy Hsg9 sets out a range of criteria that need to be fulfilled. The criteria relevant to the single bungalow proposed in this case are considered below:-

Location of development in relation to donor property

4.14 The Local Plan states that tandem development where one house is located behind the other sharing the same access or having an access very close to the frontage house is unlikely to achieve appropriate standards of design, privacy and access.

4.15 The previous appeal inspector, taking into account, the potential for mitigation in the form of screen boundary walls nevertheless considered that the traffic generated by the resulting development of two dwellings and the replacement garage for the donor property would still cause unacceptable noise and disturbance for neighbouring residents.

4.16 The current proposals would also see the donor property's garage relocated to the rear of the site. The new access route would be used by traffic associated with both the new and donor properties and although less traffic would be expected compared to the previous proposal for two dwellings there would still be a material increase in traffic movements compared to the present situation.

4.17 It is considered that the current proposal would cause disturbance to adjacent existing gardens and living rooms from passing and maneuvering vehicles, therefore harming the enjoyment of those gardens and properties.

4.18 The living accommodation of 40 and 42 Bilsdale Road in particular could be affected as main living rooms would be close to the new access. It is therefore considered likely that the development would cause an adverse affect on the amenities of residents living adjacent to the proposed driveway and parking area notwithstanding the changes in dwelling numbers.

4.19 The previous appeal inspector acknowledged that his conclusion that the proposals for 4 and 2 dwellings was unacceptable was finely balanced. It is however considered that limiting the development to a single bungalow would not be sufficient to enable a positive recommendation particularly when taking into account the objectives of the Council's Local plan policy.

Siting and Design Issues

4.20 The proposed siting of the bungalow and its spacing in relation to existing dwellings would be in keeping with separation standards set out in the local plan.

4.21 Bilsdale Road is predominantly made up of semi-detached properties. The backland location of the bungalow would ensure it was not harmful to the appearance of the street scene.

4.22 It would however be visible from the adjacent railway line from where it would be seen as a singular tandem residential development in the immediate locality and somewhat incongruous with the line of semi-detached dwellings behind. It should however be noted that there are a range of single storey outbuildings with the rear garden areas of these properties and their presence would help to mitigate the impact of the proposed development.

4.23 It is therefore considered that a refusal of the planning application on these grounds could not be sustainable.

Traffic flow issues

4.24 The additional level of traffic generated would not be considered likely to cause a material increase in congestion problems on Bilsdale Road. The final views of the Highway Engineer are awaited.

Emergency Vehicles

4.25 The fire brigade were notified of the proposed development through the One Stop Shop procedure. It made no comments or objections in relation to the proposal.

Precedent

4.26 Concern about the development setting a precedent was examined during the original appeal for five dwellings on the site. The Inspector found that it would not be appropriate to dismiss the appeal for this reason.

Other matters

4.27 The concerns raised with respect to property devaluation and temporary nuisances arising from vehicles and emissions associated with construction activities; loss of view and ease of connecting services are not considered to be grounds on which the refusal of the planning application could be sustained. Accessibility to the site for construction related vehicles is not considered to be a material planning consideration. If necessary construction materials could be manually transferred to the site. As to the concern expressed about protecting Blackberry Lane this highway would be unaffected by the access arrangements for the proposed development.

Conclusion

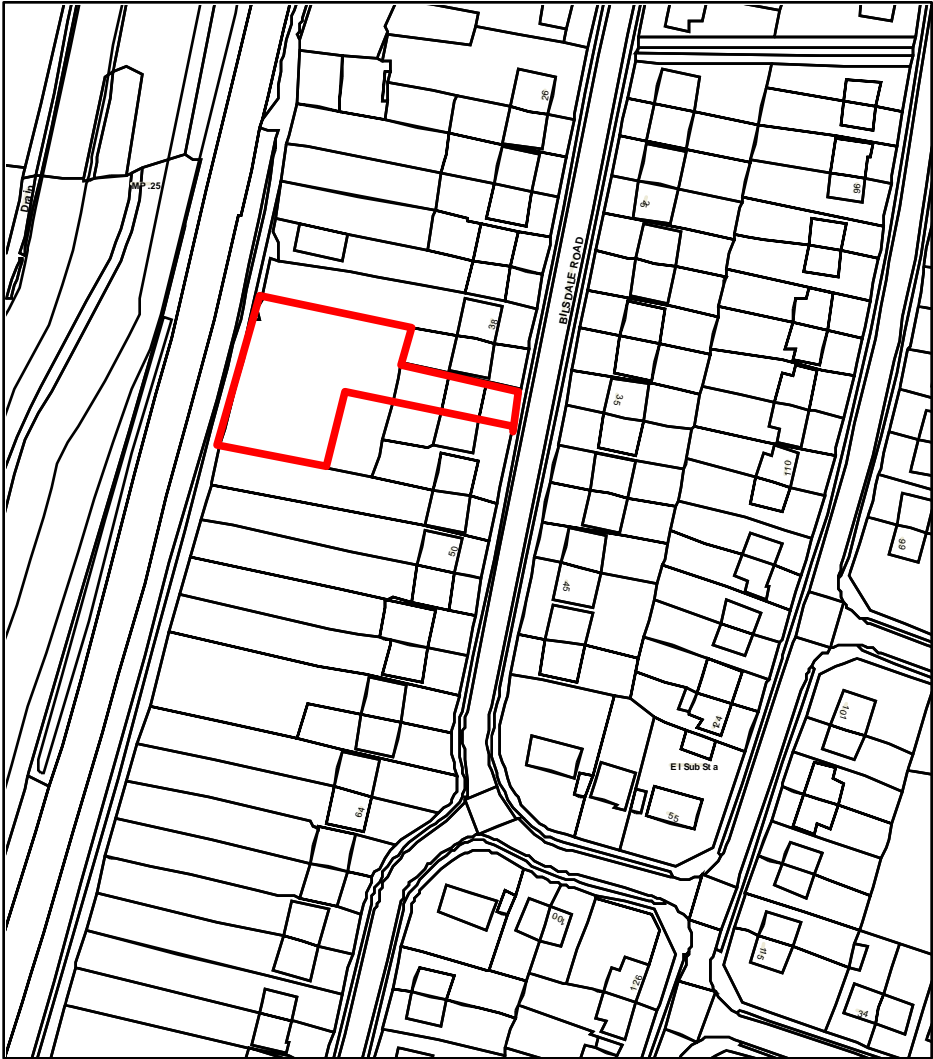
4.28 Although the development would be difficult to resist in terms of a number of issues and concerns raised it is still considered to be unacceptable by virtue of adverse impact on the living conditions of nearby residents as a result of comings and goings.

RECOMMENDATION – Refuse for the following reason:-

1. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of local residents by virtue of noise and disturbance associated with comings and goings to the site contrary to policies GEPI and Hsg9 of the Hartlepool Local Plan 2006.



42 Bilsdale Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 07/02/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0006	REV

No: 5
Number: H/2006/0906
Applicant: Mr H Villah Grosvenor Street Hartlepool TS26 8HJ
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 18/12/2006
Development: Alterations, installation of new shop front and change of
 use to provide a hot food takeaway shop
Location: 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

Update

5.1 This application was deferred at the previous planning committee. Members requested further information on the mix of uses in Murray Street, in particular the number of A5 hot food takeaways. The original committee report follows immediately after this report.

5.2 A further letter of objection has been received by a nearby resident who spoke at the previous committee. He raises the following points:-

1. If permission is granted other shops might sell up and become vacant with the potential for additional takeaways
2. A takeaway on the block will greatly reduce the asking price of properties.
3. Murray Street after 8pm is empty apart from yobs and drunks, so most of the trade is mobile which means vehicles stopping and starting outside our house until late at night.

Copy Letter I

5.3 A survey of all the non-residential premises upon Murray Street within the designated local centre and the commercial properties directly to the north which make up the remainder of the Murray Street commercial improvement area has been undertaken. The attached land use plan indicates the A5 (hot food takeaway) uses in red with the remainder of the non-residential uses coloured green. The application site is indicated with a cross.

5.4 The survey indicates that the 56 non-residential units within the area are made up of the following uses:-

- (i) A1 (Shops) – 35, of which approximately 9 units appeared to be vacant at the time of the survey
- (ii) A2 (Financial and Professional Services) – 2
- (iii) A4 (Drinking Establishments) – 2
- (iv) A5 (Hot Food Take-Aways) – 8

(v) D1 (Non-residential Institutions e.g. day nurseries, places of worship etc) – 8

5.5 Taking into account that only a small minority of commercial units are hot food takeaways, it is considered very unlikely that refusal of planning permission on the grounds of cumulative effect of an additional hot food takeaway could be sustained. It is considered that the development would not be detrimental to the character, function and appearance of the Local Centre area given its predominantly retail nature.

5.6. The mix of uses within the Local Centres is monitored over time through the submission of proposals and annual review by the Policy Section to establish the impact of change of use planning applications upon their character, function and appearance.

RECOMMENDATION

It is for the reasons stated above, and outlined in the original report, that the recommendation is still for approval subject to conditions. The original report including recommended conditions is reproduced below.

Planning Committee 24/01/2007

The Application and Site

5.1 The site to which this application relates is a two storey mid terraced commercial property located within the designated Murray Street Local Centre. The premises have the Murray Street public car park directly opposite and are bounded to the north and south by commercial properties.

5.2 The application seeks consent for the change of use of the premises to a hot food takeaway to open from 5pm until 11:30pm 7 days a week including 3 or 4 lunchtimes.

Publicity

5.3 The application has been advertised by way of neighbour letters (9) and a site notice to the front. To date, there have been 5 letters of objection received

5.4 The concerns raised are:

- 1) Smell of food
- 2) Noise disturbance from car doors banging and engines revving up
- 3) Current problems with youths congregating
- 4) Litter problems
- 5) Isn't there enough takeaway shops in Murray Street already?
- 6) Increased evening traffic
- 7) Too much traffic outside my property

Cop letters E

5.5 The period for publicity expires before the Committee meeting.

Consultations

5.6 The following consultation replies have been received:

Head of Public Protection – no objection subject to a restrictive hours of operation condition to no later than 23:00hrs as specified in the application and an extract vent condition.

Head of Traffic and Transport – no objections

Planning Policy

5.7 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.

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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

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

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

Planning Considerations

2 It is considered that the main consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, highway safety, impact upon the amenities of the occupants of surrounding properties and visual amenity.

Policy

3 Policy Com5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises including restaurants and cafes (A3), drinking establishments (A4) and hot food take-aways (A5) within designated local centres, providing there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties and on the highway network. Also, when determining such applications it is important that the scale, function, character and appearance of the area is maintained.

4 It is considered that in principle the use of the premises as a hot food takeaway is acceptable in this instance.

5 With regard to the function, character and appearance of the area, it is considered that although there are a number of hot food take aways along Murray Street, the majority of the commercial properties which make up the local centre are A1 retail. It is therefore considered unlikely that by granting planning permission in this instance that the function, character and appearance of the Murray Street Local Centre would be adversely affected.

Highways

6 Given that there is a parking bay directly to the front of the property and the Murray Street public car park is directly opposite, it is not considered that a refusal could be sustained on highway safety or parking grounds. The Head of Technical Services has raised no objection to the proposal.

Amenity

7 The terrace of properties to which this application relates is made up of a cycle and scooter shop, a garment repair centre, an estate agents and a two storey residential property. The application site is adjoined to the north by the cycle and scooter shop and to the south by the garment and upholstery shop, it would appear from the site visit that both commercial properties have residential units above.

8 The unit to which this application relates is a vacant ex design and print shop, with the first floor served by a separate access from the frontage. The entire property is within the applicant's ownership. The applicant's agent has submitted a statement confirming that the unit above will be used as storage in conjunction with the commercial operations proposed below.

9 It is considered that as the proposed kitchen and food preparation area is physically separated from the garment centre at 25 Murray Street by the hallway serving the first floor area above, it is unlikely that the proposed use would bring about any detrimental odour transfer through the walls and potentially effect the stock of the adjoining property given fabrics involved. The occupants/proprietor of the adjoining cycle shop has raised odour transfer as a concern. Although the Council's Head of Public Protection has raised no objection to the proposal and does not consider odour transfer through the party wall is likely. Notwithstanding this, it is considered prudent in this situation to attach a planning condition, which will require investigation into any potential odour transfer and appropriate mitigation measures if required to avoid any potential conflict.

10 Notwithstanding the two storey residential property within the terrace, It is considered the majority of the surrounding properties to the front and side upon Murray Street are predominantly commercial in nature at ground floor. It is therefore considered very unlikely that a refusal on noise and disturbance grounds could be substantiated in this instance given the hours of use proposed.

11 With regard to the proposed days/hours of operation it is considered that the opening of the premises up to 23.30 appears acceptable, the Head of Public Protection has raised no objection. However, since the submission of this application the Planning Inspectorate has allowed a planning appeal at 143 Oxford Road

(planning ref H/2006/0502). This application appears broadly similar given that the site is located within a local centre and is adjoined by commercial properties at ground floor on each side with residential properties to the rear. The application at 143 Oxford Road sought hours of opening from 5pm until 11pm daily. The Inspector when allowing the appeal attached a condition to restrict opening on a Sunday, Bank or Public Holidays in order to protect the living conditions of nearby residents. Given the similarities in terms of physical relationships of the properties and their location within local centres a similar restriction is considered reasonable in these circumstances.

12 With regard to the concerns of the nearby residents over the potential litter creation from customers. It should be noted that there are numerous litter bins along Murray Street and in particular there are two within 50m to the north and south of the application site. It is considered unlikely that an objection could be substantiated on these grounds.

Visual Amenity

13 The application also seeks consent for alterations to the front elevation of the property. The alterations include removing the double doorway into the retail unit to a single door, a new door to the first floor entrance, rendering of exposed brickwork and a new roller shutter (to be hidden behind a new fascia board).

14 The design of the proposed new shop frontage is considered acceptable. The design will retain the original pilasters and corbels to the front and create a more appropriate door and window detail, which is considered to improve the aesthetics of the frontage whilst not detracting from the character of the streetscene.

15 In conclusion it is considered that for the reasons stated above and subject to restrictive planning conditions, this application 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.

REASON: To clarify the period for which the permission is valid

2) The use shall not take place other than between the hours of 10.00 - 23.30 Mondays - Saturdays and at no other time on Sundays, Bank or Public Holidays.

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

3) Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

REASON: In the interests of visual amenity.

4) Before the use hereby approved begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with manufacturer's instructions at all times while the use exists and food is being cooked on the premises.

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

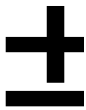
5) Prior to the commencement of the use hereby approved investigations shall be undertaken to establish whether measures are required to prevent odours passing through the ground floor party wall. If so, a scheme to prevent the transmission of such odours shall be submitted to and approved in writing by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

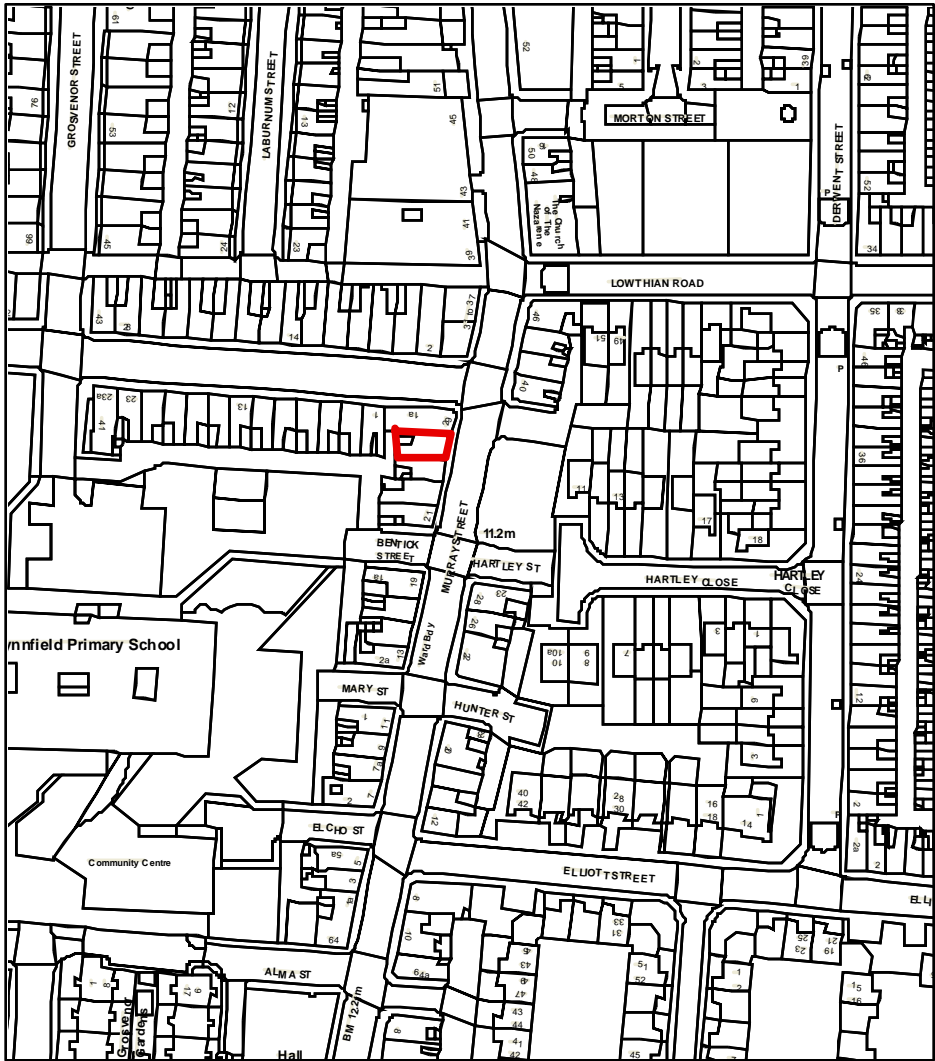
6) Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.

REASON: To clarify the period for which the permission is valid





27 Murray Street



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/01/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0906	REV

No: 6
Number: H/2006/0814
Applicant: Mr Nigel Dawson Keel Row 12 Watermark Gateshead
 NE1 19SZ
Agent: Mackellar Architecture Limited 77-87 West Road
 Newcastle Upon Tyne NE15 6RB
Date valid: 01/12/2006
Development: Erection of a 3 storey, 80 bedroom care home with car
 parking (resubmitted application)
Location: LAND AT CORNER WARREN AND EASINGTON ROAD
 HARTLEPOOL HARTLEPOOL

Background

6.1 This application was reported to the last meeting of the Planning Committee, (24th January 2007) when it was deferred. Members requesting more information on drainage capacity, flooding, secured by design and the suitability of the access.

The application and the site

6.2 Full planning permission is sought for the erection of a 3 storey, 80 bedroom care home with car parking. The application site is located at the junction of Warren Road and Easington Road on land which was formerly part of the University Hospital of Hartlepool complex. It was until recently occupied by a staff parking area but is no longer in use. It is enclosed on the two public sides by a Hawthorn hedge and was, until the recent erection of temporary fencing, open to the sides facing the hospital. The site has been purchased by the applicant and no longer forms part of the Hospital estate. The applicant has confirmed that the acquisition of the site, in March 2006, from the Hospital Trust, was not subject to any conditions. He also advises that since the sale the Trust have had no use of the site, nor interest in it, other than as an adjoining landowner.

6.3 To the north is Warren Road on the other side of which are a modern block of flats rising to three storeys (Queens Court), which are on the site of the former Queens Public House, and a pair of residential properties. To the east is a grassed area and the hospital boiler plant. To the south is the hospital spine road beyond which are single storey hospital buildings. To the west is Easington Road.

6.4 The proposed building will be largely located towards the southern part of the site with a wing extending northwards at the Easington Road end, this wing drops from three to two storey height as it approaches Warren Road. Access will be taken from Warren Road with car parking for 19 vehicles and cycle parking provided on this side. Areas to the south and west will serve as amenity space. The hedge on the west boundary will be retained. On the northern boundary it will be partially removed to allow for the visibility splay at the access. The walls of the building will be

constructed in brickwork and render panels with artstone detailing. The roof will be red tiles.

6.5 The applicant advises that “the proposed Care Home is a place for people who require constant medical care. In this instance all of the residents will be aged fifty years and above but they will fall into two categories: those who require personal care only (residential care) and those who require both personal care with interventions and monitoring from a Registered Nurse (nursing care). It is envisaged that the home will provide predominantly residential care but including residents with mental health problems associated with old age. The home is staffed 24 hours per day, 7 days a week... The residents of the home are likely to come from the community and the majority will be funded by the Local Authority”.

Planning History

6.6 In October 2006 a similar application for planning permission for the erection of a 3 storey, 80 bedroom care home with car parking (H/2006/0516) was refused by the planning committee against officer recommendation for the following reasons:

1. It is considered that the proposed development by reason of its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the proposed development would have inadequate parking facilities to meet the needs of the development and that this together with the consequent loss of staff parking facilities within the hospital site which the proposed development will displace would lead to increased on-street parking in Warren Road and other nearby streets to the detriment of the amenities of the occupiers of houses in those areas, the free flow of traffic and highway safety contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.
3. It is considered that inadequate information has been provided to demonstrate that the proposed development will not be subject to flooding or that any consequent mitigation measures would not be detrimental to the amenities of the occupiers of nearby developments in terms of increased flooding risk or dominance from possible finished floor levels contrary to policy Dco2 of the adopted Hartlepool Local Plan 2006.

6.7 The applicant feels that the revised and redesigned scheme addresses the Members major concerns about the previously refused application and his case is set out in the **attached** design and access statement.

6.8 The main changes in the redesigned scheme include

- i) The northern projecting wing of the building as it approaches Queens Court has been reduced to two storey and pulled back some 2 metres.

- ii) The main elevation of the three storey building which forms the main part of the proposed building, is slightly closer (some one metre) to the houses (173/175 Warren Road) and flats to the north than it was previously.
- iii) The base floor level of the building has been increased by 0.5m. (consequently the overall height of the building relative to the buildings around it has increased a similar amount).
- iv) Part of the western elevation on to Easington Road has been pulled back some two metres from the road.
- v) The number of parking spaces has been increased to 19 (from the 15 originally proposed in the previous scheme).

Publicity

6.9 The application has been advertised by neighbour notification (36), site notice and in the press. The time period for representations has expired. A single letter of representation has been received from the occupier of a residential property across the road. The writer asks for reassurances that drainage issues will be resolved and enquires as to whether a resident only parking scheme is a possibility as the road is busy and used for parking by existing residents.

Copy Letter F

Consultations

6.10 The following consultation replies have been received:

Head of Public Protection & Housing - No objections.

Hartlepool Access Group - No comments received.

Traffic & Transportation – “My previous comments apply”. These comments were as follows. “No objections to the proposed development at this location. It is my opinion that changes with some staff relocating to North Tees mean that overall demand for staff car parking will reduce and the loss of 58 spaces will not have major implications. Also the staff parking is separate from public parking so there would be no loss in public parking numbers. Any increase in staff numbers for the hospital and my department would be looking to develop a travel plan with the hospital. The hospital has already started looking at car sharing initiatives and other travel plan issues. The proposed access spacing to the other road junctions meets the Council’s Design Guide Specification for junction spacing.

On the information provided by the applicant, the parking shown for the proposed development is adequate. It would be very difficult to sustain an objection to the development due to the lack of parking provision.

A Traffic Regulation Order will need to be extended on the southern side of Warren Road to prevent parking outside the development at the expense of the applicant. This should be part of the conditions if the permission is granted for the development.”

Engineers - Request conditions in relation to site investigation and appropriate treatment of any contamination and in relation to proposals for the disposal of surface water.

Northumbrian Water - There was an instance in 2003 regarding flooding due to adverse weather conditions and the problem encountered with the overflow, since then however we have not encountered problems on that scale. Although capacity concerns apply and consultation with us must be obligatory for any development, for this application we are satisfied that the foul flows of 2l/s can discharge but the surface water flows cannot. As stated surface water discharge to the culvert is acceptable.

Environment Agency - Thank you for supplying the amended flood risk assessment. We can now remove our initial objection but we would like to place a number of planning conditions prior to the development taking place. (Discussions are ongoing about these).

Police - Comments received 11/01/07

No objections. Make various recommendations to ensure the development is "Secured by Design". These include advice on entrance features, enclosures, street lighting, security lighting, door and window specifications, car parking, landscaping, drainpipes and alarms.

Comments received 12/01/07

Secured by Design is a national police initiative, the objective of which is the reduction of crime, the fear of crime and anti-social behaviour. Allowing for the fact the care home will be staffed 24hrs this has not prevented similar homes situated in Hartlepool from suffering Burglaries and other related criminal activity. These type of premises tend to contain some of the most vulnerable members of society and require to be adequately protected. Windows and doors are vitally important to the security of a building and would recommend that both doors and windows be conditioned to Secured by Design standards. The use of laminated glass although preferred for increased security would not be essential you may though wish to have small opening windows for all ground floor windows to prevent burglaries from windows left unblocked by residents. The alarm system although ideally one to be installed I accept that with 24hr staffing levels and doors and windows are to Secured by Design standards this would not be a main priority in this case. With regard Lighting I have the following comments, criminals do not like to be seen alongside this well designed lighting reduces the fear of crime. Lighting should comply with BS5489 and should include not only the car park but main site entrance, all footpaths and associated areas to the main building, main entrance door and other entrance and exit doors. With regard the boundary treatment the proposal of a 1.2m fence with 600mm trellis would be vulnerable to damage and offer poor protection a low wall topped with railings or defensive planting would offer a more secure boundary.

Planning Policy

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

Deco2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

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.

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.

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

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

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

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

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

6.12 The main issues are considered to be policy, design/impact on the street scene, impact on the amenity of nearby residential properties, highways, drainage, flooding, secured by design and access for all.

Policy

6.13 The site was formerly part of the hospital estate. It is considered that the proposed care home use is acceptable in principle in this location and compatible with the existing hospital use and the residential uses on the other side of Warren Road.

Design/impact on the street scene

6.14 The building extends to three storeys however the flats on the opposite side of Warren Road extend to three storeys as do buildings elsewhere within the hospital complex. The design and appearance of the proposed building is considered acceptable in this location. It is considered that the building will have an acceptable impact on the street scene.

Impact on the amenity of nearby properties

6.15 The impact of the development on the amenity of neighbouring properties, the flats and houses on the opposite side of the road, was identified as a reason for refusal when the original application on this site was considered. Members in particular were concerned that the building due to its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook. This reflected concerns raised by objectors to the original proposal from the occupiers of residential properties on the other side of Warren Road. In particular concerns relating to the height of the development, loss of light and noise.

6.16 The applicant considers that the revised scheme addresses these concerns. In particular, the northern projecting wing as it approaches Queens Court has been reduced to two storey and pulled back into the site. However the building will still extend to three stories to some 8 metres high to the eaves and 12 metres to the ridge. Revised sections have been provided with the new application showing the relationship of the site to the adjacent development. They show the building floor level to be slightly higher, some 0.5m, than the adjacent hospital development to the south and the pair of houses to the north but comparable to the flats development.

6.17 It is considered that in relation to the flats the amended proposal overall does represent an improved relationship. The closest part of the development to the flats, the northern projecting wing, is now two storey, and the separation distance has been increased to some 20m, the separation distance to the closest three storey element achieves a separation distance of some 26.5m, both of which are considered acceptable.

6.18 In relation to the houses to the north, the main three storey part of the care home in the revised scheme is actually slightly closer (some one metre) than in the original scheme and overall is slightly higher (some 0.5m) relative to the houses. The base height has been raised to account for concerns raised by the Environment Agency in relation to flooding on the site which appear unfounded. In terms of the main elevation of the proposed building, facing onto Warren Road, the building will still achieve a separation distance of some 30m to 31m to the houses opposite which is considered acceptable.

6.19 To the south the closest of the hospital buildings will be some 23.5 to 25.5m away from the main rear face of the building and again this separation distance is considered acceptable.

6.20 Given the separation distances involved the relationship between the proposed care home and the adjacent development is considered acceptable. It is not considered that it will unduly affect the amenity of the occupiers of the neighbouring properties in terms of loss of privacy, light, outlook or in terms of any overbearing effect. Whilst the relationships are considered acceptable it is considered however that the relationship with the houses/flats to the north and the hospital development, could be improved if the development could be set down on the site to the level previously proposed, 13.5m. This will be dependent upon discussion relating to a reassessment of the flood risk on the site. If these issues cannot be resolved before the meeting it is proposed to condition the floor and site levels to allow for the outcome of ongoing discussions on this issue. (see below).

6.21 An objection was previously made in relation to noise from the development. The property is a care home and it is not considered that it will generate undue noise and disturbance to the detriment of the occupiers of nearby residential properties. The Head of Public Protection has raised no objection to the proposals.

Highways

6.22 Objections were previously received in relation to concerns that the development will create highway/traffic problems on an already busy road. These concerns were reflected in the third reason for refusal given by members when the original application was considered. In order to address these concerns the revised scheme has increased parking provision on site by 4 spaces. Traffic & Transportation have not objected to the proposal they did however initially express concerns in relation to the loss of hospital parking. The Hospital Capital Manager has previously advised that as staff parking demands are likely to reduce it is not intended to replace the staff parking at this time. He has stated that the trust will monitor the level of usage and will construct additional spaces if it becomes necessary. The parking areas lost due to the sale of the land served staff rather than the public. Traffic & Transportation are satisfied that given proposals for staff relocation the overall demand to staff parking will reduce and the loss of 58 spaces, will not have any major implication. The hospital is already looking into car sharing initiatives and other travel plan issues. In highway terms the proposal is considered to be acceptable. Highways have requested that a Traffic Regulation Order be extended on the southern side of Warren Road to prevent parking outside the

development. This would be at the expense of the applicant and an appropriate condition can be imposed.

6.23 In terms of the question raised by a neighbour in relation to resident parking schemes. It is understood that there are no proposals for a residents only parking scheme in this particular area, though a scheme is being brought forward in Holdforth Road. No requests to facilitate such a scheme has been received by the Traffic & Transportation section

6.24 In light of the request by members for further information on the suitability of the access Traffic & Transportation have been asked for further comments and these are awaited and will be covered in an update report.

Drainage

6.25 The public sewer and pumping station are at capacity and at the last meeting members requested further information in relation to drainage capacity. Northumbrian Water have confirmed that there was an instance in 2003 regarding flooding (Winterbottom Avenue) due to adverse weather conditions and a problem encountered with the overflow, since then however they have not encountered problems on that scale. Northumbrian Water have confirmed that whilst foul flows can be accepted to the public system, due to capacity concerns surface water flows from the development cannot be accepted. The applicant has indicated that soakaways are proposed but has not provided detailed proposal, at this stage. Alternatively, subject to agreement with the landowner, a connection would be possible to the culvert on the opposite side of Easington Road. It is considered that an appropriate Grampian style condition requiring that no development commence until the proposed means of surface water disposal has been agreed could be imposed. It is considered therefore that the drainage proposals are acceptable.

Flooding

6.26 The Environment Agency Flood maps indicate that the site lies within a Flood Risk Zone, and is at risk from Fluvial flooding. The Agency objected to the original proposal. They have acknowledged however that the Flood Maps may not accurately represent flood risk in the area. Hartlepool Borough Council's Engineering Consultancy have also raised concerns regarding the accuracy of the Agency Flood Maps. The flood maps are due for review. Concerns in relation to flooding were identified by Members in the third reason for the refusal of the original application on the site.

6.27 In support of the revised application the applicant has produced a revised flood risk assessment this confirms that there is no previous history of flooding on the site and that the risk of flooding is remote. The Environment Agency have confirmed that in light of the revised flood risk assessment they have no objections to the proposal but have requested various conditions to minimise flood risk on the site. Given the concerns over the accuracy of the extant flood maps it is considered questionable whether there is in fact any flood risk on the site, and the conditions proposed by the Agency to manage any flood risk may not therefore be necessary. One of the conditions particularly requires that the floor levels of the building be a minimum of

14:00m AOD which the applicant has shown. Whilst the levels proposed are acceptable, in terms of the relationship with the neighbouring development, it is considered this relationship would be improved if a lower floor/site level could be agreed. The need for all the conditions proposed by the Agency is the subject of discussions, however it is unlikely that these issues will be resolved prior to the meeting. In the event that they are not, relevant conditions will be proposed. Any further progress on this matter will be incorporated in an update report.

Secured By Design

6.28 The Police have recommended that the development incorporate various measures to comply with Secured by Design standards. These were passed onto the applicant. The applicant indicated that he was willing to incorporate the majority of the suggested measures with some modifications. However given the fact that the building will be staffed 24 hours and access to it controlled by a buzzer and key pad considers some of the proposed measures unnecessary. The applicants response has been passed onto the Police who have accepted some of the points raised, they have however made recommendations in relation to the provision of secured by design windows and doors, external lighting and boundary treatments. The response of the applicant to these recommendations is awaited and shall be incorporated within an update report.

Access for all

6.29 Level access is available to the building.

RECOMMENDATION: In light of the outstanding discussions/consultations on, flooding, secured by design and in relation to the access, the final recommendation will be subject of an update report. It is anticipated that the final recommendation will be favourable.

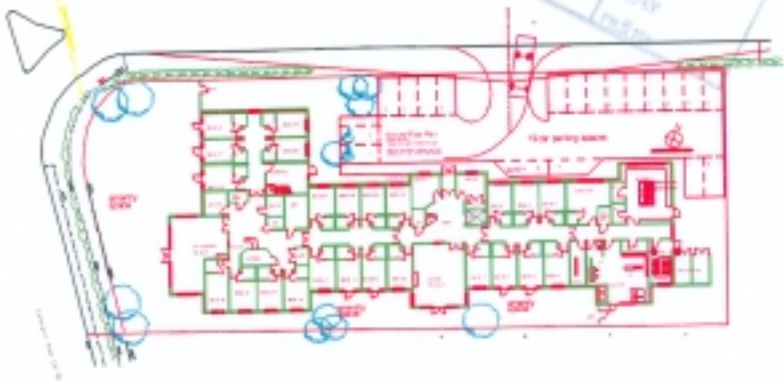
80 Bedroom Part Two & Three Storey Care Home, Warren Road, Hartlepool.

SCANNED
14 DEC 2006

DEPT OF REGENERATION
BRIAN HINDSON
17 NOV 2006

DEPT OF REGENERATION
BRIAN HINDSON
08 NOV 2006

FORWARDED TO
REPLY
FOR FILE



DESIGN and ACCESS STATEMENT FOR PLANNING APPLICATION

80 Bedroom Part Two & Three Storey Care Home.

Location: Corner of Warren Road and Easington Road, Hartlepool.
Applicant: HMC Group Ltd.
through agent Mackellar Architecture Limited
Date: 31st October 2006
Proposed Use: 80 Bedroom Care Home
Size of Site: 0.6 acres

New Application related to Refused Application ref: H/2006/0516

H/2006/0814

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Mackellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

80 Bedroom Part Two & Part Three Storey Care Home, Warren Road,
Hartlepool.

EXECUTIVE SUMMARY

This revised scheme addresses all the issues raised by the Committee Members in the previous application ref: H/2006/0516.

The previous application for this site was refused on the following grounds although it was recommended for approval by the Planning Officers:-

- 1) It is considered that the proposed development by reason of its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.

Our response:-

We have redesigned the Care Home with the following enhancements:-

- The building area has been reduced by 175 sq m.
- The top floor has been reduced by 12%
- The bedroom wing opposite the flats on Warren Road was three storey. It has been reduced to two storey.
- The distance from the flats has been increased by 2.15meters. The Councils current guidance on gable wall facing distance is 14 meters. We have redesigned the scheme to give 19.85m which exceeds current guidance.
- The large staircase window has been removed from the North wing facing the flats.
- The facing distance from the housing opposite is 31.13m which is greater than the Councils current guidance on facing distances for three storey dwellings. (30m).

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Mackellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

- 2) It is considered that the proposed development would have inadequate parking facilities to meet the needs of the development and that this together with the consequent loss of staff parking facilities within the hospital site which the proposed development will displace would lead to increased on-site parking in Warren Road and other nearby streets to the detriment of the occupiers of houses in those areas, the free flow of traffic and highway safety contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.

Our response:-

The redesign using a smaller footprint has enabled us to make the following enhancements:-

- The car number of car parking spaces has increased by 25% to 19.
- The previous application was approved by the highways authority. This application has an increased parking provision compared to the previous application that was recommended for approval.
- The site is owned by the applicant and is not available for use as a car park now or in the future.

- 3) It is considered that inadequate information has been provided to demonstrate that the proposed development will not be subject to flooding or that any consequent mitigation measures would not be detrimental to the amenities of the occupiers of nearby developments in terms of increased flooding risk or dominance from possible finished floor levels contrary to policy Dco2 of the adopted Hartlepool Local Plan 2006.

Our response:-

- The floor level of the revised scheme is 500mm higher than the previous application. The ground floor is level with the highest ground floor of the adjacent flat development which was recently approved.
- Our proposed building is one meter higher than the immediately adjacent Hospital complex which is, therefore, at greater risk of flooding, despite providing accommodation for patients who have higher dependencies than the residents of the proposed Care Home.
- The topography of the area is such that the existing site is already higher than the surrounding area and roads fall away from it in both directions.
- The development is to replace an existing surfaced car park. The surface water run off would not increase, therefore, so there is no adverse effect on the downstream catchment.
- We are in discussions with the Water Authority and will confirm in due course that the risk of flooding is not an issue on this site.
- It is concluded in the revised flood risk report that the development is not at risk of flooding, or contributing to flooding elsewhere.

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Meckell Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

Introduction

This Application is a revised and redesigned scheme that addresses the Members major concerns about the previously refused application for the same site. This statement outlines the precise composition of the proposed development and, in doing so, confirms that it complies, with all relevant current planning legislation and guidance.

Care Home Business

The proposed Care Home is a place of residence for people who require constant medical care. In this instance all of the residents will be aged fifty years and above but they will fall into two categories: those who require personal care only (Residential care) and those who require personal care with interventions and monitoring from a Registered Nurse (Nursing Care). It is envisaged that the home will provide predominantly Residential care but including residents with mental health problems associated with old age.

The Home is staffed 24 hours per day, 7 days per week with minimum staffing levels set by the CSCI (Commission for Social Care Inspection) who monitor and inspect each Home. For more information on the CSCI please visit their website www.csci.org.uk

Shift systems vary from Home to Home but the favoured systems are 8 hour shifts, 8am – 2pm, 2pm – 10pm, 10pm – 8am or long days, 7am – 7pm. It is likely that the three shift system will be used at this Home.

In addition to care for the residents, food laundry and domestic services are provided within the Home on a shift system. The Home will be run by a Home Manager, with assistance from an administrator, who deals with accounts, and a Deputy Manager. Each shift has a Senior Care Assistant who is responsible for the Home when the Manager or Deputy is not on site.

The residents of the Home are likely to come from the local community and the majority will be funded by the Local Authority.

1. Site Analysis

1.1 Location;

The site lies at the North Western corner of The University Hospital of Hartlepool Estate, at the junction of Warren Road and Easington Road. The site is no longer part of the Hospital Estate.

1.2 Size, shape, boundaries;

The 0.6 acre site is generally flat with a slight West to East downward slope and is currently entered from the spine road within the Hospital. This edge of the site is bordered by the spine road that serves the Hospital buildings. The site is surfaced

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Meckellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

with grass and tarmac and had two street lighting columns that were connected to the Hospital lighting system. To the North and West of this is a 3 metre high hedge intertwined with a metal boundary fence. The Eastern & Southern boundaries are defined by a new fence.

1.3 General History

The site was purchased by HMC Group in March 2006 and is no longer part of the Hospital Estate.

1.4 Access

The vehicular access to the site was from the Hospital spine road, which currently serves the Hospital buildings.

The proposal provides for a new vehicular access from Warren Road on the North of the site. The vehicular access has been positioned between the two access roads on the opposite side of Warren Road. All proposals have been designed in consultation with Hartlepool Highway Engineers and in accordance with the Council's highways design guidance documents.

Refuse vehicles, emergency vehicles and delivery vehicles can all access the site and turn round within the site curtilage.

Refuse areas have been sited externally for ventilation and have been positioned on the East gable behind a timber screen for privacy.

Level access is proposed throughout the site, which is predominantly flat, allowing for ease of accessibility across the site to all areas and building entrances/exits.

1.5 Natural Features

There are no significant natural features on the site. This predominantly level site has a three metre hedge to the North and West boundaries which will remain after being carefully pruned in accordance with Local Authority guidance and approval. The front (North) boundary will have to be partially removed to create a visibility splay and will be replaced with a low metal fence and shrubs in accordance with Local Authority Highways Engineers requirements. There are no trees within the curtilage of the site.

2. Roofscape & Heights

The development along Warren Road currently consists of two storey domestic dwellings with mansard roofs and a new three storey apartment development directly opposite the application site.

Easington Road has open space on the Western side.

The Southern boundary has single storey hospital buildings with large roof overhangs. The rear facing distance between the proposed care home and the Hospital building is 25.7m.

The Eastern boundary has an area of open land with views towards the Hospital boiler plant.

The site has been enclosed with a new fence.

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Mackellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

DEPT OF REGISTRATION & PLANNING
 27001 WILSON HOUSE, MARSH SQUARE
 08 NOV 2006
 HANDLED TO: _____
 REPLY: _____
 FILE IN: _____

3. Building Lines & Setbacks

The building is positioned to provide a frontage to Warren Road with vehicular and pedestrian access on the Northern elevation. The majority of bedrooms will have views Westwards over Easington Road towards the open space and Southwards across the hospital Estate. The Northern and Eastern bedrooms will benefit from views over the entrance area, where there is different visual interest.

4. Parking

The refused application provided fifteen parking spaces. This application provides nineteen spaces (segregated into two areas for increased safety; one for the general public/visitors and one for staff/deliveries) including two disabled parking bays and a space for an emergency vehicle. A bicycle rack for five cycles is provided as required by the Planning Authority.

5. Policy Background

This is a development designed to respond positively to its surroundings in terms of scale and appearance, without adversely affecting the amenity of neighbouring residents, by enhancing the local area.

The development's access and parking arrangements both accord with adopted highway standards. These areas will be well lit, visible and integrated with the landscaping scheme to enhance security and amenity. The lighting will be designed to minimise impact on adjacent properties.

Due to the nature of the development access for those with disabilities is a key theme – In response to The Disability Discrimination Act & Part M of the Building Regulations level access throughout the site and building is provided with all floors accessible to wheelchair users.

6. Design Consultation

Pre-application discussions with Council Officers established that a Care Home use is acceptable, in principle, to the Planning Authority on this site. All aspects of the design were discussed.

7. Development Objectives

- To design a building which is responsive to its context and makes a positive contribution.
- To regenerate a brownfield site.
- To provide a high quality environment for residents, staff and visitors.

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Mackellar Architecture Limited
 Care Home, Warren Road, Hartlepool. Project No. 7097.
 Design Statement 31st October 2006.

DEPT OF HOUSING & COMMUNITY PLANNING
 BRUNNEN ROAD, HARTLEPOOL
 DATED 05 May 2006
 ISSUED TO []
 BY []
 FOR []

8. Design Solutions

8.1 Accommodation

The scheme consists of two and three floors of accommodation. The ground floor houses 24 bedrooms, some of which have direct access to external garden and amenity areas, an entrance foyer and associated administration offices and a Laundry/kitchen utility wing.

The first floor has 30 Bedrooms with associated day spaces and ancillary facilities and the top floor has been reduced to 26 Bedrooms also with associated areas.

8.2 Overlooking

The footprint has been redesigned to increase the distance from the flatted development and semi-detached dutch bungalows across Warren Road. The distance from the habitable rooms in the Care Home to the habitable rooms in the residences opposite is approximately 30 metres which exceeds current national separation distance guidelines.

The North gable elevation facing the flatted development on Warren Road is now two storeys in height and has been moved 2.15m, giving a separation distance of 19.85m. These changes have the effect of reducing the impact of the care home on the residents in the adjacent properties.

8.3 Orientation

The building has been positioned to provide an elevation along Easington Road responding to the massing of the flatted development with a gable fronting Warren Road to reduce visual intrusion.

At the West end of the site the gable of the Care Home was 17.7m from the apartment block. This has been revised to 19.85m. This gable has no windows to habitable rooms and the projecting bay at the end of the internal corridor is designed to prevent direct views across Warren Road. Bedrooms do not face the flats at this point.

By setting back this main wing of the care home from Warren Road the reduction of sunlight and daylight to all the properties opposite is minimised.

The home has been designed to meet excellent care design standards, with group living day spaces positioned around the care home enabling small groups of residents to socialize. Each day space provides alternative aspects throughout the day to maximise views and daylight.

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Mackellar Architecture Limited
 Care Home, Warren Road, Hartlepool. Project No. 7097.
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8.4 Boundary Treatment

A 1.2m high timber fence is proposed along the Southern boundary and a 1.8 metre timber fence is to be constructed along the eastern boundary to provide privacy and enclosure to the garden and amenity spaces.

The existing hedge along the western boundary will be left to give privacy and provide some noise attenuation to the garden areas.

The Northern boundary hedge will be pruned back to allow access and provide a visibility splay giving an open view of the home from Warren Road. A replacement 900mm high metal railing fence to L.A. Approval will be installed where the replacement hedge is provided.

8.5 Drainage/Flood Risk

Northumbria Water have confirmed that the surface water drainage from the site can be taken into soakaways and the foul water can be taken into the mains foul drain in Warren Road.

The flooding risk is being investigated by our engineers who are holding discussions with Hartlepool Water Authority. The risk from flooding comes from a reservoir overflow culvert across Easington Road. Our revised proposals are to raise the floor level 500mm higher than the previous application. The topography of the area is such that the site is higher than the surrounding area and roads fall away from it in both directions. Both Hartlepool Borough Council and the Environment Agency have no record of flooding in the area. Our engineers are in the process of clarifying that the development is not at risk of flooding or contributing to flooding elsewhere.

8.6 Details and materials

The walls will be facing brickwork, render panels, artstone detailing, capped by a red tile pitched roof. Eaves and guttering will be uPVC half round and all exterior woodwork will be painted. All rear garden fencing will be close boarded timber with gated entrances to provide secure areas. The rear garden fencing will have hedging planted against the inside face.

The Northern garden border will be demarcated by low hedging and metal railing fencing of an open type.

All South gardens will principally be lawn with a paved patio area adjacent to each external bedroom door. A raised sensory garden will be built as part of the landscaping proposals.

9. Landscaping

The scheme has various shared and private landscaped areas for the introduction of landscaped elements.

The site will retain the mature boundary hedge to the West to form a natural border and to establish the site within its surroundings.

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Mackellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.

Low level shrubbery will be used to provide shelter and screening, softening the scheme.

Hard landscaping is used across the site to provide parking and paved areas. Paving will be suitable for pedestrian & wheelchair access. The car parking and turning area will be paved with materials which are considered suitable under the Council's Highways: Design Guide and Specification to provide an attractive and practical surface.

10. Sustainability

The Home is designed to meet the new Part L of the Building Regulations. Waste recycling storage areas have been included along with secure cycle storage to encourage sustainable living principles for residents staff & visitors.

11. Impact

The effect on the neighbouring residents will be a positive one. The land which is currently under utilised will be enhanced and improved.

The development will form a corner feature responding to the new flatted development on the opposite corner of Warren Road.

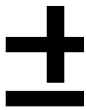
Overall the development will provide an attractive and calm residential environment which is sympathetic to its surroundings and set back from its neighbours.

12. Conclusion

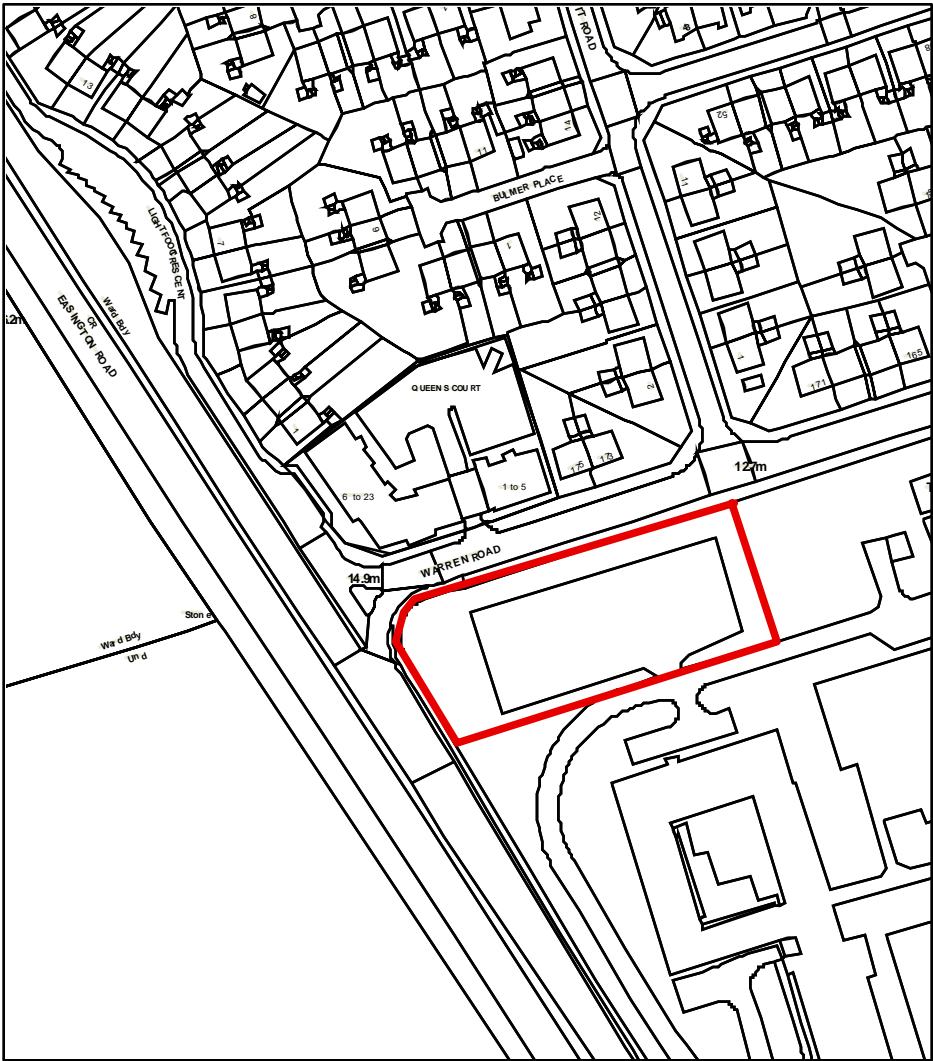
The scheme has been designed in close consultation with the Planning Authority to ensure that the development is acceptable to all parties by respecting not only the application site itself, but also the buildings and uses that exist in the vicinity. The redesigned scheme addresses all the concerns of the Committee Members and provides a reduced building footprint, a lowered two storey wing and an increased facing distance at the apartment end, varied elevation and roof lines and a significant increase in on-site car parking provision.

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Mackellar Architecture Limited
Care Home, Warren Road, Hartlepool. Project No. 7097.
Design Statement 31st October 2006.



Warren Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/01/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0814	REV

No: 7
Number: H/2007/0035
Applicant: Mr Mrs Al-Faham GLEDSTONE WYNARD WOODS
 BILLINGHAM TS22 5GF
Agent: 10 GLEDSTONE WYNARD WOODS BILLINGHAM
 TS22 5GF
Date valid: 16/01/2007
Development: Variation of condition 3 of planning approval
 H/FUL/2004/0940 to allow the provision of frosted film to
 windows facing 9 Gledstone
Location: 10 GLEDSTONE WYNARD WOODS BILLINGHAM
 BILLINGHAM

Background

7.1 This application is to vary condition 3 of planning approval H/FUL/2004/0940, which required windows of the proposed rear first floor library extension to be glazed using obscure glass. The condition was imposed to prevent overlooking and the resultant loss of privacy of the adjoining residential property in accordance with Policies GEPI and HSG10 of the adopted Hartlepool Local Plan 2006.

7.2 The Local Planning Authority acknowledge that the time period involved in bringing this matter to a satisfactory resolution has been excessive, however staffing problems within the department have been a major factor. This situation is one of several outstanding planning enforcement matters, which have been allocated to the newly appointed enforcement officer and given a high priority.

The Application and Site

7.3 Upon completion of the development in question, it was brought to the attention of the Local Planning Authority that the windows overlooking 9 Gledstone had been installed using clear glass and not obscure glass as required by condition 3 of the above planning approval. In respect of this breach of condition the Council's Planning Committee gave authority on the 29th March 2006 to issue the applicant with a Breach of Condition Notice should it be considered necessary.

7.4 To overcome the problem of replacing windows, the applicant subsequently took steps to obscure one of the windows facing 9 Gledstone by way of applying a bonded frosted film to the clear glass. This application to vary the existing condition by way of allowing the provision of frosted film to windows facing 9 Gledstone is therefore part retrospective.

Publicity

7.5 The application has been advertised by way of neighbour letters (2). To date, there has been 1 letter of no objection and 1 letter of objection received.

The concerns raised are:

- 1) The applicant did not install obscured glazing as required by the condition of the approved planning application to prevent the overlooking of 9 Gledstone.
- 2) The first floor room in question is used as a living room and not as a library, as proposed to the Council.
- 3) Almost 2 years after completion the condition is still being ignored resulting in the overlooking of 9 Gledstone.
- 4) The temporary film applied to one of the windows is easily removed and obscured glazing is more permanent and visually appealing.

The period for publicity has expired.

Copy letters G

Consultations

7.6 The following consultation replies have been received:

Elwick Parish Council – no comments

Planning Policy

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

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

HSG10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

7.8 The main issues to be taken into account for the variation of Condition 3 of planning approval H/FUL/2004/0940 are the impacts on the neighbouring properties, the streetscene and any design implications.

7.9 The original condition was imposed in order to avoid overlooking and the resulting loss of privacy of the adjoining residential properties, specifically 9 Gledstone, in accordance with Policies GEP1 and HSG10 of the adopted Hartlepool Local Plan 2006.

This application to vary condition 3 of the above planning approval, attempts to address the issue of overlooking by proposing the application of a bonded frosted film onto the windows, which overlook 9 Gledstone. One window has already had the bonded frosted film applied and two separate officer site visits have confirmed that the treatment has been effective. The potential overlooking from the windows concerned will not be possible once both windows have had the bonded frosted film applied and therefore it is considered that previous concerns regarding the loss of amenity to neighbouring residential properties have been addressed. Photographs 1 & 2 attached to appendix 1 of this report clearly illustrate the effectiveness of the frosted film in preventing any overlooking of the neighbouring property.

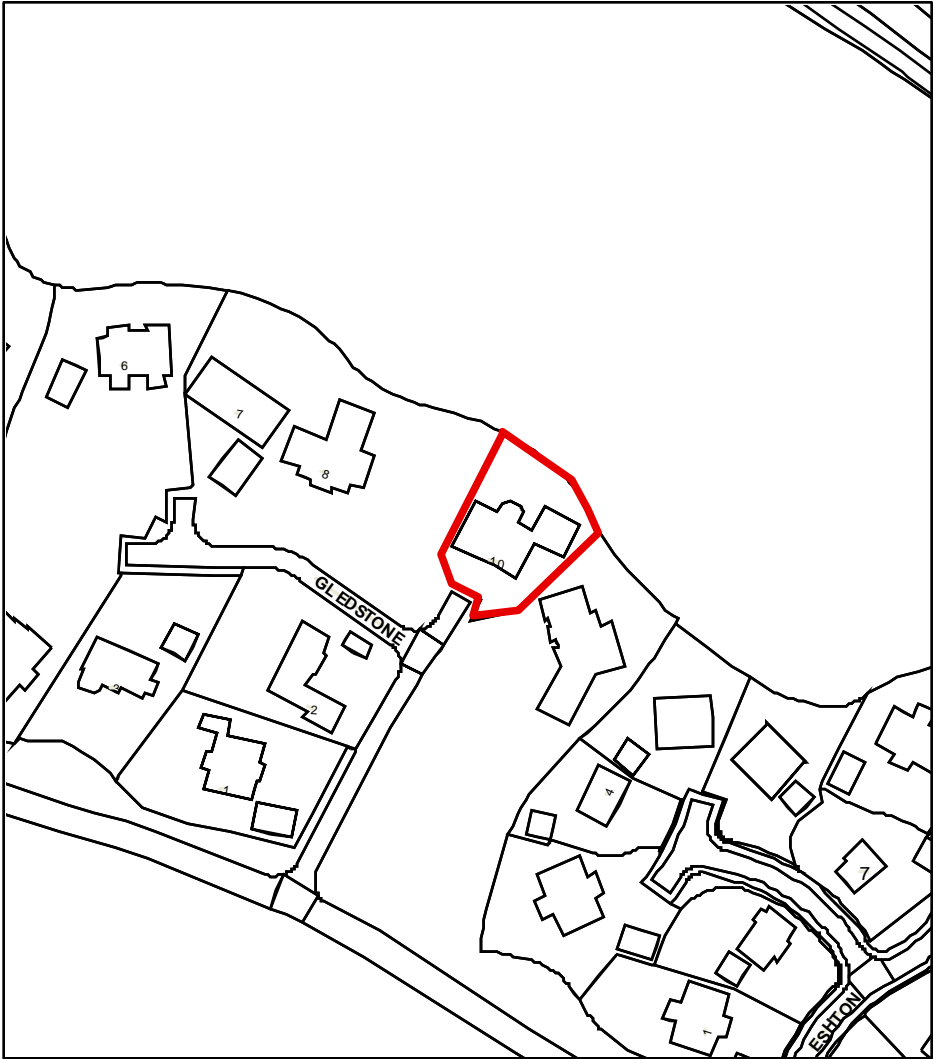
7.10 The windows are situated to the rear of the property and are not visible from the streetscene, the film on the glass has a limited visual impact and is not considered to result in any adverse design implications, as shown by photograph 3 attached to appendix 1 of this report.

RECOMMENDATION - APPROVE subject to the following condition(s) :-

1 The windows facing number 9 Gledstone (Plot 260 Wynyard Woods) shall be obscured by the application to the glass of a frosted film, which shall be retained and fully functional at all times while the windows exist, unless otherwise agreed by the Local Planning Authority. Details of the proposed frosted film to be agreed by the Local Planning Authority within 2 weeks of the date of this permission and subsequently installed within 4 weeks of the date of this permission.

Reason: To prevent overlooking

10 Gledstone



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 07/02/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0035	REV

Appendix

Photograph 1



Photograph 2



Photograph 3



No: 8
Number: H/2006/0755
Applicant: Mr K Hair 4 Burnhope Road Hartlepool TS26 0QQ
Agent: Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP
Date valid: 09/10/2006
Development: Outline application for the erection of 4 detached houses with detached garages
 (AMENDED APPLICATION AND PLANS RECEIVED)
Location: EDEN PARK SELF DRIVE HIRE SEATON LANE
 HARTLEPOOL

Proposal

8.1 This application was deferred at the previous meeting to allow time for further information to be provided.

8.2 Outline permission is sought for the erection of four detached dwellings on land to the north of Seaton Lane, Seaton Carew. Consent is sought for access and siting details with design and appearance of the dwellings and landscaping of site to remain as reserved matters. The site is currently used as a commercial vehicle hire depot. Each of the four dwellings would be accessed via individual driveways onto Seaton Lane.

8.3 The site is roughly rectangular in shape. To the north is the Sovereign Park industrial estate. Land to the east and west forms part of a landscape buffer. A little to the west of the site is an isolated pair of semi-detached dwellings. Several detached dwellings front onto the south side of Seaton Lane.

Planning History

8.4 The site has been subject to two previous applications for residential development, both of which were refused and subject to appeals, which were later dismissed. Most recently in December 2005 planning permission was refused for the construction of 16 flats. The Inspector considered that the development would not relate well to the industrial land to the north and would either unduly constrain the development of the industrial land or result in significant harm to the living conditions of future occupiers of the flats as a result of noise and disturbance. He also concluded that the presence of highway trees adjacent to the site would make it difficult for drivers leaving the site to see and be seen by drivers proceeding in an easterly direction along Seaton Lane. As such there would be an adverse effect on highway safety.

8.5 More recently in November 2006 the Local Planning Authority granted planning permission for 82 new dwellings on land at the former Golden Flatts Public House and adjacent land at Seaton Lane.

8.6 This permission was granted subject to a planning agreement which involved the imposition of constraints on a nearby industrial land user occupying an area immediately to the south of that site. The constraints required that future users of the industrial building be restricted to light industrial uses or the existing use only and that any industrial processes are carried out within the building and then only when the doors to the building are closed. These constraints were imposed in the interests of protecting the amenities of nearby residents.

8.7 On 17 March 2006 the Committee refused outline planning permission for a residential dwelling on land to the rear of 65 Seaton Lane. As with the previous case the site borders industrial land to the south. However Members may recall that this proposal was later allowed by an Inspector following an appeal.

8.8 In that case the Inspector considered that that the amenities of residents of the proposed dwelling could be protected from industrial noise through appropriate noise attenuation measures.

Publicity

8.9 The application has been advertised by way of neighbour letters (9). To date, there have been four letters of no objection. Various supporting comments have been made including that the proposal would remove the only commercial property in Lower Seaton Lane and, therefore that it would enhance the approach into Seaton Carew.

The period for publicity has expired.

Consultations

8.10 The following consultation replies have been received:

Highway Engineer – No objections. Vehicles able to leave in forward gear. Presence of highway trees would not be sufficient to cause objection. Appropriate method for installing crossing should be used to avoid damage to tree roots. A streetlight may need to be relocated. Redundant site access and exit should be reinstated as footpath at applicant's expense.

Northumbrian Water – No objections

Head of Public Protection – Objects on grounds that any development would seriously constrain the development of the adjacent industrial estate.

Engineering Consultancy – Condition required to secure land remediation if found to be necessary.

Arboriculturist – The tree survey provided recommends raising driveway levels to avoid damaging tree roots. This gives rise to the following concerns:

1. It will increase any overhead obstruction e.g. high vehicle resulting in excessive pruning needing to be carried out.
2. Raising the height of the pavement may not be satisfactory from a pavement construction/use point of view.

Planning Policy

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

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

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

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

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

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

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and

accessibility to public transport. The policy also provides general guidelines on densities.

Ind4: States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

Planning Considerations

8.12 The main issues for consideration in this case are the potential constraining effect of the proposed development on the future development of the Sovereign Park Industrial estate to the north; the impact of industrial development on the amenities of future residents; the impact of trees on driver visibility and highway safety and the effects of the development on the well being of the trees themselves.

Constraining effect of the development on industry and implications for residential development

8.13 Applications for residential development on this site were twice previously refused on grounds that the proximity to the nearby Sovereign Park industrial site would either constrain development there or would result in detriment to the living conditions of local residents.

8.14 The nearby Sovereign Park Industrial estate is substantially undeveloped at present however is a longer term allocation within the adopted local plan where it is recognised as a potentially suitable location for B1, B2 or B8 industrial development, B2 and B8 uses subject to a constraint about possible impact on neighbouring uses.

8.15 It is considered that notwithstanding an intervening landscape buffer that previous refusal reasons remain relevant.

8.16 Residential development on the north side of Seaton Lane is extremely limited, with only a single pair of semi detached properties remaining to the west of the site. Much of the land immediately to the north of Seaton Lane has been subject to substantial landscaping work.

8.17 In his decision letter dismissing the most recent application for residential development on the site, the Inspector concluded that notwithstanding a small number of isolated dwellings further residential development would be inappropriate in this location. He said that although the main focus of the Local Plan was to encourage Use Class B1 i.e. offices / light industry on the adjacent industrial estate, the proposed development may hinder otherwise acceptable proposals for development within Use Classes B2 and B8 on land to the north of the site. The Inspector observed that a grassed mound adjoining the northern boundary of the site would not be sufficient in height to serve as an effective noise barrier.

8.18 In support of the current application the applicant states that it is important to consider that there has now been a more relevant appeal decision concerning land

to the rear of 65 Seaton Lane. As mentioned earlier in the report, in that case an Inspector found a proposal for residential development to be acceptable. The site in question is adjacent to an existing industrial area. It is also adjacent to the site of a larger residential development proposal referred to in paras 1.4 – 1.5 of this report. The inspector referred to a noise assessment that had been provided in relation to this larger scheme in concluding that it would be possible to incorporate certain design measures to attenuate noise intrusion. Such measures could include an acoustic fence and glazing.

8.19 In spite of the applicant's representations on the comparability of the current application and the 65 Seaton Lane proposal, there is considered to be an important distinction between the two sets of circumstances.

8.20 The Inspector had decided to allow the 65 Seaton Lane appeal in the knowledge that a nearby industrial site was at that time likely to have been capable of being re-used by a B2 general industrial occupier. Whilst the planning agreement relating to the larger residential development to the west will secure control over the type of user and manner of use of the industrial building in question in the interests of residential amenity there was no certainty that the agreement would have been concluded when the appeal decision was given.

8.21 The permission for the dwelling at the rear of 65 Seaton Lane would not in itself have constrained the use of the nearby industrial building for general industrial purposes as such uses were already permissible there. Therefore in allowing the appeal, the development would not have constrained the industrial use of land in the way that granting planning permission on the present application site is considered to in relation to Sovereign Park.

8.22 Following the appeal decision at 65 Seaton Lane the planning agreement was confirmed in relation to the larger residential site to the west. The effect of this was to constrain the use of the nearby industrial site (see paras. 1.4 – 1.5 earlier in the report). However the distinction in that case was that the industrial site owner had voluntarily entered into such an agreement whereas in the present case the future developers and users of Sovereign Park and their requirements are as yet unknown.

8.23 Notwithstanding the appeal decision at 65 Seaton Lane it is considered that there is insufficient reason to depart from the views of the previous Inspector considering residential development on the current application site in that it would result in significant harm to the living conditions of future occupiers by reasons of noise and general disturbance.

Highway safety

8.24 The driveways providing access to the proposed dwellings would be positioned between highway trees. There would therefore be some obstruction to the visibility available to drivers emerging from the site and in terms of being seen by drivers on Seaton Lane. However the level of traffic generated by the proposed dwellings is considered likely to be no worse and probably an improvement on that associated with the current commercial vehicle hire operation. Provision would also be made for turning space within each of the plots allowing vehicles to enter and leave the site in

forward gear. Taking this factor into account it is considered difficult to resist the development on highway safety grounds.

Tree protection implications.

8.25 The applicant has submitted a tree survey with the planning application. The survey acknowledges the presence of two groups of trees either side of the development site. It also considers the implications for a line of 6 trees within the highway verge.

8.26 The survey shows that to avoid damage to the root system of some of the highway trees it would be necessary to reposition two of the proposed driveways slightly to the south. However it would not be possible to reposition a third driveway and therefore to avoid root damage a special hand dug construction solution would be required. This may involve raising the height of the access crossing over the footpath, which would potentially cause a physical obstruction in the footpath. The applicant has failed to provide clarification as to how this obstacle would be overcome. The applicant has therefore been requested to provide further clarification on this matter along with some queries over the positions of surveyed trees.

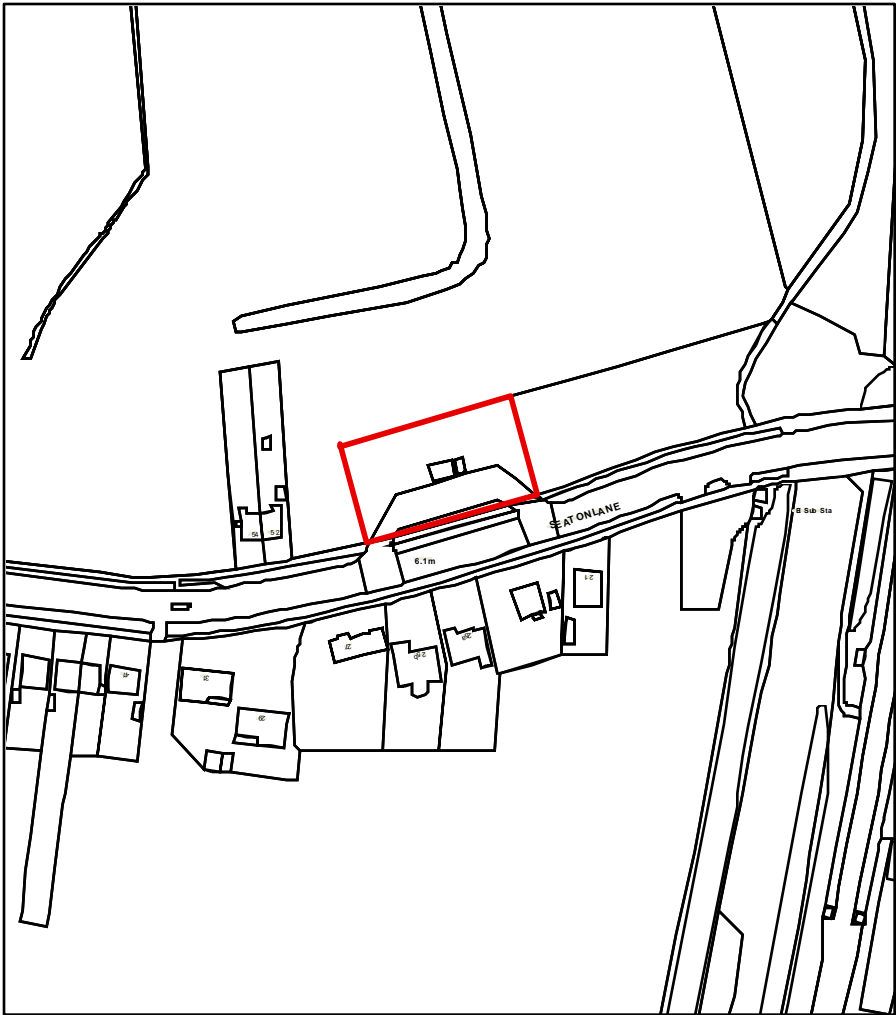
8.27 The siting of one of the plots would necessitate the removal of an Ash tree, part of a group situated immediately to the south of the site.

Conclusion

8.28 The proposed development is considered to be unacceptable due to its proximity to land allocated for industrial development on Sovereign Park to the north. This is likely to lead to a recommendation that the application is refused. The applicant has been asked to provide clarification with regard to the impact on trees and in light of this an update report will be provided.

RECOMMENDATION - Update report to follow

Eden Park Self Drive, Seaton Lane



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/01/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2006/0755	REV

No: 9
Number: H/2006/0891
Applicant: Mr Kevin Smart 29 Glentower Grove Hartlepool Cleveland TS25 1DR
Agent: Cad-Link Architectural Services Ltd 26 Mountston Close Hartlepool TS26 0LR
Date valid: 02/01/2007
Development: Demolition of existing property and erection of two detached houses with associated detached garages
Location: 7 HYLTON ROAD HARTLEPOOL

The Application and Site

9.1 The application site consists of a modern detached bungalow. It has gardens to the front and rear and an attached double garage to the south side. The rear garden is enclosed for the most part by a high fence (some 6ft) except for the boundary with no 15 The Vale where the fence is only some one metre high. To the north, in a slightly elevated position, is a detached two-storey dwelling house (5 Hylton Road) which has been extended to the rear through the addition of a conservatory which is set well off the common boundary. To the south is a modern detached bungalow (9 Hylton Road). Opposite on the other side of Hylton Road is a bungalow which faces Meadow Drive (21) and its enclosed rear garden. It has a garage to the rear with access off Hylton Road. To the east at a slightly higher level are a pair of two-storey detached residential properties which front onto The Vale (15 & 16). Both have been extended, 15 to the sides including the provision of a side conservatory, extensions at 16 include the recent addition of a rear conservatory which approaches the site. In the rear garden of 15 is a mature protected Sycamore tree, there is another smaller tree, which is not protected, in the garden of the adjacent property (14 The Vale).

9.2 It is proposed to demolish the bungalow and erect in its place two detached two-storey 4 bedroomed dwelling houses with detached garages. (The original plans showed a two and a half storey dwelling on the northern most plot and have been amended). The houses will be finished in brickwork with artstone detailing and a tiled roof. The main elevations of the houses will be set back from Hylton Road some 5.5m (excluding projecting bays). The closest parts of the houses will be sited some 1.3 to 2m further from the rear boundary than the existing bungalow. Vehicular access will be taken from Hylton Road with drives alongside the houses. The garages will be located in the north east and south east corner of the sites at the termination of the access drives.

Publicity

9.3 The application has been advertised by site notice and neighbour notification (7).

Seventeen representations have been received. All object to the proposal. The objectors raise the following issues:

1. Loss of light.
2. Loss of outlook.
3. Loss of privacy.
4. Developer has failed to show impact of development on the environment nor addressed issue of overlooking/overshadowing.
5. Overdevelopment, high density, Plot too small for 2 detached houses and hence they will be out of keeping with the area.
6. Out of keeping/character/Does not compliment high standards of the existing area.
7. Too large and high. A two and a half storey/three storey house would be out of proportion to all other houses in area.
8. Forward of building line.
9. Area is a rich mix of old and new on good sized plots the proposal would not enhance the area.
10. Another monstrosity like the one built to the rear of 11 The Vale.
11. Will set precedent for similar proposals.
12. Loss of bungalows and potential future shortages for elder people/ Loss of housing mix.
13. Noise from activities.
14. Traffic problems during construction/demolition, Busy road and site on a blind bend.
15. Discrepancies in Design and access statement.
16. Damage to roots of protected tree which may cause it to fall.
17. Loss of evergreen shrubs in front garden.
18. Property is not derelict and has been improved in past.
19. Heights of 5 and 9 Hylton Road should be shown on drawings.
20. The roof of the proposed two and a half storey house is fifty percent higher than 5 Hylton Road.
21. No assessment of increase in sewage/potential for sewerage problems.
22. Two new driveways will be required. Increased traffic movements/on street parking/conflict with neighbours garage access across road. Access for fire engine.
23. Plans don't reflect reality on the ground urge members to visit the site.
24. The plans are not accurate

The amended plans have been advertised by neighbour notification (14). The time period for further representations expires on 19th February 2007. At the time of writing no further representations had been received.

Copy letters H

Consultations

9.4 The following consultation replies have been received

Northumbrian Water : No comments received.

Engineering Consultancy : A section 80 notice under the Building Act 1984 will be required to be submitted to the Council relating to the proposed demolition.

Traffic & Transportation: A carriage crossing will be required for one of the garages, otherwise there are no major highway implications.

Planning Policy

9.5 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.

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

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

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.

Planning Considerations

9.6 The main planning considerations are Policy, Impact on the amenity of neighbouring property, Impact on the visual amenity of the area/street scene, highways, trees and drainage.

POLICY

9.7 The site is in an established residential area within the limits to development and in policy terms the proposal is considered to be acceptable. Objectors have raised concerns in relation to the loss of the bungalow, the erosion of the housing mix and the fact that development may set a precedent for further redevelopment of similar sites. It is the case that the Urban Housing Capacity Study (May 2002) acknowledged a shortage of bungalows as an issue in the Hartlepool Housing Market however it also identifies a shortage of larger executive 4/5 bedroom dwelling houses. The proposed Housing Market Assessment anticipated by Spring 2007 should give greater quantitative clarity to this issue. It is not considered in any case that the loss of a single bungalow would significantly affect this situation. In terms of precedent each case will need to be considered on its own merits.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

9.7 The application site is bounded to the north, east and south by residential properties. It is considered that in terms of residential amenity it is these properties which would be most directly affected by the proposal. Objections have been received from these four neighbouring properties. Since the receipt of the objections the applicant has amended the original proposal, which showed a 2.5 storey house on the northern most plot, and the views of the neighbours on the amendments are currently awaited. The proposal are now for the provision of two two-storey dwelling houses.

9.8 In relation to the property to the north, 5 Hylton Road, the closest proposed house will be gabled ended onto this property and will be sited gable to gable albeit set some 2.7m off the common boundary. The neighbouring property has its main windows facing east and west and given this orientation the light to, and outlook from, these windows should not be greatly affected by the new house. The part of the neighbours house most affected by any loss of light will be the facing gable. This is largely blank with only a high level obscure glazed garage window facing the site and as this does not serve a habitable room, and is very much a secondary window, any loss of light to this window is not considered significant. The neighbour also has a rear conservatory, however it is set well back off the boundary and will already be subject to a degree of overshadowing from the owners own house as the sun passes the gable. Whilst there may be an additional effect from the proposed adjacent house given the relative position of the neighbour's house and the new house it is not considered that it will unduly affect the existing light enjoyed by the conservatory. It is considered that there may well be some additional loss of afternoon light to the decking and garden area however this would only be for part of the day and it is not considered that this would affect the enjoyment of the garden/decking to such an extent as to warrant refusal of the application. This type of side to side relationship is a common one and it is not considered that the proposal as amended will unduly affect the neighbouring property in terms of loss of light, privacy or any overbearing effect. The garage will be located on the southern boundary of the neighbours

property, however it will be located towards the end of the garden and most directly affect only part of the garden rather than the house. In any case it will have a hipped roof and given its small size and the screening already afforded by trees/bushes rising to a similar height on the neighbour's side it is not considered that it will unduly affect light towards the end of the garden or unduly affect this neighbour in terms of loss of light, outlook or in terms of any overbearing effect.

9.9 In relation to the property to the east / north east, 16 The Vale, the separation distances between the principal elevation of the closest proposed house and this neighbour will range from some 20.2 to 22m, this more than meets the guideline of 20m specified in the Local Plan. The proposed house is set further back from the neighbour than the existing bungalow and it might be noted the neighbour's property overlooks and has a closer physical relationship with the bungalow than is proposed with the new house. The occupier of number 16 The Vale has pointed out that his conservatory will be closer to the development than this and indeed the drawings show that the conservatory will be some 17 to 18m from the principle rear elevation of the proposed house. The guidelines refer to principal elevations and not extensions and so it is not considered that this would fall foul of the guidelines. It is not considered to be an unusual relationship when a conservatory has been added to project towards an adjacent property. Any overlooking will be from bedroom window which would not normally be occupied during the day when the conservatory might be more likely to be in use, whilst at night the bedroom window would normally be drawn. The distance to the garden boundary is some 10 to 11m and this is considered acceptable. It is not considered that the proposal would unduly affect the privacy of this neighbour. It is likely that there would be some loss of late afternoon light to this property in the Spring/Summer/Autumn but for most of the day the effect will be limited. Notwithstanding the additional overshadowing this neighbour experiences due to the adjacent mature tree it is not considered that any loss of light due to the development would be so severe as to warrant refusal of the application. Given the physical relationship, the separation distances and the fact that this property is in fact set slightly higher, some 700mm than the application site it is not considered that the proposed development would unduly affect this property in terms of loss of light, outlook or in terms of any overbearing effect. The garage of the closest property will be located close to the boundary however given the differences in levels and the high fence on the boundary between the two sites again it is not considered the garage will unduly affect this property in terms of loss of light, outlook or in terms of any overbearing effect.

9.10 In relation to the other property to the east/ south east, 15 The Vale the amended proposals show that the separation distances between the principle elevation of the closest proposed house and this neighbour will range from some 19.7m to 21.8m. A small corner of the proposed house therefore will be within the 20m guideline, however for the most part the proposed house more than meets the required separation distance and this is considered acceptable. The proposed house is set further back from the neighbour than the existing bungalow and again it might be noted that the neighbour's property overlooks and has a closer physical relationship with the bungalow than is proposed with the new house. The distance from the proposed house to the rear garden boundary is some 9.5 to 10m and this is considered acceptable. It is not considered the proposed development will unduly affect the privacy of this neighbour. It is likely that there would be some loss of late

afternoon light to this property in the Spring/Summer/Autumn but for most of the day the property should be unaffected. Notwithstanding the additional overshadowing this neighbour experiences due to the tree in its garden, it is not considered that any loss of light due to the development would be so severe as to warrant refusal of the application. The boundary with this property is currently defined by a low fence and in the interest of preserving the privacy of both properties an appropriate boundary treatment i.e. a 6ft fence could be conditioned. Given the proposed condition, the physical relationship, the separation distances and the fact that this property is in fact again set slightly higher than the application site it is not considered that the proposed development would unduly affect this property in terms of loss of light, outlook or in terms of any overbearing effect. The garage of the closest property will be located close to the boundary however due to the proximity of the protected tree this will have to be re-sited see below and again, particularly when it is re-sited off the boundary it is not considered that it will unduly affect this property in terms of loss of light, outlook or in terms of any overbearing effect.

9.11 In relation to the bungalow to the south (9 Hylton Road) the closest proposed house will be gable ended onto this property and will be sited gable to gable albeit set some 2.7m off the boundary. Given the fact that the bungalow is located to the south the proposal will not unduly affect light to the bungalow. The bungalow faces the site with a blank gable and has its main windows facing east and west and given this orientation the outlook from, these windows should not be greatly affected by the new house. This type of side to side relationship is a common one and it is not considered that the proposal as amended will unduly affect this property in terms of loss of privacy, outlook, light or over dominance. The same conclusions apply to the garage which will be located on the boundary, though this will need to be re-sited, due to the proximity of the protected tree (see below), given its location to the north of the bungalow and its relatively small size it is not considered that it will unduly affect the neighbour in terms of loss of outlook, light, or in terms of any overbearing effect.

9.12 Whilst there are properties on the other side of the road, notably 21 Meadow Drive, given the physical relationship in particular the separation distances involved it is not considered that the development would unduly affect these properties in terms of loss of outlook, light, privacy, or in terms of any overbearing effect.

IMPACT ON THE VISUAL AMENITY OF THE AREA/STREET SCENE

9.13 The proposal involves the replacement of a single storey bungalow with two two-storey dwelling houses and clearly this will have a significant impact on the street scene. However the area, whilst attractive, is not a conservation area, and is an area where there is a mix of modern dwelling houses and bungalows. In fact there are two two-storey dwelling houses adjacent to the north and to the rear. The existing bungalow is of little architectural merit. The houses at some 8.1m and some 7.5m high, to the ridge, are not unusually high and are of a similar height to two-storey properties in the vicinity. The designs of the houses, whilst they do not copy those of the adjacent development are acceptable.

9.14 The dwelling houses will broadly follow the existing building line. The existing plot is relatively generous with a width of some 25m and a depth of some 22.5 to

26m. There are other large and generous plots in this area, and whilst the two plots will be smaller than the largest plots, at 12m and 13m wide they are comparable in width with some of the neighbouring plots notably 1 Hylton Road (12m), 3 Hylton Road (14m), 3a Hylton Road (11m) and 5 Hylton Road (15m). Certainly if one continues south around Hylton Road a little way the plots (28 to 44) become narrower ranging in width from 10 to 11m. It is also the case that the proposal leaves a drive width to the sides whilst dwellings on other plots notably 5 Hylton Road, extend at two stories across much of the plot arguably appearing more cramped than the proposed development would. It is not considered that the proposal will appear unduly cramped or intrusive in the street scene.

9.15 It is not considered that two additional dwelling houses would appear out of place. It is not considered that the proposal will detract from the visual amenity or character of the area or the street scene.

HIGHWAYS

9.16 Concerns have been raised by objectors in relation to the increase in traffic and on street parking which might be generated by the development. Objectors have also suggested that the development might affect access for emergency or other large vehicles. A neighbour with a garage/access opposite one of the proposed dwellings and who has a habit of reversing out, is concerned that his manoeuvring will be affected by parked vehicles. Another has raised concerns at the proximity of a blind corner. It is undoubtedly the case that two dwelling houses will attract more traffic and on street parking than a single bungalow. However each of the dwelling houses accommodates more than adequate parking for dwelling houses of this size. On a large housing estate any increased vehicle movements will be insignificant and it is not considered that the development would affect access for emergency or other large vehicles. In relation to concerns at vehicular conflict with the access to the neighbour's garage opposite, for domestic accesses to face each other across a street is not unusual, and given the level of use potential conflict is likely to be only occasional. Inconsiderate parking could affect the use of the neighbour's access with or without the proposed development and this issue whilst a potential nuisance would not warrant refusal of the application. Traffic & Transportation have not objected to the proposal and in highway terms the proposal is considered to be acceptable.

TREES

9.17 A mature protected Sycamore tree is located in the rear garden of 15 The Vale an unprotected tree is also located in the rear garden of 14 The Vale. Concerns have been raised that the proposal might damage the protected tree and at the removal of shrubs in the front garden. The Arboriculturalist has visited the site and concluded that provided the houses do not come closer to the tree than the existing bungalow foundations then the protected tree should be unaffected. The proposed houses are shown located further away from the tree than the existing bungalow. The Arboriculturalist has however recommended that one of the proposed garages, in the southern most plot, closest to the tree be moved forward 3.5m. This is under discussions with the applicant and provided this can be accommodated, which appears likely, then there are no objections in relation to the protected tree, the

moving of the garage will also take the garage further away from the unprotected tree in the neighbouring garden. Concerns have also been made in relation to the removal of small ornamental Juniper and Chamaecyparis trees in the front garden, these are unprotected and could be removed at any time, whilst it could be argued they enhance the front garden it is not considered that they make such a significant contribution to the street scene that their removal should be resisted, a suitable landscaping scheme can be imposed on any development.

DRAINAGE

9.18 Concerns have been raised in relation to the impact of the development on the existing drainage system. Northumbrian Water have been consulted and their comments are awaited.

OTHER MATTERS

9.19 Concerns have been raised at noise and disturbance during construction and the impacts of construction traffic on the road network. Clearly there will be a degree of disruption however this will be finite and is the case wherever development is proposed. Traffic & Transportation have not objected to the proposal. It is not considered that the application could be resisted on these grounds.

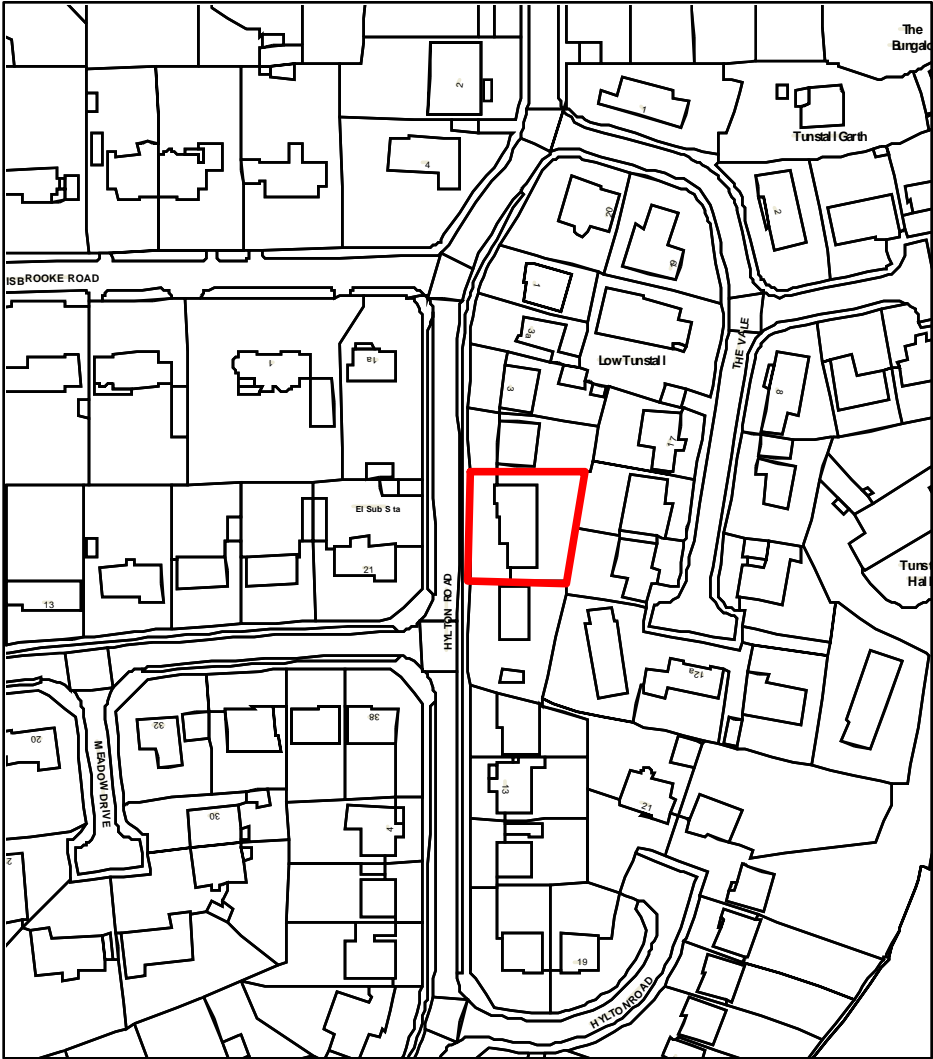
CONCLUSION

9.20 Given the outstanding consultation with Northumbrian Water, and the applicant regarding the garage, and the comments awaited from neighbours on the amended plans the final recommendation will be the subject of an update report. If the outstanding consultation is favourable and the issue of the siting of the garage can be resolved the recommendation is likely to be favourable.

RECOMMENDATION - UPDATE TO FOLLOW



7 Hylton Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/2/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0891	REV

No: 10
Number: H/2006/0893
Applicant: Mr Keith Duckett Greatham Works Tees Road Hartlepool TS25 2DD
Agent: Huntsman Tioxide Greatham Works Greatham Works Tees Road Hartlepool TS25 2DD
Date valid: 12/12/2006
Development: Works to enable a 50% increase (from 100kte/a upto 150kte/a) in the production capacity of titanium dioxide including the construction of a new wet treatment building, alterations to existing plant and replacement chlorination stack
Location: HUNTSMAN TIOXIDE TEES ROAD HARTLEPOOL

Background

10.1 The Greatham chemical works has been operational since the early 1970's manufacturing titanium dioxide (TiO_2) and titanium tetrachloride (TiCl_4) for use mainly in the paint industry.

10.2 The company wishes to increase pigment production capacity at the site from 100kte/a to 150kte/a under the name of 'Project Titan'. It is the intention to increase the production capacity of both the existing ICON plants upon the site and create a new finishing plant to process the additional pigment on site.

10.3 The expansion of the plant is an attempt to secure the long-term future of the works against increasing pressure from overseas pigment manufacturing.

10.4 The site currently employs approximately 225 staff and 125 contractors. The proposed long-term increase in production will bring about 15 additional jobs at the plant and approximately 150 construction contractors will be required over a 12-15 month period in the short term.

The Application and Site

10.5 The application site constitutes land within the existing Huntsman Tioxide Greatham Works boundary. The Chemical Works is located to the west of the Seaton Channel and accessed directly from Tees Road.

10.6 The application seeks consent for the erection of 4 permanent structures upon the developed site to enable an increase in production capacity. The structures include a helper cell upon both the ICON 1 and ICON 2 cooling towers, the provision of a new ICON 1 chlorination stack and the erection of a new wet treatment building. The structures are required to facilitate increased production and finishing capacity on site.

10.7 The proposed helper cells are to measure approximately 10m in height with a maximum width of 9.5m. The helper cells are to be positioned to the southeast and southwest corners of the site close to the existing cooling towers.

10.8 The new chlorination stack is to be located within a central position on site. The structure is to measure 65m in height at its highest point with a maximum width at the base of 9m which narrows to 3.5m approximately 22m up the tower. The tower is to match that of the existing ICON 2 chlorination stack upon the site.

10.9 The proposed wet finishing stream building is to measure approximately 2500m² with a height of approximately 29m. The structure is to be located upon the footprint of the previous 'black end', which has recently been disassembled. Associated external tanks (5) are proposed to serve the finishing plant. They are of differing sizes, with the largest measuring a maximum height of 6.5m with a width of 8.2m.

Publicity

10.10 The application has been advertised by way of neighbour letters (16), site notices and press notice. To date, there have been no letters of objection received.

The period for publicity has expired.

Consultations

10.11 The following consultation replies have been received:

Engineering Consultancy - No objection

Traffic and Transportation Section – No objection

Head of Public Protection and Housing – No objection

Economic Development – Fully support the application. The response makes reference to the proposal being absolutely vital for the long term security of the business, and that the company is a key local employer which has a very significant impact upon the local economy in terms of direct benefits and the extensive supplier chain which a number of local businesses are reliant upon.

Northumbrian Water – No objection

Health and Safety Executive – No objection

Nuclear Safety Directorate – No objection

Ecologist – No objection subject to conditions

Transco – No objection

Environment Agency – No objection subject to conditions

Natural England – No objection subject to conditions

Greatham Parish Council – No objection

Stockton Borough Council – Comments awaited

Planning Policy

10.12 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.

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

Planning Considerations

10.13 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals held within the Hartlepool Local Plan, the impact of the development in terms of visual amenity, highway safety, health and safety, flood risk and the impact on the proposal upon the sites of nature conservation importance in terms noise, disturbance, contamination, air and water quality and waste management.

Policy:-

10.14 Policy Ind 9 of the adopted Hartlepool Local Plan 2006 identifies the application site and immediate surrounding land for developments that are potentially polluting or hazardous. Given that the proposed development is to be located upon

previously developed land within the existing site, the principle of the proposal is considered acceptable.

Visual Amenity

10.15 It is acknowledged that the proposed structures will be visible from certain points around the site, however, as the size and design of the structures are in keeping with those existing on site, they would not appear dominant or incongruous. Given the nature of the site, it is considered that the proposals are typical of such chemical installations. Moreover, as the structures are to be located upon previously developed land within the existing site it is not felt an objection could be sustained upon visual amenity grounds.

Highway Safety

10.16 The increase in traffic movements in relation to this planning application needs to be assessed in both the short term (during construction) and the long term (once project completed).

10.17 In the short term, an increased traffic flow will be created from the additional contractors (approx 100 upon the site at any one time), deliveries to the site during construction and the transportation of the additional slurry to a finishing plant in Grimsby. A construction period of 12-15 months is envisaged.

10.18 The Environmental Statement (ES) makes reference to the construction companies involved being encouraged to adopt a travel plan to ensure contractors visiting the site take part in car sharing and use an organised mini-bus where practical to limit the additional movements. It is anticipated there will be approximately 40 vehicles arriving between 7.00 and 9.00 am and leaving between 16.00 and 18.00 (80 movements per day) to transport the contractors. It is also predicted that the additional deliveries associated with the construction phase of the finishing plant and associated structures will amount to less than 10 HGV movements per day.

10.19 The additional slurry created by the increased productivity, which cannot be finished on site until the new finishing plant is constructed, will be transported to Grimsby by road for finishing. It is anticipated that up until the completion of the project an additional 80 vehicles per 60-hour operational week will be required to transport the slurry.

10.20 In the long term, it is anticipated that once the new finishing plant is operational, an increase in 8 HGV's per hour will be created. This is anticipated to lead to an increase of 1.5% of the current overall traffic flows to and from the site. The increase in traffic movements from the additional fulltime staff is expected to be no more than 4 vehicles when the shifts change at 6.00 and 18.00.

10.21 The projected increase in both the long term and short term of the expansion proposed is not considered to be significant. The Head of Technical Services has raised no objection to the proposal on highway safety grounds or the potential for a detrimental increase in traffic flow upon the A178.

Health and Safety

10.22 The Health and Safety Executive's Hazardous Installations Directorate have raised no objection to the proposal. The Nuclear Safety Directorate have confirmed verbally that they have no objection to the proposal. Written confirmation is awaited.

10.23 The amount of hazardous substance stored upon the site is not proposed to change in connection with the proposed expansion. The current inventory of hazardous substances upon the site will remain the same, with deliveries of raw products to the site and transport of finished product from it increasing with production.

10.24 A hazardous substance consent application is not required in this instance.

Socio-Economic Issues

10.25 As stated previously the purpose of 'Project Titan' is to secure future of the Greatham Works against increasing pressure from overseas competition in pigment manufacturing. The on-site finishing capability will minimise costs and reduce the need to transport excess slurry pigment from the site for finishing elsewhere. The proposed expansion will bring with it an increase in permanent jobs (approximately 15) and short term construction employment for approximately 150 contractors over a 12 – 15 month period.

10.26 The Economic Development Manager fully supports the proposed expansion at the site. He makes reference to Huntsman being a key local employer with a number of local businesses reliant on it for their future successes and prosperity. He believes this planning application is absolutely vital for the long-term security of the business.

Flood Risk

10.27 The Environment Agency have noted that as the proposal is to be carried out within the existing complex and that the new plant will be raised on piles, they do not consider that there will be a detrimental impact on the current flood regime and therefore there are no objections on flood risk grounds.

Noise and Disturbance

10.28 The nearest residential settlement, Greatham, is approximately 1800m from the plant. It is considered very unlikely given the distance that any noise from the processes carried out upon the site from this proposal or the associated traffic movements would negatively impact upon the amenity of occupiers of residential properties.

10.29 Given the close proximity of the application site to the Tees mouth and Cleveland Coast SPA and Ramsar site and the Seal Sands SSSI it is important to assess the potential effect of any increased noise and disturbance upon the surrounding habitats.

10.30 It is anticipated that the piling during the construction phase of the finishing plant will give rise to the most noise and vibration. The applicant has indicated that bored piling will be used to restrict noise and vibration emissions to a minimum. Noise shielding techniques to further minimise noise impact can be satisfactorily controlled through planning condition.

10.31 There is potential for the use of floodlighting through the construction phase. This will also be kept to a minimum by screening construction activities and restricting working hours.

10.32 The ES pays great attention to the existing noise created on site and the anticipated disturbance created from both the construction phase and following completion of the proposed structures. Natural England (formerly English Nature), the Council's Ecologist and the Head of Public Protection and Housing have raised no objection to the proposed development in terms of noise, vibration and light disturbance subject to the mitigation measures put forward within the Environmental Statement being implemented. A number of planning conditions have been recommended to ensure that noise, vibration and light disturbance from the construction activities is kept to a minimum to protect the wildlife of the surrounding nature conservation areas.

Nature Conservation

10.33 The application site is located close to the Teesmouth and Cleveland Coast Special Protection Area, Seal Sands (SSSI), Tees and Hartlepool Foreshore and Wetlands (SSSI) and the Greenabella Marsh (SNCI). These sites are homes to many sensitive and rare species.

10.34 Apart from noise, vibration and light disturbance implications discussed above the potential for dust and spillages of fuel oils requires consideration in terms of effects on nature conservation.

10.35 The Council's Ecologist, Natural England and the Environment Agency have raised no objection to the proposal subject to the mitigation measures offered within the Environmental Statement being carried out. These measures include:-

- Additional drip trays and spill kits to be carried with all machinery with the potential to leak
- Monitoring of the groundwater, drainage ditch conditions and pond water levels will be undertaken, which may provide early warning of adverse changes that could adversely affect the existing habitats on the marsh.
- Inorganic pollutants and pH of effluent will continue to be monitored with each discharge with any breaches investigated.
- The ecological impacts of the increased operational effluent volumes from increased pigment production will continue to be monitored in detail to provide early warning of any downturn in the diversity and abundance of species that are important in the ecology of the receiving waters.

10.36 Planning conditions have been suggested to ensure compliance with the mitigation measures offered.

Air Quality

10.37 The Head of Public Protection, Natural England and the Environment Agency have raised no objection to the proposal in terms of air quality. It is important to note that the Environment Agency have further controls through the Pollution Prevention and Control (England and Wales) Regulations 2000 by the issuing of a IPPC (Integrated Pollution Prevention and Control) permit regarding emissions into the atmosphere.

Water Quality

10.38 The ES concludes that the residual impacts arising from construction are considered to be insignificant providing the mitigation measures suggested are implemented. It goes on to state that increased production will bring about an increase in hazardous inorganic discharges. However there is equipment onsite to control heavy metal discharges and subject to additional mitigation measures outlined below considered that water quality can be adequately protected. The EA, Natural England and the Head of Public Protection have raised no objection to the information highlighted or the mitigation measures proposed.

10.39 The EA have suggested further conditions (which are included at the end of this report) relating to the piling of the structures to ensure ground and surface waters do not become contaminated.

10.40 Mitigation measures suggested include:-

- During construction, all plant and equipment will be clean and well maintained thus minimising any risk of hydraulic fluid or fuel leaks.
- Refuelling will take place in bunded or hardstanding areas.
- Continued neutralisation of effluent will be undertaken to maintain pH levels within the IPPC permitted range and will be reported to the EA as required by the permit.
- Continue to support the environmental monitoring surveys of areas around the outfall.

10.41 Planning conditions have been suggested to ensure compliance with the mitigation measures offered.

Waste management

10.42 The waste from the process is currently disposed of at landfill as there are no viable alternatives at the present time. The ES states there is sufficient capacity in landfill facilities for the additional predicted waste and consideration will be given to future technologies for disposal as and when they develop.

10.43 The Environment Agency and Natural England have raised no objection to this subject to the mitigation measures outlined below.

- No burning of construction waste on site.
- All wastes will be stored in designated areas to be isolated from surface drains.
- Storage of oil and diesel in bunded areas while awaiting collection as Hazardous Waste.
- Drip trays and spill kits will be carried with all machinery with the potential to cause toxic leak and spill.
- Skips will be covered to prevent dust and litter being blown out and rainwater accumulation.
- Bins for food wastes will be covered to minimise attraction of scavenging animals.
- During operation. PH of filter cake will continue to be checked to ensure neutralisation has been carried out effectively, so no leachate problems arise after disposal to landfill.

10.44 Planning conditions have been suggested to ensure compliance with the mitigation measures offered

Conclusion

10.45 It is considered that for the reasons stated above and subject to appropriate planning conditions, that the proposal is acceptable.

10.46 It is important for Members to note that notwithstanding the mitigation measures suggested, further strict controls over the environmental aspects of the development will be thoroughly assessed through the required alterations of the IPPC permit issued and monitored by the Environment Agency.

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.

REASON: - To clarify the period for which the permission is valid.

2) The development hereby permitted shall be carried out in accordance with the plans, details and environmental statement received by the Local Planning Authority on 12th of December 2006, unless otherwise agreed in writing by the Local Planning Authority.

REASON: - For the avoidance of doubt

3) Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

REASON: - In the interests of visual amenity.

4) All flood sensitive equipment to be set at a minimum level of 5.10m AOD to take into account future sea level rise.

REASON: - To reduce the risk of flooding.

5) Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the details approved.

REASON: - The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

6) Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local planning Authority. The approved scheme shall be completed in accordance with the approved plans.

REASON: - To prevent the pollution of the water environment.

7) No development approved by this permission shall be commenced until:
a. a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.

b. A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken relating to all receptors including ground and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - the development of a Method Statement detailing the remediation requirements.

c. The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d. A Method Statement detailing the remediation requirements, including measures to minimise the impact on all receptors including ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

REASON: - To protect all receptors and ensure that the remediated site is reclaimed to an appropriate standard.

8) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

REASON: - To ensure that the development complies with the approved details in the interests of protection of all receptors.

9) The development of the site should be carried out in accordance with the approved Method Statement.

REASON: - To ensure that the development complies with approved details in the interests of protection of all receptors.

10) The construction works associated with the developments hereby approved shall only be carried out during the hours of 07:00 until 19:00 in April to September and 08:00 until 17:00 in October to March.

REASON:- To limit potential noise and disturbance upon the surrounding nature conservation sites.

11) Bored piling techniques will be used for the construction of the structures hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To limit noise and vibration from the site upon the surrounding areas of nature conservation.

12) Prior to the commencement of the development hereby approved details of proposed noise and light shielding techniques shall be submitted to and agreed in writing by the Local Planning Authority and once agreed shall be used throughout the construction period of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: - To limit noise and vibration from the site upon the surrounding areas of nature conservation.

13) If during construction of the development hereby approved the noise levels anticipated in the environmental statement are exceeded, works should cease immediately and details of additional noise mitigation measures should be submitted to and agreed in writing by the Local Planning Authority.

REASON:- To limit noise and vibration from the site upon the surrounding areas of nature conservation.

14) Construction activities shall be carried out in accordance with the socio-economic, flora and fauna, noise and vibration, traffic and transportation, land quality, water

quality and air and climate mitigation measures detailed in Sections 5.2.1.3, 5.3.4, 5.4.8, 5.5.3, 5.6.3, 5.7.4 and 5.8.4 of the Environmental Statement reference number AEA T/ENV/R/2346 Issue 1 received by the Local Planning Authority on the 12th of December 2006 unless otherwise agreed in writing by the Local Planning Authority.

REASON: - To ensure the site is developed in a satisfactory manner.

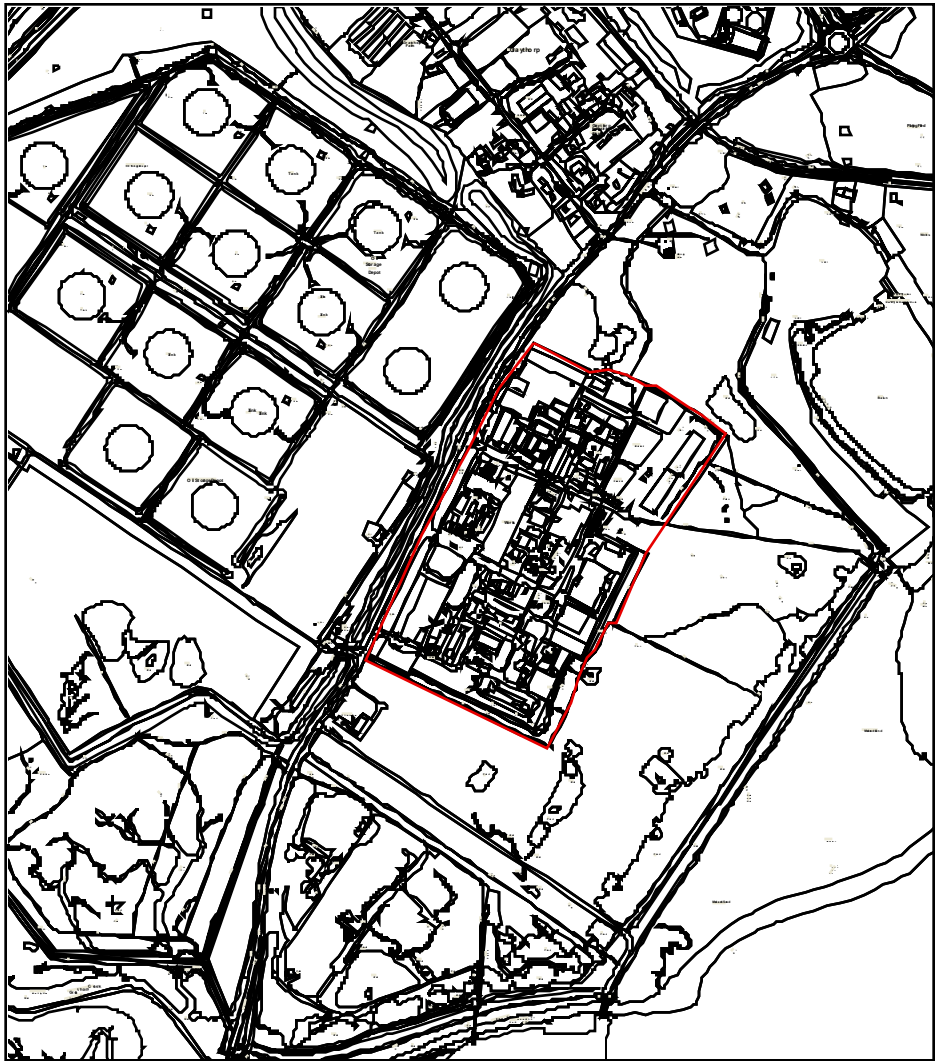
15) Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement (s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: - To protect all receptors by ensuring that the remediated site has been reclaimed to an appropriate standard.

16) A programme of weekly visual checks of the water level and water quality of Greenabella Marsh shall be undertaken during the construction phase of the project with records to be made available to the Local Planning Authority on request.

REASON:- To ensure that the water levels and water quality of the Greenabella Marsh are maintained.

Huntsman Tioxide



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/01/07
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0893	REV

No:
Number: H/2006/0723
Applicant: Ms Amanda Senior Three Rivers House Abbeywoods
 Business Park Durham DH1 5TG
Agent: Mackellar Architecture Limited 77-87 West Road
 Newcastle Upon Tyne NE15 6RB
Date valid: 23/10/2006
Development: Erection of a Supported Living Scheme for adults
 comprising 10 one bedroom flats, communal
 living/dining/kitchen/laundry/resource areas, staff overnight
 stay facility and rest rooms
 (AMENDED PLANS RECEIVED)
Location: adjoining 80 REED STREET HARTLEPOOL

UPDATE

One of the grounds of objection relates to the perceived high amount of accommodation for various priority client groups within the Burbank area. Whilst the degree of concentration of such developments is not, in itself, a material planning consideration, any intensified impacts in terms of such factors as traffic generation or noise resulting from the clustering together of schemes within the same street/local area would be relevant in the planning context.

In this case, however, as the list below for Stranton Ward indicates, there are no other Supporting People funded schemes in close proximity to this proposed scheme, which might together give rise to such issues.

Name of scheme	Address	Client Group	Number of Units
Burbank Court	Burbank Street, Hartlepool	Older people	47
Richard Court	Lister Street, Hartlepool	Older people	62
St Josephs Court	Victoria Road, Hartlepool	Older people	43
Schooner Court	Marina	Older People	36
Elwick Flats	Elwick Road/Lister Street	Learning Disabilities	5
Avondene	Church Street	Homeless	11
St Pauls	St Pauls Road	Vulnerable young people	5
Gainford House	Gainsford Street/York Road	Young People with complex needs	10
Endeavour	Rium Terrace	Homeless	2
Womens Refuge	Confidential	Women fleeing violence	6

Hartlepool Supporting People funded schemes in Stranton Ward.

Please note Anna Court a scheme for young parents 6 units is on the boundary in Flaxton Street.

No: 5
Number: H/2006/0906
Applicant: Mr H Villah Grosvenor Street Hartlepool TS26 8HJ
Agent: Business Interiors Group 73 Church Street
HARTLEPOOL TS24 7DN
Date valid: 18/12/2006
Development: Alterations, installation of new shop front and change of
use to provide a hot food takeaw ay shop
Location: 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

Further Update

The land use plan in the main committee report that show s the location of hot food takeaw ays on Murray Street has been produced in black and white and as such is unclear. A copy of the plan reproduced in colour is attached. For clarification, the properties indicated in red are hot food takeaw ays and those in green are the remainder of non-residential properties which make up the Murray Street Local Centre and the commercial improvement area directly to the north.

RECOM MENDATION – remains the same as that in the main report.



No: 6
Number: H/2006/0814
Applicant: Mr Nigel Dawson Keel Row 12 Watermark Gateshead
NE119SZ
Agent: Mackellar Architecture Limited 77-87 West Road
Newcastle Upon Tyne NE15 6RB
Date valid: 01/12/2006
Development: Erection of a 3 storey, 80 bedroom care home with car
parking (resubmitted application)
Location: LAND AT CORNER WARREN AND EASINGTON ROAD
HARTLEPOOL HARTLEPOOL

UPDATE

This application appears on the main agenda at item 6.

The recommendation was left open as discussions/consultations on flooding, secured by design and in relation to the access were continuing.

Further consultation responses

Police : No objections.

Traffic & Transportation :

Using the Council's Design Guide Specification Warren Road has been classed as a Primary Access Road, which would serve 301 - 500 dwellings.

For a primary access road, the minimum junction spacing for junctions on the opposite sides of the road would be 30 metres. On this application the junction spacing has been achieved in relation to junctions on the other side of the road.

I can confirm that the proposed access is safe using the Council's Design Guide Specification. It is in the best location given the location of other accesses. It would not be possible to re-site the access east or west because there could be possible highway safety implications and could be in conflict with the existing accesses.

Planning considerations

The further consultation responses and representation outlined above have been received.

In relation to the further information required by members in relation to Flooding, Secured by Design, and the access the current situation is set out below .

Flooding

Discussions with the Environment Agency are ongoing. The Agency have raised no objections to the proposal but have requested various conditions to minimise flood risk on the site. It is considered questionable whether there is in fact any flood risk on the site and the conditions proposed by the Agency to manage any flood risk may well not be necessary. One of the conditions particularly requires that the floor levels of the building be a minimum of 14:00m AOD which the applicant has shown. Whilst, as stated in the earlier Committee report the levels proposed are acceptable in terms of the relationship with the neighbouring development, it is considered this relationship would be improved if a lower floor/site level could be agreed. The need for all the conditions proposed by the Agency is the subject of discussions, however it is unlikely that these issues will be resolved prior to the meeting. It is proposed therefore that the final floor levels of the building and site be subject to condition. The other conditions requested by the Agency are included in the proposed conditions detailed in the recommendation below . If it transpires that these conditions are unnecessary the wording of the conditions allows for this.

Secured by design

Following further discussions the applicant has agreed to incorporate the majority of secured by design measures suggested by the Police including appropriate external lighting and secure doors/windows to the ground floor. The Police have confirmed therefore that they have no objections to the proposal. It is proposed to condition the details of landscaping, lighting, boundary treatments, and the provision of secure doors and windows on the ground floor.

Access

Traffic & Transportation have confirmed that in their professional opinion the proposed access is safe and in the best location given the location of other accesses. They have confirmed that they would not support the re-siting of the access to the east or west because there could be possible highway safety implications and conflict with the existing accesses

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. Notwithstanding the floor and ground/site levels shown on the submitted plans and details, the final finished floor and ground/site levels shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. The finished floor and ground/site levels shall thereafter be in accordance with the levels so agreed, unless otherwise agreed in writing with the Local Planning Authority.
In order that further consideration can be given to this matter in light of continuing discussions with the Environment Agency.
3. The premises shall be used as a care home as described in the details submitted with the application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
4. The proposed windows in the north elevation of the northern projection of the building shall be glazed with obscure glass which shall be installed before the care home is occupied and shall thereafter be retained at all times while the windows exist.
To prevent overlooking.
5. The car and cycle parking areas shown on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
7. Details of all walls, fences and other means of boundary enclosure including retaining walls, shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. The approved enclosures shall be installed, in the approved locations, on site prior to the building being brought into use.
In the interests of visual amenity and security.
8. 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.

9. 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.
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 Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the 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. The development hereby permitted shall not be brought into use until a "prohibition of waiting order" has been implemented on the southern side of Warren Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
12. No development shall commence until details for the disposal of surface water arising from the site have been submitted to and approved in writing by

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

In order to ensure that a satisfactory means for the disposal of surface water is agreed and secured.

13. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing with the local planning authority. This route must be in place before any occupancy of the buildings.
To provide safe access and egress during flood events and reduce reliance on emergency services.
14. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.
To prevent pollution of the water environment.
15. Details of the proposed external lighting for the site, including lighting at the vehicular entrance, for car parking areas, footpaths and external doors in accordance with BS5489 (Codes of Practice for Street Lighting) and BSEN13201, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building.
In the interest of security and the amenity of neighbouring properties
16. Details of proposed materials for all hard surfaces (including access roads, paths, parking areas, manoeuvring areas) shall be submitted to and approved in writing prior to the commencement of development. The development shall be carried out in accordance with the details so approved.
In the interest of highway safety and visual amenity.
17. All ground floor external windows shall be Secured by Design in accordance with BS7950:1997 Specification for enhanced security.
In the interests of security and crime reduction.
18. All ground floor external doors shall be Secured by Design in accordance with BS PAS 24-1 1999 Doors of enhanced security.
In the interests of security and crime reduction.

No: 8
Number: H/2006/0755
Applicant: Mr K Hair 4 Burnhope Road Hartlepool TS26 0QQ
Agent: Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP
Date valid: 09/10/2006
Development: Outline application for the erection of 4 detached houses with detached garages
(AMENDED APPLICATION AND PLANS RECEIVED)
Location: EDEN PARK SELF DRIVE HIRE SEATON LANE
HARTLEPOOL

Update report

The applicant has been asked to provide clarification with regard to the impact of the development on trees and the implications for the design of vehicle access crossing points to the site.

This information is still awaited and accordingly it is recommended that the application be deferred.

Recommendation

Defer for further information

No: 9
Number: H/2006/0891
Applicant: Mr Kevin Smart 29 Glentower Grove Hartlepool Cleveland TS25 1DR
Agent: Cad-Link Architectural Services Ltd 26 Mountston Close Hartlepool TS26 0LR
Date valid: 02/01/2007
Development: Demolition of existing property and erection of two detached houses with associated detached garages
Location: 7 HYLTON ROAD HARTLEPOOL

UPDATE

This application appears on the main agenda at item 9.

The recommendation was left open as a number of matters were outstanding including consultations with Northumbrian Water, negotiations regarding the positioning of a garage on one of the plots and comments from neighbours on amended plans.

Publicity

The amended plans were advertised by neighbour notification (15).

To date eight representations have been received all objections. The writers raise the following issues.

- The garage access referred to in the committee report at 9.1, serves 1a Carisbrooke Road and not 21 Meadow Drive as stated.
- Two carriageway crossing not one, as stated by Traffic & Transportations, will be required.
- Loss of light.
- The amended plans fail to show the height of the proposed new build.
- High density, Overdevelopment and overcrowding.
- Access will be directly opposite access to 1a Carisbrooke Road and will cause problems.
- Previous objections apply.
- Accuracy of amended plans questioned. They should be checked.

- Amended plans show a utility room opposite 15 The Vale which is not confined to the 20 metre limit.
- Proximity of garage to tree.
- The roofspace (of the northern most dwellinghouse) is still high enough to accommodate a dormer and higher than the second dwelling? Once the house is built a loft conversion will be done/dormer added.
- Builder might raise roof during construction.
- Conservatory is well within 20 metre limit.
- Loss of privacy

These representations will be tabled at the meeting.

The publicity for the amended plans expires on 19th February 2007 and any further representations will also be tabled at the meeting.

Consultations

Northumbrian Water : No objections. Foul and surface water sewers available to discharge to.

PLANNING CONSIDERATIONS

The further consultation and representations above have been received.

Drainage

Northumbrian Water have confirmed that foul and surface water sewers are available and that they have no objections to the proposal.

Garage/Trees

The applicant has agreed to omit the garage on the southern most plot from the scheme.

Other Matters

Further representations have been received objecting to the proposals. The issues of policy, impact on the amenity of neighbours, impact on the visual amenity of the area/street scene, highways, trees, and noise/disruption during construction are discussed in the main agenda item and the same comments apply. In relation to other issues raised the following comments are relevant.

It is acknowledged that there is a small error in the Committee report, at 9.1, the ownership of the access and garage opposite the site is wrongly attributed to 21

Meadow Drive. It actually belongs to the dwellinghouse at 1a Carisbrooke. This does not change the view at 9.16 that in Highway terms the proposal is acceptable.

For the avoidance of doubt two new accesses/carriageway crossings are proposed. One at the northern end of the site one at the southern end (alongside what is/was the existing access). Again in Highway terms this is considered acceptable.

A number of the objectors have raised concerns that the roof space of the northern most property might be converted into habitable rooms and even a dormer window added. Under the provisions of the Town & Country Planning (General Permitted Development Order) 1995 the applicant, or a future owner could on completion of the house, subject to various constraints in relation to size/design/location of any alterations, convert the loft and even add a dormer window or roof lights without the necessity of first obtaining planning permission. These permitted development rights apply to all dwellinghouses unless they are restricted by a planning condition. It would be possible to impose such a condition in this case however such conditions must be reasonable and should be supported by a relevant planning reason. Given the fact that the proposed property meets the required separation distances of twenty metres it is not considered reasonable to restrict a loft conversion, or the provision of roof lights in this case, such a condition would be difficult to defend on appeal should the condition be challenged. In the interests of the protected tree, and the amenity of neighbours, however it is proposed to impose a condition restricting the provision of extensions and garages/outbuildings, this condition would also restrict the provision of a dormer window, but not rooflights or loft conversions which would not involve extensions. In practice however if an application were subsequently received for a dormer window, on this property, it is considered it would be likely to be difficult to resist given the fact that this proposed property meets the twenty metre separation distance.

A number of objectors have questioned the accuracy of the plans. The applicant re-surveyed the site and amended the plans as part of the amendments. The amended existing layout plan has been checked by Officers on site, allowing for minor variations which will inevitably occur with the re-measuring of any site, the layout plan is considered to accurately reflect the current situation and relationships with the surrounding properties.

CONCLUSION

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 plans and details submitted on 2nd January 2007 as amended in relation to the details of the house on the northern most plot by the drawings 006 & 007, in

relation to the proposed site layout by the drawing RSL/003 (except in relation to the garage serving the southern most plot which has been omitted from the proposal), in relation to the elevations/plans of the garage by the drawing 008, received at the Local Planning Authority on 6th February 2007, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt

3. For the avoidance of doubt the site layout, including the positioning of the houses, shall be in accordance with drawing drawing RSL/003 (except in relation to the siting of the garage serving the southern most plot which has been omitted from the proposal) received at the Local Planning Authority on 6th February 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. This permission does not include the approval of a garage serving the southern most plot which was omitted from the proposal.
For the avoidance of doubt
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s), sheds, pools or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the protected tree on the adjacent site and the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the protected tree on the adjacent site and the amenities of the occupants of the adjacent residential property.
7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
8. Details of all external finishing materials, including drives and hardstandings, shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose if required by the Local Planning Authority.
In the interests of visual amenity.
9. Before the development hereby approved is commenced, the dwellings shall be pegged out on site and their exact location agreed in writing by the Local

Planning Authority. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out.
In the interests of the amenities of the occupants of neighbouring properties.

10. A detailed scheme of landscaping and tree and shrub plantings shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.

No: 11
Number: H/2007/0059
Applicant: Mr T Walker BLAKELOCK GARDENS HARTLEPOOL
TS25 5QW
Agent: WOODBURN LODGE BLAKELOCK GARDENS
HARTLEPOOL TS25 5QW
Date valid: 19/01/2007
Development: Application for a certificate of law fullness for proposed
development comprising the erection of a boundary fence
gate and pillars
Location: WOODBURN LODGE BLAKELOCK GARDENS
HARTLEPOOL

Update report

After further consideration it has been advised that the main committee report need not have been classified under the exempt information provisions. It is therefore reproduced and attached as a normally formatted report.

A final view on the legal position is still awaited from Counsel and therefore the updated position will be given at the meeting.

Recommendation

In the event that a response from Counsel has not been received in time for the meeting it is recommended that the application be delegated to the Development Control Manager for decision.

The Application and Site

11.1 This application is for a Certificate of Lawfulness for a proposed development consisting of a close-boarded fence, brick pillars and sliding steel gate. The purpose of this application is to gain a determination from the Council as to whether the development would require planning permission. The merits of the application, whether positive or negative cannot be considered.

11.2 Woodburn Lodge is an extensive residential plot bordered to the east by Redcar Close, a development of modern detached and semi-detached dwellings.

11.3 The applicant considers that the proposed structure would comprise permitted development under Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order as it would constitute a means of enclosure separating the side of Woodburn Lodge from adjacent properties on Redcar Close.

11.4 The site has been the subject of a lengthy planning history. Most recently in 2006 there were 2 public inquiries held in relation to the Local Planning Authority's decisions to refuse lawful development certificate for a garage and gates at the property and against an enforcement notice issued alleging the creation of an access from Redcar Close.

11.5 The enforcement notice appeal concerned the alleged construction of an access through the creation of an opening in a brick boundary wall combined with the fixing of a wooden 5 bar gate. This gate in question occupies the position of the proposed steel gate. In his decision letter, the Inspector however concluded that the fixing of the gate to the wall was not carried out as part of a scheme to form an access to Woodburn Lodge and that there was no breach of planning control.

Publicity

11.6 There are no publicity requirements for this type of application given that it is to determine whether or not planning permission is required.

Consultations

11.7 The Chief Solicitor has been consulted with regard to this application who in turn has sought the views of Counsel given the complex, contentious and lengthy planning history of this site.

Planning Considerations

11.8 In assessing whether planning permission is required for the proposed structure it is necessary to determine whether it involves material development. In this respect, it is clear that the structure would comprise building work.

11.9 If the development which is proposed is material it is necessary to determine whether the proposed development has the benefit of an express permission or permitted development rights. The planning history does not include any express permission which would authorise the development.

11.10 Three classes of permitted development rights may be relevant –

- (a) the provision within the curtilage of a dwellinghouse of a building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse – Part 1 Class E of the General Permitted Development Order
- (b) the erection, construction, maintenance, improvement or alteration of a gate, wall, fence or other means of enclosure – Part 2 Class A
- (c) the formation, laying out and construction of a means of access to a highway – Part 2 Class B.

11.11 Whether the development is within any of the relevant classes of permitted development, and, if so, which, raises issues relating to curtilage and purpose.

11.12 To have the benefit of Part 1 Class E, the development must be within the curtilage of the dwellinghouse. This would not include development along the boundary of the curtilage.

11.13 The question of whether the area of land, to which the current application forms part, is within the curtilage of Woodburn Lodge, was considered by the Planning Inspector following the appeal against the refusal by the Local Planning Authority to grant a Lawfulness Certificate to the erection of 2 gates and a garage at the property. He concluded the land in question was not within the curtilage of Woodburn Lodge on grounds of its distance from the dwelling and lack of close association with it. As such it is not considered appropriate to treat the site as within the curtilage. Part 1 Class E would not, therefore, apply.

11.14 Part 2 Class A and Class B involve consideration of the purpose of the development. If the purpose is to provide a means of enclosure, then Class A may apply, but not Class B; if the purpose is to provide a means of access then Class B may apply, but not Class A.

11.15 Included within Part 2 Class A are gates, walls and other means of enclosure, which would not exceed 2 metres in height in locations which are not adjacent to a public highway. This location is adjacent to a tarmac driveway and

hardstanding area and not to the highway itself. Therefore if the proposed development is deemed to be a means of enclosure it would be permissible under the legislation without need for express planning permission. Case law states that to be regarded as a means of enclosure it need not be a perfect surrounding but must provide some way of closing in an area. The proposed development would certainly add to the enclosure of Woodburn Lodge and as such is not considered to conflict with these prerequisites.

11.16 Whilst the proposed gate would provide a secure and controlled means of access to the site, it is important to take into account the previous appeal Inspector's conclusions on the five bar gate. He concluded that access was freely available across this land before the provision of a gate and that it was to be regarded as a means of enclosing the appeal site.

Conclusion

11.17 It would appear that the proposed development should properly be regarded as a means of enclosure permissible under Part 2 Class A of the GPD. However, a final view on the legal position is awaited from Counsel and therefore an update report will be provided.

RECOMMENDATION – Update report to be provided

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MANDALE COMMERCIAL LTD,
SLAKE TERRACE, HARTLEPOOL

1. PURPOSE OF REPORT


- 1.1 To advise members of a planning appeal decision.

2. THE APPEAL

- 2.1 A planning appeal had been lodged against the refusal of the Committee to allow the erection of a small retail/food unit at Slake Terrace, Hartlepool.
- 2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. The Inspector concluded that the proposal would not adversely affect the character and appearance of the surrounding area and would not therefore be contrary to policy GEP1 of the Local Plan.
- 2.3 A copy of the decision letter is attached with this report.

3. RECOMMENDATION

- 3.1 That the report be noted.

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 3 January 2007</p> <p style="text-align: center;">by Mrs K.A. Ellison BA(Hons), MPhil, MRTPI</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate Unit 11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 4PN ☎ 0117 532 6332 email: enquiries@planning inspectorate.gov.uk Date: 16 January 2007</p>
<p>Appeal Ref: APP/H0724/A/06/2025568 Slake Terrace, Hartlepool, TS24 0YB</p> <ul style="list-style-type: none"> • 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 Mandale Commercial Ltd against the decision of Hartlepool Borough Council. • The application Ref H/2006/0282, dated 9 January 2006, was refused by notice dated 12 June 2006. • The development proposed is the erection of a small retail/food unit. 		
<p>Decision</p> <p>1. I allow the appeal, and grant planning permission for a small retail/food unit at Slake Terrace, Hartlepool in accordance with the terms of the application Ref H/2006/0282, dated 9 January 2006, and the plans submitted with it, subject to the following conditions:</p> <ol style="list-style-type: none"> 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision. 2) No development shall take place until the replacement bin store has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. 3) Before development begins, a desk-top study shall be carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters relevant to the site. The requirements of the local planning authority shall be fully established before the desktop study is undertaken and it shall conform to any such requirements. Two full copies of the desk-top study and a non-technical summary shall be submitted to the local planning authority without delay upon completion. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the local planning authority prior to commencement of development and all requirements shall be implemented and completed. No deviation shall be made from this scheme without the express written agreement of the local planning authority. If, during development works, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the method statement, then revised proposals shall be submitted to and approved by the local planning authority. 4) The use hereby permitted shall not be open to customers outside the following times: 09.00 – 17.00 daily. 5) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall 		

Appeal Decision APP/H0724/A/06/2025568

be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

- 6) The premises shall be used for the sale of hot food and snacks and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reasons

2. The appeal plans include Drawing No. 05-34/019 – May 2006, General Arrangements as well as a plan showing the proposed location of a replacement bin store. I have taken these into account in my decision. The supporting information indicates that the unit would sell hot food and snacks for consumption off the premises so that the use would fall within Class A5 of the Town and Country Planning (Use Classes Order) 1987, as amended.
3. This part of Hartlepool Marina consists of a large marina basin bordered by paved promenades and parking areas. It is enclosed to the north by sizeable, modern office buildings and there is a multi-storey apartment building which has commercial units at ground floor level running the length of the eastern side. At present, there is a bin store situated in a relatively prominent position between the promenade and the car park, where the eastern side of the basin turns a corner. The proposed retail unit would occupy this site, with a replacement bin store being provided in a more discreet location a short distance to the north.
4. The proposed retail unit would be slightly higher than the bin store and would have a pitched roof so that it would, undoubtedly, be more easily seen. However, it would occupy a similar footprint so that its overall effect on openness and views within the marina would be extremely limited. In addition, the choice of simple materials and design would reflect another, nearby retail unit so that, in my view, it would sit comfortably in the general streetscene. Moreover, a unit selling hot food and snacks would be more compatible with surrounding recreational and commercial uses than the bin store. I therefore conclude that the proposal would not adversely affect the character or appearance of the surrounding area so that it would not be contrary to policy GEPI of the Local Plan.
5. As suggested by the Council, I have imposed conditions concerning the replacement bin store, in order to ensure it is provided in an acceptable form, and concerning contaminated land, because of the history of earlier uses of the site. I have also attached conditions relating to opening hours and ventilation arrangements in the interests of the amenities of others in the locality. Given the sensitivity of the location, a condition removing the rights to change to other uses within Class A of the Town and Country Planning (Use Classes) Order 1987, as amended, would be reasonable in order to control the impact of the development on the surrounding area. The terms of the permission require the development to be in accordance with the plans so that this suggested condition would be unnecessary.
6. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

K.A. Ellison

Inspector

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY GORKHAN TIKNA, SITE AT 93 YORK ROAD, HARTLEPOOL, TS 26 8AD

1. PURPOSE OF REPORT

- 1.1 To advise committee of the outcome of a planning appeal.
- 1.2 The appeal related to the refusal of a planning application (H/2005/5940) to extend the hours of operation of a hot food takeaway at the above premises to 1am on Monday, Tuesday, Wednesday and Thursday mornings and until 3am on Friday, Saturday and Sunday mornings.
- 1.3 The appeal was dismissed by the Inspector who considered that the proposed opening hours would be contrary to Policy Rec 13 of the Local Plan and would have a detrimental impact on the living conditions of nearby residents in terms of noise and disturbance. The decision letter is attached.

2. RECOMMENDATION

- 2.1 That Members note the outcome of the appeal.



Appeal Decision

Site visit made on 22 January 2007

by **Graham E. Snowden BA BPhil DipMgmt MRTPI**

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

The Planning Inspectorate
4/21 Exbury Way
Hartlepool Borough Council
27 The Square
Hartlepool
TS26 8AD
Tel: 01947 831100
Fax: 01947 831101
Email: g.e.snowden@planninginspectorate.gov.uk
Date: 29 January 2007
Ref: APP/H0724/A/06/2026220

Appeal Ref: APP/H0724/A/06/2026220

Ground Floor, 93 York Road, Hartlepool TS26 8AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gokhan Tikna against the decision of Hartlepool Borough Council.
- The application ref: H/2005/5940 dated 9 November 2005, was refused by notice dated 4 April 2006.
- The development proposed is described on the application form as "fried food takeaway and delivery service – continuation of existing building and use and variation of H/FUL/0502/01 to allow unlimited opening hours Monday to Sunday inclusive".

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. Planning permission was granted on 24 November 1998 (ref: H/FUL/0539/98) for the change of use of the appeal premises to hot food takeaway subject to a number of conditions including one (condition 2), which states that "the premises shall be open between the hours of 08.00 and 23.30 Monday to Saturday only and at no time on Sundays and no customers shall be served outside the approved hours" and a condition requiring the premises not to operate as a separate unit from the adjacent premises at 93a/93b York Road. On 22 November 2001, planning permission was granted, under ref: H/FUL/0502/01, for the "variation of planning permission H/FUL/0539/98 to allow separation to form two units and change of opening hours 08.00 – midnight Monday to Saturday". The conditions imposed related to extraction facilities and restriction of use to hot food takeaway. No condition was specifically imposed restricting opening hours.
2. The development currently proposed is described on the application form as per the bullet point above but the description on the form submitted is stamped "superseded". The appeal form describes the proposal as simply relating to the extension of opening hours. In its statement, the Council explains that "the application was subsequently amended by a letter from the applicant's agent dated 23 December 2006" and that the "amended application sought permission for the extension of opening hours to 1 a.m. Monday, Tuesday, Wednesday and Thursday mornings and until 3 a.m. on Friday, Saturday and Sunday morning." Although this letter is not on the appeal file, the application was decided by the Council on this basis.
3. In my view, the proposal cannot be considered as a variation of an opening hour condition attached to permission ref: H/FUL/0502/01, as no such condition was imposed on that permission. Nor can it be considered as a new application for full planning permission for the extension of opening hours as the extension of opening hours does not, in itself, constitute an act of development, requiring planning permission. I shall, therefore, determine the appeal on the basis that the application is

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for a new permission for the use of the premises as a hot food takeaway with opening hours, as described in paragraph 2 above.

Main Issue

4. The main issue is the effect of the proposed opening hours on the living conditions of nearby residents in terms of noise and disturbance.

Development Plan and other Planning Policies

5. The development plan includes the Hartlepool Local Plan (Local Plan), which has been adopted since the determination of the application. My attention is drawn to Policies GEPI, Com12, Rec13 and GEP9, which cross-refers to Supplementary Note 8.

Reasons

6. The appeal property lies within a commercial frontage on the northern fringes of the shopping area, with terraced residential property to the north and new residential development to the west. There would also appear to be residential accommodation on the upper floors of the adjacent property in Milton Road and other nearby properties on York Road, though this could not be verified on site. The adjacent property to the south trades as a hot food takeaway, apparently with unrestricted opening hours and the appellant draws my attention to a similar outlet opposite, though this appears to be no longer in use. There is a restaurant on the York Road frontage to the north of Milton Road, but I note that this closes at 2230 hours.
7. The appellant argues that extended opening hours at the appeal premises will not attract more people to the vicinity, but will merely result in the sharing of the existing customer base already in the area. I am not convinced by this. I consider that it would result in some increased activity and consequent noise in the early hours. Even a modest increase of this nature at a time when nearby residents deserve protection, would, in my view, be noticeable. Although direct access to the residential area to the west is prevented by the fence at the end of Milton Road, I consider that the noise from any activity outside the premises itself would be sufficiently close to these properties, as well as residential flats on York Road, to potentially disturb occupants. There is substantial evidence from the numerous recent appeal decisions in the area, cited by the Council, that conflict between residential and Class A5 uses is a general problem in the area, and there has been a consistent approach in recent years preventing the spread of such activities and similar activities, as well as consistency in resisting opening hours beyond midnight. Such matters are a valid planning consideration and I do not accept the argument advanced on behalf of the appellant that opening hours should more appropriately be managed by the Council through its Late Night Refreshment Licence system.
8. This is reflected in the terms of Local Plan Policy Rec13, which seeks to prevent opening after midnight outside defined areas. This Policy has only recently been adopted following public inquiry and forms part of the statutory development plan for the area. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires appeals to be decided in accordance with the development plan unless material considerations indicate otherwise. The proposed opening hours would be contrary to Policy Rec13 and, in my view, would have a detrimental effect on the living conditions

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of nearby residents in terms of noise and disturbance. I do not consider that the appellant has made out a case for departing from the provisions of the development plan in this instance.

Conclusion

9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

10. I dismiss the appeal.

G. E. Snowden

INSPECTOR

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MR GRIFFITHS, 143 OXFORD ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal decision.

2. THE APPEAL

- 2.1 A planning appeal had been lodged against the refusal of the Committee to allow the change of use of the property to a hot food take away.
- 2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. The Inspector decided that there are no grounds to conclude that the proposal would materially affect the free flow of traffic or highway safety and would be unlikely to cause an undue level of disturbance for nearby residents so that it would not conflict with the relevant provisions of Local Plan policies GEP1, Com 5 and Com 12. A copy of the decision letter is attached with this report.

3 RECOMMENDATION

- 3.1 That the report be noted.



Appeal Decision

Site visit made on 3 January 2007

by Mrs K.A. Ellison BA(Hons), MPhil, MRTPI

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

Decision made on 14 January 2007
Appeal Ref: APP/H0724/A/06/2025540
Site: 143 Oxford Road, Hartlepool
2 The Subject
The appeal is made by Mr A Griffiths against the decision of Hartlepool Borough Council.
The application Ref H/2006/0502, dated 30 June 2006, was refused by notice dated 8 August 2006.
The development proposed is a hot food take away.
Date: 14 Jan 2007

Appeal Ref: APP/H0724/A/06/2025540

Enigma, 143 Oxford Road, Hartlepool, Cleveland TS25 5RJ

- 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 Griffiths against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0502, dated 30 June 2006, was refused by notice dated 8 August 2006.
- The development proposed is a hot food take away.

Decision

1. I allow the appeal, and grant planning permission for a hot food take away at Enigma, 143 Oxford Road, Hartlepool in accordance with the terms of the application Ref H/2006/0502 dated 30 June 2006, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The use shall not take place other than between the hours of 08.00 – 23.00 Mondays - Saturdays and at no other time on Sundays, Bank or Public Holidays.
 - 3) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reasons

2. The appeal property is one of several retail units in the Oxford Road local centre. In addition to waiting restrictions, this stretch of Oxford Road also contains a light-controlled crossing and barriers. However, there is on-street parking nearby, including a small number of spaces in a roadside parking bay.
3. I appreciate that a number of buses use the Oxford Road/Shrewsbury Street junction opposite the appeal property. I also note that that two accidents have been recorded in the locality recently. However, there is nothing in the evidence before me to indicate that customers of the proposed take away would be any more likely to park inappropriately than customers of other shops in the centre. In the circumstances therefore, I consider that there are no grounds to conclude that the appeal proposal would materially affect the free flow of traffic or highway safety so that it would not conflict with the relevant provisions of Local Plan policies GEPI, Com5 and Com12.

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4. Given the limited parking facilities on Oxford Road, I recognise that the centre as a whole would tend to generate on-street parking in the residential streets which lead off it. However, as fewer shops would be open in the evening, it follows that there would be greater availability of parking spaces on Oxford Road at times when the proposed take away would be at its busiest. The proposed delivery service would also help to reduce parking demand. Consequently, it seems to me that parking associated with the take away would be unlikely to cause an undue level of disturbance for nearby residents. I therefore consider that the proposal would not conflict with policies GEPI, Com5 and Com12 in this respect.
5. I note that residents also have more general concerns, particularly regarding anti-social behaviour and litter. However, I am not convinced that any current difficulties would be made worse by the appeal proposal.
6. As suggested by the Council, I have imposed conditions relating to hours of operation and the submission of details of the proposed ventilation system in order to protect the living conditions of nearby residents. However, in my view the proposed condition concerning access would duplicate other controls and so would be unnecessary.
7. I have taken into account all the other matters raised in the representations which have been made, but none of them have convinced me that I should come to any other conclusion. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

K.A. Ellison

Inspector

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL – 5 MAYFLOWER CLOSE

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of the Local Planning Authority to grant planning permission for the erection of apartments at Mayflower Close.
- 1.2 The appeal is to be decided by written representations and authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 Authority is given to officers to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 During this four (4) week period, Forty Three (43) planning applications have been registered as commencing and checked. Thirty Two (32) 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 which are being investigated. Developments will be reported to a future meeting if necessary

- 1 A neighbour complaint about the change of use from retail to a residential dwelling at a property on Cornwall Street.
- 2 Two officer complaints about the discharging of conditions at sites in Greatham and Middle Warren.
- 3 A neighbour complaint about the discharging of conditions at a site on Clarence Road.
- 4 An anonymous complaint about the erection of a single storey extension to the rear of a property on Hutton Avenue has been investigated and a planning application is awaited.
- 5 A neighbour complaint about untidy land to the rear of The Front, Seaton Carew. This is the subject of a report elsewhere on the agenda.
- 6 An officer complaint about the insertion of dormer windows on a property on Stockton Road has been determined as permitted development.
- 7 An officer complaint about the sub-division of a property within an article four area of the Headland and also the insertion of UPVC windows and conservatory to the front.
- 8 A neighbour complaint about operating a car repair business from a domestic residence at a property at Gibb Square.
- 9 Three neighbour complaints about the unauthorised change of use at sites on Grange Road, Graythorp Industrial Estate and Tower Street.
- 10 A Councillor complaint about the change of use to a commercial property on Sydenham Road has been investigated and determined as permitted development as the premises were undergoing internal renovation works.
- 11 A neighbour complaint about the incorporation of land into domestic curtilage at two properties on Woodstock Way is being investigated.
- 12 A neighbour complaint about the erection of a fence at a property on Bankston Close.

- 13 A neighbour complaint about the alterations to a property on Farndale Road has been investigated and determined as permitted development.

Report of: Assistant Director (Planning & Economic Development)

Subject: REAR OF 23-32 ASHWOOD CLOSE, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of a planning condition attached to a previous planning permission that is no longer considered to be relevant.

2. BACKGROUND

- 2.1 In December 2005 planning permission was granted for the incorporation of land into curtilages of properties to the rear of 23 to 32 Ashwood Close. A condition was attached to this permission requiring a detailed scheme of landscaping, tree and shrub planting to be submitted to and approved by the Local Planning Authority.
- 2.2 This item was brought to Member's attention through the complaints update dated 5th July 2006 as respective residents had failed to discharge the condition.
- 2.3 Further to consultation with the Council's Arboriculture Officer and subsequent site visits it has been concluded that taking into account existing planting in the locality, it would not be expedient to enforce residents to comply with the condition.

3. RECOMMENDATION

- 3.1 The member's agree not to enforce planning condition No. 2 of planning permission H/2005/5809.

Report of: Assistant Director (Planning and Economic Development)

Subject: INFORMATION – ILLEGAL BURNING OF MATERIALS ON THE LONGHILL AND SANDGATE INDUSTRIAL ESTATES
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To inform members of the Council led multi agency strategy, which has been set up to tackle the problem of illegal burning of materials on the Longhill and Sandgate Industrial Estates.

2 STRATEGY DETAILS

- 2.1 Intermittently over recent years a number of illegal fires have occurred within the curtilage of a number of units on the Longhill and Sandgate Industrial Estates. Following consultation with the Cleveland Fire Brigade, it was apparent that a number of the fires had been started deliberately by the occupiers of the industrial units in question to burn waste materials.

- 2.2 The fires have a detrimental effect on the health and amenity of the local area and have harmful consequences for the environment as a whole. The Council have organised and are leading a multi agency strategy approach to this problem. The outside agencies and Council sections involved in this strategy are as follows:

- Cleveland Fire Brigade
- Cleveland Police
- Neighbourhood Action Team (HBC)
- Environmental Standards (HBC)
- Development Control (HBC)
- Economic Development (HBC)
- Environment Agency
- New Deal For Communities

Each agency and Council section has the resources and expertise to provide valuable support to this initiative.

- 2.3 The agreed strategy has been designed to increase surveillance in the area in order to reduce the number of deliberately started illegal fires. The following procedure sequence has been agreed upon:

- a) Call received and logged by the Fire Brigade
- b) Fire Brigade extinguish fire and take notes / photograph the site
- c) Fire Brigade to inform the Council's Neighbourhood Action Team the next working day
- d) Neighbourhood Action Team to co-ordinate a multi agency response and organise a site visit
- e) Synchronised multi agency response site visit within 5 days of incident, with Cleveland Police in attendance.

- 2.4 The Council have formally contacted all of the residents groups in the local area to make them aware of the new multi agency approach to the problem fires. Residents are encouraged to report any incidence of fire on the industrial estates to the Fire Brigade who will attend every reported fire, including those, which may be accidental incidents. Every recorded incident will then be investigated by way of a multi agency site visit.

- 2.5 The Council have contacted the occupiers of every unit on the Longhill and Sandgate Industrial Estates to explain the intentions of the Council and its partners in preventing illegal burning in the area. The occupiers of the industrial estates have been made aware of their duty of care to protect their premises and of the intentions of the Council and their partners to prosecute or take enforcement action where justified.

- 2.6 The role of the Development Control Section in this strategy is for the enforcement officer to attend each incident with the other partner agencies in order to check for any breach of planning control, for example materials being stored in areas other than those authorised by a previous planning consent. Should any breaches of planning control be apparent and formal enforcement be considered necessary, the matter will be reported to Planning Committee for consideration.

3. STRATEGY COMMENCEMENT

- 3.1 The multi agency initiative commenced on Saturday 2nd February 2007 and debriefing meetings will be held after each reported incident.

4. RECOMMENDATION

- 4.1 That this report be noted.