

# PLEASE NOTE VENUE

## FINANCE AND EFFICIENCY PORTFOLIO DECISION SCHEDULE



Friday 9<sup>th</sup> November 2007

at 10.00am

in Training Room 2,  
Belle Vue Community Sports and Youth Centre,  
Kendal Road, Hartlepool

Councillor Payne, Cabinet Member responsible for Finance and Efficiency will consider the following items.

**1. KEY DECISIONS**

No items

**2. OTHER ITEMS REQUIRING DECISION**

- 2.1 Treasury Management Strategy Review – *Chief Financial Officer*
- 2.2 Former Brus Arms Public House – *Head of Procurement and Property Services*
- 2.3 Proposed Compulsory Purchase – 45 Lancaster Road, Hartlepool – *Head of Procurement and Property Services*
- 2.4 Clock Maintenance at Greatham Parish Church – *Head of Procurement and Property Services*
- 2.5 Land Adjacent to 19 Benmore Road, Hartlepool – *Head of Procurement and Property Services*
- 2.6 Land at Barford Close / Wisbech Close, Hartlepool – *Head of Procurement and Property Services*
- 2.7 Landlords Consent – Unit 2, Elizabeth Way, Seaton Carew – *Head of Procurement and Property Services*
- 2.8 Proposed Licence, Drug Rehabilitation, Surtees Street – *Head of Procurement and Property Services*
- 2.9 Sale of “The Firs”, Westbourne Road, Hartlepool – *Head of Procurement and Property Services*

**3. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items

**FINANCE PORTFOLIO**  
**Report to Portfolio Holder**  
**9<sup>th</sup> November 2007**



**Report of:** Chief Financial Officer

**Subject:** TREASURY MANAGEMENT STRATEGY REVIEW

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**SUMMARY**

**1.0 PURPOSE OF REPORT**

To provide a review of Treasury Management for 2007/2008.

**2.0 SUMMARY OF CONTENTS**

The report provides details to enable the Treasury Management Strategy for 2007/2008 to be reviewed.

**3.0 RELEVANCE TO PORTFOLIO MEMBER**

Delegated powers do not apply to this item.

**4.0 TYPE OF DECISION**

Non-key Decision.

**5.0 DECISION MAKING ROUTE**

To portfolio Holder.

**6.0 DECISION(S) REQUIRED**

Approval of Treasury strategy.

**Report of:** Chief Financial Officer

**Subject:** TREASURY MANAGEMENT STRATEGY REVIEW

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**1. PURPOSE OF REPORT**

- 1.1 To provide a review of the Treasury Management Strategy for 2007/2008.

**2. BACKGROUND**

- 2.1 The current Investment and Borrowing strategy was approved by Council on 15<sup>th</sup> February, 2007 and reported to the Finance Portfolio on 14<sup>th</sup> March, 2007.

- 2.2 The CIPFA Code of Practice for Treasury Management recommends as best practice, interim reporting of treasury management activities. This report provides details of treasury management activity for the year to date and recommends changes to the strategy as appropriate to reflect the prospects for short and long term interest rates. The review covers the following areas:

- Interest Rates & Economic Outlook
- Borrowing Strategy
- Investment Strategy and Counter Party Risk
- Prudential Code Monitoring

**3. INTEREST RATES AND ECONOMIC OUTLOOK**

- 3.1 At the beginning of the year both short and long interest rates were on an upward trend. This position reflected domestic economic inflation pressures, buoyant consumer spending growth and an expanding number of companies expressing intentions to raise prices. These pressures resulted in the CPI inflation rate breaching the 3% upper limit of the Government's target range in April. As a result the Bank of England raised the Base Rate to 5.5% in May and 5.75% in July in response to the deteriorating inflation outlook. In addition, the Bank of England's May and August Inflation Reports hinted that further increases might be necessary if the Government's target was to be met over the medium term. Money market pessimism worsened during the summer and at their most extreme, long-term deposit rates (out to 5-years) rose to in excess of 6.25%.
- 3.2 Market conditions changed suddenly in September as result of the tightening of credit conditions, triggered initially by the failure of a selection of US mortgage lending institutions. This placed further

upward pressure upon interest rates. As a result of these uncertainties financial institutions became reluctant to lend money to each other and this sparked a severe shortage of funds in the market. The most visible aspect of this was the liquidity problems experienced by the 'Northern Rock'.

- 3.3 The UK inflation backdrop has improved in the past two months and the year-on-year increase in CPI has fallen below the Government's 2% target. While there are a number of factors that still give cause for concern, the Monetary Policy Committee has indicated that the upside risks to inflation have lessened. However, there are still many uncertainties underlying the UK economy and it is unlikely that the shift in policy stance will herald the start of frequent and substantial cuts in official interest rates.
- 3.5 The position in relation to longer term interest rates is more stable. PWLB rates peaked in late June and have since eased back modestly as evidence of some deceleration in US economic activity lessened fears about future inflation prospects. Long-term interest rates have been driven lower by the strong demand for safe haven instruments at a time of crisis in the banking industry – this is abnormal behaviour that is not driven by the underlying economic fundamentals and will eventually unwind. The short term expectation is that they will remain at a fairly constant level. However, given that the market is taking more concern of sentiment, they are likely to be subject to erratic short term variations as a result of this.
- 3.6 The table below shows changes in interest rates since April, 2007 in addition to medium terms forecasts provided by the Council's Treasury Advisors.

Year	End Period	Bank Rate	50-yr Gilt
2007	Mar	5.25	4.2
	Jun	5.5	4.5
	Sep	5.75	4.4
	Dec	5.75	4.6
2008	Mar	5.5	4.7
	Jun	5.25	4.6
	Sep	5.25	4.6
	Dec	5	4.6
2009	Mar	5	4.6

#### 4. BORROWING STRATEGY

- 4.1 The Council's borrowings as at 18<sup>th</sup> October, 2007, were as follows:

PWLB	£16.8m
LOBO	£40 m
	£56.8m

4.2 The Council is currently under-borrowed in relation to its Capital Finance Requirement (£77.9m as at 31<sup>st</sup> March, 2007). This has been achieved by internalising the Council's borrowings and temporarily using reserves to avoid external borrowing. This strategy has optimised the impact of Treasury Management activity. However, given the change in interest rates and existing plans to use reserves this strategy needs to be reviewed. In practice this review is about the timing of new borrowings and the cash backing of reserves.

4.3 The current outlook of interest rates indicates that it may be beneficial to cash back reserves and align the level of borrowing with the underlying CFR. There are three options open to the Council:

Option 1 – Maximise internal borrowing from temporary use of reserves

In the short-term this is the safe option as it avoids committing the Council to new borrowing at a time of market uncertainty. However, this is a passive approach to managing the Council's loans/investment portfolio and risks exposure to unknown market conditions at a future date. The longer new borrowings are delayed the greater the risk, as the Council will not have the flexibility to use internal funds to delay borrowing once reserves have been spent.

Option 2 – Maximise external borrowing and investments

In the short-term this option has greatest potential to minimise the Council's overall Treasury Management costs. However, this option would require the Council to make major strategic decisions at a time of considerable market volatility. This approach could lock the Council into unfavourable loans depending on future interest rates and in the long term may increase Treasury Management costs.

Option 3 – Proactive Treasury Management

This option would seek to manage the overall risk of interest rate changes by managing the timing of new borrowings up to the level of the CFR.

4.4 Given the current uncertainty Option 3 is the most appropriate option, as it provides a balance between long and short-term risk. This strategy needs to provide for the use of both PWLB and LOBO loans. It also needs to manage interest rate risk by setting trigger rates for considering borrowing. It is recommended that the trigger rates for considering borrowing are as follows:

PWLB	4.55%
LOBO	4.00%

4.5 LOBO's may be considered in preference to PWLB when the difference in available rates exceeds 0.5%.

4.6 As reported previously the risk of using LOBO's is that the lender may call the loan when the call period arrives. The Council can mitigate this

risk by ensuring that no more than 20% of the loan portfolio is exposed to being called each year. In addition, the Council has previously determined to set up a reserve to provide transitional protection against exposure to sudden increases in borrowing costs. This issue will be considered in more detail in the Quarter 2 Revenue monitoring report which will be submitted to Cabinet later this month.

- 4.7 The Chief Financial Officer, under delegated powers, will take the most appropriate form of borrowing depending on the prevailing interest rates at the time, taking into account the risks shown in the forecast above. Borrowing may also be considered to fund capital expenditure in advance of future year's requirements.
- 4.8 Opportunities for debt restructuring are limited to existing PWLB borrowing and will be continually monitored. Under new accounting arrangements, which apply from 1<sup>st</sup> April, 2007, any discounts arising from the early repayment of debt would need to be spread over 10 years as a minimum. Therefore the annual revenue benefits of any debt restructuring will be minor.

## **5. INVESTMENT STRATEGY AND COUNTER PARTY RISK**

- 5.1 The level of investments as at 18<sup>th</sup> October, 2007, was £41.8m.
- 5.2 A key element of the Council's investment strategy is credit and counterparty risk. In particular, the risk of a third party not repaying an investment.
- 5.3 As a holder of public funds, the Council's prime responsibility is the preservation of the principal sums it invests, rather than the return which can be earned on the investment. The Council seeks to ensure that funds are secure by investing with Counterparties that have adequate financial standing. This is achieved by gaining assurance from credit rating agencies, which calculate ratings for each potential counterparty. These scores are used to determine the maximum amount that can be invested with each institution.
- 5.4 In practice the institutions the Council invests with are limited to other local authorities, banks and building societies. Historically, the Council's counterparty list has tended to favour building societies over banks, as their borrowings are backed by property assets, which is not the case with banks. This strategy has protected the Council from exposure to previous banking failures, such as the BCCI (Bank of Credit and Commerce International) and Baring's Bank. At the time these banks got into financial difficulty they were not supported by the Bank of England.
- 5.5 As the Portfolio will be aware the Northern Rock liquidity problem has highlighted the potential risks associated with investing cash. However, the Bank of England has recognised that these are

temporary liquidity problems and is therefore providing temporary financial support to enable the Northern Rock to develop a longer term strategy to address its current liquidity problems.

- 5.6 The North Rock is on the Council's approved lending list for 2007/08. However, about four weeks before their liquidity problems became public knowledge, I determined not to make any further deposits with this institution on the basis of information available to me. At the time when the Northern Rock issue became news, the Council had £2m invested with them. These deposits had been placed before there were any hints of the market problems which occurred in the late summer and at a time when the Northern Rock was assessed as financially secure with a high credit rating. £1m has now matured and been repaid. The remaining amount is now covered by the Government's guarantee to Northern Rock investors. However, whilst this amount is not at risk no further investment will be made with this institution until their longer term position is clearer.
- 5.7 The banking sector is still working through the implications of the American sub-mortgage crisis and there may be further implications for the UK financial sector. It is not possible to predict where these might be.
- 5.8 Therefore, to be additionally cautious during this uncertain time, it is recommended that the maximum amount invested with a single counterparty be reduced to from £7.5m to £5m. This will ensure that the maximum amounts invested with any counterparty are broadly no more than 10% Council's of the total temporary invests. In practise, the amount invested with individual institutions tends to be significantly less than £5m, but from time to time it is necessary to have the higher limit to deal with short-term cashflow fluctuations.

## **6. PRUDENTIAL CODE MONITORING**

- 6.1 As part of the treasury strategy for 2007/2008, the Council set a number of prudential indicators. Compliance against these indicators is monitored on a regular basis. I can advise the Portfolio holder that Treasury management activities is being maintained within these limits.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that the Portfolio Holder:
- i) Notes the report.
  - ii) Approves the Borrowing and Investment strategies outlined above.

## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9 November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** FORMER BRUS ARMS PUBLIC HOUSE

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To confirm Portfolio Holder's decision for consent under conveyances dated 27<sup>th</sup> November 1934 and 3<sup>rd</sup> June 1937.

#### **2.0 SUMMARY OF CONTENTS**

The report outlines the proposed development and explores the complexities that have emerged during the legal drafting which requires intervention from the Council.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property holdings.

#### **4.0 TYPE OF DECISION**

Non Key Decision

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only

#### **6.0 DECISION(S) REQUIRED**

That Portfolio Holder confirm the decision for consent under conveyances dated 27<sup>th</sup> November 1934 and 3<sup>rd</sup> June 1937.



**Report of:** Head of Procurement and Property Services

**Subject:** FORMER BRUS ARMS PUBLIC HOUSE

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## **1. PURPOSE OF REPORT**

- 1.1 To confirm Portfolio Holder's decision for consent under conveyances dated 27<sup>th</sup> November 1934 and 3<sup>rd</sup> June 1937.

## **2. BACKGROUND**

- 2.1 In August 2007, planning approval was granted for the erection of 25 apartments on the site of the former Brus Arms Public House. In the Planning Committee report, it was recognised that:
- “The scheme would demolish an untidy site, which has had problems with anti-social behaviour due to the building being vacant in the past. It is considered that the proposed development is appropriate for the site.”*
- 2.2 In addition, a donation to the Council of over £30,000 was negotiated as part of a Planning Agreement, with the funds going towards housing market renewal initiatives and contribution to play facilities at King George V playing field.
- 2.3 As the legal transaction has progressed, it has emerged that there are restrictive covenants contained within 2 conveyances dated 27<sup>th</sup> November 1934 and 3<sup>rd</sup> June 1937 which involve the Council. No copy of the original conveyance can be found, but Land Registry Office Copies list some of the covenants and these can be seen attached to this report at Appendix 1.
- 2.4 The Vendors of the site have obtained Title Indemnity Insurance to protect themselves and former owners against any claims that the Council may make for non-compliance with these covenants in the future, but solicitors have also requested that the Council enter into a Deed of Consent to protect future purchasers of the site or apartments contained thereon.
- 2.5 Once this is signed, the developer would then be in a position to settle the final legal matters and the site could then be brought back into use.
- 2.6 The Vendor of the site is currently making enquiries to try to establish whether the Solicitors would accept a letter from the Council, stating that it has no intention of enforcing the covenants. This would reduce

the time involved by the Council's Legal Section and would allow matters to progress more quickly.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 It is not considered that any of the covenants contained in the extract at **Appendix 1** would carry any financial implication for the Council.
- 4.2 It must be noted that the Office Copies may not contain all of the covenants within the conveyance, and should the actual conveyance emerge in the future, this may contain restrictions on use which would have financial benefit to the Council. The Council would have foregone any right to enforce this if it signs a Deed of Consent or agrees not to enforce the covenants at this stage. In terms of risk assessment it is considered highly unlikely that these conveyances will come to light, given their age.

#### **6. RECOMMENDATIONS**

- 6.1 That Portfolio Holder confirm the decision for consent under conveyances dated 27<sup>th</sup> November 1934 and 3<sup>rd</sup> June 1937.

## APPENDIX 1

Title number CE146766

**3: Proprietorship register continued**

September 2006 in favour of Clydesdale Bank Public Limited Company referred to in the Charges Register.

**3: Charges register**

This register contains any charges and other matters that affect the land.

(21.10.1998) A Conveyance of the land in this title and other land dated 27 November 1934 made between (1) Sir Frederick Richard Powlett Milbank (Vendor) (2) George William Whitmore Green Price and others (3) Mark Vane Milbank and (4) Hartlepool Corporation (Purchasers) contains the following covenants:-

The purchasers hereby covenant with the Vendor that they will in erecting any buildings or works upon the hereditaments hereby conveyed and at all times after the completion of such buildings and works in all respects observe and conform to the following provision:-

The main front walls of any building shall not be erected on the hereditaments hereby conveyed within 25 feet of Hart Road.

NOTE: Hart Road is now known as West View Road.

(21.10.1998) A Conveyance of the land in this title dated 3 June 1937 made between (1) Hartlepool Corporation and (2) J Nimmo and Son Limited (Purchaser) contains the following covenants:-

"THE Purchasers hereby covenant with the Corporation as follows:-

(a) The Purchasers shall as frontagers to the proposed Town Planning Road shown on the said plan contribute to the cost of construction of the said road as and when the same is constructed in accordance with the provisions of section 150 of the Public Health Act 1875 or such other statutory provisions as shall for the time being apply in substitution for the said section 150

(b) The Purchasers shall observe the building line which is at a distance of twenty five feet from the road boundary as shown and coloured blue on the plan annexed hereto and no building whatsoever shall be erected on the land coloured blue without the previous consent in writing of the Corporation being first had and obtained

(c) The Purchasers shall immediately upon completion of the purchase or prior to commencing to build on the land whichever shall be the earlier erect and forever thereafter maintain a good and sufficient boundary fence or wall to the approval of the Borough Engineer of Hartlepool for the time being

(d) No dwellinghouse shop hotel or other building shall be erected upon the hereditaments hereby assured otherwise than in accordance with plans and elevations and of materials previously approved by the Corporation and no building shall be commenced upon the said hereditaments until the Clerk to the Corporation shall have given a certificate in writing of such approval."

(20.11.2006) REGISTERED CHARGE dated 28 September 2006.

## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9<sup>th</sup> November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** PROPOSED COMPULSORY PURCHASE - 45  
LANCASTER ROAD, HARTLEPOOL

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder approval to the proposed Compulsory Purchase of this property by the Council

#### **2.0 SUMMARY OF CONTENTS**

The report contains background to the proposal with the financial implications of the Compulsory Purchase contained within the confidential appendix.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property assets.

#### **4.0 TYPE OF DECISION**

Non Key Decision

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6.0 DECISION(S) REQUIRED**

That Portfolio Holder authorises officers to progress with the Compulsory Purchase of this property to enable it to be brought back into use.

**Report of:** Head of Procurement and Property Services

**Subject:** PROPOSED COMPULSORY PURCHASE - 45  
LANCASTER ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder approval to the proposed Compulsory Purchase of this property by the Council

**2. BACKGROUND**

- 2.1 45 Lancaster Road is located on a prominent road frontage and is an imposing 3 storey property. A plan is attached at **Appendix 1**. The property has caused concern for the Council for a number of years due to its poor condition, and these concerns strengthened 7 years ago after a fire caused significant damage to the property, rendering it uninhabitable.
- 2.2 In recent years, the Council's Private Sector Housing Team have maintained regular contact with the owner of the property who claimed that it was his intention to refurbish the property and bring it back into use.
- 2.3 Despite information having been requested by the Council and deadlines having been set for progress of the refurbishment, the property remains empty, boarded up and in a poor state of repair.
- 2.4 It is considered now that the best way to bring the property back into use is for the Council to acquire the property using its compulsory purchase powers with a view to selling the property to a party who gives clear evidence about their intentions to refurbish the property.
- 2.5 As previously requested by the Portfolio Holder the property has been considered for inclusion in the Tees Valley Empty Homes Scheme whereby a registered social landlord is working on behalf of the Authority to purchase empty properties and return them to use after renovation.
- 2.6 However, this scheme is time limited and requires co-operation from the owner to sell the property at market value. Further, it was considered that the condition of the property and likely cost to renovate it would limit the number of properties that could be brought back into use on the scheme.

### 3. FINANCIAL IMPLICATIONS

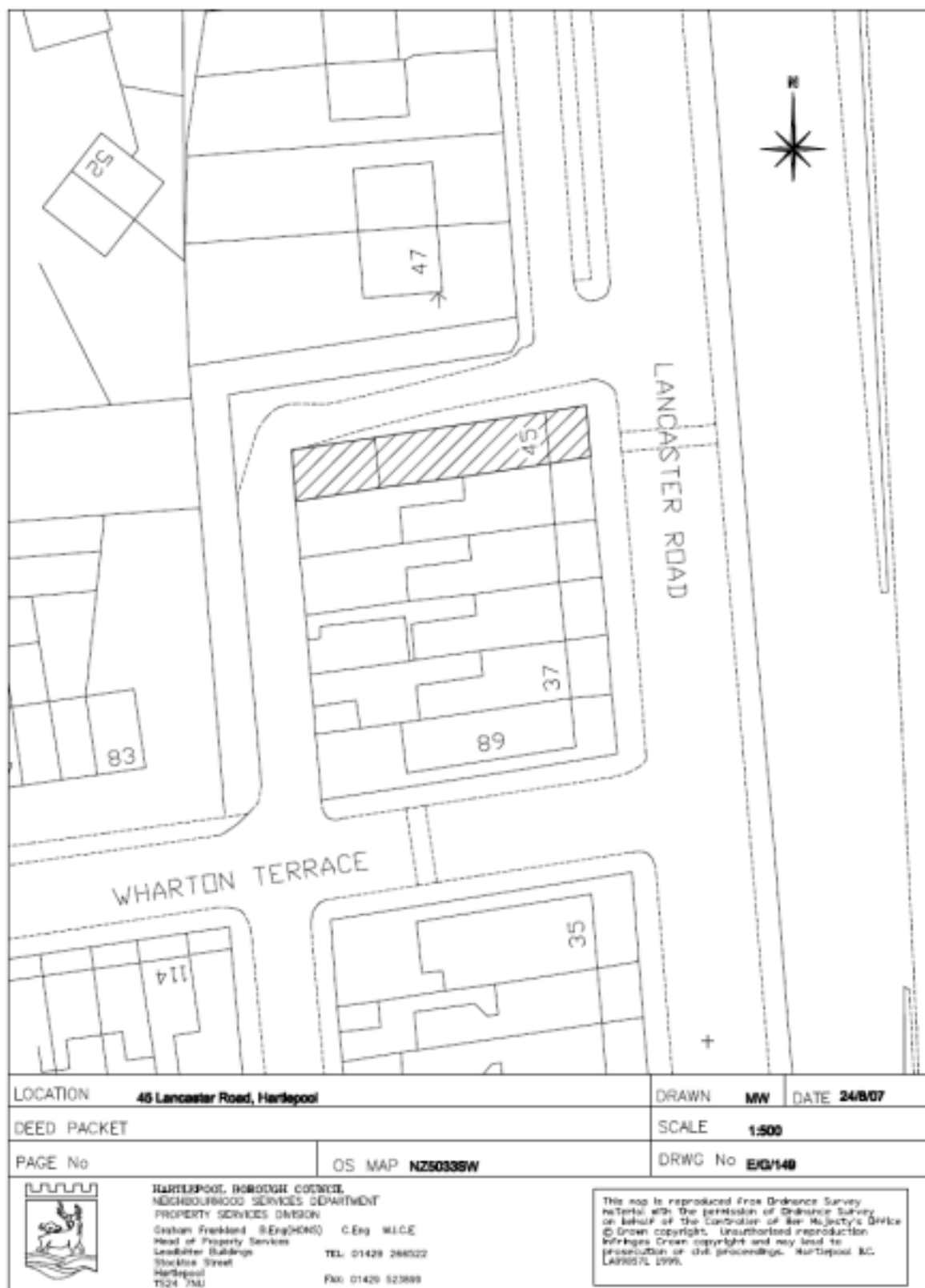
- 3.1 The financial implications can be found attached at the confidential **Appendix 2. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

### 4. CONCLUSIONS

- 4.1 The property has been in a semi-derelict unoccupied state for at least 7 years and attempts by the Council to insist that the owner refurbishes the property have not been successful.
- 4.2 It is therefore considered that Compulsory Purchase of the property may be the only way to ensure that the property is brought back into use.

### 5. RECOMMENDATIONS

- 5.1 That Portfolio Holder authorises officers to progress with the Compulsory Purchase of this property to enable it to be brought back into use.



## **FINANCE AND EFFICIENCY PORTFOLIO**

Report to Portfolio Holder

**9<sup>th</sup> November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** CLOCK MAINTENANCE AT GREATHAM  
PARISH CHURCH

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To advise of an application from the Greatham Parochial Church Council Treasurer for Hartlepool Borough Council to fund the maintenance of the Greatham Parish Church Clock.

#### **2.0 SUMMARY OF CONTENTS**

Details of the application, current public clocks maintenance and likely maintenance costs of Greatham Church Clock

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Has responsibility for Asset Management

#### **4.0 TYPE OF DECISION**

Non Key

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only

#### **6.0 DECISION(S) REQUIRED**

Consider the application and determine whether to support or refuse the request for the Borough Council to undertake the maintenance of Greatham Parish Church Clock.



**Report of:** Head of Procurement and Property Services

**Subject:** CLOCK MAINTENANCE AT GREATHAM  
PARISH CHURCH

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**1. PURPOSE OF REPORT**

- 1.1 To advise of an application received from the Greatham Parochial Church Council (PCC) Treasurer for Hartlepool Borough Council to fund the maintenance of the Greatham Church Clock.

**2. BACKGROUND**

- 2.1 The PCC Treasurer has contacted the Council through the Neighbourhood Manager South with a request for the Council to take on responsibility for the maintenance of Greatham Parish Church Clock.
- 2.2 Under the Public Health Acts Amendment Act 1890 the Council has the power to repair, maintain, wind up and light any public clock – this is not obligatory and Parish Councils have the same powers.
- 2.3 Currently the Council maintains the following public clocks and has made a budget provision of £1500 per year.
- St Hildas Church
  - Stranton Church
  - St. Aidens Church
  - Seaton Carew Bus Station.
- 2.4 Greatham Parish Church Clock is regarded by the PCC Treasurer as a valuable social amenity.

**3. OPTIONS**

- 3.1 The PCC Treasurer was advised that in the first instance an application should be made to Greatham Parish Council. This application was made and considered and was refused. Attached as **Appendix A** is a copy of Greatham Parish Council's letter upon the matter. The PCC have requested that Hartlepool Borough Council review the matter.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The PCC have advised that the church clock was overhauled and modernised within the last 5 years and that all that is required is the annual maintenance at a cost of around £150.
- 4.2 Based upon historical spending this cost could be absorbed into the current years arrangements but would need to be considered as a budget pressure in future years particularly if there were major costs involved.

#### **5 CONCLUSIONS**

- 5.1 The Borough Council has the power to undertake the maintenance of Greatham Parish Church Clock.
- 5.2 Greatham Parish Council has the same power, has considered the matter and refused the request to finance the maintenance.
- 5.3 There is no obligation on the Borough Council to take on the maintenance of Greatham Parish Church Clock
- 5.4 Hartlepool Borough Council historically maintains a number of other public clocks.
- 5.5 The costs could be absorbed into the exiting budget
- 5.6 There may be risks of future applications and this decision will set a precedent.

#### **6. RECOMMENDATIONS**

- 6.1 Consider the application and determine whether to support or refuse the request for the Borough Council to undertake the maintenance of Greatham Parish Church Clock.

## 2.4 APPENDIX 1

**GREATHAM PARISH COUNCIL**  
Greenholme,  
West Row,  
Greatham,  
Hartlepool.  
TS25 2HW

NSD-LEADBITTER  
07 SEP 2007  
RECEIVED BY DS..

(Tel. 01429/870301)

3<sup>rd</sup> September, 2007

Mr. K. Lucas,  
Procurement and Property Services Division,  
Neighbourhood Services Department,  
Hartlepool Borough Council,  
Leadbitter Buildings,  
Hartlepool.  
TS24 7NU

Dear Mr. Lucas,

Greatham Church Clock – Maintenance

Your letter, addressed to Mr. Keith Wilkinson, P.C.C. Treasurer, was re-directed to Greatham Parish Council and was discussed at the last meeting.

Unfortunately members were obliged to refuse the request to finance maintenance of the clock. Although the church clock is of importance to all in the village (as is the case in all parts of Hartlepool) funding of its maintenance was not included in the Parish Council's budget for 2007 although, as pointed out by Mr. Wilkinson, £1,000 was included towards maintenance costs of the churchyard.

Hopefully, it may be possible for the Borough Council to review the situation.

Yours sincerely,

*Rak Brotherton.*

Clerk.

## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9 November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** LAND ADJACENT TO 19 BENMORE ROAD,  
HARTLEPOOL

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder approval to a proposed Deed of Rectification.

#### **2.0 SUMMARY OF CONTENTS**

The report contains background to the proposal with options to allow the matter to be rectified.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property assets.

#### **4.0 TYPE OF DECISION**

Non Key Decision.

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6.0 DECISION(S) REQUIRED**

That Portfolio Holder approve the Council entering into a Deed of Rectification with the owner of 19 Benmore Road..

**Report of:** Head of Procurement and Property Services

**Subject:** LAND ADJACENT TO 19 BENMORE ROAD,  
HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder approval to a proposed Deed of Rectification.

**2. BACKGROUND**

- 2.1 The Council's Estates Section has been approached by the owner of 19 Benmore Road who is currently attempting to sell their house. Upon drafting of legal documentation, it became apparent that not all of the land that is occupied by this property is within their ownership.
- 2.2 The plan attached at **Appendix 1** shows the area hatched which at present forms part of the garden and the driveway to the property. The land comprises 158.6 sq m and the current owner states that it has been occupied as part of the property since before 1972, when the house was purchased under the Right to Buy.
- 2.3 Properties immediately adjacent to the subject property (9, 11, 13 and 15 Benmore Road) had parcels of land identical to this one transferred to them when their properties were purchased.
- 2.4 It is therefore considered that there was an error in the conveyance to the owners of 19 Benmore Road and this land should have been included within the sale. Without this land there is no access into the property and as a result, the owners have been unable to progress with the sale of the land.

**3. OPTIONS**

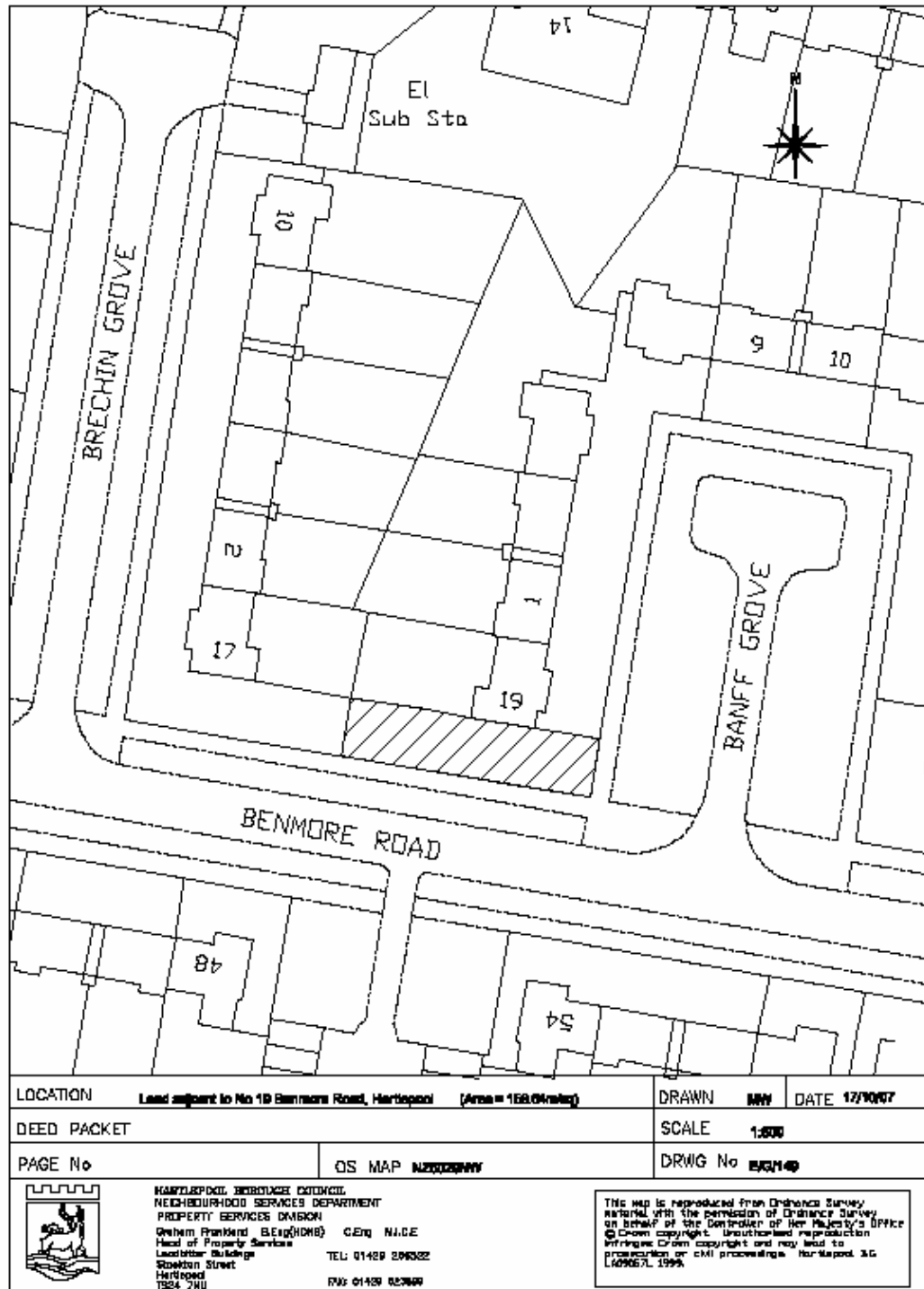
- 3.1 The easiest way to progress this matter and allow the owners to proceed with the sale of the property would be by applying to the Land Registry for a Deed of Rectification to be entered into. This would effectively change the area which was originally transferred in 1972 and incorporate the additional land.
- 3.2 Should the Council refuse to adopt this approach, the purchaser could apply to obtain Possessory Title under due to adverse possession, given that they claim to have occupied the land in excess of 12 years. This would be more costly and time consuming to both the Council and the property owner and it is likely that this would prevent the sale of the property.

**4. RECOMMENDATIONS**

- 4.1 That Portfolio Holder approve the Council entering into a Deed of Rectification with the owner of 19 Benmore Road.

## 2.5 APPENDIX 1

### Map of land adjacent to 9 Benmore Road



## 2.5 APPENDIX 2

### Photograph of land adjacent to 9 Benmore Road





## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9 November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** LAND AT BARFORD CLOSE/WISBECH  
CLOSE, HARTLEPOOL

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To advise Portfolio Holder on the progress of the attempt by residents to purchase land.

#### **2.0 SUMMARY OF CONTENTS**

The report contains an update on the proposed land transfer, including details of a recent planning refusal along with the reasons behind this. A summary of the proposed way forward for the residents is then outlined and Portfolio Holder's views are sought.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property assets.

#### **4.0 TYPE OF DECISION**

Non Key Decision

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6.0 DECISION(S) REQUIRED**

Portfolio Holder's views are sought.

**Report of:** Head of Procurement and Property Services

**Subject:** LAND AT BARFORD CLOSE/WISBECH CLOSE,  
HARTLEPOOL

---

## 1. PURPOSE OF REPORT

- 1.1 To advise Portfolio Holder on the progress of the attempt by residents to purchase land.

## 2. BACKGROUND

- 2.1 A report was presented to the former Performance Management Portfolio Holder was presented on 26<sup>th</sup> February 2007. This report is attached at **Appendix 1** to this report, with the Record of the Decision attached at **Appendix 2**.
- 2.2 Following this meeting, which was attended by local residents, a planning application for the change of use of the land was submitted. The planning application was presented to Planning Committee on 4 occasions and on 17<sup>th</sup> September 2007 the decision was taken to refuse the application. A copy of the first Planning Committee report setting out the background to the proposal and the report where Planning Committee made the decision to refuse are attached at **Appendix 3**. It was considered that there may be alternative ways to deal with the problems being experienced by residents.
- 2.3 The Council's Policy on Public Open Space was adopted on 29<sup>th</sup> November 2004 and this states that:

*"Disposal of open space land should only be considered if any problems that are being encountered cannot be solved by design".*

The Policy then goes on to say that:

*"When a request for disposal is received the acceptability of the proposed use of the land in planning terms should be clarified without delay by the Development Control Manager. If the Development Control Manager is unable to express a firm view the Planning Committee should be consulted. Where it appears that the proposed use is unlikely to be granted planning permission no further consideration should be given to the request for disposal."*

- 2.4 It would appear therefore that the decision to dispose of the land now needs to be reconsidered in the context of the planning refusal. The

residents have announced that they plan to appeal against the decision by the Council to refuse planning permission.

### **3. RECOMMENDATIONS**

- 3.1 Portfolio Holder's views are sought.

**PERFORMANCE MANAGEMENT PORTFOLIO**

Report To Portfolio Holder

26<sup>th</sup> February 2007



**Report of:** Head of Procurement and Property Services

**Subject:** LAND AT THE REAR OF BARFORD  
CLOSE/WISBECH CLOSE

---

**SUMMARY**

**1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder's views on the proposal by residents to purchase Council land.

**2.0 SUMMARY OF CONTENTS**

The report outlines the history to the proposal and details the consultations that have taken place.

**4.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property assets.

**5.0 TYPE OF DECISION**

Non-key

**5.0 DECISION MAKING ROUTE**

Portfolio Holder only.

**6.0 DECISION(S) REQUIRED**

Portfolio Holder's views are sought.

## 2.6 APPENDIX 1

**Report of:** Head of Procurement and Property Services

**Subject:** LAND AT THE REAR OF BARFORD  
CLOSE/WISBECH CLOSE

---

### 1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder's views on the proposal by residents to purchase Council land.

### 2. BACKGROUND

- 2.1 In November 2006, the Council's Estates Manager was approached by the South area Neighbourhood Manager with a proposal forwarded to him by residents of Wisbech Close and Barford Close to purchase land adjacent to their homes. The residents stated that they had experienced problems associated with anti social behaviour on the land. The areas of land can be viewed on the plan attached to this report at **Appendix 1**.
- 2.2 In line with the principles set out in the approved Policy on Public Open Spaces, the Estates Manager contacted the Development Control 'one stop shop' to ascertain whether they would have any objections to the disposal of the land. The response can be seen attached to this report at **Appendix 2**. In summary, the response was that an application for the change of use of the land would not be viewed favourably. It also stated that Hartlepool Police's Crime Prevention officer claimed that there had not been any reported problems with this land in the last 5 years.
- 2.3 Both of these comments would mean that the proposal to purchase this Public Open Space would not be in line with the approved policy, which states that:

*In order to comply with legislation it is proposed that disposal of open space land should only be considered if any problems that are being encountered cannot be solved by design.*

And

*Where it appears that the proposed use is unlikely to be granted planning permission no further consideration should be given to the request for disposal.*

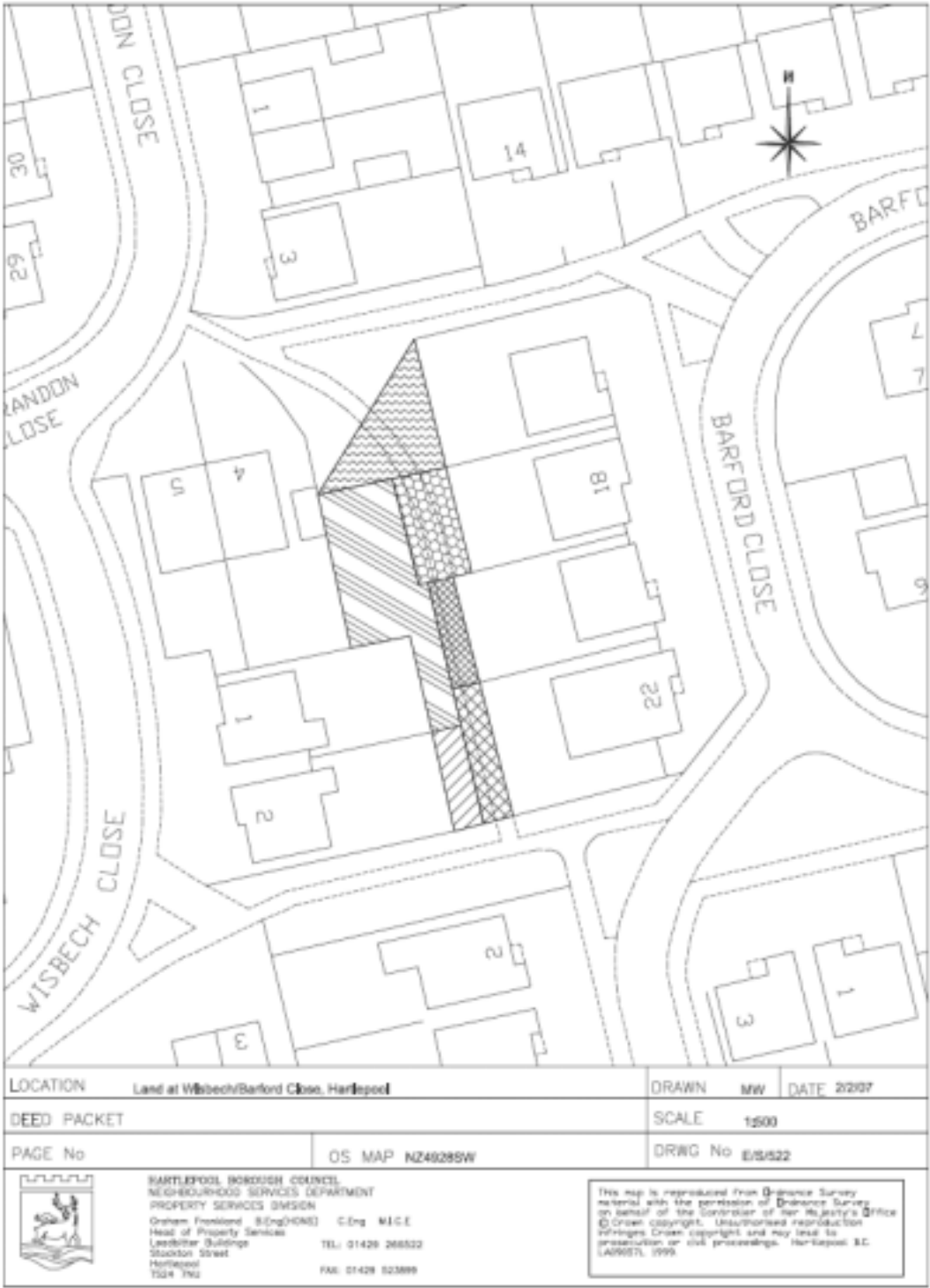
## 2.6 APPENDIX 1

### 3. FINANCIAL IMPLICATIONS

- 3.1 At the time of the initial request, the Council's Neighbourhood Manager was made aware of the terms subject to which any disposal would be considered. This was prior to the 'one stop shop' response and given this response, it would seem premature to be proposing terms. For information however, the initial memorandum proposing terms have been attached to this report at **Appendix 3**.

### 4. RECOMMENDATIONS

- 4.1 That Portfolio Holder's views are sought.



## 2.6 APPENDIX 1

### Regeneration & Planning Services

Bryan Hanson House  
Hanson Square  
Hartlepool TS24 7BT

Email: [DevelopmentControl@hartlepool.gov.uk](mailto:DevelopmentControl@hartlepool.gov.uk)

Tel: 01429 266522  
Fax: 01429 523599  
DX60669 Hartlepool-1

Our Ref: I/2006/1169

Your Ref:

Contact Officer: Linda Wright ☎01429 523273

29 November 2006

Emma Dixon  
Estates Department  
Procurement and Property Services  
Hartlepool Borough Council



NOV 29 2006

3:31 NOV 2006

RECEIVED BY 09AM

Dear Emma

#### **TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL:** Incorporation of land into curtilage

**LOCATION:** Land At Barford Close And Wisbech Close Hartlepool

I refer to your informal enquiry received on 22/11/2006.

The Council operates a system of involving all relevant departments and a number of outside agencies to give comprehensive advice on any development proposal (The One Stop Shop Initiative). The advice below is based entirely on the information you have provided.

#### 1. Planning Legislation

Based on the information provided I can confirm that planning permission would be required for the abovementioned proposal. This would not be straightforward as any application would contrary to Council Policy regarding loss of open space and would be considered as a departure from the Local Plan. The application would also have to be considered by the Government Office for the North East.

From a purely planning point of view I think it would be unlikely that approval would be recommended for this proposal. Colin Stainthorpe, Hartlepool Police Crime Prevention Officer, has indicated that there have been no incidents reported in this particular area for the last 5 years.

#### 2. Highways

A Stopping Up Order would be required. The cost of this, approx £1000, would have to be paid by the applicants. It is likely that there would be great deal of opposition to the loss of this open space and footpaths from members of the public.

Whilst every effort has been made to identify the consents that will be required before the project can proceed, I cannot confirm that this list is exhaustive and this letter does not constitute a legal determination

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INVESTOR IN PEOPLE

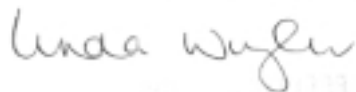


## 2.6 APPENDIX 1

under any relevant legislation. The advice is given in good faith but without prejudice to the formal consideration of any future planning application. You should consider whether you need independent advice from a planning or legal consultant. You should also note that a binding decision can only be gained by way of a planning application or an application under S192 of the Town and County Planning Act 1990 for a certificate from the Council stating that the proposed development would be lawful and would not therefore need planning permission.

Should you wish to discuss this matter further, please do not hesitate to call me.

Yours faithfully



Linda Wright  
Planning Officer

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## 2.6 APPENDIX 1

DAVE FRAME, NEIGHBOURHOOD MANAGER (SOUTH), OWTON  
MANOR NEIGHBOURHOOD OFFICE

EMMA DIXON, ESTATES SECTION, LEADBITTER BUILDINGS

3387

ED/e/1098/cap/BA

24<sup>th</sup> November 2006

### LAND AT THE REAR OF WISBECH CLOSE/BARFORD CLOSE

I refer to our recent discussions in respect of the above and write to advise that I have now had the opportunity to consider this matter further and am able to provide some further information to enable you to further advise the residents involved in this matter. Please note however that this information is for guidance only and any official terms for negotiation would need to be issued by my Section, and all comments made in this memo are on a Subject to Contract and Without Prejudice basis. In addition, I am awaiting comments on the proposed change of use from the Planning 'one stop shop' and therefore any potential disposal of land is subject to their comments.

I have attached a copy of the Council's approved policy on the Disposal of Public Open Space. You will note that this policy states that disposal should only be considered where problems are being experienced with the land cannot be resolved by alterations to the design of the land. To enable any disposal to proceed therefore, I would need evidence that problems are being experienced with the land, and in this regard I understand that you were making enquiries into the claims that there have been anti social behaviour problems with the land.

Furthermore, I would also need evidence to show that the Council had used its best endeavours to resolve the problems being experienced by remedies to the design of the land, for example by planting areas or carrying out more regular grounds maintenance.

Should all of these criteria be satisfied, and should Planning have no objections to the disposal, the residents would be offered the opportunity to purchase the land. In addition to the other main terms to which the transaction would be subject, any disposal would be subject to the following costs:

#### Purchase Price:

I can advise that the approximate costs of purchase attributable to each property would be as follows:

1 Wisbech Close	£1940
2 Wisbech Close	£380
16 Barford Close	£950
18 Barford Close	£550

## 2.6 APPENDIX 1

20 Barford Close	£120
22 Barford Close	£210

You will note that the main provision for offering residents land at less than best consideration is whether this land currently poses a liability to the Council but I understand from our discussions that the land does not pose a severe maintenance issue. I also believe that the disposal, whilst it may benefit those residents involved, would not benefit the wellbeing of the wider community as it is likely that the problem would be pushed elsewhere. I therefore do not think that there are grounds to justify a disposal of this land at less than best consideration.

### Stopping Up:

As you are aware, the footpath running through the site is currently adopted and a Stopping Up Order would be required to release this land. The costs involved with this would be £1000 to be shared equally between the residents.

These would need to be shared equally by all residents.

### Costs Incurred From Purchase of Subsoil of Footpath:

As previously advised, the subsoil of the footpath is not within the ownership of the Council. There would be 2 options here for the residents:

1. The Council could enter into negotiations with the owner of the subsoil and purchase the complete area of subsoil under the footpath in one transaction and then sell off each area along with the Council owner remainder of land to each individual resident. The costs of the Council purchasing this land (including those borne by the owner of the subsoil) would then need to be borne by each resident whether or not the purchase by them proceeded to a conclusion
2. Each individual enters into negotiation with the owner of the subsoil and purchases the 'footpath' area in a separate transaction to the transaction in which they purchase the remainder of the land from the Council. In my opinion, the residents would probably incur more costs undertaking this option and it could also be potentially more time consuming.

Should the subsoil be first purchased by the Council and sold on to each resident, I would anticipate the cost of each area of land to be as follows:

1 Wisbech Close	£1940
2 Wisbech Close	£380
16 Barford Close	£1150
18 Barford Close	£820
20 Barford Close	£380
22 Barford Close	£530

The cost of the Council's and the Vendors fees in connection with the Council's purchase of the subsoil would also need to be paid.

### Planning Fees:

## **2.6 APPENDIX 1**

To enable the land to be enclosed by the residents, a planning application would be required and the residents would need to bear the costs of this. I understand that only one planning application would be required and that the fee involved would be £265, to be shared between all residents.

### **Legal and Surveyors Fees:**

Each owner would be responsible for the payment of the Council's reasonable legal and surveyors fees incurred in the transaction. In this regard I can advise that the Council's surveyor's fees would be £500 per property and the Council's Legal fees would be £450 plus disbursements.

In addition, the purchasers would be responsible for the payment of their own solicitors fees, although I can advise that in previous cases, where all owners have elected to appoint the same solicitor, private firms are usually able to offer a reduced fee.

### **Cost of Service Relocation/Wayleave:**

I understand that there may be utility apparatus running under this area of land and in this regard I can advise that each individual would be responsible for the payment of any costs of relocation if required by the service providers, or any wayleave which was required as a result of the purchase.

### **Fencing:**

Each resident would be responsible for the payment of and erection of a boundary fence and the maintenance of this thereafter.

I trust that this provides you with further information to enable you to go back to the residents. Please note that I am of the opinion that the agreement of all residents would be required for this scheme to proceed as it is essential that no areas of land 'pockets' remain.

Should you require further clarification please do not hesitate to contact me.

Emma Dixon  
Estates Manager

## 2.6 APPENDIX 2

# PERFORMANCE MANAGEMENT PORTFOLIO DECISION RECORD 6<sup>th</sup> February, 2007

The meeting commenced at 9.00 a.m. in Conference Room 3, Belle Vue  
Community Sports & Youth Centre, Kendal Road

### **Present:**

Councillor Peter Jackson (Performance Management Portfolio Holder)

Councillor Jane Shaw, Chair of Children's Services Scrutiny Forum was in attendance to present item 109 – Formal Response to the Language Translation and Interpretation Services Scrutiny Referral.

Councillor Geoff Lilley was also in attendance with an interest in item 107.

Officers: Andrew Atkin, Assistant Chief Executive  
Charlotte Burnham, Scrutiny Manager  
Liz Crookston, Principal Strategy and Research Officer  
Emma Dixon, Estates Manager  
Graham Frankland, Head of Procurement and Property Services  
Stuart Green, Assistant Director (Planning and Economic Development)  
Joanne Machers, Chief Personnel Officer  
Adrienne Simcock, Director of Children's Services  
Pat Watson, Democratic Services Officer

Public in attendance: Mr & Mrs Allen, Mr & Mrs Picken, Mr & Mrs Armstrong  
and Mr Herbert with an interest in item 107..

### **107. Land at the rear of Barford Close/Wisbech Close** *(Head of Procurement and Property Services)*

#### **Type of decision**

Non-key

#### **Purpose of report**

To obtain the Portfolio Holder's views on a proposal by residents to purchase Council land.

## **2.6 APPENDIX 2**

### **Issue(s) considered by the Portfolio Holder**

The report outlined the history to the proposal and detailed the consultations that had taken place. The areas of land were indicated on a plan attached as appendix 1. The report indicated that, in line with the principles set out in the approved Policy on Public Open Space, the Estates Manager had contacted the Development Control 'one stop shop' to ascertain whether they would have any objections to the disposal of the land. The response was attached as appendix 2. In summary, the response was that an application for the change of use of land would not be viewed favourably. It also stated that Hartlepool Police's Crime Prevention Officer had claimed that there had not been any reported problems of anti social behaviour.

The report indicated that at the time of the initial request, the Council's Neighbourhood Manager had been made aware of the terms subject to which any disposal would be considered. This was prior to the 'one stop shop' response and given this response it was felt premature to be proposing terms. For information, however, the initial memorandum proposing terms was attached to the report as appendix 3.

The Head of Procurement and Property Services reported orally that, further to the above, residents had challenged the views of the Crime Prevention Officer and a number of those residents were in attendance at the Portfolio meeting.

### **Decision**

The Portfolio Holder commented that it seemed fair to say that there was evidence of anti-social behaviour. He, therefore, agreed to the disposal of the land subject to the terms outlined in appendix 3 to the report including planning permission, with consideration being given to two issues, ie (i) that access to services within the area is needed and should be referred to in the legal documents, and (ii) Officers should be mindful of the size of the area of land adjoining number 16 Barford Close.

**J A BROWN**

**CHIEF SOLICITOR**

**PUBLICATION DATE: 2<sup>nd</sup> March 2007**

## 2.6 APPENDIX 3

### Planning Committee Background Report and Decision to Refuse

**No:** 1  
**Number:** H/2007/0333  
**Applicant:** Mrs T Allen Barford Close Hartlepool TS25 2RQ  
**Agent:** 16 Barford Close Hartlepool TS25 2RQ  
**Date valid:** 02/05/2007  
**Development:** Incorporation of public open space land into curtilages of properties for use as domestic gardens  
**Location:** REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL

---

#### BACKGROUND

1.1 This application was considered at the Planning Committee of 4 July 2007 when it was deferred for a site visit and for further information from Cleveland Police. This information is still outstanding and it is hoped it will be available for the next meeting.

The original report is reproduced below.

#### The Application and Site

1.2 The application site is an area of public open space with footpath located on the South Fens estate.

1.3 The land, which runs north to south, is sandwiched between houses and bungalows in Wisbech Close/Brandon Close and Barford Close

1.4 The proposal involves the stopping up of the footpath and the incorporation of the land into the curtilages of private gardens by means of fencing. Apart from the footpath itself, the area of land is grassed with four mature sycamore trees. The footpath joins other footpaths both to the north and south.

1.5 A formal 'stopping up' order would have to be obtained from the Magistrates Court and is a separate issue.

1.6 The application represents a departure from the policies in the Hartlepool Local Plan.

#### Publicity

1.7 The application has been advertised by way of neighbour letters (9) and also by press notice and site notices (4).

1.8 15 letters/emails of objection have been received raising the following concerns:-

a) Questions the validity and accuracy of applicants reasons for purchase.

## 2.6 APPENDIX 3

- b) Will be unduly large and out of keeping in area.
- c) Problems with construction traffic.
- d) Will not stop the infrequent minor nuisance that happens.
- e) Not an area where people congregate.
- f) Only a few incidents over last 10 years.
- g) 'Short scattered leafy lanes' are one of the main features of the Fens Estate.
- h) Applicants want to increase gardens.
- i) Proposal will damage the attractive appearance of the area.
- j) Have not witnessed anti social behaviour in many years of use.
- k) Proposal will only benefit minority.
- l) Situation is not as bad as made out by some residents/intolerance of youth.
- m) 'Problems' will be moved elsewhere.
- n) Contrary to Council Policy.
- o) Evidence shows that neighbourhood policing has improved in the area.
- p) Services run through area.
- q) The report provided from P C Myers was retrospective.
- r) Not consulted.
- s) Better lighting/CCTV
- t) Those involved should be caught and prosecuted.
- u) Precedent

1,921 letters and emails (several from the same property) of support raising the following:

- a) Clear evidence put forward.
- b) Have sought help for years.



## 2.6 APPENDIX 3

- c) Plenty of open space on the Fens.
- d) Anti social behaviour for year – bottles thrown into garden, noisy rowdy behaviour until late which has gradually got worse.
- e) Support now from Ward Councillors, Residents Association, Parish Council and Police.
- f) Improve quality of life.
- g) Other nearby footpaths to use instead.

1.10 67 emails of support – these either give a name only or names and addresses identifying a road rather than a specific property e.g. Spalding Road.

1.11 A letter of support has been submitted by the Fens Residents Association. Their comments echo those outlined above. In addition they point out that closures elsewhere have removed problems of anti social behaviour and that the design of the estate is such that it makes policing particularly difficult.

Copy letters I.

The period for publicity has expired.

### **Consultations**

1.12 The following consultation replies have been received:

**Head of Public Protection – No objections**

**Anti Social Behaviour Unit – Awaited**

**Property Services – Awaited**

**Neighbourhood Services – No objections**

**Traffic & Transportation –** The footpath at the rear of properties is adopted highway which would require stopping up at Magistrates Court. Any utilities under footpath would require either diverting or have a wayleave at the expense of the applicant. No work must commence until the above has been done.

**Police –** Have met 2 residents who referred to problems over 20 years. A check on records shows no records of incidents for last five years. However over the last year there have been a small number of instances reported to the police by one of those residents. Closure would have a great impact on reducing problems at this location and would meet the criteria of Section 17 of the Crime and Disorder Act.

## 2.6 APPENDIX 3

**Greatham Parish Council** – No objections subject to small amendment to south end of the scheme.

### **Planning Policy**

1.13 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.

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

### **Planning Considerations**

1.14 The main issues to be considered in this case are as follows:-

- i) The relevance of policies within the Local Plan
- ii) Impact on the visual amenity of the estate
- iii) Impact on enjoyment of the footpath/open space
- iv) Significance of anti-social behaviour
- v) Precedent issues.

### **Policy Issues**

1.15 Policy GN6 of the Hartlepool Local Plan states that:

“The loss of areas of incidental open space will be resisted except: i) it can be demonstrated that the area of open space is detrimental to the

## 2.6 APPENDIX 3

amenities of adjoining or nearby properties, and it is too small or difficult to maintain to a satisfactory standard, or  
ii) a proposed development has special locational requirements and there is no other appropriate site in the vicinity."

1.16 In this case, the applicant has provided a statement from PC David Myers and Anti-Social Behaviour Data from Cleveland Police as supporting evidence to justify the loss of open space and footpath.

1.17 Crime and the fear of crime are material planning considerations which must be taken into account in deciding this application and whether or not these outweigh the loss of the open space/footpath.

### Visual Amenity Issues

1.18 The area of land (and footpath) would be fenced at both ends and shared between six properties (16, 18, 20 and 22 Barford Close and 1 and 2 Wisbech Close). Whilst 4 households would gain small rectangular parcels of land, 16 Barford Close would have a large triangle to the rear and 1 Wisbech Close would gain a large amount of land (inc. 4 trees) to the side of 4 Brandon Close.

1.19 The amount of new fencing required at the south end of the site would be only a few metres and should not therefore have a significant impact on the visual amenities of the area. However, at the north end, the new fence would cross the remaining open space diagonally. This fence could be up to 20m in length and would form a blank barrier where the remainder of the footpath ends. This would be visible from nearby houses and to pedestrians using the remaining footpaths in the area. The detailing of this boundary could however be subject to further consideration and could be conditioned.

1.20 There are a number of green footpath routes in the Fens Estate which are considered to add significant amenity value to the area.

1.21 Whilst this particular 'green link' has no outstanding features, the area appears to be a well maintained, grassy open space with four mature sycamore trees. At the time of the site visits (2), there were no obvious signs of misuse.

1.22 The four sycamore trees would be enclosed within the curtilage of 1 Wisbech Close. Should the application be approved, it may be necessary to protect these healthy trees by a Tree Preservation Order to prevent their loss.

1.23 The trees would still be visible from surrounding properties and from the north and south paths.

### Enjoyment of footpath

1.24 The enjoyment of a footpath is influenced by the visual quality of its surroundings and how physically accommodating the route is. Crime or the

## 2.6 APPENDIX 3

fear of crime may also influence the choice of a route whether for a stroll or as a means of access.

1.25 If this path is to be closed, access between Barford Close, Wisbech Close and Brandon Close would still be available by 2 alternative routes to the north and south.

### Anti social behaviour issues

1.26 As previously mentioned, crime and the fear of crime is a material planning consideration and in this particular case appears to be the main point of contention.

1.27 Evidence (police officers report and Cleveland Police data) has been provided by the applicant in order to demonstrate that the anti-social behaviour in the area should necessitate and justify the closure of the path.

1.28 Whilst the Police Officer states that he has dealt with numerous crimes and reports at this path, no statistics or figures have been provided.

1.29 The other information is data collected between April 2004 and January 2007 when 9 incidents of anti-social behaviour and 7 crimes were reported (3 related to vehicles). A copy of this statement will be copied with the background papers.

1.30 The formal consultation with the police referred to in para.1 above suggests only limited problems in this area. The formal views of the Anti Social Behaviour Unit are awaited.

1.31 The comments from objectors and supporters are contradictory.

### Precedent

1.32 Precedent is a proper and material consideration where it is likely that similar future proposals, in closely parallel situations, could not be resisted and the cumulative harm to planning principles or policies would result.

1.33 There are a number of similar pathways/routes throughout the Fens Estate which offer both access and leisure to the residents of the area. This is considered to be an important feature which should be maintained.

### **Conclusion**

1.34 There are many small areas of amenity space within Hartlepool, often provided as part of housing developments, which have significant amenity value and contribute to the overall character of local areas.

1.35 Open space is essential to the enjoyment of residential areas both in visual and recreational terms and its loss should not be permitted without good reason. The evidence here about anti social behaviour is far from clear

## **2.6 APPENDIX 3**

and further discussions are taking place with the Police and Anti Social Behaviour Unit. These will hopefully be provided in the form of an update.

RECOMMENDATION – UPDATE TO FOLLOW

2.6 APPENDIX 3

Land at Wisbech Close



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>18/06/07</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2007/0333</b>	REV

## 2.6 APPENDIX 3

**No:** 7  
**Number:** H/2007/0333  
**Applicant:** Mrs T Allen Barford Close Hartlepool TS25 2RQ  
**Agent:** 16 Barford Close Hartlepool TS25 2RQ  
**Date valid:** 02/05/2007  
**Development:** Incorporation of public open space land into curtilages of properties for use as domestic gardens  
**Location:** REAR OF 1 and 2 WISBECH CLOSE AND 16-22 EVENS BARFORD CLOSE HARTLEPOOL

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### Update Report

1. Further information has been received from Hartlepool Police which explains how calls from members of the public are dealt with and recorded. The letter also expands the list of anti social incidents previously reported, and is attached.
2. Advice has also been received from the crime prevention officer and Crime and Disorder Co-ordinator regarding measures which could be taken to make the area less attractive and accommodating for trouble makers. This could involve the planting of shrubs along the space between the path and the garden fences and possibly lighting. Their e mails are also attached.
3. In previous police reports, there is a clear view that the central walkway and open space is contributing to ongoing crime and anti-social behaviour and its closure is supported by the police.
4. There is a presumption against the loss of open space in the Local Plan (Policy GB6) except where:
  - 1 It can be demonstrated that the area of open space is detrimental to the amenities of adjoining or nearby properties and it is too small or difficult to maintain to a satisfactory standard.
  - 2 The policy goes on to say where open space is lost to development the Borough Council will impose planning conditions .....to seek enhancement of adjoining open space.
- 5 Members have seen the area of open space in question. It is reasonably attractive. However it is not overlooked from principal ground floor windows/rooms and as such has the potential to be abused. The police have in fact confirmed that this happens. In modern estate design terms having regard to crime and the fear of crime it is an area officers would seek to design out.

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## 2.6 APPENDIX 3

- 6 The decision for Members therefore is, is there enough evidence to justify closure at this time or are there other measures such as increased lighting and extra policing which should be tried in the first instance? Precedent arguments are also important.
- 7 The issues here are very finely balanced supporter and objectors present differing views. The police however are strong in their recommendations and anti social incidents appear to be on the increase. The Crime Prevention Officer and Crime Disorder Co-ordinator on the other hand suggest design measures which could be considered in the first instance.
8. In view of the above, the recommendation is to refuse the proposed closure of the footpath and enclosure of the open space and to look at other means of making the area safer for both residents and users of the footpath in the first instance.

### **RECOMMENDATION – REFUSE**

1. It is considered that the proposed closure of the footpath and enclosure of public open space would be detrimental to the visual amenities of the surrounding area contrary to policies GEP1 and GN6 of the Hartlepool Local Plan.

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## 2.6 APPENDIX 3



"DAVIES, Stephen  
(P0375)"  
<Stephen.Davies@cleveland.pnn.police.uk>  
22/08/2007 09:01

To: <linda.wright@hartlepool.gov.uk>  
cc:  
bcc:  
Subject: Barford/Wisbech Close

Linda

Further to our conversation re above

Crime/Incident Analysis was carried out for the location of Barford/Wisbech/ Brandon Close for the past 12 months which showed a total of 13 Crimes reported 5 of which were for criminal damage, and 43 incidents reported 27 of which related to anti social behaviour which reveals the extent of the problems in the area.

I understand that the problems in the area are directly linked to the existence of footpaths linking the named roads which gangs of youths gather on a regular basis.

The closing of the footpaths would assist in solving the problem however I believe there are some objections to this proposal. With this in mind instead of closing the footpaths you may wish to consider the use of defensive planting next to the footpaths in order to reduce the grassed area between the footpath and boundary fencing.

This would help create a buffer zone to separate the paths from the boundary fencing. Careful selection and location of plants is critical not to hinder natural surveillance and provide places of concealment. I would suggest any planting should be at least 2 metres from the footpath with low growing plants to the front and taller to the rear.

Cheers

Steve

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## 2.6 APPENDIX 3

G 01-02

# MEMO



**CLEVELAND  
POLICE**  
*Putting People First*

<b>Reference:</b>  <b>From:</b> PC 740 David MYERS  <b>Subject:</b> Alley way at rear of Barford /Brandon Close	<b>Date:</b> 21/08/2007  <b>To:</b> Linda WRIGHT
---	--

Dear Linda

1/ Calls made to Cleveland Police control room or police station requiring action of some sort by an officer are recorded on a system known as Intergraph which is also known as CAD, short for Computer Aided Dispatch. Each call requires certain personal information such as the name & address of the caller as well as their date of birth & telephone number the call is being made on, or on which the caller can be re-contacted, also needed is the incident address if it is different from the callers address. An explanation is also required of what is happening or what is required to be done by police, for example a member of the public reporting a suspected offence/incident requiring immediate police action or a request from officers from a different district or force requesting an officer to complete some task.

When the above information is obtained the call is given a unique computer generated number starting with a letter that assists in identifying the year. After this number has been created the report is classed as a type of incident, ie is it a crime, a road traffic accident, a missing person enquiry etc. At the same time the call is graded in that the type of response it will receive is allocated to it. This grading assists the police control room to priorities the calls which it is dealing with. It also affects how quickly officers are dispatched to deal with the incident. For example depending on the number of incidents live at the time (needing attention) officers will be tasked to attend the incidents deemed the most serious first. The most suitable or available unit is then assigned to attend and deal with the incident depending on its seriousness.

The above process could be time consuming and involve two or three department's participation from the time the initial call was made to the time the incident was dealt with and the incident closed off. In the past calls made to Jutland Road Community Office and which were incidents/information of an historical nature were conveyed to the respective Local Beat Officer covering that area verbally or in note form for there attention. If the incident /offence was occurring there and then and it was of a nature that the receiving officer could deal with himself without assistance from specialist officers they would go out and deal with it immediately themselves.

In the past due to the reports of incidents being reported to Jutland Road having been dealt with immediately by officers working from Jutland Road no incident number was created as it was felt that there was no need for the incidents to be electronically recorded and would just waste time & create extra work for those personnel in call taking departments who would have to record the above information as well as wasting the time of the officer who dealt with the call who would have to convey the information.

## 2.6 APPENDIX 3

G 01-02

Only recently have the benefits of recording every call electronically, been fully appreciated and more and more the recording of incidents is used as a method of evidencing how much, certain areas are suffering from certain problems. As a result I now create an Intergraph Record for all relevant incidents I go to or deal with in my area.

2/ In relation to whether incident occurred at front of houses or rear

24/07/2005	Males fighting	(front of houses )
20/10/2005	Eggs at informants house	(insufficient detail unable to say)
18/09/2006	Youths banging on rear fence	(rear of houses)
13/01/2007	Report of Anti Social behaviour	(rear of house)
13/01/2007	Large Rowdy group drinking	(rear of houses)
18/01/2007	Youths congregating sat on trees	(rear of houses)
19/01/2007	Mud on wall and flowers damaged	(side facing central alleyway)
25/01/2007	Concern above would be repeated	(side facing central alleyway)
25/01/2007	Report of drug taking	(rear of houses)
19/10/2005	Eggs thrown at informants house	(insufficient detail unable to say)
20/12/2005	Car tyres slashed	(front of houses)
21/12/2005	Discarded BBQ scorched fence	(rear of houses)
01/10/2006	Damage to rear fence	(rear of houses)
21/01/2007	Criminal damage to garage door	(front of house/next to central alleyway)
03/02/2007	youths throwing stones at house	(rear of house)
13/02/2007	Youths throwing stones at house	(rear of house)
24/02/2007	drug paraphernalia found	(rear of houses)
04/04/2007	theft of washing from rear garden	(rear of houses)
17/05/2007	male urinating at rear of premises	(rear of houses)
02/06/2007	Youths camping, drinking, fighting	(rear of houses)

3/ The above figures for this location cannot be compared to similar locations in the area as there are no similar locations in the vicinity and to the best of my knowledge no other area in Hartlepool has been designed like this.

## 2.6 APPENDIX 3

Joe Hogan/HBCDomino  
23/08/07 12:22

To Richard Teece/HBCDomino@HBCDOMINO  
Subject Barford/Wisbech/Brandon Close

Richard

Re the above location: I have spoken to PC Steve Davies this morning and he has conveyed his view of the situation. Bearing in mind that any closure could be problematic (although it would in all probability solve the problem of anti social behaviour) in view of the Council's Open Space Policy, the planting of shrubbery along the space between the path and the garden fences may be a solution. However, in the first instance i would suggest that Neighbourhood Police Team should be involved and asked if they identify the problem times/days and give it extra attention. PC Davies has informed me that 43 incidents (of which 27 were related to anti social behaviour have been reported in the last 12 months - this is a relatively high number of incidents for the type of location concerned. If traditional policing methods could be explored first that may be the best course of action to take and monitor the situation.

If physical improvements are to be adopted such as bushes being planted, then perhaps lighting could also be considered (this prompts the question what time the reported incidents are occurring? Is lighting or the lack of lighting a contributory factor?). Bob Golightly in Highways runs an initiative called Social Lighting for those areas outside NRF areas that enables the improvement of lighting if raised by community safety issues. If the area is in NRF, then there is funding available through Bob for that too.

Joe Hogan  
Crime and Disorder Co-ordinator  
Hartlepool Borough Council  
Tel: 01429 405582  
Fax: 01429 405588  
8 Church Street, Hartlepool TS24 7DJ  
[www.saferhartlepool.co.uk](http://www.saferhartlepool.co.uk)

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## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9 November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** LANDLORDS CONSENT, UNIT 2 ELIZABETH WAY, SEATON CAREW.

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder approval to the release of covenant to allow the erection of two retail units at Elizabeth Way, Seaton Carew.

#### **2.0 SUMMARY OF CONTENTS**

2.1 The report outlines the background to this proposal, with financial implications relating to the release contained within the confidential appendix to the report.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

3.1 Portfolio Holder has responsibility for the Council's land and property holdings.

#### **4.0 TYPE OF DECISION**

4.1 Non-Key

#### **5.0 DECISION MAKING ROUTE**

5.1 Portfolio Holder only

#### **6.0 DECISION(S) REQUIRED**

6.1 That Portfolio Holder considers the request for release of covenant.

**Report of:** Head of Procurement and Property Services

**Subject:** LANDLORDS CONSENT, UNIT 2 ELIZABETH WAY, SEATON CAREW.

---

**1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder approval to the release of covenant to allow the erection of two retail units at Elizabeth Way, Seaton Carew.

**2. BACKGROUND**

- 2.1 The Council sold the land shown hatched on the plan attached at **Appendix 1** in July 1969 to Mr Cecil M Yuill Limited and this was subject to the following restrictions:

2.2 *“Not to construct or commence the construction of any building whatsoever on the land without the approval of the Corporation previously obtained to the plans elevations and specification such approval being in addition to any permission required under the Town and Country Planning Act 1962 or any statutory modifications thereof and the Building Regulations or any modification thereof”*

2.3 *“Not without the consent in writing from the Corporation previously obtained to the use or permit or suffer to be used the land or any building erected thereon except for the purposes of a retail shop, professional office or the other business use of a non-manufacture character and providing that the predominate use of the area as a whole shall be retail shop purposes and for residential purposes where residential accommodation is comprised in the building in accordance with permission obtained in pursuance of the proceeding restrictions”.*

2.4 The land has since changed hands and is now owned by EK Investments, who have approached the council for consent under these covenants to construct two retail units.

2.5 EK Investments applied for planning permission on the 24<sup>th</sup> June 2005 to construct retail units, but this planning permission was refused. It was considered that the proposed development would result in an increase in traffic coming to the site and that adequate on-site parking facilities would not be available to accommodate this and existing traffic. Secondly the proposed development by reason of its siting was considered to result in an area adjacent the site not being widely visible. As a consequence and notwithstanding the suggested measures to overcome this it is considered that the area would be attractive for people to congregate and that would lead to noise disturbance and the fear of crime to the occupiers of 3 Comondale Drive.

- 2.6 Upon receiving this refusal the applicants took this decision to appeal and upon appeal the proposal was approved in 2006. A copy of the decision by the Planning Inspector is attached to this report at **Appendix 2**.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The financial implications are contained within the attached confidential **Appendix 3. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**


### **4. RECOMMENDATIONS**

- 4.1 That Portfolio Holder considers the request for release of covenant.

**2.7 APPENDIX 1****Location Plan**



## Appeal Decision

	<h3>Appeal Decision</h3> <p>Site visit made on 13 March 2006</p> <p><b>by Michael Hurley BA DipTP MRTPI</b></p> <p>an Inspector appointed by the First Secretary of State</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN Tel: 0117 372 6072 e-mail: enquiries@planning-inspectorate.gov.uk</p> <p>Date: <b>5 APR 2006</b></p>
<hr/>		
<p><b>Appeal Ref: APP/H0724/A/05/2005329</b> <b>Elizabeth Way Shopping Centre, Elizabeth Way, Seaton Carew, Hartlepool, TS25 2AX</b></p> <ul style="list-style-type: none"><li>• The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</li><li>• The appeal is made by E K Investments against the decision of the Hartlepool Borough Council.</li><li>• The application (Ref: H/2005/5521) dated 24 June 2005, was refused by notice dated 22 August 2005.</li><li>• The development proposed is the erection of 2 single-storey shop units and alterations to car parking areas.</li></ul> <p><b>Summary of Decision: The appeal is allowed and planning permission granted, subject to conditions set out in the Formal Decision below.</b></p>		
<hr/>		
<p><b>Main Issues</b></p> <ol style="list-style-type: none"><li>1. From my inspection of the appeal site and its surroundings, and from the representations made, I consider that the main issues in this case are, first the adequacy of the proposed parking arrangements; and second, the effect on residential amenity</li></ol>		
<p><b>Parking Arrangements</b></p> <ol style="list-style-type: none"><li>2. The Elizabeth Way Shopping Centre dates from the 1960s. It stands at the junction of Elizabeth Way and Westerdale Road, in a mainly residential part of Seaton Carew. It consists of a parade of small shop units and a larger Spar supermarket, with residential flats above. In front of the shops, there is a surface car park, having capacity for about 38 vehicles, with access from both Elizabeth Way and Westerdale Road. A separate access from Elizabeth Way leads to a rear service yard. There are no restrictions on on-street parking on the roads fronting the shopping centre.</li><li>3. The proposed shop units would have an aggregate floor area of 182m<sup>2</sup>. They would abut the northern flank wall of the Spar supermarket, occupying an area that currently provides some 7 parking bays. However, proposed alterations to the car park would include the relocation of some recycling bins; and the creation of some additional parking spaces in an existing grassed area, between the site of the proposed shop units and No 3 Commodale Drive. The effect would be to restore the car park to its present capacity. The parking spaces would be marked out in white paint; and a one-way system would be introduced, with access from Elizabeth Way and egress to Westerdale Road.</li><li>4. A series of 13 "snapshot" parking surveys, commissioned by the appellants, were undertaken during October 2005. These surveys were made at various times on weekdays</li></ol>		

Appeal Decision APP/H0724/A/05/2005329

and a Saturday, and are supported by photographic evidence. It seems to me that they covered a reasonably representative period. The number of vehicles in the car park ranged from 20 to 37. There was spare capacity at all times. There was little evidence of on-street parking associated with use of the shopping centre.

5. An alternative survey undertaken by local residents between 21 and 27 January 2006 records that the car park was full on 30 occasions during that period, and that parked cars overflowed onto the adjacent thoroughfares on 19 occasions. However, there is no information about the total number of observations made, or the dates and times at which the capacity of the car park was exceeded.
6. At the time of my visit there was ample free space available within the car park. The proposed development might add to the number of cars visiting the Elizabeth Way Shopping Centre. However, in view of the limited size of the proposed shop units, I would not expect the effect to be more than marginal.
7. Policy Gen1 of the Hartlepool Local Plan indicates that, in general, development will normally incorporate adequate parking facilities. However, paragraph 51 of PPG13 states that local authorities should not require developers to provide more parking spaces than they themselves wish, except in exceptional circumstances. In the present case, I have seen no technical evidence to suggest that a modest increase in kerbside parking would give rise to a significant road safety hazard. My conclusion on the first issue is that the proposed car parking arrangements would be adequate, consistent with development plan policy and national planning policy guidance.

#### Residential Amenity

8. Policy Gen1 of the Local Plan indicates that, in determining planning applications, account must be taken of the effect on the amenities of the occupiers of neighbouring properties, particularly through general disturbance, loss of privacy and visual intrusion. Policy Gen4 refers to the need for new development to incorporate features that will reduce crime and the fear of crime.
9. Apart from the flats above the Elizabeth Way Shopping Centre, the nearest residential property to the proposed development is the dormer bungalow at No 3 Commondale Drive. At present there is a small, grassed area within the appeal site, immediately adjacent to the walled garden of this property. The proposed development would entail the replacement of part of the grassed area with parking spaces, and the removal of an existing apple tree. However, additional planting is proposed on the remainder of the grassed area. The apple tree is not protected and could be removed at any time.
10. The proposed single-storey shop units would be more than 12m away from the boundary wall of No 3 Commondale Drive. I do not consider that they would give rise to an unacceptable degree of enclosure. The Council are concerned that the intervening area might be an attractive place for young people to congregate, causing disturbance, and engendering a fear of crime among neighbouring residents. I recognise that this is a matter of some local concern. However, I have seen no evidence to persuade me that that concern is well founded. The area in question would be visible from Westerdale Road; and it would be overlooked from various residential properties. In addition, the appellants intend that it

Appeal Decision APP/H0724/A/05/2005329

would be lit, and would be within the range of a CCTV camera. It seems to me that these factors should reduce any risk of anti-social behaviour.

11. My conclusion on the second issue is that the proposed development would be unlikely to detract significantly from residential amenity

**Other Matters**

12. I have considered the planning conditions submitted by the Council. I do not accept the need for any modification to the proposed parking arrangements. Otherwise, I shall impose conditions along the lines suggested.
13. I have taken account of all the other matters raised, including the concerns expressed about the safety of pedestrians crossing the car park. However, I do not find any of these factors to be sufficient to outweigh the considerations that have led me to the conclusion that the appeal should succeed.

**Formal Decision**

14. I hereby allow the appeal and grant planning permission for the erection of 2 single-storey shop units and alterations to the car parking areas at the Elizabeth Way Shopping Centre, Elizabeth Way, Seaton Carew, Hartlepool, TS25 2AX, in accordance with the terms of the application (Ref: H/2005/5521) dated 24 June 2005, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
- 2) Samples of all external finishing materials to be used shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences.
- 3) The development hereby permitted shall not be carried out other than in accordance with the plans and details received by the local planning authority on 27 June 2005, unless otherwise agreed in writing by the local planning authority.
- 4) A detailed scheme of landscaping shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences. The scheme must specify the sizes, types and species of trees and shrubs, 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.
- 5) The shop units hereby permitted shall be used only for general retail purposes falling within Class A1 of the Schedule to the Town and Country Planning Use Classes Amendment Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 6) Notwithstanding the approved plans, improvements to the car park, including the provision of a one-way system, shall be completed before the shop units hereby

Appeal Decision APP/H0724/A/05/2005329

permitted are constructed. All parking spaces within the car park shall be marked out in white paint.

**Information**

8. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990, concerning provisions for the benefit of persons with disabilities.

*Michael Humber*

INSPECTOR

## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9 November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** PROPOSED LICENCE, DRUG  
REHABILITATION CENTRE, SURTEES  
STREET

---

### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder approval to the proposed licence of part of a Council building.

#### **2.0 SUMMARY OF CONTENTS**

The report outlines the background to the proposal, with proposed lease terms attached to the report in the financial implications section.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property assets.

#### **4.0 TYPE OF DECISION**

Non Key Decision

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only

#### **6.0 DECISION(S) REQUIRED**

Authority to complete the licence subject to the terms proposed.

**Report of:** Head of Procurement and Property Services

**Subject:** PROPOSED LICENCE, DRUG  
REHABILITATION CENTRE, SURTEES STREET

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## **1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder approval to the proposed licence of part of a Council building.

## **2. BACKGROUND**

- 2.1 The Drug Rehabilitation Centre on Surtees Street is Council owned and services are delivered by the Safer Hartlepool Partnership.
- 2.2 Hartlepool PCT deliver a specialist drugs and alcohol service and prescribing facility from the property but they now propose to commission a third party to deliver this service, which they will do under a Memorandum of Understanding.
- 2.3 The Memorandum of Understanding will be in a format recognised by the Department of Health. It has been suggested that a licence will also need to be entered into to allow the third party provider to have some reassurance that rooms will be provided to them to allow the delivery of their service. Additionally, this will indemnify the Council against their use of the building.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 The financial implications can be found attached at the confidential **Appendix 1. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

## **4. RECOMMENDATIONS**

- 4.1 That Portfolio Holder grants authority for the Council to grant a licence subject to the terms proposed.

## **FINANCE AND EFFICIENCY PORTFOLIO**

Report To Portfolio Holder

**9<sup>th</sup> November 2007**



**Report of:** Head of Procurement and Property Services

**Subject:** SALE OF "THE FIRS" WESTBOURNE ROAD,  
HARTLEPOOL

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To obtain Portfolio Holder approval to the disposal of the Council owned property which has been declared surplus to operational requirements.

#### **2.0 SUMMARY OF CONTENTS**

The report outlines the background to this proposal and details the terms subject to which the disposal is proposed.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

Portfolio Holder has responsibility for the Council's land and property holdings.

#### **4.0 TYPE OF DECISION**

Non-Key

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only

#### **6.0 DECISION(S) REQUIRED**

That the Portfolio Holder approves the disposal of The Firs at Westbourne Road subject to the terms stated.

**Report of:** Head of Procurement and Property Services

**Subject:** SALE OF “THE FIRS” WESTBOURNE ROAD,  
HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder approval to the disposal of the Council owned property which has been declared surplus to operational requirements.

**2. BACKGROUND**

- 2.1 Portfolio Holder will recall that on 22<sup>nd</sup> August 2007, he was presented with a report proposing the sale of “The Firs” which had been declared surplus to requirements by the Council’s Adult and Community Services Department. The decision was taken to proceed with marketing, which commenced immediately after the Portfolio meeting.
- 2.2 The property was marketed for 6 weeks, with advertisements placed in the local press. During the marketing period, there were 10 requests for sales particulars. The Estates Section conducted an open morning on Friday 21<sup>st</sup> September 2007. Three potential purchasers visited the property during the open morning.
- 2.3 Alongside the marketing, a planning application for the change of use of the property from hostel to single dwelling has been submitted and this is still progressing. An update on this planning application will be available to Portfolio Holder at the time of the meeting, although at the time of writing all of the consultation responses to the application have been positive.

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 The financial implications of this report are contained in the attached confidential **Appendix 1. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**



**4. RECOMMENDATIONS**

- 4.1 That the Portfolio Holder approves the disposal of The Firs at Westbourne Road subject to the terms stated.