

## PLEASE NOTE VENUE

# PLANNING COMMITTEE AGENDA



**Wednesday 14 May 2008**

**at 10.00 am**

**in Committee Room B,  
Civic Centre, Hartlepool**

### MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, Brash, R Cook, S Cook, Flintoff, Kaiser, Laffey, G Lilley, J Marshall, Morris, Payne, Richardson, Simmons, Worthy and Wright

#### 1. **APOLOGIES FOR ABSENCE**

#### 2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

#### 3. **MINUTES**

3.1 To confirm the minutes of the meetings held on 16 April 2008

#### 4. **ITEMS REQUIRING DECISION**

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

- |     |                           |  |
|-----|---------------------------|--|
| 1.  | H/2008/0089               | 38 Endeavour Close                                   |
| 2.  | H/2008/0169               | 43 Hutton Avenue                                     |
| 3.  | H/2006/0782               | Blacksmiths Arms, Stranton                           |
| 4.  | H/2007/0911               | Whitestone Weavers, Park View East Industrial Estate |
| 5.  | H/2008/0162 & H/2007/0765 | Teesbay Retail Park, Brenda Road                     |
| 6.  | H/2008/0186               | The White House, Wooler Road                         |
| 7.  | H/2008/0191               | 25 Birchill Gardens                                  |
| 8.  | H/2008/0098               | 47A Catcote Road                                     |
| 9.  | H/2008/0067               | 77 Grange Road                                       |
| 10. | H/2008/0164               | Former Shakespeare Public House, Catcote Road        |
| 11. | H/2008/0203               | Hartlepool Cricket Club, Park Drive                  |
| 12. | H/2008/0001               | Brierton Moorhouse Farm, Dalton Back Lane            |

## PLEASE NOTE VENUE

- 4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
  - 4.3 Appeal Ref APP/H0724/X/07/2048720: H/2007/064 Application for a Certificate of Lawfulness of Existing Use of Amerston Hill Cottage as a Residential Dwelling House, Amerston Hill Cottage, Coal Lane, Hartlepool – *Assistant Director (Planning and Economic Development)*
  - 4.4 Appeal by Mrs Martin, 22 Grange Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
  - 4.5 Review of Area Tree Preservation Orders within Hartlepool – *Assistant Director (Planning and Economic Development)*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### EXEMPT ITEMS

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

### 7. ITEMS REQUIRING DECISION

- 7.1 Complaint Files to be Closed – *Assistant Director (Planning and Economic Development)* (para 6)

### 8. FOR INFORMATION

Next Scheduled Meeting – Wednesday 11 June 2008 in the Civic Centre at 10.00am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 11 June 2008 at 9.00am or at a time to be agreed by the Committee.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

16 April 2008

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

**Present:**

Councillor Rob Cook (In the Chair)

Councillors: Steve Allison, Jonathan Brash, Shaun Cook, Bob Flintoff,  
Pauline Laffey, Geoff Lilley, Dr George Morris, Carl Richardson and  
Chris Simmons

In accordance with Council Procedure Rule 4.2 (ii) Councillor Alison Lilley attended as substitute for Councillor Stan Kaiser and Councillor Michelle Plant attended as substitute for Councillor John Marshall.

Officers: Richard Teece, Development Control Manager  
Richard Smith, Locum Solicitor  
Adrian Hurst, Principal Environmental Health Officer  
Jane Tindall, Planning Officer  
Chris Roberts, Asset Management Technician  
Gill Scanlon, Planning Technician  
Jo Wilson, Democratic Services Officer

### **151. Apologies for Absence**

Apologies were received from Councillors Stan Kaiser, John Marshall and Edna Wright.

### **152. Declarations of interest by Members**

Councillor Steve Allison declared a personal, non-prejudicial interest in planning application H/2007/0140 A19 Services (Southbound) Elwick.

### **153. Confirmation of the minutes of the meeting held on 19 March 2008**

Confirmed.

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

**Number:** H/2008/0110

**Applicant:** The Dunston Partnership  
Wynyard Road Hartlepool

**Agent:** Business Interiors Group 73 Church Street  
HARTLEPOOL

**Date received:** 19/02/2008

**Development:** Removal of planning condition to provide external eating and drinking area

**Location:** GOLDEN LION DUNSTON ROAD HARTLEPOOL

**Representations** Mr Leo Gillen (applicant) was in attendance and addressed the Committee.

**Decision:** **Planning Permission Approved subject to the following conditions**

**CONDITIONS AND REASONS**

1. The variation hereby approved to allow for an external eating and drinking area shall be discontinued and land restored to its former condition on or before 16th April 2009 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority, unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.  
To enable the Local Planning Authority to assess the use in the light of experience.
2. Final details of the additional close-boarded fence shall be submitted and agreed in writing by the Local Planning Authority, therefore the scheme shall be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The external eating and drinking area shall remain enclosed as hereby approved throughout the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
4. A detailed scheme of landscaping and tree and shrub planting for the western boundary shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced.  
The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the



works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

5. For the avoidance of doubt access to the external eating and drinking area shall only be via the public house, no external access shall be formed, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
6. A scheme to incorporate CCTV to cover the external eating and drinking area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented within 1 month of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention.
7. For the avoidance of doubt no music shall be played in, or piped/relayed to, the outside seating area.  
In the interests of the amenities of the occupants of neighbouring properties.
8. For the avoidance of doubt the following conditions attached to the original approval for the public house shall apply unless otherwise agreed in writing by the Local Planning Authority.
  - A. Notwithstanding the submitted details all means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed in writing by the Local Planning Authority before development commences. The scheme shall be implemented before the occupation of any building and thereafter be retained at all times during the life of the development.  
In the interests of amenity.
  - B. Before the public house is occupied, the building shall be insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in order to secure a reduction in the level of noise emanating from the building. The approved scheme shall thereafter be retained at all times during the life of the public house unless the Local Planning Authority give written consent to any variation.  
In the interest of residential amenity.
  - C. An acoustic barrier shall be provided in accordance with details to be agreed in writing by the Local Planning Authority and shall be erected before any part of the development is brought into use and shall thereafter be maintained in a sound condition to achieve its designed purpose at all times during the life of the development.  
In the interests of residential amenity.
  - D. Details of any plant to be installed at the public house shall be submitted to and approved in writing by the Local Planning Authority before development commences. Such details shall include measures for noise attenuation. Thereafter any plant shall be installed in accordance with the approved details and retained at all times during the life of the development unless the Local Planning Authority has given written consent to any variation.  
In the interests of amenity.
  - E. No external refuse or bottle storage area(s) shall be formed without the prior written consent of the Local Planning Authority.  
In the interests of amenity.

- F. The premises shall not be open to the public outside the hours of 09.00 and 23.30 without the prior written consent of the Local Planning Authority. In the interests of residential amenity.
- G. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water generated as a result of the development are to be catered for shall be submitted to, and approved by the Local Planning Authority. Thereafter the agreed scheme shall be implemented before the development is brought into use. To ensure that proper means are provided for the disposal of foul sewage and surface water from the development.

The Committee considered representations in relation to this matter.

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**Number:** H/2008/0149

**Applicant:** Mr Dale Duncan  
PARK AVENUE HARTLEPOOL

**Agent:** Malcolm Arnold 2 Siskin Close HARTLEPOOL

**Date received:** 06/03/2008

**Development:** Retention of games room

**Location:** GLENDALOUGH PARK AVENUE HARTLEPOOL

**Representations :** Mr Dale Duncan (applicant) and Mr Ted Jackson (objector) were present and addressed the Committee.

**Decision:** **Planning Permission Approved subject to the following conditions**

## CONDITIONS AND REASONS

1. Unless otherwise agreed in writing the external walls of the buildings shall be rendered to match the render previously approved by the Local Planning Authority for use on the existing dwellinghouse. In the interests of visual amenity.
2. The games room hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. In the interests of the amenities of the occupants of neighbouring properties.
3. A detailed scheme of tree planting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The scheme must specify sizes, types and species, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.

4. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. In the interests of visual amenity.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0055
<b>Applicant:</b>	Mr Alan Henderson Slake Terrace Hartlepool
<b>Agent:</b>	England & Lyle Mr Gary Swarbrick Morton House Morton Road Darlington
<b>Date received:</b>	25/01/2008
<b>Development:</b>	Erection of a cafe unit (resubmitted application)
<b>Location:</b>	LAND OPPOSITE NAVIGATION POINT HARTLEPOOL MARINA HARTLEPOOL
<b>Representations :</b>	Mr Jeremy Good (agent) was present and addressed the Committee.
<b>Decision:</b>	<b>Planning Permission Approved subject to no objections from the Environment Agency and the following conditions</b>

## CONDITIONS AND REASONS

- The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
- Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
- Notwithstanding the submitted details the use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority once agreed the storage of refuse shall be carried out in accordance with the agreed details throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

4. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 1153/200 Rev A and 1153/201 Rev A received on 31 March 2008, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
5. The premises shall only be open to the public between the hours of 11:00 and 24:00 daily .  
In the interests of the amenities of the occupants of neighbouring properties.
6. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0089
<b>Applicant:</b>	Mr PMason 38 Endeavour Close Hartlepool
<b>Agent:</b>	David Stovell & Milwater Mr David Stovell 5 Brentnall Centre Brentnall Street Middlesbrough
<b>Date received:</b>	25/02/2008
<b>Development:</b>	Erection of a two storey side extension providing bedroom and garage
<b>Location:</b>	38 ENDEAVOUR CLOSE HARTLEPOOL
<b>Representations :</b>	Mr David Stovell (agent) and Mr Wilkie (objector) were

present and addressed the Committee.

**Decision:** **Deferred for a Member's site visit**

The Committee considered representations in relation to this matter.

**Number:** H/2007/0665

**Applicant:** Mr/Mrs K Byers  
Hart on the Hill Dalton Piercy Hartlepool

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

**Date received:** 14/09/2007

**Development:** Erection of 2 holiday cottages in two double storey  
blocks with associated access, car parking and  
landscaping works  
(AMENDED DESCRIPTION)

**Location:** HART ON THE HILL DALTON PIERCY ROAD  
HARTLEPOOL

**Decision:** **Minded to APPROVE subject to a satisfactory  
percolation test and a legal agreement under S106 of  
the Planning Act restricting the occupancy of the  
cottages so that they can only be used as holiday  
accommodation. A final decision was however  
delegated to the Development Control Manager in  
consultation with the Chair and the Vice Chair of the  
Committee.**

The Committee considered representations in relation to this matter.

**Number:** H/2007/0140

**Applicant:** MR RONPERRY  
RON PERRY & SON LTD A19 SERVICES ELWICK  
HARTLEPOOL

**Agent:** PLAN.IT DESIGNS LTD MR NIGEL COCKSHOTT 28A  
NEWMARKET STREET SKIPTON

**Date received:** 16/10/2007

**Development:** Outline application for the erection of a 120 bed lodge

**Location:** A19 Services (Southbound) Elwick Hartlepool

**Decision:** **Minded to APPROVE subject to a legal agreement under S106 of the Planning Act to secure a financial contribution to the public right of way network in the locality and the following conditions:**

## **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the scale, external appearance and landscaping (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To clarify the period for which the permission is valid.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
5. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing levels together with the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

6. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.
7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
8. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.
9. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 502\103 C, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
10. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage and regulation system has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.  
To prevent the increased risk of flooding.

The Committee considered representations in relation to this matter.

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**155. Appeal by Mr K Smart, site at 7 Hylton Road, Hartlepool** (*Assistant Director (Planning and Economic Development)*)

The purpose of this report was to inform Members of the outcome of an appeal which had been lodged against the refusal of planning permission for the demolition of the existing property and the erection of two detached houses and one detached garage. The appeal was allowed as the inspector concluded that the proposed extension would not harm the character and appearance of the area, nor significantly harm the living conditions of occupiers of neighbouring properties. It was also felt that the loss would not adversely affect the balance of housing stock in the area. Costs were awarded to the applicant.

A copy of the decision letter was attached as an Appendix.

### **Decision**

That the outcome of the appeal be noted.

## **156. Appeal by Mr K Everett, St Francis 2000 Football Club, Rossmere Way Pitches, Rossmere Way (H/2007/0592) (Assistant Director (Planning and Economic Development))**

The purpose of this report was to inform Members that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for a change of use from public open space to football pitches, the erection of 2.2m high perimeter fencing and the re-siting of 3 existing site cabins at Rossmere Way Pitches, Rossmere Way.

### **Decision**

That authority be given to officers to contest the appeal.

## **157. Update on Current Complaints (Assistant Director (Planning and Economic Development))**

Members' attention was drawn to 15 on-going issues that were being investigated. Brief details were set out in the report.

### **Decision**

That the report be noted

## **158. Any other items which the Chair considers are urgent**

The Development Control Manager referred Members to a previous



planning application (H/2007/0707) submitted by Jomast to provide apartments and a penthouse in Block 23 of the Marina Development. At that time Government guidance meant there had been restrictions on the amount of housing, which could be provided. An agreement under S106 of the Planning Acts was required to ensure no overall increase in housing numbers. However since then there had been significant changes in Government guidance meaning that the original restrictions no longer apply. Jomast had therefore applied to have the requirement for the agreement lifted. Officers were in favour of this change.

### Decision

That the original restriction be removed.

## 159. **Local Government (Access to Information) Act 1985.**

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

Minute 160 – Complaint Files to be Closed (Para 6) - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 161 – Enforcement Action – Warrior Park, Seaton Carew, Hartlepool (Para 6) - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 162 – Seaton Meadows Landfill Site (Para 5 and 6) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5) and information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person (Para 6).

## 160. **Complaint Files to be Closed** - *Assistant Director (Planning and Economic Development)* (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information

which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

The Assistant Director (Planning and Economic Development) reported on two complaint files that it was now proposed should be closed.

### Decision

That the case files referred to be closed and no further action be taken.

- 161. Any other items - Enforcement Action, Warrior Drive, Seaton Carew, Hartlepool** (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

The Development Control Manager reported on proposed enforcement action, should this be required, in respect of the non-compliance with condition 7 of planning approval by way of issuing a breach of condition notice.

### Decision

- i. That the Development Control Manager, in consultation with the Acting Chief Solicitor, be authorised to issue a Breach of Condition Notice under Section 187A of the Town and Country Planning Act (as amended) to secure full compliance with condition 7 of planning approval HRES/1998/0146 and
- ii. That a period of 2 months from the date the notice is served be given for compliance.

- 162. Seaton Meadows Landfill Site** (*Assistant Director (Planning and Economic Development)*) (This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person (para 6).)

The report outlined the current planning position in relation to Seaton

Meadow s landfill site.

**Decision**

Details are provided within the exempt section of the minutes.

CHAIRMAN

**No:** 1  
**Number:** H/2008/0089  
**Applicant:** Mr P Mason 38 Endeavour Close Hartlepool Cleveland TS25 1EY  
**Agent:** David Stovell & Milwater Mr David Stovell 5 Brentnall Centre Brentnall Street Middlesbrough TS1 5AP  
**Date valid:** 25/02/2008  
**Development:** Erection of a two storey side extension providing bedroom and garage  
**Location:** 38 ENDEAVOUR CLOSE HARTLEPOOL

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## Update

1.1 The application was deferred at last committee for members to undertake a site visit. The original report and recommendation is provided below:

### The Application and Site

1.2 The site to which this application relates is a detached two-storey property with an attached one and a half storey garage to the side. The property has gardens to the front and rear and is located in a predominantly residential area. The property has been the subject of previous extensions.

1.3 The application seeks permission for the erection of a two-storey side extension to provide a bedroom and garage. Following negotiations the originally submitted plans have been amended moving the proposal away from the party boundary to prevent any overhanging.

1.4 The two-storey extension (as proposed) is to project 3.6m from the side of the main dwelling house at a depth of 5.55m. The roof is of a gable end design measuring 5m at the eaves with a maximum height of approximately 7.8m.

### Publicity

1.5 The application has been advertised by way of neighbour letters (10). To date, there have been 6 letters of objection and 2 letters of no objection.

The concerns raised are:

- 1) The proposal is contrary to the original design brief for the estate
- 2) Feeling of over-development
- 3) Negative effect on house prices
- 4) Would set a precedent for future development
- 5) Increased risk of fire spreading between properties
- 6) Contrary to estate covenant
- 7) Relationship to neighbouring properties
- 8) Effect on the character and appearance of the area
- 9) Reduction in amount of sunlight entering rear garden

- 10) Overbearing
- 11) Scaffolding will limit access to neighbouring garden
- 12) Issues of safety during construction
- 13) Loss of light
- 14) Construction noise

Copy letters E

The period for publicity has expired.

### **Planning Policy**

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

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

### **Planning Considerations**

1.7 The main issues for consideration when assessing this application are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular, the potential for loss of amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposal in relation to the existing dwellinghouse and, more generally the character of the streetscene.

1.8 The application follows a recent approval in 2006 (H/2006/0888) for the erection of a single storey garage extension in the same location.

1.9 In relation to this application, 6 letters of objection have now been received, including one from the neighbouring property of 39 Endeavour Close. Many of the concerns raised are not material planning considerations. Material considerations relating to the development are discussed below.

1.10 Several of the objection letters make reference to the potential loss of light, relationship and overbearing issues, which could be created upon the surrounding residential properties.

1.11 Separation distances to properties on Saffron Walk associated with the proposed development are similar to those existing at present. Saffron Walk lies to the east of the application site. Given these relationships it is considered unlikely that any additional overshadowing or overlooking created as a result of the development would lead to a significant detrimental effect upon the living conditions of the occupants of those properties. The extension is set back from the front so the effect on the house opposite on Saffron Walk should be minimal.

1.12 The relationship between the application site and the neighbouring property of 39 Endeavour Close is of significant interest in the consideration of this application. The owner/occupier of 39 Endeavour Close has objected to the proposal, and raised material concerns regarding overshadowing and overbearing (dominance) issues. It is acknowledged that there would be an affect on the amount of light entering the side windows of 39 Endeavour Close. 39 Endeavour Close is set off about 1 metre from the boundary with the application site. In the gable facing that site there is a small utility room window and doorway providing access to the rear garden and an area where bins are stored at ground floor and a small window to an ensuite and a secondary bedroom window at first floor. A rear garden room also has windows facing the application site. However, the majority of windows do not appear to serve primary rooms. The bedroom window is secondary in its nature and sits forward of the proposed extension. The garden room windows are not the sole windows to that room. Given the orientation of the house the amount of sunlight reaching these windows and the rear garden is limited. In these circumstances it is considered difficult to substantiate this as a reason for refusal.

1.13 The main door to the rear garden of 39 Endeavour Close is located in the side of the property and is of a 'stable type' design. Whilst it is accepted the proposal will appear imposing upon the existing side door of number 39 the relationship proposed is not uncommon in the Borough. It must be remembered that permission has already been granted for a garage here and that there is another access to the rear garden.

1.14 An objection has also been received regarding a potential precedent being set. It is considered that whilst this is a planning consideration every application is judged on its own merits.

1.15 With regard to scale of the property when extended it is considered, given the mix of house types in the surrounding area (single storey, dormer and two-storey) and that many occupy the majority of their plots it is unlikely the extended house would appear out of keeping or out of character with the surrounding area. Further the extension itself is set well back and will not be widely seen. Given this and the fact that 39 is set approximately 1m from the shared boundary it is unlikely that a detrimental terracing effect will be created in this instance.

## Summary

1.16 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing, outlook and its

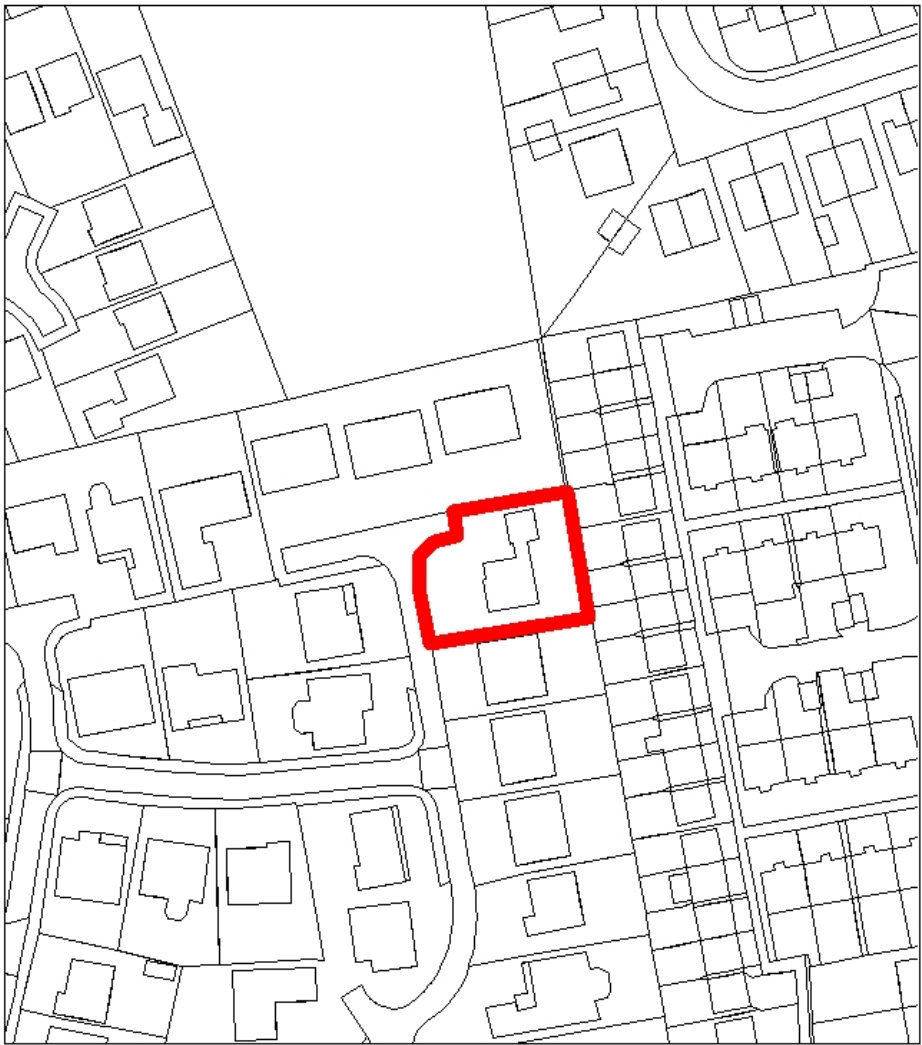
appearance in relation to the existing dwellinghouse and streetscene in general the development is satisfactory.

**RECOMMENDATION** – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 39 Endeavour Close and 18 Saffron Walk without the prior written consent of the Local Planning Authority.  
To prevent overlooking
4. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) HL/07/004/45b received on 02/04/2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt



**38 Endeavour Close**



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<b>HARTLEPOOL</b>  <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3/4/08</b>
	SCALE <b>1:1000</b>	
	DRG.NO <b>H/2008/0089</b>	REV
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT		



**No:** 2  
**Number:** H/2008/0169  
**Applicant:** Mr A Impey HUTTON AVENUE HARTLEPOOL TS26 9PW  
**Agent:** Mr A Impey 43 HUTTON AVENUE HARTLEPOOL TS26 9PW  
**Date valid:** 13/03/2008  
**Development:** Provision of wall, railings, piers and access gates to front boundary and rebuilding of side boundary wall  
**Location:** 43 HUTTON AVENUE HARTLEPOOL HARTLEPOOL

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### **The Application and Site**

2.1 The application site is a large Victoria semi-detached house situated on the south side of Hutton Avenue within the Grange Conservation Area.

2.2 The application is for the provision of a wall, railings, piers and access gates to the front boundary of the site together with the re-building of the side boundary wall.

2.3 Planning consent is required, as the new means of enclosure exceed 1m in height adjacent to the public highway. The property is also subject to an Article 4(2) Direction which removes permitted development rights for the erection or demolition of a gate, fence, wall or other means of enclosure.

2.4 The front wall and piers have already been built. Work has however stopped.

### **Publicity**

2.5 The application has been advertised by site notice, press advert and letters to neighbour (4).

No letters of objection have been received.

The period for publicity has expired.

### **Consultations**

2.6 The following consultation replies have been received:

**Head of Traffic & Transport** – no objections

### **Planning Policy**

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

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

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

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

### **Planning Considerations**

2.8 The main planning consideration in this case is the impact of the proposal on the character and appearance of the Grange Conservation Area.

2.9 Current local plan guidance, in accordance with national guidance, requires that development in conservation areas preserves and enhances the character and appearance of the conservation area. In conservation areas, it is important to ensure that traditional features are retained and that the replacement of such features are of an appropriate traditional design and that the detailing and materials used are in keeping with character of the property. This is particularly important on public frontages, as such features make a significant contribution to the character and appearance of the street scene. It is these alterations that the Article 4(2) Direction seeks to control and manage.

2.10 The conservation officer has objected to the development on the following grounds:-

- i) The wall and railing/gates as constructed or proposed are inappropriate to the character of the Grange Conservation Area and should be refused consent.
- ii) The wall should be relatively low (about 0.5m in height) topped by a half round, saddle back or chamfered coping usually in stone. The railings would have been cast iron panels about 1m in length (about 0.5m in height) with cast iron decorative uprights. The gates to the front door would also be in cast iron to a design to match the railing panels. The proposed double gates are an inappropriate design.

- iii) The wall, railing and gates as erected and proposed, do not enhance the conservation area. The development also sets an inappropriate precedent to other property owners in the treatment of the boundaries to their properties.

2.11 The officer view is that the development does not provide the appropriate detail for the area, however it is recognised that the Committee have not objected to a number of planning applications for similar schemes within the Grange Conservation Area.

2.12 The Grange Conservation Area is to be subject to appraisal in this financial year. This will include further public consultation.

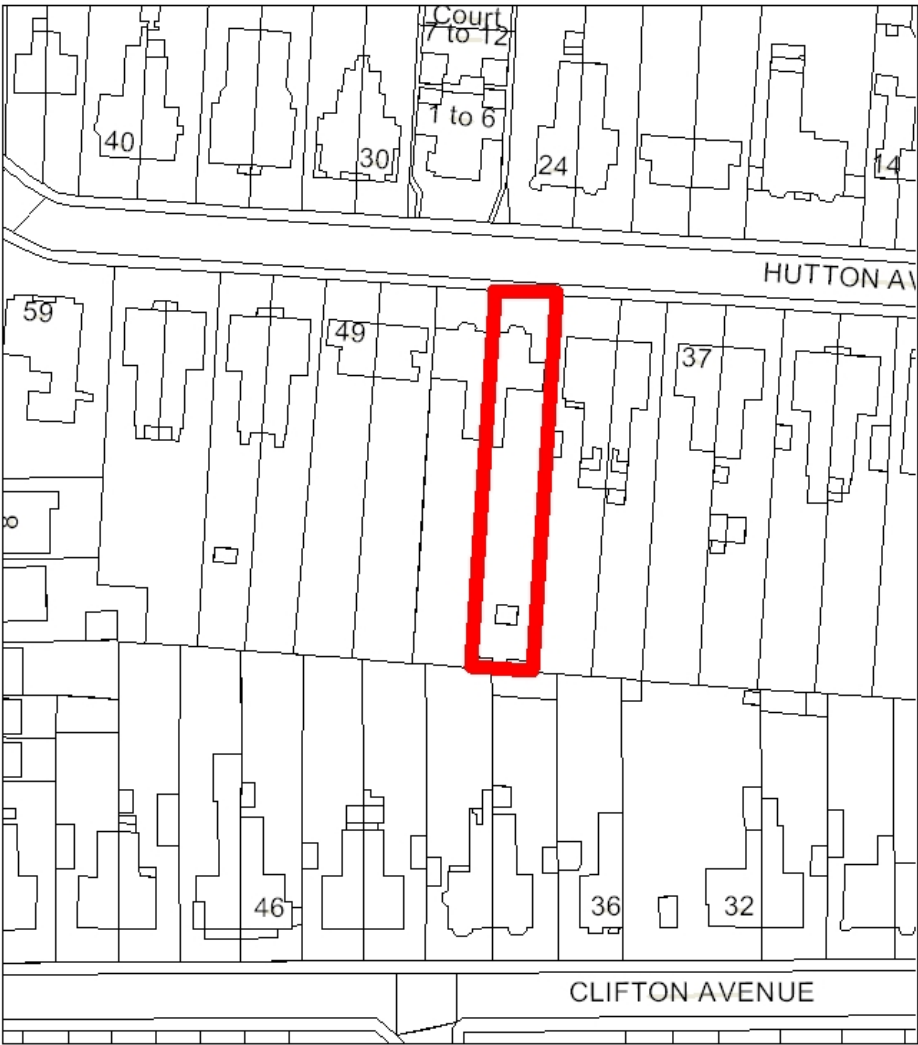
2.13 Notwithstanding this, the works as proposed and constructed result in a development not in keeping with the traditional appearance of the Grange Conservation Area and refusal is therefore recommended.

**RECOMMENDATION** – Refuse for the following reason:

In the opinion of the Local Planning Authority, the design, site and scale of the boundary wall, piers, railings and gates would be detrimental to the character and appearance of the Grange Conservation Area contrary to policies GEPI and HE1 of the Hartlepool Local Plan.



**43 Hutton Avenue**



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0169</b>	REV

**No:** 3  
**Number:** H/2006/0782  
**Applicant:** Union Pub Company Shobnall Road Burton on Trent  
 DE14 2BW  
**Agent:** P.M. A. Hyde Park House Cartwright Street New ton  
 Hyde SK14 4EH  
**Date valid:** 16/10/2006  
**Development:** Retrospective application for erection of a retractable  
 awning and decking in connection with outside drinking  
 area. (retrospective)  
**Location:** BLACKSMITHS ARMS STRANTON HARTLEPOOL  
 HARTLEPOOL

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### The Application and Site

3.1 The application site is an existing public house located on the west side of Stockton Road. It is located within the Stranton Conservation Area on one of the main approaches to the town centre. The public house occupies the west side of the site with a small tarmaced parking area on the east side which is accessed from Stockton Road via an access shared with Camerons Brewery. To the north and west is the Brewery site. To the south is the Grade II\* listed All Saints Church, the substantial stone church yard wall abuts the site. To the east beyond Stockton Road are a number of commercial properties.

3.2 Retrospective planning permission is sought for the erection of a retractable awning and decking in connection with the provision of an outside drinking area. These facilities provide an outdoor shelter for patrons who smoke. The decking extends some 14.5m across the frontage of the southern half of the building and projects some 2.5m. The canvas awning is located between two existing bay windows and is some 3.5m wide and projects some 2.5m.

### Publicity

3.3 The application has been advertised by site notice, press advert and neighbour notification. The time period for representations has expired. No representations were received

### Consultations

3.4 The following consultation replies have been received:

**Head of Public Protection** - The frontage of this premises is in an isolated position away from any residential properties and directly adjacent to the main road. I would therefore have no objections to this proposal.

**Traffic & Transportation** - The decking has reduced the size of the existing car park. Due to the orientation of the car park, this would make some of the spaces

more difficult to manoeuvre in and out or unusable if the car park is well used. This would result in the loss of parking and may result in parking problems in the surrounding area.

**Police** - No comments received.

The period for publicity has expired.

## Planning Policy

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

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

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

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

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

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

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

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New

development which adversely affects a listed building and its setting will not be approved.

HE2: Encourages environmental improvements to enhance conservation areas.

### **Planning Considerations**

3.6 The main issues are considered to be the impact of the development on the character and appearance of the Conservation Area/ Listed Building, Highways, the impact on the amenity of adjoining occupiers and public order.

#### **Impact Of The Development On The Character & Appearance Of The Conservation Area/Listed Building**

3.7 The public house is prominently located on one of the main approaches to the town centre and on the edge of the Stranton Conservation Area. The awning and decking are attached to the front elevation of the property and are clearly visible from Stockton Road the latter only when lowered. The Conservation Officer has raised concerns suggesting that the development detracts from the character and appearance of the Conservation Area and the adjacent listed building. The applicant maintains that the development has a minimal visual impact. Given the nature of the site, the limited curtilage to the side/rear and the sloping nature of the frontage, the options open to the proprietor in providing a shelter for smokers are limited. The additional structures are of a relatively minor nature and the decking has weathered since its installation so that it is less prominent. It is not considered that the proposal would have a significant impact on the setting of the Listed Building, or the character and appearance of the Conservation Area.

#### **Highways**

3.8 The development encroaches within the manoeuvring area for the adjacent car park and makes some of the car park spaces more difficult to manoeuvre into or unusable if the car park is well used. Traffic & Transportation initially raised concerns that this may result in parking problems in the vicinity. However the site is located on the edge of the town centre, close to bus routes and town centre parking and much of the parking area is unaffected. Traffic & Transportation have confirmed that they would therefore find it difficult to sustain an objection on these grounds at appeal. In Highways terms the proposal is therefore considered acceptable.

#### **Impact On The Amenity Of Adjoining Occupiers**

3.9 The development is located to the front of the property adjacent to the road there are no residential properties in the immediate vicinity and it is not considered that the use of the site would unduly affect the amenity of neighbouring commercial/ecclesiastical properties.

## Public Order

3.10 The applicant has indicated that CCTV cameras would be installed to enable the area to be monitored. It is not considered that the proposal would raise significant public order issues.

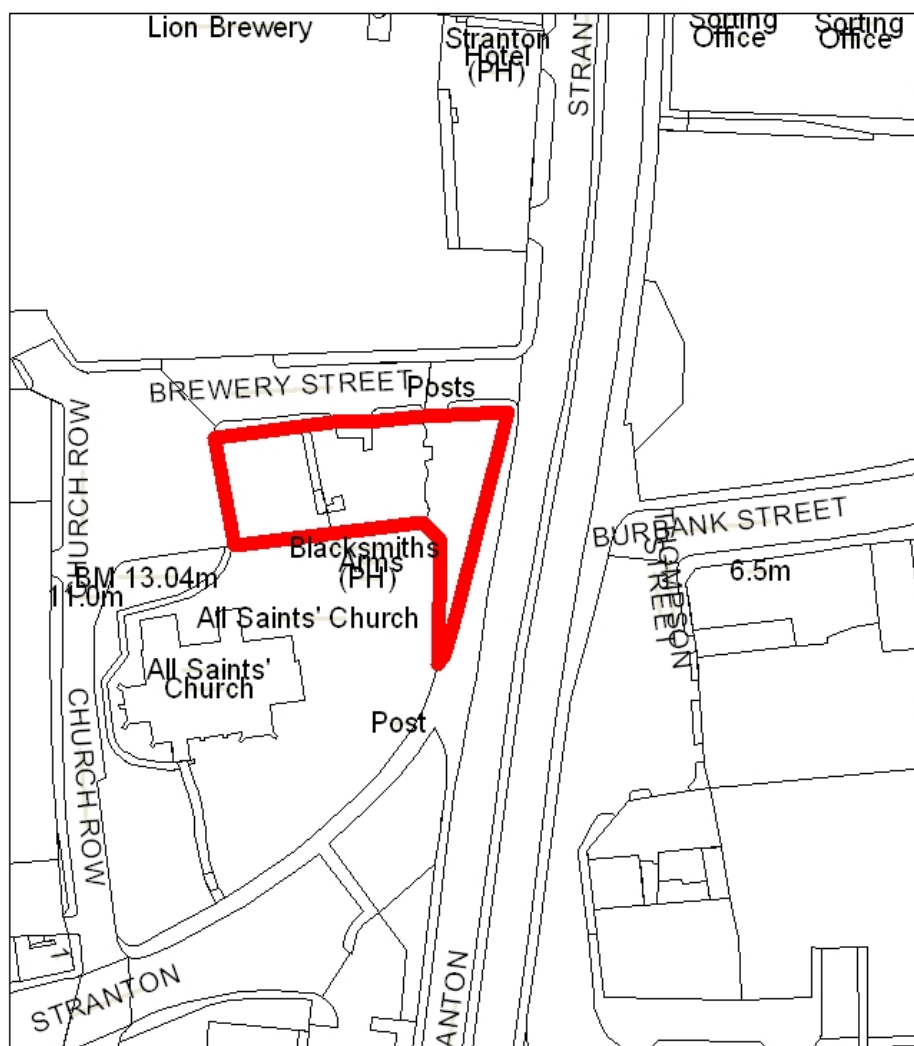
**RECOMMENDATION** – APPROVE subject to the following condition:

1. The development hereby approved shall be carried out in accordance with the amended plan received on 28th August 2007, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt.





## BLACKSMITHS ARMS PH



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>30/4/08</b>
	SCALE <b>1:1000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0782</b>	REV

**No:** 4  
**Number:** H/2007/0911  
**Applicant:** Whitestone Weavers Whitestone Estates Whitestone  
 House Saltwells Road Middlesbrough TS4 2ED  
**Agent:** John Taylor Architects Ltd Mr John Taylor The Studio 64  
 High West Road Crook DL15 9NT  
**Date valid:** 05/03/2008  
**Development:** Extension to provide additional storage units  
**Location:** WHITESTONE WEAVERS PARKVIEW EAST  
 INDUSTRIAL ESTATE PARKVIEW ROAD EAST  
 HARTLEPOOL HARTLEPOOL

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### The Application and Site

4.1 The application site is an existing large factory occupied by a carpet manufacturer. It is located on an existing industrial estate. The site is enclosed by high fencing. To the west is a car salesroom, to the east is an area of rough ground and a vacant unit which stands on a large plot. To the north is Parkview Road East beyond which are modern commercial units. To the south is an area of rough ground beyond which is landscaping which effectively screens views from Seaton Lane. On the opposite side of Seaton Lane are residential properties. The closest of these properties is located in excess of 80m from the site and further from the proposed building. A Public Right of Way (PROW) crosses the site (PROW 19).

4.2 It is proposed to provide an additional warehousing unit on the east side of the building. The proposed building will be substantial some 91m by 21m by 11m high. It will be finished in materials to match the existing building. A new access road is also proposed around the site and this in part has already been provided. The access arrangements from the public road will be unaffected.

### Relevant Planning History

4.3 In May 2007 planning permission was granted for alterations and extensions to provide additional storage and loading bays. These works included an extension to the north of the current application site which has been implemented. (H/2007/0240). It does not appear from the file that the Case Officer was aware of the PROW.

### Publicity

4.4 The application has been advertised by site notice, neighbour notification and in the press. The time period to the site notice and neighbour notifications have expired. The time period for representations to the press advertisement expires on 16 May 2008. To date no representations have been received.

### Consultations

4.5 The following consultation replies have been received:

**Economic Development** - Fully support the proposals which are bringing back into use a large empty unit which has been vacant for sometime. The proposals are fully consistent with the location and the project will see significant private sector investment with associated job creation. The project should be fully supported and encouraged.

**Engineering Consultancy** - No objections.

**Traffic & Transportation** - There are no major highway implications with this application.

**Public Protection** - No objections.

**Northumbrian Water** - No objections.

**Countryside Access Officer** - Following our conversation and after looking at the Definitive Map and Statement, I can inform you of the current state of the above public right of way.

The path has a route recorded as running from Calcutta Street to a tip, length 300 metres. The Council has been aware of it as being an anomaly and would wish to see it extinguished and removed from the Definitive Map and Statement.

This is in line with the Rights of Way Improvement Plan Statement of Action – Theme 4: To Develop, Assess and Maintain the Definitive Map and Statements; Issue: Anomalies; Reference DM 3 – Research and initiate relevant Legal Orders to correct anomalies found on the Definitive Map and Statement.

**Ramblers Association** - FP Hartlepool 19, which passes through the eastern part of the site, is obstructed by site boundaries. From what we can deduce from the current plans, the planned extensions do not affect the public right of way.

The situation from the public's point of view is clearly unsatisfactory though possibly it is more a rights of way issue than a planning issue.

It would not, however, be inappropriate for the council to impose a planning obligation on the applicant to help pay for the cost of re-routing Hartlepool 19 which the Whitestone Weavers are obstructing, onto a line which is more useful to the public and which fits in with the Council's recreational plans. We should be pleased to discuss this aspect with the Council.

Until we see a remedy for the obstructions we must register our objection to the scheme.

## **Planning Policy**

4.6 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.

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

### **Planning Considerations**

4.7 The main planning considerations are considered to be policy, design/impact on the street scene, impact on the amenity of neighbours and the PROW.

#### **Policy**

4.8 The site lies within an existing industrial estate and the proposed development is considered appropriate in this location

#### **Design/impact on the street scene**

4.9 The proposed extension is located on the east side of the existing large factory building and within the existing site. Whilst it will be larger in terms of its height (2-3m) than the adjacent building(s) it is not prominently located being towards the rear of the site and set back from Seaton Lane and Park View Road. In terms of public view the proposed development will be seen in the context of the existing building(s) whilst views from Seaton Lane will be largely screened by adjacent roadside landscaping. In terms of its design and impact on the street scene the proposal is considered acceptable.

#### **Impact on the amenity of neighbours**

4.10 The closest residential properties are located to the south. These properties are located in excess of 80m from the site and further from the proposed building. Screening is also afforded by existing roadside landscaping. Given the distances involved and the physical relationship it is not considered that the residential neighbours to the south will be unduly affected by the development in terms of loss

of light, privacy, outlook or in terms of any overbearing effect. Given the design and location of the development and the separation distances involved a similar conclusion is reached in relation to nearby commercial development. Public Protection have raised no objections to the proposal and it is not considered that it will unduly affect any neighbour by creating a nuisance.

#### Public Right Of Way (Prow)

4.11 As indicated a PROW crosses the site (PROW 19). The PROW is not apparent on the site and the site is enclosed by high fencing. The recently completed extension (referred to above) appears now to obstruct the PROW, as will the proposal.

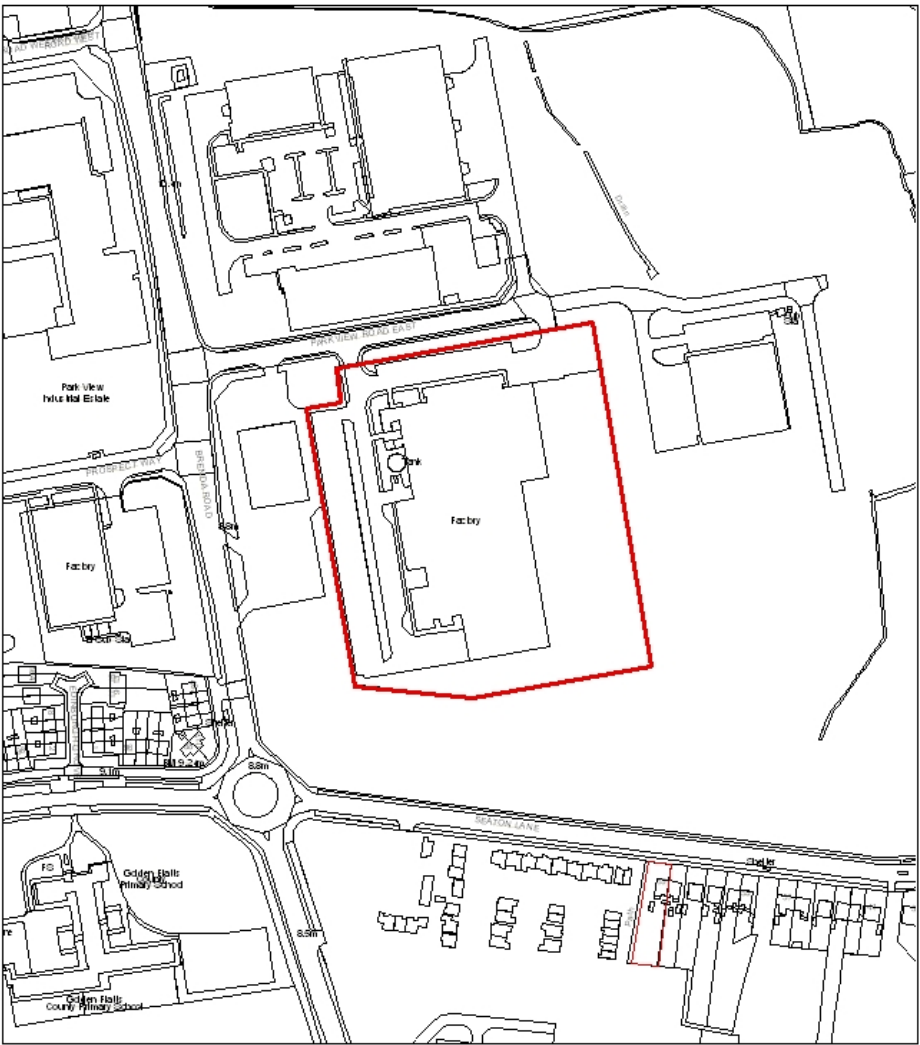
4.12 Discussions with the Countryside Access Officer indicate that the PROW is an anomaly dating back to the time of the now demolished housing to the south. It is understood the Council is aware of it as an anomaly and would wish it diverted, or extinguished and removed from the Definitive Map and Statement, however nonetheless it is currently extant. A separate application under the relevant legislation will need to be made by the applicant to divert or extinguish the PROW and discussions are ongoing. It is not considered that the determination of this application need be delayed until these discussions are completed. The application is considered acceptable and is recommended for approval.

**RECOMMENDATION –** Minded to APPROVE but a final decision be delegated to the Development Control Manager subject to consideration by him of any further representations arising from outstanding publicity and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 07 73 02, 07 73 05A, 07 73 07 received on 18th March 2008 and the drawing 07 73 03C received on 20th March 2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.



**WHITESTONE WEAVERS**



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:3000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2007/911</b>	REV

**No:** 5  
**Number:** H/2007/0765 & H/2008/0162  
**Applicant:** Chase Property Developments  
**Agent:** Savills Fountain Court 68 Fountain Street Manchester M2 2FE  
**Date valid:** 10/03/2008  
**Development:** Application for certificate of lawful development in respect of use of units for the unrestricted sale of goods within use Class A1  
**Location:** UNITS 1 and 4 TEESBAY RETAIL PARK BRENDA ROAD HARTLEPOOL HARTLEPOOL

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## Background

5.1 This report relates to two identical applications which are currently under consideration one received in October 2007 the other in March 2008. Two applications have been submitted in order to allow the applicant, should he choose to, the opportunity to proceed to an appeal on one application whilst the other proceeds with the Local Planning Authority. Both applications relate to the interpretation of the effect of the grant of planning permission H/FUL/0101/04 (see below).

## The Application and Site

5.2 The applications are for certificates of lawfulness in respect of a proposed development. These are not conventional planning applications where permission is sought for a particular development, but allow an applicant to seek to establish that a proposed use or development is lawful. In the current cases the applicant is seeking to establish that, if planning permission H/FUL/0101/04 were implemented, the resulting premises could be used for an unrestricted retail (A1) use.

5.3 The application sites are two existing units located with the Tees Bay Retail Park units 1 and 4. One of the units is currently occupied by B & Q the other is vacant.

## Relevant Planning History

5.4 Planning permission was originally granted for a non-food retail centre on the site in April 1986 (EZ2/3/OUT/519/85). A condition on the approval restricted the sale of food from the premises other than confectionary hot snacks or meals. A legal agreement (a Section 52 agreement) completed in connection with the planning permission further restricted the range of goods which could be sold from the site.

5.5 In September 2004 planning permission was granted for the subdivision of units 1 & 4 with new customer feature entrances to front and new service doors to rear elevations to create separate retail units within the existing buildings. The permission allowed for the subdivision of the units into 5 retail units. No conditions relating to the use were placed on this permission. (H/FUL/0101/04).

### **Planning Considerations**

5.6 The applicant in brief maintains, if implemented the effect of the subdivision approved in 2004 (H/FUL/0101/04) will be to create a new building which would not be subject to the conditions on the original approval. As no conditions were placed on the 2004 planning permission restricting the type of retailing from that building he maintains the permission would allow for unrestricted retail sales from these premises.

5.7 The applicant considers that any restrictions on the sale of goods imposed by the original legal agreement are separately enforceable and should not impinge on the consideration of the current application.

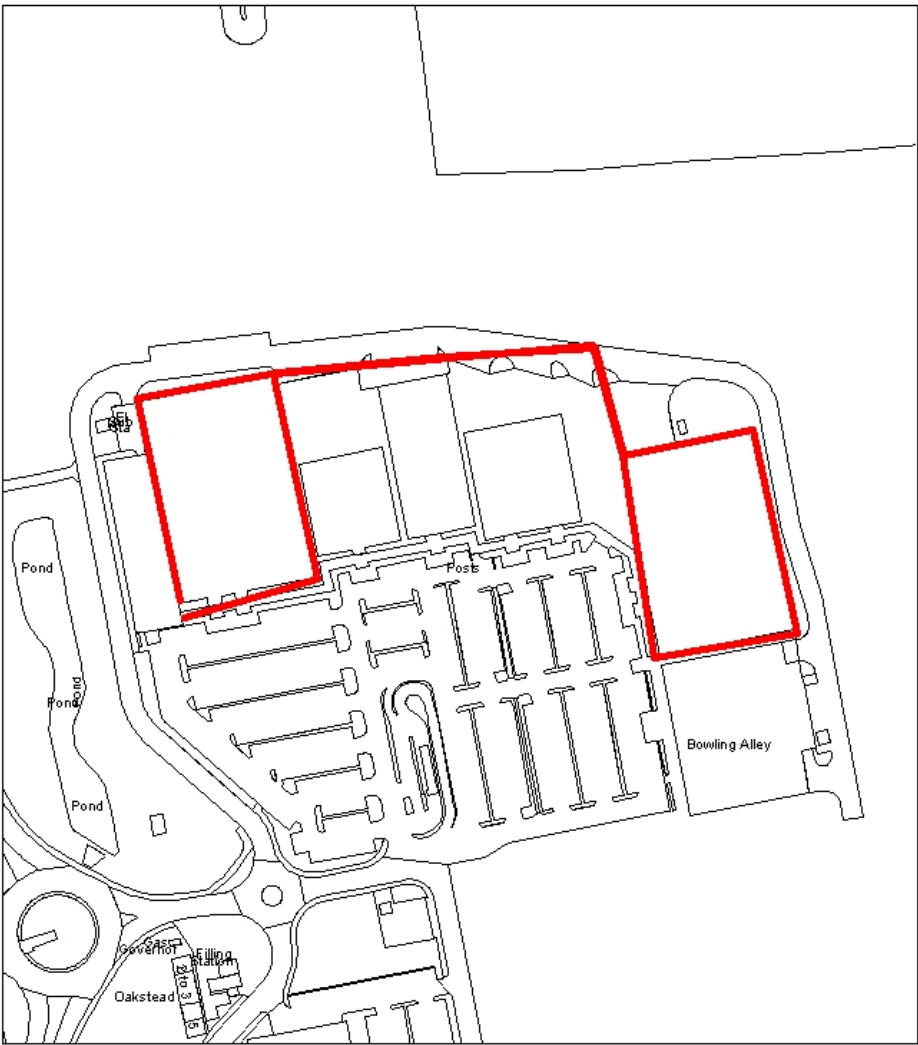
5.8 The applications raise complex legal issues upon which the Local Planning Authority has sought legal advice. The matter is currently the subject of discussions. It is hoped that these discussions will be concluded prior to the Committee meeting on 14<sup>th</sup> May 2008. It is anticipated that an update report will follow.

**RECOMMENDATION** - Update to follow.





UNITS 1 AND 4 TEESBAY RETAIL PARK



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:2000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0162</b>	REV

**No:** 6  
**Number:** H/2008/0186  
**Applicant:** Mitchells and Butlers Retail  
**Agent:** The JTS Partnership Number 1 The Drive Great Warley  
 Brentwood CM13 3DJ  
**Date valid:** 25/03/2008  
**Development:** Retention of 2 jumbrellas on front forecourt  
**Location:** THE WHITE HOUSE WOOLER ROAD HARTLEPOOL

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### The Application and Site

6.1 The application relates to the White House, a public house with restaurant and conference room. The premises are subject to an opening hours restriction (9:00 – 23:30). The front of the premises comprises an external patio area used as a beer garden. In this area two large 'jumbrellas' have been installed. These structures provide shelter, lighting and heating and serve to extend the night time use of this area.

6.2 At its meeting on 29 March 2006, the Planning Committee granted temporary permission for the retention of 2 jumbrellas at the site to enable any impacts arising from their presence on nearby residents to be assessed, the timescale expired and an application was subsequently submitted to retain the jumbrellas. At its meeting on 6 June 2007, the Planning Committee again granted temporary permission for the retention of 2 jumbrellas at the site to enable the Local Planning Authority to assess the impact, if any, in view of the impending smoking bylaws. This permission has now expired and therefore an application has been submitted for the retention of the jumbrellas on site.

6.3 The White House is situated in a predominantly residential area. The premises adjoin the rear garden areas of existing properties on both Relton Way and Wooler Road.

### Publicity

6.4 The application has been advertised by way of neighbour letters (7), site notice and press notice. To date, there have been 2 letters objecting to the development. The concerns raised are:

1. Noise generated which starts at 7:30 and escalates
2. Due to volume of people outside on the patio people who have ordered taxi's cannot see them therefore taxi's pip their horns and wait until their fare has been picked up this results in cars and taxi's queuing in the pub car park and down onto Wooler Road.
3. Customers are getting last orders and drinking outside when the pub closes.
4. The issue is noise generated in the summer from the outside drinking area; the objector would like a site visit between May – September with sound monitoring equipment.

## Copy letters B

The period for publicity expires prior to the Committee. Should any further representation be received they will be reported accordingly.

## Consultations

6.5 The following consultation replies have been received:

**Head of Technical Services** – There are no major highway implications with this application.

**Public Protection** – Public Protection has not received any complaints concerning noise and disturbance since the temporary approval was given for the Jumbrellas on the front of the Whitehouse. Public Protection's comments on the previous application in 2007 indicated that following the introduction of the smokefree legislation the jumbrellas may make it more comfortable for smokers to use particularly in the winter months. However there is no evidence to suggest that this is the case. It is unlikely that smokers would be deterred from using this area without the heated jumbrellas and Public Protection would therefore find it difficult to sustain an objection to this application.

**Cleveland Police** – A search was carried out on police data, which revealed 9 incidents reported to Police over the past 5 years in connection with the premises. The incidents were varied in nature, with three relating to incidents of disturbances. The last incident of disturbance was reported in 2004. This would indicate that the premises is not the subject of problematic anti social behaviour. The presence of the 2 jumbrellas has had no apparent adverse effect on disorder at the premises and Police therefore have no objections to the retention of the jumbrellas.

## Planning Policy

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

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

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

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

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

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

### **Planning Considerations**

6.7 The main considerations in this case are the effects the extension of the period of time customers are likely to spend in the external patio area would have on the amenities of local residents and the impact on the character of the Park Conservation Area.

6.8 The two 'jumbrellas' are relatively substantial structures that provide a canopy area under which customers can be seated or stand. They include a heating component. It is considered that they create a distinct sense of enclosure, as well as providing some protection from the weather. The 'jumbrellas' extend the circumstances in which, and thus period of time that, people are likely to spend in this external patio area.

6.9 It was previously accepted that the development had the potential to extend the duration over which noise from people in the external patio area could give rise to disturbance to nearby residential properties particularly those adjoining the site. The Head of Public Protection has reported that no complaints about noise and disturbance have been received since the original grant of planning permission for the jumbrellas.

6.10 Cleveland Police also have no objection to the scheme and do not consider that the jumbrellas have had an adverse affect on disorder at the premises.

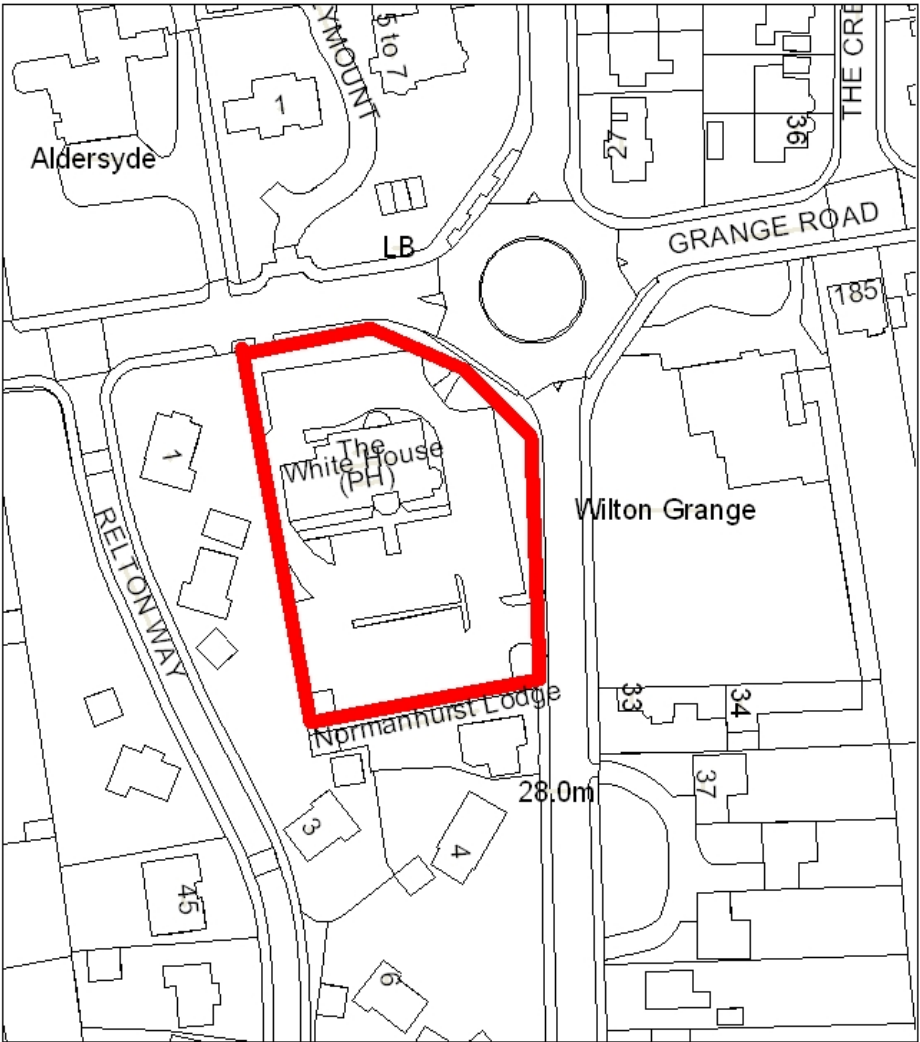
6.11 While the premises are located within the Park Conservation Area, the Landscape and Conservation Manager has raised no objections to the development.

6.12 The two previous applications were granted temporary consent. The development has been tested for two years one of which in the context of the smoking legislation. Given that there has been no recorded incidents/complaints associated with the jumbrellas during the approved periods it is recommended that planning permission be granted without a temporary restriction.

**RECOMMENDATION** – APPROVE subject to no further objections.



**The White House, Wooler Road**



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0186</b>	REV

**No:** 7  
**Number:** H/2008/0191  
**Applicant:** Mrs Linton BIRCHILL GARDENS HARTLEPOOL TS26 0JT  
**Agent:** S McLean (Design) Ltd St Aidans Crescent Billingham TS22 5AD  
**Date valid:** 27/03/2008  
**Development:** Outline application for the erection of a detached 3 bedroom dwelling  
**Location:** 25 BIRCHILL GARDENS HARTLEPOOL HARTLEPOOL

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### **The Application and Site**

7.1 The application site is located on the east side of Birchill Gardens in an area which is entirely residential.

7.2 25 Birchill Gardens is a mature semi-detached house similar to many others in the area and has a detached garage to the side with a large side/rear garden.

7.3 The proposal involves the demolition of the existing garage and the erection of a detached dwelling. As the application is in outline, the applicant has reserved design, landscaping and external appearance for future consideration and has requested that only siting and means of access be taken into account at this time.

### **Publicity**

7.4 The application has been advertised by way of neighbour letters (11). One letter with comments and 4 letters of objection have been received. The objections revolve around the following:-

- a) the building will not be "in line" with the layout of existing dwellings
- b) would look an eyesore
- c) would worsen parking problems in area
- d) a 3-bed house is not in keeping
- e) would be unduly large
- f) would block sun from rear garden
- g) congestion and road safety issues
- h) would impact on parking at neighbouring properties

Copy Letter A

The period for publicity expires before the meeting.

### **Consultations**

7.5 The following consultation replies have been received:

**Head of Traffic & Transport** – No objections. The applicant is proposing two parking spaces per each dwelling. This is acceptable the drive length for the new dwelling should be a min of 6m. A condition will be required that the carriage crossing for 25 Birchill Gardens is constructed before works commence on the new dwelling.

### Planning Policy

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

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

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

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

### Planning Considerations

7.7 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan and the impact of the development on the neighbouring properties and the streetscene in terms of visual amenity and on highway safety.

7.8 The proposal is considered to be in accordance with Local Plan policy and therefore appropriate in this residential area.

7.9 The new dwelling has been sited to the north of the donor property, leaving a pathway of one metre between the 2 houses. There are no main windows (serving habitable rooms) in the side elevation of the donor property.

7.10 Similarly, the house to the north of the site has only secondary windows in the side elevation and the new dwelling has been sited approx 2.6m from this side wall.

7.11 Although the new dwelling is sited slightly further back into the site than its neighbours, it is unlikely to have a significant effect in terms of dominance, loss of light or overshadowing.

7.12 Two parking spaces have been provided to the front of the new property together with parking for two cars at the donor property. The Highway Engineer has no objections to this arrangement provided that the new carriage crossing for the donor property is constructed before work starts on the new build.

7.13 There are a number of small trees within the site which would have to be removed to facilitate the development. No objections have been raised by the Council's arborist who considers the trees to be unworthy of protection. The trees make little contribution to the visual amenities of the area.

7.14 Whilst full plans and elevations have been provided by the applicant, the design and external appearance of the new dwelling would be the subject of a new application, should this outline application be successful.

7.15 In terms of access and siting, the new dwelling would appear to be in keeping with the surrounding area and should not have a significant impact on neighbouring properties in terms of visual amenity.

7.16 In view of the above approval is recommended.

#### **RECOMMENDATION -**

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of final design and external appearance (herein called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To clarify the period for which the permission is valid.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the

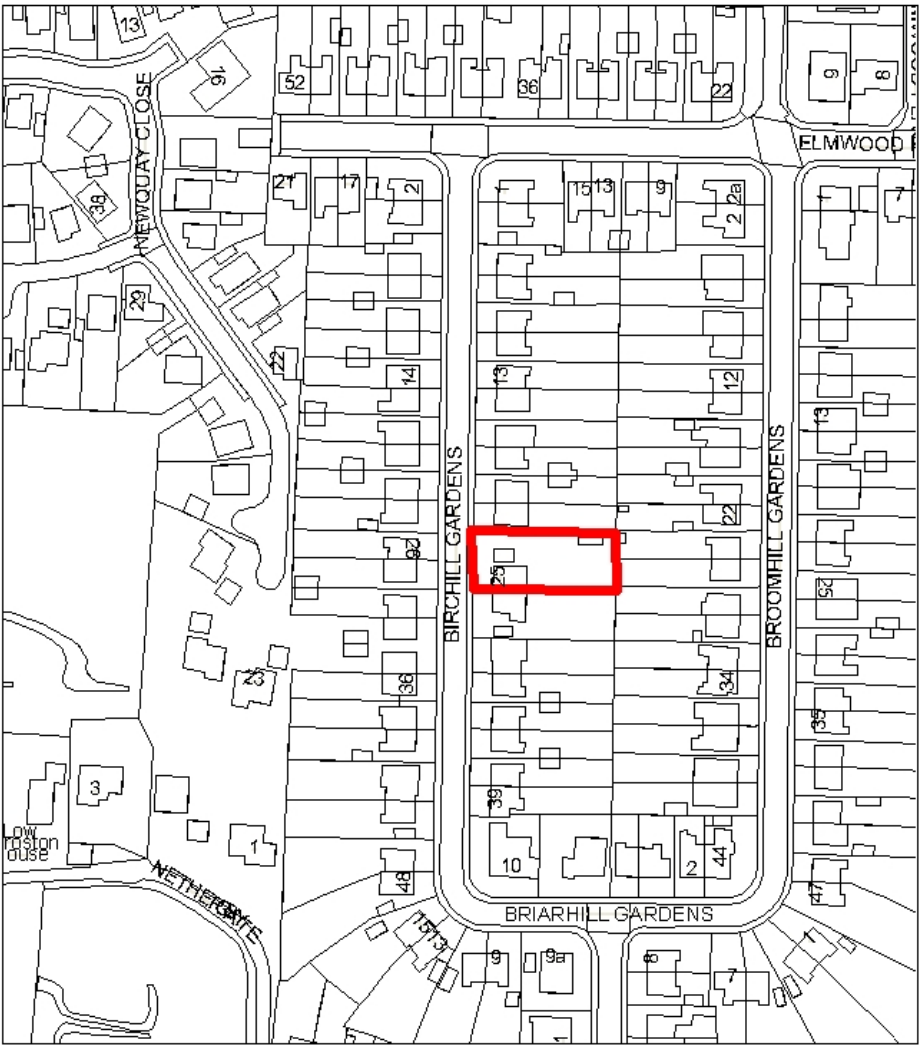


Order with or without modification), no windows(s) shall be inserted in the side elevations of the dwelling facing 25 and 23 Briarhill Gardens without the prior written consent of the Local Planning Authority.

To prevent overlooking.

5. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
8. No development shall take place until a new carriage crossing and hardstanding has been installed at the donor property, 25 Briarhill Gardens.  
In the interests of highway safety.

25 BIRCHILL GARDENS



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0191</b>	REV

**No:** 8  
**Number:** H/2008/0098  
**Applicant:** Mr Colin Bolton, Hartlepool Borough Council  
**Agent:** Mr Fred Starrs, Hartlepool BC Building Consultancy Group, Leadbitter Buildings Stockton Street Hartlepool TS25 7NU  
**Date valid:** 26/02/2008  
**Development:** Installation of 10m CCTV column with camera, control cabinet and anti-ram bollards  
**Location:** 47A CATCOTE ROAD, HARTLEPOOL

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### The Application and Site

8.1 The application site is located adjacent to the footpath on land at the junction of Catcote Road and Marlowe Road. The proposal is to be sited on the eastern side of Catcote Road, adjacent to the bungalows at 47A and 49 Catcote Road.

8.2 The proposed development involves the erection a 10-metre high column mounted CCTV camera with control cabinet and anti-ram bollards. The column is to be sited in line with the existing row of trees and streetlighting currently existing along the eastern side of Catcote Road. The column has already been erected.

8.3 The applicant states that the proposal for a CCTV camera in this location is born out of requests by Elected members for the area, Rift House/ Burn Valley Community Forum and Cleveland Police to monitor shop frontages and adjacent dispersement areas in order to reduce incidents of anti-social behaviour, shop lifting and general fear and perception of crime in the area

8.4 The CCTV camera would maximise the ability of the Community Safety team to monitor incidents of anti-social behaviour outside the shop frontages at the nearby parade of shops and also to enable full viewing of wider locations at Oxford Road Children's play area, the Woodcutter PH car park, The Recreation Ground, and the open space adjacent to Catcote Road and Macaulay Road.

### Publicity

8.5 The application has been advertised by way of neighbour letters (20), including the adjacent bungalow properties and the commercial and residential properties at the nearby shopping parade along Catcote Road. A site notice was also posted adjacent to the application site. To date, the Council has received 2 letters stating no objection; 3 letters of objection and a document containing 138 signatures registering support for the proposal.

8.6 The concerns raised by objectors are:

- 1) the proposed development will appear unduly large and out of keeping with the nearby developments;

- 2) the siting of the proposed development will further restrict views of on coming traffic leaving driveways;
- 3) the proposed development itself is restricted by trees and lampposts either side;
- 4) privacy of nearby housing and flats could be compromised;
- 5) the existing CCTV are more in keeping with the nearby developments;
- 6) the proposed development would be better sited opposite Oxford Road outside the public house which would afford unrestricted views of Oxford Road, Catcote Road north & south plus the shops
- 7) the immediate nearby developments of the proposed site would have all the disadvantages as described above and of the advantages as a camera would only scan the shops, however if the proposed site was moved to the top of Oxford Road then we too would have the advantages; and
- 8) the proposed development I believe will also affect property values and views of the nearby development

8.7 The period for publicity has expired. Further correspondence has been received from one of the objectors, summarising the above concerns.

8.8 The document containing 138 signatures in support of the application stated that the following should be taken into account in deciding the proposal:

1. enhance security in the area;
2. reduce fear of crime
3. prevent gatherings of large gangs of youths in the area, on some occasions 50 or 60
4. provide a useful resource to the police team; and,
5. make the shopping area feel safer for businesses and customers

### **Consultations**

8.9 The following consultation replies have been received:

**Public Protection** – No objection

**Traffic and Transportation** – No objections

**Housing Hartlepool** – No objections, comments in support

### **Planning Policy**

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

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

landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

### **Planning Considerations**

8.11 The main issues for consideration in this case are the design and visual appearance of the proposed development within the general street scene, and potential overlooking and outlook issues relating to the amenities of the occupiers of nearby properties and safety issues relating to the adjacent highway.

8.12 In response to the concerns expressed by the three objectors, the applicant has submitted further supporting information in a statement, which provides an account of the various alternatives that have been considered in terms of the location, height and type of camera column being proposed. This is contained in Appendix 1.

8.13 The height of the proposal is taller than adjacent properties, trees and lampposts and concerns have been expressed about its scale in relation to the surrounding street scene. The applicant has considered various options in terms of column height, width and type. A straight column would require an adjacent control box accommodating power equipment, which could lead to congregating as a convenient sitting point, and this option was therefore discounted. The applicant states that the bulbous column proposed is able to accommodate houses all equipment and is the second smallest size available. The sloped sides at top of base will also prevent young persons sitting on the base.

8.14 Measures have been taken by the applicant to ensure that the scale of the column is accommodated within the existing line created by trees and lampposts along the length of Catcote Road. However, in order to ensure that the proposal does not lead to potential cluttering of the streetscene, the applicant has agreed to combine the CCTV column with a luminaire streetlight bracket, which will replace the adjacent existing street lighting column. It is considered prudent to also require this by virtue of a planning condition, with further details on the design and appearance of this combined lighting column to be submitted and approved prior to the use of the column. The proposal allows safe and accessible working, whilst it is unlikely to detract from the amenity of the area or introduce a visually obtrusive feature. It is therefore considered that the proposal is acceptable within the existing street scene.

8.15 Two alternative locations for the siting of the CCTV have been analysed by the application: firstly, the location on the opposite (western) side of the application site at the junction of Catcote Road and Marlowe Road; and, secondly, at the junction of Catcote Road and Oxford Road (opposite the former Shakespeare PH). These alternative solutions for the proposal were shown to be less feasible than the application proposals in terms of gaining less effective monitoring coverage, particularly in terms of achieving views beneath the canopy of nearby shops, and the duplication of existing CCTV coverage in the area. For instance, the proposal for a reduced 8 metre column on the opposite side of Catcote Road, adjacent to the church, would not be capable of recording anti-social behaviour beneath the canopy

of the shops and the power connection would infringe on the adjacent church land, not in the applicant's ownership. The application provides the most viable and suitable location in terms of maximising the ability of the Community Safety team to monitor incidents of anti-social behaviour in the adjacent area.

8.16 The applicant has been able to present images showing the extent of views from the height of these various alternative locations, with the aid of a 'cherry picker'. These demonstrate that the location proposed in the application provides the widest extent of CCTV, covering all the required displacement areas and also show that the privacy of windows in the front elevations of the adjacent bungalows would not be sacrificed, as they can't be viewed from the top of the column. However, given the concerns of residents it is considered prudent to impose a condition requiring privacy zone to be built into the CCTV system prior to its use in order to protect the privacy of nearby residents. The applicants have agreed to adhere to this condition and are also legally required to comply with the privacy and data protection requirements of the 'CCTV code of Practice' produced and revised in 2008 by the Information Commissioner's Office. It is therefore considered unlikely that the signage will lead to detrimental residential amenity issues in terms of potential loss of privacy and overlooking.

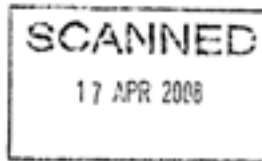
8.17 Concern was expressed by one of the objectors to the impact of the column on obstructing clear views of the highway when reversing vehicles onto Catcote Road from adjacent driveway. The Council's Head of Traffic and Transportations has stated that the proposal is considered to be acceptable in highway safety terms and considers that it would be difficult to sustain an objection on the basis that the CCTV column will block views of oncoming traffic.

8.18 The development is therefore recommended for approval subject to the following conditions and a planning agreement.

**RECOMMENDATION** – APPROVE subject to the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing by the Local Planning Authority the CCTV camera shall not be brought into use until privacy zone(s) facing 47a and 49 Catcote Road have been incorporated into the system, details of such zone(s) to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the camera shall not be used without the operation of the privacy zone(s) unless any variation is first agreed in writing by the Local Planning Authority  
To prevent overlooking
3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 420/08/E/102 received on 21 April 2007, unless otherwise agreed in writing by the Local Planning Authority  
In the interests of visual amenity.

## Appendix 1 – Applicant's Supporting Statement



**PLANNING APPLICATION H/2008/0098**  
**CATCOTE ROAD SHOPS ( jnct. Catcote Road and Masefield Road)**  
**INSTALLATION OF CCTV COLUMN AND CAMERA.**

**Catcote Road shops:**

Situate midway along Catcote Road, the parade comprises of several retail outlets of varying provision with some offering trading hours into late evening. Included are takeaway food outlets with some having alcohol sale licences.

The parade is of 60s/70s construction style with parallel shop fronts protected by an overhang of 2/3 metre depth. All shops are single storey with living accommodation, utilising the overhang element, above.

The location is a busy and thriving area with constant trade up to closure hours.

As well as substantial pedestrian footfall within and around the shopping parade, Catcote Road itself is a main arterial traffic route within Hartlepool.

**Background:**

The parade has suffered from low level crime and anti-social behaviour for a considerable time. However over the past 12 months these have increased:

- Racially aggravated assault
- Anti Social behaviour through the gathering of considerable numbers of young persons under the canopy area. This, when addressed by Police, has led to displacement either to the rear of the premises, or to green areas in the proximity
- Shop lifting. Some retail outlets have their own internal CCTV systems which afford limited protection
- Fear of Crime. Local residents and users of the retail facilities indicate rising concerns of crime and personal concern, especially when attempting to use facilities during the evening period.

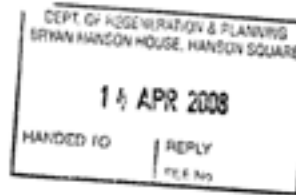
**Proposal:**

Hartlepool Borough Council (Community Safety Department) have been requested by Elected Members for the area, Rift House/Burn Valley Community Forum and Cleveland Police, to look to installing a CCTV camera to monitor the shop frontages and adjacent dispersement areas. HousingHartlepool are fully supportive of the proposal.

Hartlepool Catholic Mens Social Club has also expressed concern at the level of vandalism around their premises and fear of crime expressed by users of the facilities. With the support of local crime analyses provided by Cleveland Police, the proposal has been supported by H.B .C. Head of Community Safety and Prevention as well as the respective H.B.C. Portfolio Holder (Mayor Stuart Drummond).

**The proposal is to erect a camera to maximise monitoring of the shop frontages but also enable full and/or partial viewing of adjacent location at Oxford Road childrens' play area; car parks of The Woodcutter P.H. and The Recreation Ground; areas of The Recreation Ground; the green area adjacent to Catcote Road and Macaulay Road.**

**In addition a camera would assist in the monitoring of the busy Catcote Road arterial traffic route and provide additional linkage to Cleveland Police A.N.P.R.**



- 2 -

(Automatic NumberPlate Recognition) system in which respect 13 readers have been installed throughout Hartlepool.

Additional security features have been progressed for the rear area of the shops and adjacent premises – see below.

**Camera details:**

- The camera will be of a full ptz (pan, tilt, zoom) capability
- Shoebox variety. This will identify the direction is observing and is favoured in view of the proximity residential properties
- Camera will be operational 24/7, 365 days per year
- Images will be transmitted to H.B.C. Community CCTV Control Centre for live monitoring.
- All images will be digitally recorded and retained for a period of 28 days before over-writing. Images required for investigation or evidential reasons will be archived
- CCTV operations are undertaken in accordance with The Information Commissioner Office CCTV Code of Practice (revised issue Jan. '08)
- The CCTV Control Centre is a secure unit. Images will only be released to The Police or under an Order of Court. No public access to the Centre or images

**Location of camera:**

Following site survey 3 potential locations were identified:

**Junction of Catcote Road and Marlowe Road – east side, MAP LOCATION A.**

- 10 metre column to maximise view of shop frontages (see attached picture 1), other identified dispersment locations and general of Catcote Road and Marlowe Road
- 10 metre column to minimise potential of intrusion upon privacy of properties in the location
- Utilisation of an 8 metre column which remove potential views of dispersment areas by property roof lines
- The location would enable utilisation of existing power services minimising installation disruption
- Good access for maintenance and repair
- No impact on traffic and pedestrian views along Catcote Road
- It has been agreed that the proposed CCTV column will incorporate an adjacent street lighting column enabling removal of that lighting column, (agreed with Bob Golightly, H.B .C. Street Lighting)
- At a 10 metre height the camera would not intrude on adjacent properties (see attached picture 2)

**Junction of Catcote Road and Marlow Road – west side, MAP LOCATION B**

- The location would be in parallel to the arcade frontage and canopy
- To obtain an exact parallel to the frontage would require consent of Church owner's for column installation within their grounds



DEPT OF REGENERATION & PLANNING BRYAN HANSON HOUSE, HANSON SQUARE	
14 APR 2008	
HANDED TO	REPLY
	FILE NO

-3 -

- 10 metre column would enable NO view of the shop frontage through overhang interference (see attached picture 3)
- 8 metre column would not assist in arcade frontage views and lose other proposed monitoring options.
- To gain effective monitoring of the arcade frontage would require reduction of column to a 4 metre height. Such would be a security risk to the equipment and negate any other benefits of the camera
- Location could increase intrusion concerns of properties immediately across the road (see attached picture 4)
- Majority of ground is soft grass increasing difficulties of access for maintenance and repair, with intrusion on to public footpath also required

Junction of Catcote Road and Oxford Road. – MAP LOCATION 3

- Almost as acceptable view of shop frontage as location 1 above
- Loss of views up Marlow Road.
- Location would be at major traffic junction where we try to avoid installing free standing CCTV columns
- Proposed development of former Shakespeare public house site could create duplication of potential security options. A development within the former Shakespeare site could incorporate CCTV coverage which could monitor the junction area

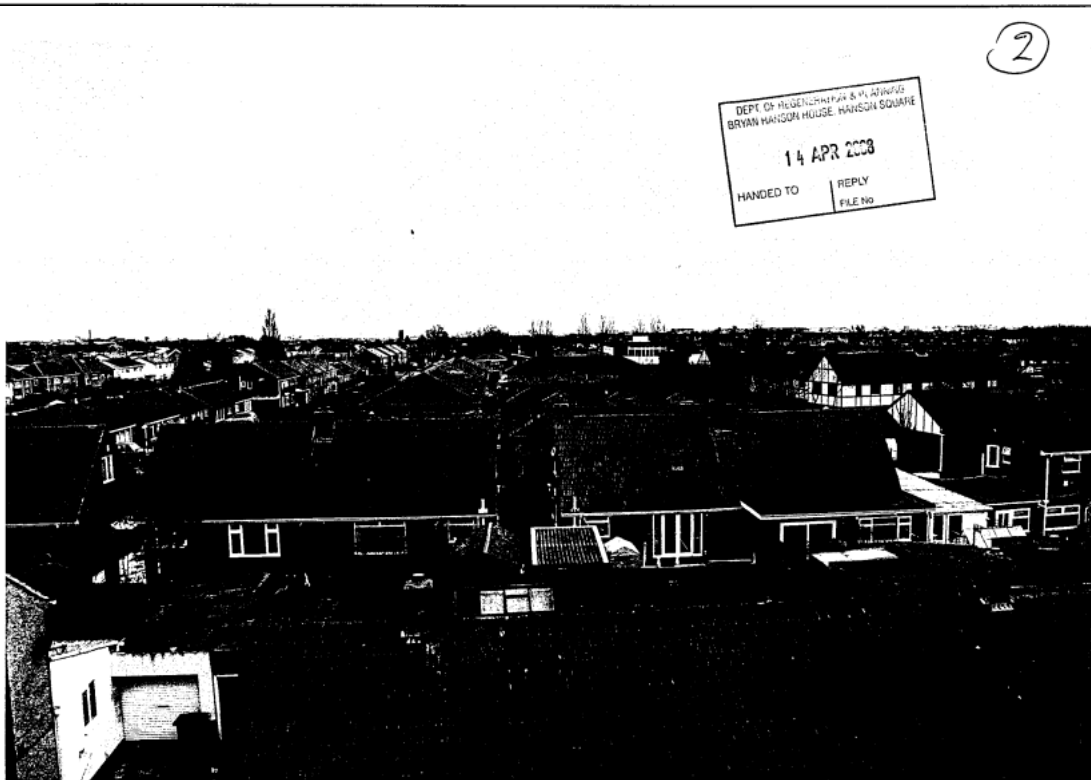
A further option of seeking to locate a column within the grounds area of the former Shakespeare public house was considered but rejected due to lack of shop frontage visibility and uncertainty of any future site development which could impact.

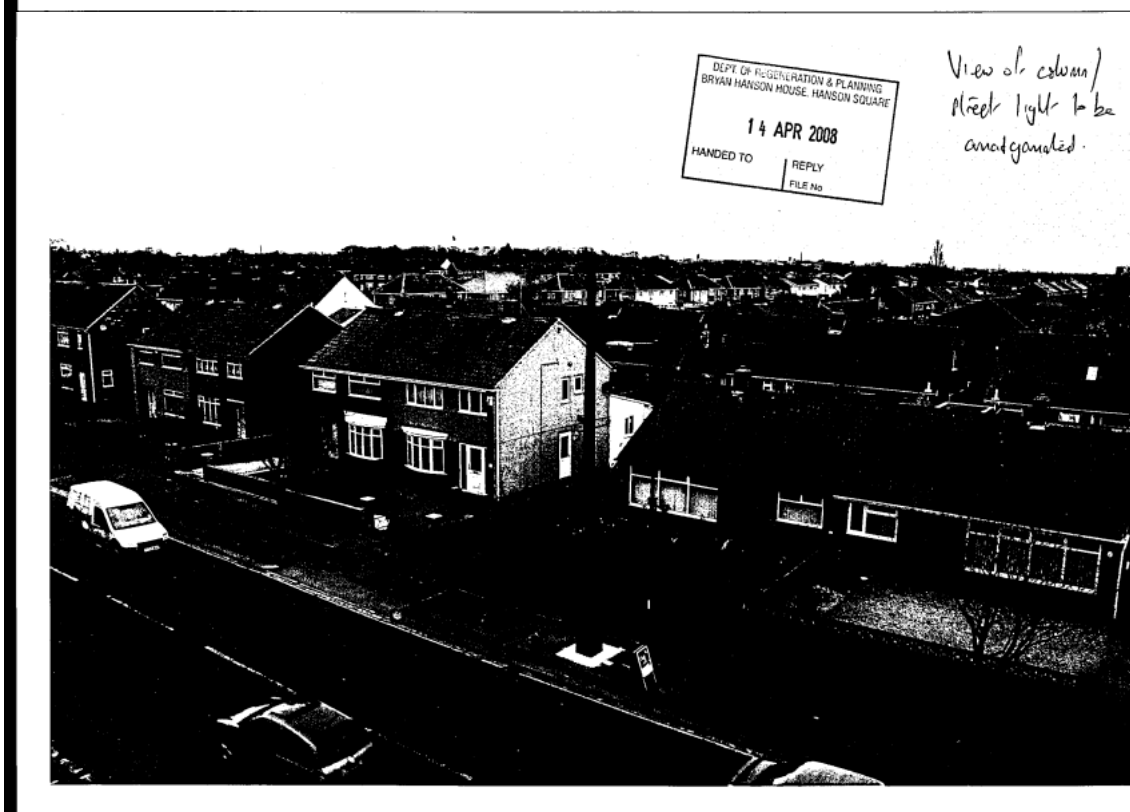
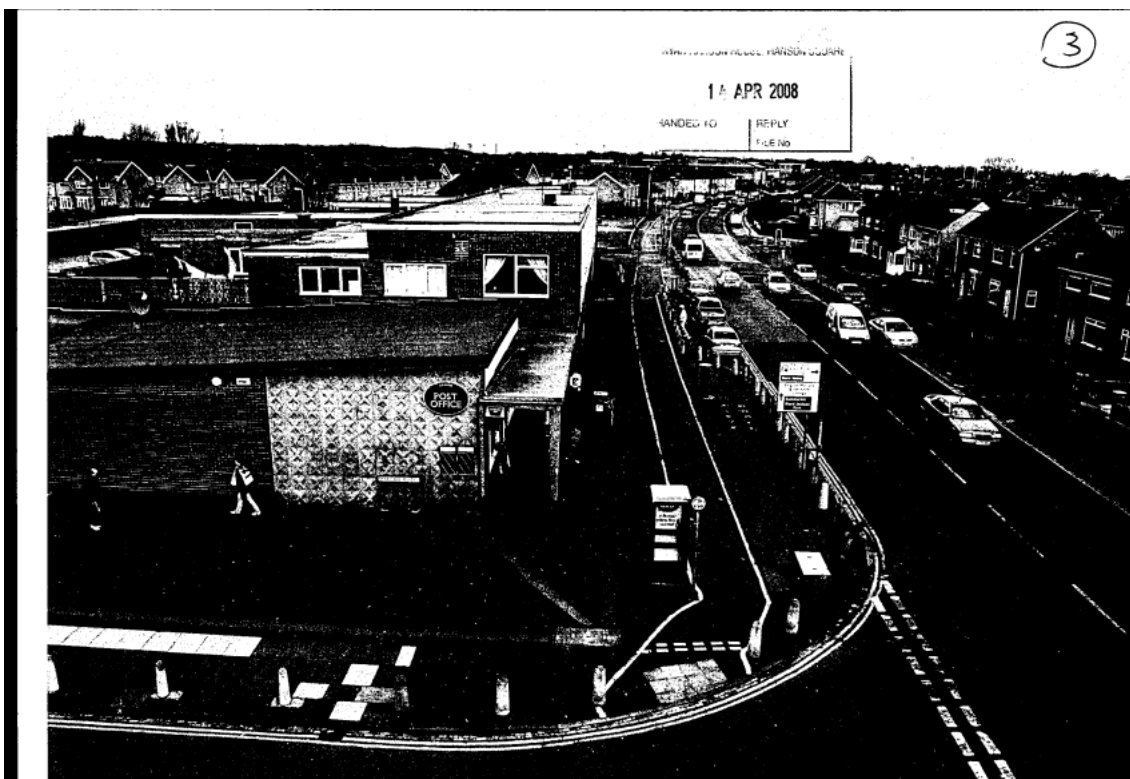
**The preferred option is location 1 with an incorporation of CCTV and street lighting columns.**

Other actions:

- To provide additional security and comfort to the lane to the rear of the shops, as including a block of garages which has also been identified as an area of congregation and anti-social behaviour, 4 external cameras have been added to the existing Hartlepool Catholic Mens Social Club CCTV system. Whilst this system is not monitored live, images are recorded and would be available to Cleveland Police and/or Hartlepool Borough Council officers if required. The system is compliant with CCTV operations
- Additional street lighting has been installed to the rear of the shops premises
- An additional camera, given advice from Cleveland Police to the owners, has been added to the premises where racially aggravated incidents have been occurring. This will monitor the entrance area

Peter Gouldsbro  
Community Safety Officer, Hartlepool Borough Council  
10 April 2008









47a CATCOTE ROAD



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	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0098</b>	REV

**No:** 9  
**Number:** H/2008/0067  
**Applicant:** The Owner GRANGE ROAD HARTLEPOOL TS26 8JH  
**Agent:** The Owner 77 GRANGE ROAD HARTLEPOOL TS26 8JH  
**Date valid:** 03/04/2008  
**Development:** Replacement of front windows  
**Location:** 77 GRANGE ROAD HARTLEPOOL HARTLEPOOL

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## The Application and Site

9.1 The application site is a large Victorian terraced house located in the Grange Conservation Area.

9.2 The application seeks consent for the provision of UPVC windows to the front elevation of the property. This will include the removal of the original sliding sash wooden windows.

9.3 Planning permission is required in this instance as the property is subject to an Article 4(2) Direction, which removes permitted development rights from the front elevation of the dwelling. This would include replacing the windows in a different style.

## Publicity

9.4 The application has been advertised by way of site notice, press advert and letters to neighbours (2).

No letters of objection have been received.

The period for publicity has expired.

## Planning Policy

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

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

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

9.6 In March 2004 the Planning Committee resolved that in considering planning applications in Conservation Areas on buildings subject to an Article 4(2) Direction they would adopt the following policy.

*‘Any planning application for replacement or alteration of traditional joinery items on the buildings front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the Conservation area should be denied consent’.*

### **Planning Considerations**

9.7 The main planning considerations in this case are considered to be the impact of the proposal on the character and appearance of the Grange Conservation Area.

9.8 Current Local Plan guidance, in accordance with national guidance, requires that development in Conservation Areas preserves or enhances the character and appearance of the Conservation Area. In such areas it is important to retain traditional features such as original windows, bays and doors, or, where it is necessary to replace them, to ensure that the replacements are of an appropriate traditional design, detailing and materials in keeping with the age of the property. This is particularly the case on public frontages as these features can make a significant contribution to the character and appearance of the street scene. It is these changes that the Article 4(2) Direction seeks to control and manage.

9.9 It is considered that the provision of UPVC replacement windows do not have the same character and appearance as the traditional joinery and are not considered appropriate for the following reasons:-

1. The existing top floor windows have an arched head, with one window being a top opening casement and the other a vertical sliding sash. The proposed replacement windows differ in having flat heads and different opening arrangements consisting of an opening lower casement window. The existing windows have details like horns, which are absent from the proposed replacements.
2. On the bay window the existing centre window has an arched head and the proposed replacement has a flat head. The two side windows to the bay have a prominent arched head while the proposed replacement windows have a flat head. The opening arrangements also differ with the existing windows being a vertical sliding movement while the proposed replacements

are top hung opening casements. The existing windows have details like horns while the proposed replacement windows do not.

3. A conservation grant budget is available to assist home owners with restoration and repair of their properties. The close up photographs with the application of the ground floor bay window show typical deterioration, which can be repaired. The first floor window can either be replaced with a timber sash window or repaired in a similar way to the bay window. All would be eligible for conservation grant support. At the same time as repairs are undertaken, the performance of existing windows can be upgraded with draft proofing and secondary glazing.

9.10 It is considered the proposed replacement windows will have a detrimental effect upon the character and appearance of 77 Grange Road and also have a detrimental effect upon the character and appearance of the Grange Conservation Area where there is a duty to consider the preservation and enhancement of the Area. This arises from the opening details and the design and construction of the proposed replacement windows detailed above.

9.11 It is considered for the reasons stated above that the provision of UPVC windows as proposed by reason of their design, detailing and materials are unacceptable by conflicting with policies HE1 and GEP1 of the Hartlepool Local Plan by failing to preserve or enhance the character or appearance of the Conservation Area.

**RECOMMENDATION – REFUSE – for the following reasons:**

1. It is the opinion of the Local Planning Authority that the proposed windows would be out of keeping in the Grange Conservation Area by virtue of the proposed materials and design contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.



77 GRANGE ROAD



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0067</b>	REV

**No:** 10  
**Number:** H/2008/0164  
**Applicant:** Mr J Whitfield Park Road Hartlepool  
**Agent:** DKS Architects Mr Steve Hesmondhalgh The Design Studio 22 Ellerbeck Court Stokesley Business Park Stokesley TS9 5PT  
**Date valid:** 11/03/2008  
**Development:** Demolition of existing public house and erection of 5 retail units with associated car parking  
**Location:** FORMER SHAKESPEARE PUBLIC HOUSE CATCOTE ROAD HARTLEPOOL

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### The Application and Site

10.1 The application site is within a designated local centre as identified in the adopted Hartlepool Local Plan 2006 on the west side of Catcote Road. The site is currently occupied by a vacant public house surrounded by hardstanding, access is currently via Catcote Road.

10.2 Properties surrounding the site to the north, east and west are predominantly residential, whilst there is an existing parade of shops to the south, some of which have residential accommodation on the first floor.

10.3 The application proposes the demolition of the public house and the erection of a block of 5 retail units 4 of which are proposed to have 120 square metres of floor space. The fifth is proposed to be a double unit having a floorspace of 241 square metres of internal floorspace. Each unit is proposed to have an entrance fronting onto Catcote Road.

10.4 The development includes the provision of a 24 space car park to the north of the site which would be served by a revised vehicular access positioned approximately 15 metres to the north of the existing point of access from Catcote Road. A new vehicular access is proposed to the rear of the site via Walpole Road. This is proposed to accommodate delivery vehicles.

10.5 There are proposals to include the installation of CCTV cameras to provide security of the car park and to the retail units. It is also proposed that these would be positioned to provide further surveillance of the existing retail units and the adjacent alleyway.

### Publicity

10.6 The application has been advertised by way of neighbour letters (40), site notice and press notice. To date, there have been 2 letters of no objection and 11 letters of objection.

The concerns raised are:

1. Parking problems
2. Trouble with gangs gathering
3. Increase in litter
4. Blocking driveways, increase present problems
5. Existing car park always used for shoppers
6. Aren't there enough shops as it is without the burden of more?
7. Congregation of older children on an evening makes it currently unsafe place to be around
8. Late opening could cause extra noise from cars
9. Whilst the objector welcomes the redevelopment of the site, there are concerns over the proposed service arrangements
10. Concerns regarding vehicular movement and the potential nuisance this may cause
11. Concerns regarding delivery times and that vehicles will arrive at unsociable hours causing disturbance to nearby residents
12. The construction of the new access will create a potential highway safety issue
13. Increase in volume of traffic, including HGV's will create an unacceptable situation on what is currently a lightly trafficked residential estate road
14. Concerns regarding lights shining into neighbouring properties windows
15. Object to the smell of food
16. Previously had to put up with loud music, drunks and taxis blowing their horn, now residents have to put up with shops open till midnight
17. The new goods entrance will take away parking areas for 4 vehicles as it is an area which does not have yellow lines, tall vans will have nowhere to park
18. There have been empty shops for years, it is only due to the empty property rates starting that the landlord has allowed a tenant in at a low rent
19. Long term parking problem at the rear of the shops for staff and customers
20. The goods delivery area should be restricted to 7.5tonne vehicles and a restriction on times for deliveries
21. Restriction on another supermarket or convenience store, as there is already this type of shop on the parade, this will cause redundancies and store closures
22. The developer should pay for traffic lights
23. Increase congestion in the area and increase the carbon footprint

Copy letters C

The period for publicity has expired.

### Consultations

10.7 The following consultation replies have been received:

**Public Protection** - No objection subject to deliveries to the rear restricted to between 7am and 9pm; early morning deliveries are restricted to between 5:30am and 7am from Catcote Road. Details of the acoustic barrier between the site and the neighbouring houses should be agreed in writing and retained for the life of the

development. The size of delivery vehicles servicing the units should be restricted and details of any refrigeration and air conditioning plants should be agreed.

**Head of Traffic and Transportation** - The applicant has shown 24 car parking spaces this is acceptable due to good transport links nearby. The applicant should provide cycle parking within the site. The applicant is proposing to service the units from Walpole Road. A swept path has been submitted showing vehicles reversing into the site. This is considered acceptable given the low level of traffic in Walpole Road. TRO's need to be upgraded, barriers should be incorporated into the scheme. The applicant will need to demonstrate that a right lane can be achieved for entry into the development. Should this be achievable traffic and transportation have no objection to the scheme.

**Community Safety Officer** - Discussions have taken place with the applicant regarding the proposed CCTV system which is a "Tele-Eye" where no live monitoring of cameras is proposed, therefore the coverage of area outside the applicant site should not have data protection implications, however it is prudent to condition final details of the CCTV units. Concerns were raised in relation to the proposed installation of 'mosquito devices', however these have now been omitted from the scheme. Therefore there are no objections.

**Cleveland Police** - Comments regarding construction of the fencing; CCTV should comply with Data Protection requirements; secured by design recommendation.

**Northumbrian Water** - No objection

### Planning Policy

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

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

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

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

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

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

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra6: States that developments attracting large numbers of visitors or employees should provide on site, secure and convenient cycle parking provision.

### **Planning Considerations**

10.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, highway safety considerations, the impact of the proposals upon the surrounding area, and crime and disorder issues.

#### **Local Plan Guidance**

10.10 The application site is allocated in the adopted Hartlepool Local Plan 2006 as a Local Centre. It is considered that the development would expand the retail offer of the Catcote Road Local Centre and therefore the principle of the development is therefore considered acceptable at this location.

#### **Design and Landscape**

10.11 In terms of design the retail unit is a modern single storey simple design, incorporating glazed shop fronts to store frontages with a projecting canopy above the entrance locations. The proposed development has been set back off the frontage of the site to reflect the building line of the adjacent shopping parade.

10.12 The design is proposed to be lower in height (with a maximum height of 5.5metres) than the highest part of the existing public house (which is approximately 9.1metres). The proposed building has a sloping upwards roof from back to front (Walpole Road to Catcote Road). The proposed footprint of the building is larger than the current footprint, approximately double the size. However it is considered that in terms of design the premise reflects the nature of its use and is both functional and stylish.

10.13 A landscaping scheme has not been submitted with the application, however there is scope within the proposed car parking area to accommodate landscaping. The site is currently surrounded by hardstanding therefore it is considered that the introduction of landscaping, would be a positive enhancement to the area. This can be controlled via condition.

10.14 In terms of boundaries the application proposes to replace the fencing, which adjoins the neighbouring residential properties with a 2metre high close boarded fence. Given the relationship of the proposed car park and the neighbouring residential properties the Councils Public Protection Team consider that this should be an acoustic fence. This can be controlled by condition.

#### Highways

10.15 A transport statement has been submitted with the application this has been assessed by the Council's Traffic and Transportation team. Given the nature of the Local Centre and that there are good transport links nearby the car parking scheme is considered satisfactory.

10.16 The servicing of the retail units is proposed to utilise the proposed new rear service yard, which is proposed to be accessed via a new entrance from Walpole Road. Given the proximity of residential dwellings and the restrictions in terms of the entrance to the area the applicant has agreed that the delivery vehicles will be restricted in size, this can be controlled via a legal agreement and would be similar to that agreed at the local centre in Middle Warren (vehicles less than an axle weight of less than 21 tonnes).

10.17 Public Protection have advised that deliveries to the units should be restricted in terms of timing to prevent any possible detrimental affect on the amenities of the adjacent residential properties. It is advised that deliveries to the rear should be between the hours of 7am and 9pm. However given that it is likely that at least one of the units may require earlier deliveries (such as newspapers) it is advised that deliveries could be taken from the car parking area accessed via Catcote Road between the hours of 5.30am and 7am. This can be controlled through a planning condition.

10.18 Concerns have been raised from the public in terms of the generation of additional traffic, car parking and congestion, given there are no concerns from the Traffic and Transportation team it would be difficult to sustain an objection on these grounds.

10.19 There are existing Traffic Regulation Orders (TRO's) in close proximity to the site, it is advised by highways that these are upgraded and barriers erected fronting Catcote Road to reduce the possibility of parking on Catcote Road to access the units. This can be controlled by condition.

10.20 Cycle parking should be provided within the scheme. This can be controlled via condition.

10.21 There is an outstanding issue regarding the possibility of a right turn lane to access the site from Catcote Road, it is anticipated that details of this will be submitted in advance of the meeting and therefore an update report will be provided accordingly.

#### Relationship to the surrounding area

10.22 The relationship between the site and the adjoining residential properties needs careful consideration. In terms of noise issues subject to appropriate boundary treatments the Head of Public Protection is satisfied with the proposal. An acoustic barrier can be subject to a planning condition.

10.23 As detailed above Public Protection have no objection to the scheme but want to ensure delivery times are imposed to protect the amenities of the neighbouring residents. This can be controlled via condition.

10.24 It is also prudent to ensure opening hours are restricted, given the proximity to residential properties. It is advised that a restriction in opening to between 6am to 11pm is appropriate in this instance.

10.25 In terms of the issues raised regarding shining of lights into neighbouring properties windows, although the entrance is proposed to be moved it is not considered that it would give rise to an unacceptable level of lights shining into properties, given the separation distance of the entrance to the adjacent properties over Catcote Road.

10.26 One objection raised an issue of the smell of food, it should be acknowledged that the proposed units are for A1 retail use and not for an A5 hot food takeaway. Any such use would require a separate permission.

10.27 In terms of the objection requesting a restriction on the type of retail unit to prevent a supermarket/convenience store, this cannot be considered; at present competition is not a material planning consideration in this instance.

#### Crime and Disorder

10.28 The proposal incorporates the installation of CCTV cameras, which are intended to provide surveillance not only to the application site but the immediate surroundings including the alleyway, which runs between the application site and the adjacent shops. Although the monitoring of areas outside the application site could have data protection implications, the Community Safety Officer has confirmed that due to the type of system which is proposed which does not have any live monitoring of the cameras (a Tele-Eye system) the CCTV system is considered acceptable.

10.29 Although the design of the building incorporates an overhanging canopy above the front entrance this is proposed to be perforated to dissuade loitering outside the units. CCTV units are also proposed to monitor the front entrances; therefore it is considered that the canopy would not have an adverse affect in terms of anti-social behaviour.

10.30 Concerns were raised by the Community Safety Officer in relation to the proposed installation of 'mosquito devices', however these have now been omitted from the scheme.

10.31 The applicant has stated that it is intended that the development will achieve secured by design standards. Cleveland Police and the Council's Community Safety Officer have no objections to the scheme.

Summary

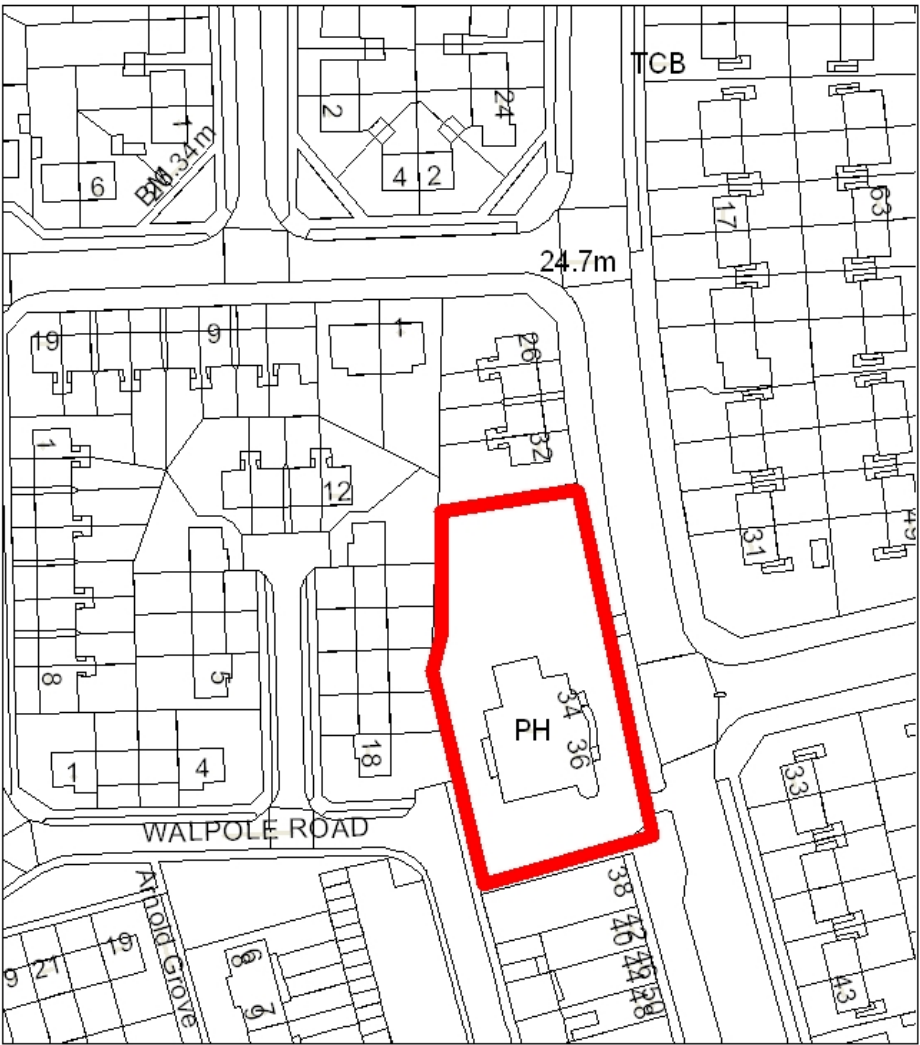
10.32 Subject to an acceptable plan detailing the provision of a right turn lane into the site from Catcote Road the proposal is considered acceptable. It is anticipated that this information will be available prior to the meeting and a final recommendation will follow.

**RECOMMENDATION – UPDATE TO FOLLOW**





Shakespeare PH



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:1000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0164</b>	REV

**No:** 11  
**Number:** H/2008/0203  
**Applicant:** Hartlepool Cricket Club PARK DRIVE HARTLEPOOL TS25 1TA  
**Agent:** Business Interiors Group 73 Church Street HARTLEPOOL TS24 7DN  
**Date valid:** 01/04/2008  
**Development:** Provision of a 3 lane practice facility  
**Location:** HARTLEPOOL CRICKET CLUB PARK DRIVE HARTLEPOOL

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### The Application and Site

11.1 The site to which this application relates is currently a grassed area within the boundaries of Hartlepool Cricket Club on Park Drive within the West Park area of Hartlepool. The grassed area is located directly to the south of the clubhouse and currently has 1 of the 3 non-enclosed practice strips upon it.

11.2 The site is located within the West Park Conservation Area. The cricket club is bounded to the south and west by residential properties. It abuts Elwick Road to the east and Park Drive to the north.

11.3 The application seeks consent for the provision of a netted practice lane facility upon the site. The proposed structure is to measure approximately 33m in length and 11m in width. The facility is to measure a maximum of 3.66m in height.

11.4 The facility will incorporate the provision of a synthetic surface within each practice lane to aid practice of batting and bowling.

### Publicity

11.5 The application has been advertised by way of neighbour letters (28), site notice and press notice. To date, there have been 4 letters of no objection, 2 letters of objection and 1 letter of concerns.

11.6 The concerns raised are:

- 1) The size is large, overbearing and out of keeping with the conservation area.
- 2) Injuries from cricket balls being propelled over the adjoining fence and hedge and potential injury.
- 3) Noise disturbance
- 4) Disturbance from people climbing fence to retrieve cricket balls.
- 5) 'We have been given to understand that this is a commercial venture as well as a sporting one'
- 6) The hours/days should be limited to reasonable times due to the noise created from ball against bat.

- 7) Limitations should be imposed to prevent unauthorised use as a giant climbing frame with its unsociable implications.
- 8) Any form of floodlighting and the use during the hours of darkness should be refused.
- 9) Unless security is maintained at all times will become a target for vandalism/rowdiness and misuse.

The period for publicity expires before the meeting. Any further letters received will be tabled at the meeting.

### **Consultations**

11.7 The following consultation replies have been received:

**Head of Traffic and Transportation** – No objection

**Head of Public Protection** – No objection

### **Planning Policy**

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

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

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

HE4: Identifies the circumstances in which demolition of buildings and other features and structures in a conservation area is acceptable - where it preserves or enhances the character or appearance of the conservation area, or its structural condition is such that it is beyond reasonable economic repair. Satisfactory after use of the site should be approved and committed before demolition takes place.

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

### **Planning Considerations**

11.9 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan in particular the effect on the character of the Cricket Club, the streetscene and more generally the conservation area. The effect of the proposal upon the amenity of the occupants of the surrounding residential properties and highway safety will also be considered.

#### **Principle of Development**

11.10 As the proposed development is to create a facility for cricket practice at an existing cricket ground it is considered that the principle of the development is acceptable.

#### **Character and Landscaping**

11.11 Whilst the structure is substantial in size such a facility is not an unusual structure to be found at cricket ground. It is considered that given the lightweight netting and the lightweight support posts it is unlikely that it will appear unduly large or out of keeping in this large cricket ground.

11.12 While there is relatively high boundary fencing and the facility will be 17m from the boundary an element of the scheme will be visible from surrounding vantage points. It is considered however that as it set away from the boundary and is of a lightweight design it is unlikely that it will appear unduly large or incongruous upon the streetscene. Moreover although the application is within a conservation area and opposite the Ward Jackson Park it is considered for the reasons discussed above that it would not detract from the character of the conservation area. The Conservation Officer has raised no objection to the scheme.

11.13 The Council's Arboricultural Officer has raised no objection to scheme providing that planting is undertaken along the Elwick Road boundary to further screen the development from views from Elwick Road and Ward Jackson Park. A suitably worded planning condition has been recommended below.

### Amenity

11.14 The proposed practice facility is to be located approximately 12m from the southern boundary of the site, which consists of close-boarded fencing with a number of trees to the front of it. Given the separation between the practice facility and the residential properties to the south it is considered unlikely that the practice nets would appear overly dominant or create a detrimental effect upon outlook from these properties.

11.15 Objections from the occupants of the surrounding properties relate to noise and disturbance from the proposed facility. The practice strips already exist. Given the nature of the site it is not considered that the creation of noise from the cricket practice facility could be substantiated as a reason for refusal in this instance. The Head of Public Protection has raised no objection to the proposal.

11.16 An objection has also been made on the grounds of potential disruption and damage from cricket balls associated with the use. As the proposal is to contain cricket balls within the netted area and that it will be enclosed to all sides and above it is difficult to envisage that the balls involved in practice will enter neighbouring properties and lead to health and safety issues upon the residents of the surrounding properties.

11.17 A letter of objection has been received regarding the potential for floodlighting to serve the facility. It is acknowledged that this could lead to a conflict between cricketers and residents of the surrounding properties in terms of noise and disturbance at times of the day when people would be likely to expect a reasonable degree of peace and quiet. It is considered prudent in this instance to restrict the illumination of the practice facility by way of a planning condition.

11.18 The pitch and the surrounding area to which this application relates are enclosed by fencing around the perimeter and security fencing and gates to the side and front of the clubhouse. It is unlikely that the use of the practice facility will compromise the security of the site.

### Highways

11.19 The proposed facility will not affect parking provision at the site given its siting. The facility could reduce the amount of cricket balls leaving the site during practice.

### Conclusion

11.20 It is considered that the proposed practice facility will create an appropriate development at a sports ground. It is felt that given its siting and lightweight design it is unlikely to lead to a detrimental effect upon the character of the street scene or the conservation area.

11.21 The provision of additional planting along the eastern boundary of the site will further screen the development from public view over time.

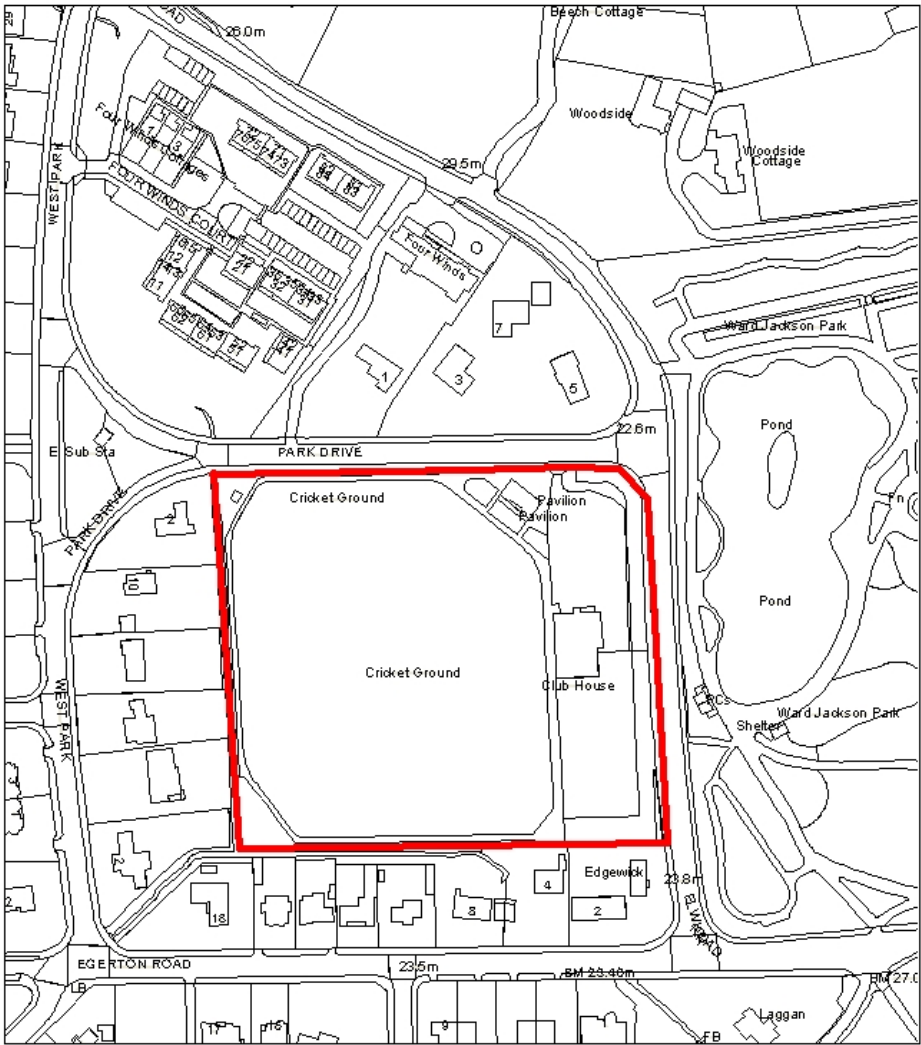
11.22 It is for the reasons discussed above and subject to the conditions set out below that the application is recommended for approval in this instance.

**RECOMMENDATION** – Subject to no further objections APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The practice facility hereby approved shall not be enclosed in any way without the prior written consent of the Local Planning Authority.  
In the interests of visual amenity.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting along the Elwick Road boundary of the site marked green on the approved plan shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s).
7. The practice facility hereby approved shall not be illuminated without the prior written consent of the Local Planning Authority.  
In the interest of the amenities of the occupants of the surrounding residential properties.



Cricket Club, Park Drive



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<b>HARTLEPOOL</b>  BOROUGH COUNCIL	DRAWN <b>GS</b>	DATE <b>29/4/08</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0203</b>	REV

**No:** 12  
**Number:** H/2008/0001  
**Applicant:** Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF  
**Agent:** BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street  
 Hartlepool TS24 7DN  
**Date valid:** 07/03/2008  
**Development:** Provision of a touring caravan and camping site with  
 associated amenity facilities  
**Location:** BRIERTON MOORHOUSE FARM DALTON BACK LANE  
 HARTLEPOOL

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### The Application and Site

12.1 The application site is an agricultural holding located in open countryside on the west side of Dalton Back Lane. The holding once formed part of a larger unit which has since been subdivided into three. The eastern portion of the land is now in separate ownership and benefits from permission for a livery stable and the siting of a caravan associated with the livery enterprise (H/2995/5320 & H/2007/0663). The land to the north east again is now in separate ownership and benefits from planning permission for livery stables and a caravan associated with the livery enterprise (H/2006/0573 & H/2007/0663). At the eastern end of the unit a large brick built agricultural building has recently been erected (H/2007/0098).

12.2 Planning permission is sought for the provision of a touring caravan and camping site with associated amenity facilities. The site is located at the western end of the holding. The plans have been amended to allow for site licensing requirements and show 157 caravan pitches (though the accompanying statement refers to approximately 180) with a camping area located in the south west corner of the site. In the northern part of the site a children's adventure play ground and picnic area will be provided. A licensed clubhouse with shop, office, reception area, soft play area, kitchen and toilets will be provided close to the entrance of the site. Three toilet/shower blocks including laundry, washing up areas and plant rooms will be provided within the site. A sewage treatment plant with discharge to the adjacent water course, refuse cycling areas and access roads will also be provided within the site. The area around the site will be landscaped with a 5m wide tree planting strip provided to the east and west boundaries and a 3m wide tree planting strip to the northern boundary, a tree planting strip will also be provided to the southern boundary to reinforce existing planting on this side. The buildings will have a tiled roof with brick and timber clad walls. Access to the site will be taken from Dalton Back Lane via an upgraded access track which will allow vehicles to pass. The entrance onto Dalton Back Lane will also be improved with an industrial crossing provided.

### Other Relevant Planning History

12.3 An application for a quad and motor cycle track on land to the east of the application site was refused in July 2006 for the following reasons. "It is considered



that the proposed development would by its nature lead to an increase in noise and general disturbance to the detriment of the amenities of the occupiers of nearby farms and the well being of animals there contrary to policies GEP1 and Rur16 of the adopted Hartlepool Local Plan 2006". (H/2006/0311).

## Publicity

12.4 The application has been advertised by neighbour notification (11), site notice and in the press.

12.5 At the time of writing one letter of no objection and four letters of objection had been received.

12.6 The persons objecting raise the following concerns

- i) Already a caravan park nearby. One writer raises concerns that they have recently made a considerable investment in their own caravan site nearby. They ask whether it would be better to wait and see if the area warrants another site.
- ii) Concerns that property is being split into small plots, if permission is granted plots might be sold off and static caravans put on each plot.
- iii) Visible from road intrusion, detrimental, spoiling countryside for visiting tourists.
- iv) Will the site be sold on or the business developed by the applicant?
- v) In open farmland such a massive development will destroy the character of the area and urbanise the countryside.
- vi) Impact on wildlife.
- vii) The tree screen will not screen the caravans as the site is on a hillside.
- viii) The watercourse into which digested sewage will be discharged is a drainage ditch which runs dry in the summer and can be dry for nine months of the year. The site will therefore have an open sewer to the southern boundary.
- ix) Concerns at the piecemeal permissions/proposals low quality buildings which threaten the character of the open countryside. This is not farm diversification as the applications are all consuming farmland.
- x) Recent housing and industrial developments mean that open countryside is diminished and at a premium.
- xi) Proposals will set a precedent threatening open countryside around Hartlepool.
- xii) Concerns in relation to highway safety. Road too narrow for use by caravans already used by walkers and horse riders who would be put at risk.

## Copy letters D

The time period for representations has expired.

## Consultations

12.7

**Head of Public Protection** - I would have no objections in principle to this application. I would however require conditions restricting the use of the function room in the amenity block to residents of the caravan site only. An hours restriction on the use of the function room to no later than midnight. I would also recommend a restriction on the formation of an outside drinking area and a condition prohibiting the playing of amplified music outside of the amenities building/function room.

**Traffic & Transportation** - Dalton Back Lane is a quiet road with very little traffic. It has very poor transport links and no footways along it. However the proposed development will have minimal impact on the nearby highway network.

The proposed industrial crossing onto Dalton back Lane to be constructed by credited RASWA contractor.

The applicant has shown that vehicles can pass each other on the widened access road to the site.

A condition will be required that the promotional information will be required to show the desired safe routes in and out of the site onto the highway network in the interest of highway safety.

Another condition will be required to ensure that the sightlines are maintained in the interest of highway safety.

**Greatham Parish Council** - The council has many deep concerns about the number of developments that are appearing on this site in a small area of countryside. They cannot be compatible with the planning aspirations to balance rural economic development and protect the rural countryside. The developments around the farm are not farm diversification and it appears that there is now no farm at all! The businesses are merely stand alone and do nothing to enhance the rural landscape. With these points the council stress that the application cannot be viewed in isolation as it will dramatically alter the nature of the environment it is within. Though Highways appear to have no qualms with regard to access, the council must point out their concerns as the lane is unsuitable for the vehicles that will use the site in large numbers. It will be difficult to cross the dual carriageways at both ends of the lane, which we believe should have reduced speed limits, reduced from the current 60mph. There are crests in the back lane near the access point and several blind corners to boot. When traffic surveys were carried out were they done throughout the day? The high farm traffic associated with harvesting etc. will coincide with peak use of the caravan site. Further concerns are expressed with the longer term use of the site should it be given planning permission. Conditions should be in place so that only tourists are allowed and under no circumstances should statics be tolerated as that could lead to permanent buildings and full time occupation of those buildings. There is no mention of any landscaping being carried out and the council believes that should have a high priority in the conditions should the application be permitted.

There is mention of a club house and bar facility. Who would use it? Could it be restricted to site users only and thus avoid the grave possibility of drink driving on a road that has seen several fatal accidents caused by such people who are irresponsible enough to drink and drive.

**Dalton Piercy Parish Council** - I write on behalf of the above Parish Council to express their concerns at the above planning application. Members of the public were also present who live near the site and their concerns are very similar. The application cannot be allowed to stand alone after several years of "rural" industrial development in the area, including livery stables, quad tracks and so on. All bring their own traffic on a daily basis and there seems to be more to follow as some have plans approved to increase their facilities. The possibility of 140 cars/caravans on the move fills most with horror. They may not all arrive and depart at the same time but all will be on a road that is only some 3 metres wide in places. All will be crossing dual carriageways at some point whichever route is taken. That is difficult enough in a car as was seen last week at the Dalton Lodge crossing! To attempt that with caravans is merely asking for trouble. There is very little signage on the road and this has been a constant request from the council that matters are improved, along with a consideration of a reduction in the speed limit on and around Dalton Back Lane, currently 60mph. The condition of the road leaves a lot to be desired with kerbs and ditches in a poor state of repair. How will they fair with increased traffic? It is reported that your department does not see any problems along the road with an increased level of use. When surveys were done were they during peak travel times when many use the lane as a short cut? Were they in the summer when increased agricultural traffic associated with harvest time would coincide with peak use of a proposed caravan site opening? It is a recipe for problems which the council hopes will occupy your minds before decisions are made and it is too late.

**Highways Agency** - Comments awaited.

**Engineering Consultancy** - Comments awaited.

**Neighbourhood Services** - Comments awaited.

**Northumbrian Water** - Comments awaited.

**Environment Agency** - Comments awaited.

**Tees Forest** - Comments awaited.

**Cleveland Police** - Comments awaited.

**Hartlepool Water** - Comments awaited.

### **Planning Policy**

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

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

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

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

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

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

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

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

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

### **Planning Considerations**

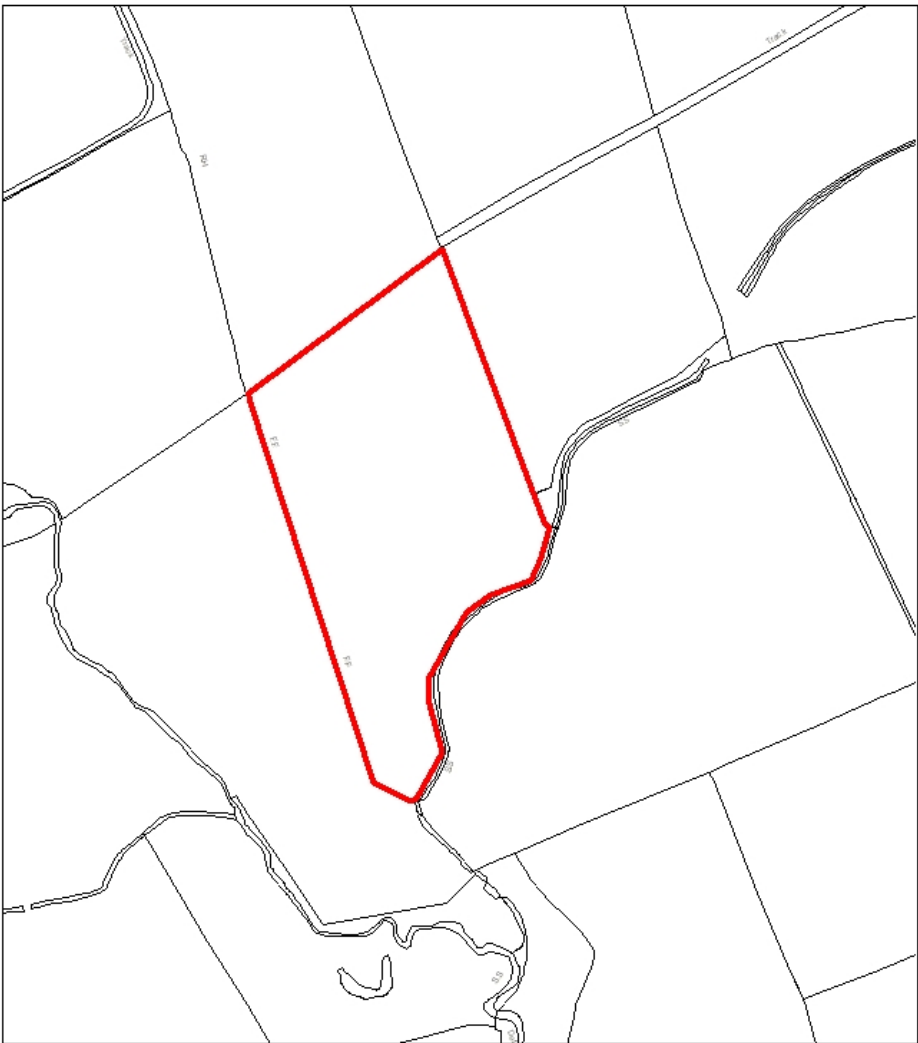
12.9 The main issues at this stage are considered to be policy, impact on the development on the visual amenity of the area, impact on the amenity of the neighbouring properties, highways, flooding and drainage.

A number of key consultations are awaited however the proposal represents a considerable investment and the applicant is anxious that it is considered at this meeting if possible. It is hoped an update report can follow.

**RECOMMENDATION** – update to follow.



**BRIERTON MOORHOUSE FARM**



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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>30/4/08</b>
	SCALE <b>1:3000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0001</b>	REV

**No:** 5  
**Number:** H/2007/0765 & H/2008/0162  
**Applicant:** Chase Property Developments  
**Agent:** Savills Fountain Court 68 Fountain Street Manchester M2 2FE  
**Date valid:** 10/03/2008  
**Development:** Application for certificate of lawful development in respect of use of units for the unrestricted sale of goods within use Class A1  
**Location:** UNITS 1 and 4 TEESBAY RETAIL PARK BRENDA ROAD HARTLEPOOL HARTLEPOOL

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## UPDATE

### Background

These applications appear on the main agenda at 5.

The recommendation was left open as discussions were ongoing.

Discussions have been concluded and legal advice has been received which concludes that the certificates of lawfulness should be granted.

### **RECOMMENDATION** – GRANT in the following terms:

“In the opinion of the Local Planning Authority the lawful use of the land, were units 1 and 4 to be sub-divided in accordance with the planning permission dated 6<sup>th</sup> September 2004 granted under reference H/FUL/0101/04, would be for any purpose within Use Class A1 of the Schedule to The Town & Country Planning (Use Classes) Order 1987 as amended. This decision is entirely without prejudice to the Local Planning Authority’s position on the enforceability of the covenants in any legal agreements relating to the site”.

**No:** 10  
**Number:** H/2008/0164  
**Applicant:** Mr J Whitfield Park Road Hartlepool  
**Agent:** DKS Architects Mr Steve Hesmondhalgh The Design Studio 22 Ellerbeck Court Stokesley Business Park Stokesley TS9 5PT  
**Date valid:** 11/03/2008  
**Development:** Demolition of existing public house and erection of 5 retail units with associated car parking  
**Location:** FORMER SHAKESPEARE PUBLIC HOUSE CATCOTE ROAD HARTLEPOOL

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## UPDATE

The period for publicity has expired, since the writing of the original Committee report 1 additional letter of objection has been received, raising the following concerns:

1. Current retail units sufficiently cater for the needs of the surrounding area.
2. There isn't a great demand for the existing units at Catcote Road and there are often units standing empty.
3. Increase in traffic at an already busy junction where there have been a number of accidents.
4. The increased use of the access would make a dangerous junction.
5. Increase in traffic accessing the site would be dangerous to pedestrians.
6. There is limited parking bays serving the existing shops, the Shakespeare car park was used by people visiting the shops, however it could not cope with the demand at busy periods, 5 more units would make this problem worse.
7. The redevelopment of the Shakespeare Public House represents the loss of a valuable social amenity in the area.

The application site is within a designated local centre as identified in the Hartlepool Local Plan 2006, there is a concern that there are sufficient units to cater for the needs of the area. However as stated in the previous report it is considered that the redevelopment of this site would be beneficial to the area in terms of the provision of additional retail offer. In terms of the concern regarding the loss of valuable social amenity for the area, the public house is vacant and in a poor state of repair.

In relation to the concern raised regarding the proximity of the access to Oxford Road/Catcote Road junction and that its increased use would make the dangerous junction worse, it should be noted that the existing accesses from Catcote Road into the site are proposed to be closed and a new access created further away from the junction. The scheme will bring new parking facilities. The Head of Traffic and Transportation has no objection to the scheme.

With regards to the outstanding issue regarding the provision of a right turn lane on Catcote Road to enable access to the proposed car park; a scheme has been submitted and assessed by the Traffic and Transportation team. They have no objection to the scheme on the basis that the right turn lane is formally designated



and traffic regulation orders are extended on the east side of Catcote Road to prevent parking and allow the free flow of traffic to travel south whilst vehicles are waiting to turn right into the development. This can be controlled by condition.

It is considered that the development would offer an enhancement to the area in terms of retail provision and would be a significant improvement in terms of visual amenity for the area.

**RECOMMENDATION** – APPROVE subject to a legal agreement restricting the size of vehicles servicing the retail units and the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The retail units shall only be open to the public between the hours of 6am to 11pm daily.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the submitted plans a scheme for the final details and locations for the CCTV cameras shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details before the first unit is occupied and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention and visual amenity.
5. Before the development is brought into use the approved car parking scheme, including the height restriction arch shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
7. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.

8. Details of all walls, fences and other means of boundary enclosure including an acoustic barrier between the site and adjacent residential properties shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The development shall be carried out in accordance with the approved details. The acoustic fence shall be provided before the first unit is occupied and thereafter it shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
9. Final design details for the refuse storage area for the retail units shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. Thereafter the refuse storage area shall be carried out in accordance with the approved details and retained during the lifetime of the development.  
In the interest of visual amenity and highway safety.
10. Unless otherwise agreed in writing with the Local Planning Authority the floorspace of the units shall remain as shown on the approved drawing 003 received 11 March 2008 and there shall be no amalgamation of floor space associated with any of the units.  
In the interests of maintaining satisfactory parking provision within the site and in order to protect the vitality of the local centre.
11. Provision for cycle parking shall be made within the site in accordance with details to be previously agreed by the Local Planning Authority.  
In order to promote access to the site by means other than the private car.
12. Final siting and design details of any refrigeration and air conditioning unit(s) proposed for the retail units shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.  
Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the visual amenity and the amenities of the occupants of neighbouring properties.
13. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority. d) A Verification Report providing details that the works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme is submitted to and approved in writing by the Local Planning Authority. e) If during reclamation or redevelopment works any contamination is identified that has not been

considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

14. Notwithstanding the submitted plans a scheme for the final details and locations for external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.

15. For the avoidance of doubt the mosquito anti-social behaviour devices are omitted from the hereby approved scheme.

To ensure the site is developed in a satisfactory manner.

16. Servicing of the retail units hereby approved shall be restricted as follows:

- 1) Between 7am and 9pm daily from the rear service yard;
- 2) Between 5:30am and 7am from the approved car parking area.

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

17. Unless otherwise agreed in writing the development shall not commence until:

- 1) a scheme for the installation of a barrier between the site and Catcote Road has first been submitted to and agreed in writing by the Local Planning Authority;
- 2) a scheme for an extended traffic regulation order on Walpole Road, a traffic regulation order on the east side of Catcote Road and an upgrade of the traffic regulation order on the west side of Catcote Road, has first been submitted to and agreed in writing by the Local Planning Authority;
- 3) a scheme for the formal designation of a right turn lane entering the hereby approved car park has first been submitted to and agreed in writing by the Local Planning Authority; and
- 4) details of an industrial crossing to be provided at the entrance to the service yard have first been submitted to the Local Planning Authority;

The development shall not thereafter be brought into use until all of the above works have been implemented by the developer, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

**From:** Leo Gillen [mailto:leogillenjr@hotmail.com]  
**Sent:** 30 April 2008 16:09  
**To:** Christine Pipe  
**Subject:** Objection to Application H/2008/0164

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64 Catcote Road  
Hartlepool

Your Ref: H/2008/0164

Dear Chris,

I would like to object to the planning application regarding the 'Former Shakespeare Public House, Catcote Road'. There are already plenty of retail units adjacent to the site that have sufficiently catered for the needs of the surrounding area. I do not think there is a need to create five more retail units. There isn't a great demand for the existing units at Catcote road and there are often units standing empty.

The creation of five new retail units will significantly increase traffic at an already busy junction between Oxford Road and Catcote Road where there have been a number of accidents involving both vehicles and pedestrians. The risk of further accidents will be greatly increased if this development is allowed to go ahead. There is a pedestrian crossing immediately adjacent to the junction and the entrance to the site of the proposed development. Access to the existing car park is opposite this junction and adjacent to the pedestrian crossing. The increased use of this access would make a dangerous junction far worse.

There are a number of schools nearby and there are large numbers of school children passing the site in the morning, at lunch times and in the afternoon. Access to the car park is across the pavement. The increase in traffic if this development went ahead would be very dangerous to pedestrians.

Parking is an issue already at the existing shopping complex. There are only a small number of bays at the front of the shops and yellow lines prevent parking to the side and to the rear. The car park at the Shakespeare was used by people visiting the shops but it couldn't cope with the demand at busy periods. Five more units would make this problem even worse.

Finally, the redevelopment of the Shakespeare Public House represents the loss of a valuable social amenity in the area.

Yours sincerely,

Leo Gillen Jnr  
Head of Operation  
Gillen's Ltd

**No:** 12  
**Number:** H/2008/0001  
**Applicant:** Mr Terry Bates 7 Brinkburn Court Hartlepool TS25 5TF  
**Agent:** BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street  
Hartlepool TS24 7DN  
**Date valid:** 07/03/2008  
**Development:** Provision of a touring caravan and camping site with  
associated amenity facilities  
**Location:** BRIERTON MOORHOUSE FARM DALTON BACK LANE  
HARTLEPOOL

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## PLANNING UPDATE

1. This application appears on the main agenda at item 12. The recommendation was left open as a number of consultation responses were outstanding.

### Publicity

2. A number of additional representations have been received. One letter of objection and a petition signed by 172 people. The writers raise the following issues:
  - a) The land is moorland and must not be developed and should be used for agricultural purposes only.
  - b) If planning permission were granted it would be extremely detrimental for the surrounding villages and Hartlepool. It would be very costly for Hartlepool Council to enforce and monitor the proper use of the caravan site.
  - c) Highway safety increase in traffic and pedestrians will be detrimental to safety. The road is narrow, with a 60mph speed limit and a number of dangerous blind corners. There is too much traffic on the road already. There have been a number of fatalities on the road. The road is used on a daily basis by wagons from the farms, neighbouring businesses, livery yards, saddle and Pony clubs and overflow from the A19 on occasion. It is frequently used by walkers, joggers, cyclists, horse riders and adding more traffic (especially towing caravans) would create great danger.
  - d) Noise during the day but also at night with the club and general outdoor activities.
  - e) In the last few years the agricultural land has been divided into sections and had various developments at the expense of the beauty of the idyllic countryside.
  - f) Concerns Hartlepool might be target for travellers, which will be costly for all.

- g) Large caravan site would be out of keeping with the area, incompatible with its rural surroundings and contrary to Local Plan policies.
- h) The buildings might be designed to compliment the area but the caravans will be intrusive.
- i) No need for caravan site here. No local attractions etc or accessible footpaths.
- j) Not farm or agricultural diversification as the applicant is not involved in any farming or agricultural activities.
- k) Noise, disturbance, littering and trespass.
- l) No opening hours specified, if the site intended for tourism it would normally be closed 3 months a year especially as caravan plots are not hardstandings.
- m) No supervision indicated.
- n) Concerned if commercial vehicles associated with touring caravans allowed on to the site.
- o) Concerned if any night-time lighting detrimental to local biodiversity.

These representations will be circulated at Committee.

### 3. Consultee Responses

Tees Forest : The area falls within that of the Tees Forest project an area within which our partners are looking to increase tree cover for recreation and conservation purposes.

We have no reason to object to this proposal and note that there will be some tree planting within the development, we would however advocate that areas of land adjacent to the caravan site and hence outside of the limit of the development could be planted as part of the overall development possibly using an S106 agreement. My organisation could advise the developer on planting possibilities and offer access to Grant Aid from Forestry Commission.

Police : Make various recommendations in relation to crime prevention.

Hartlepool Water – Hartlepool Water has existing water mains in the Dalton Back Lane area, with small diameter service connections to individual properties. These are supplied via connection to a larger diameter main near Macrae Road that has adequate capacity to supply the proposed development. The anticipated water demand for the new development cannot be supplied through the existing mains from the Macrae Road connection to Dalton Back Lane, and these would require relaying over a 1.2km length and then extended along the Lane to the proposed site and incorporating suitable backflow

prevention. We have not received an application for water supply from the developer.

Neighbourhood Services - There is a need for the owner to ensure that an appropriate trade waste agreement is in place prior to the opening of the site, together with the need to ensure access and egress points that would facilitate a 26 tonne refuse wagon without the need to reverse onto Dalton Back Lane. I am informed by colleagues that concerns in relation to these plans have been raised previously by resident representatives at the Central Neighbourhood Consultative Forum. These concerns relate specifically to the adverse impact that a sewerage system on this site would have on the Burn Valley Beck.

Northumbrian Water - Comments awaited.

Environment Agency - Comments awaited.

National Grid : No objections

Highways Agency - Comments awaited.

Engineering Consultancy - Comments awaited.

### **Planning Considerations**

4. The main planning considerations are policy, impact of the development on the visual amenity of the area, impact on the neighbouring properties, flooding, ecology, drainage and highways.

### **Policy**

5. The site lies in open countryside. Policy T010 Touring Caravan sites advises that proposals for touring caravan sites will only be approved where they are exceptionally well screened so as not to intrude visually into the landscape and provided that the surrounding road network is capable of accommodating the development, substantial landscaping is provided and adequate sewerage disposal facilities are available. Policy Rur 7 advises that in determining applications for planning permission in the countryside amongst other things the following factors will be taken into account, relationship of the development to other buildings in terms of siting, size and colour, the visual impact on the landscape, the compatibility of the design of the development within its setting and the landscape generally, use of sympathetic materials, additional tree or hedge planting, adequacy of the sewerage disposal arrangements and the adequacy of the road network.
6. These issues are discussed in more detail below.

### **Impact On The Visual Amenity Of The Area**

7. Current Local Plan Policy advises that touring caravan sites will only be approved where they are exceptionally well screened so as not to intrude visually into the landscape and requires that substantial landscaping is provided.
8. The site lies within open countryside in an undulating landscape. It rises to its northern end and the landscape around the site the land rises to the north and south and is undulating to the east and west. The main public viewpoints of the site are from a section of Dalton Back Lane, a section of the public footpath which crosses land to the south and west and from the A19. In terms of the latter a short section of the A19 can be glimpsed from the site, however given the distance and the usual speed of the traffic it is not considered that the site will register significantly to any driver passing the site.
9. The southern part of the site will be relatively well screened in views from Dalton Back Lane, which passes some to the east, by the prevailing landform and the existing trees and hedgerows along and adjacent to the watercourse. As the site rises to the north it is more visible at distance from the road. In terms of the public footpath which passes the site the views from the south will be from a high level and whilst some screening is afforded by trees lining the watercourse the site is visible from the public footpath as it passes to the south and west.
10. It would be difficult to argue that the site is currently exceptionally well screened, especially given the elevated views from the public footpath, however given the prevailing landform the distance of the site from the A19 and Dalton Back Lane nor is it considered that it is unduly prominent in the wider landscape.
11. The applicants proposals include significant tree planting around the site with a 5m wide planting strip provided to the east west boundaries, a three metre wide strip to the northern end and additional landscaping to the southern boundary to reinforce the planting along the watercourse. The scheme has been assessed by the Landscape & Conservation Manager and is considered to be broadly acceptable subject to the planting of larger trees adjacent to the main building. A detailed landscaping scheme would be conditioned. Given the advice from Tees Forest there appears to be potential for more significant tree planting. This is being discussed with the applicant.

#### Impact On The Amenity Of Neighbouring Properties

17. The site is located in the countryside. It includes pitches for caravans and tents, a club house and amenity facilities and there is therefore potential for the residential neighbours to be affected. The closest residential neighbours are located on the holdings surrounding the site. These include Low Stodfold Farm some 483m to the west, West Pastures Farm some 302m to the east/south east. Also to the east and north east are the temporary caravans occupied by individuals seeking to establish livery businesses the closest of these is some 550m distant. The Head of Public Protection has advised that he has no objection in principle to the application. He has however recommended conditions on the use of the function room, restricting outside drinking areas and prohibiting the playing of outside music. Given these comments and the separation distances involved it is not considered that the activities on the site will



unduly affect the residential amenity of the occupiers of adjacent properties. The comings and goings of the vans along the access road may have some effect on the amenity of the occupiers of the caravans however these are not located directly adjacent to the road and given the intermittent nature of the activity it is not considered that these will significantly affect the amenity of the occupiers of these caravans.

18. In terms of the developments impact on the proper functioning of the surrounding farms and emerging livery businesses. The site is self-contained and with appropriate landscaping and enclosure it is considered any opportunity for accidental trespass from the site could be effectively limited. If trespass did occur then essentially this would be a legal matter for the landowners to resolve. It is not considered that the proposal would unduly affect the proper functioning of the adjacent enterprises.

#### Flooding

19. The site is adjacent to a watercourse and a small part of it to the south is identified in the Environment Agency flood maps as within or adjacent to a floodzone. The applicant has provided a Flood Risk Assessment, which concludes that the use of the site is acceptable, and the use of the land bordering or within the flood zone is acceptable subject to a flood warning and evacuation plan. The views of the Environment Agency have been sought and are awaited.

#### Ecology

20. Concerns have been raised in relation to the impact of the development on the ecology of the area. The site consisting of rough grassland is of limited ecological interest and it is not considered that the use of the site will have significant ecological impacts in the area.

#### Drainage

21. The site is not served by mains drainage and the applicant is proposing to provide a Package Sewage Treatment Plant with outflow to the adjacent watercourse. It is indicated that buildings will incorporate rainwater harvesting devices and that otherwise surface water will be to soakways. These details can ultimately be conditioned however the views of the Environment Agency and the Engineering Consultancy have been sought and these are currently awaited.

#### Highways

22. A number of objections have been received in relation to highway issues. The Traffic & Transportation Section have advised that the development would have minimal impact on the nearby highway network and have not raised objections to the proposal. They have requested conditions relating to access information on promotional literature and the maintenance of sightlines. The views of the Highway Authority, which is concerned with the impacts on the strategic road network, are awaited.

Conclusion

23. A number of key consultations are outstanding and further discussions about additional tree planting are taking place. Given the importance of these consultation replies it is not possible to make a recommendation at this time. An update will be provided at the meeting although it is anticipated that a recommendation to defer the application will be made if these are not forthcoming.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject** UPDATE ON CURRENT COMPLAINTS

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**1. PURPOSE OF REPORT**

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
- 1.2 An anonymous complaint about an alleged untidy rear garden at a property on Masfield Road.
- 1.3 A neighbour complaint about an alleged erection of a wall above 2m at a property on Egerton Road.
- 1.4 An Officer complaint about the alleged non-compliance with approved plans at a site on Duke Street.
- 1.5 A neighbour complaint about the alleged erection of CCTV cameras at a site in Dalton Piercy.
- 1.6 A neighbour complaint about the unauthorised developments at various sites on Motherwell Road.
- 1.7 A neighbour complaint about the unauthorised change of use to a hot food takeaway at a property on Catcote Road.
- 1.8 A neighbour complaint about an alleged unauthorised utility extension at a property on Ormesby Road.
- 1.9 A neighbour complaint about the alleged extension of a fence above 2m at a site in Dalton Piercy.

**2. RECOMMENDATION**

- 2.1 Members note this report.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL REF APP/H0724/X/07/2048720: H/2007/064 APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OF AMERSTON HILL COTTAGE AS A RESIDENTIAL DWELLING HOUSE, AMERSTON HILL COTTAGE, COAL LANE, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 To inform members that a planning appeal has been lodged against the refusal of an application for a certificate of lawfulness for the use of Amerston Hill Cottage as a residential dwelling house.
- 1.2 The appeal is to be decided through the inquiry procedure and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

- 2.1 That authority is given to officers to contest this appeal.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL BY MRS MARTIN, 22 GRANGE ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the change of use from doctor's surgery to form 5 self contained studio apartments at 22 Grange Road, Hartlepool.
- 1.2 The appeal is to be decided by written representations and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

- 2.1 Authority be given to contest the appeal.

**Report of:** Assistant Director (Planning and Economic Development)

**Subject:** REVIEW OF AREA TREE PRESERVATION ORDERS WITHIN HARTLEPOOL

## **1. PURPOSE OF REPORT**

- 1.1 To provide information regarding a review of Tree Preservation Orders (TPOs) within Hartlepool with an area classification known as 'area orders'.

## **2. BACKGROUND**

- 2.1 Guidance entitled '*Tree Preservation Orders: A Guide to the Law and Good Practice (March 2000)*', produced by the Department of Communities and Local Government, advises that Local Planning Authorities (LPAs) keep their TPOs under review and replace old or inaccurate TPOs with up to date new orders to avoid uncertainty over the protected status of trees and woodlands.
- 2.2 An area order protects all the trees within a defined area on the map, however it has its drawbacks. Firstly, it is possible that trees are included in the TPO which do not merit protection. Secondly, unlike the woodland classification, an area order protects only those trees standing at the time the TPO was made. Over time, as new trees are planted or grow within the area, it may become difficult to say with certainty which trees are actually protected.
- 2.3 In the Secretary of State's view the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. LPAs are encouraged to resurvey their existing TPOs which include the area classification with a view to replacing them with individual or group classifications where appropriate.

## **3.0 AREA TREE PRESERVATION ORDERS WITHIN HARTLEPOOL**

- 3.1 At present there are five TPOs in force across the town which include an area classification. Two are located in the Park area, at Hartlepool Cricket Club on Park Drive and at Woodlands/Relton Way, two are located within Greatham Village and there is a single area order at the South Durham Social Club in Westbourne Road.

#### **4. REVIEW METHODOLOGY**

- 4.1 It is expected that the review will commence with a resurvey of trees included in area orders within Greatham in July 2008.
- 4.2 The following method of review will be applied to resurvey the locations where area TPOs are in force:
- Conduct an evaluation of the trees and their suitability for inclusion in a TPO using a recognised systematic assessment.
  - Make new TPOs with individual or group classifications as appropriate, taking into account whether or not the trees are located within a Conservation Area (see 4.3 – 4.5) and any perceived threat to the trees.
  - Revoke old TPOs with an area classification.
- 4.3 The Park area of the town, and much of Greatham Village are designated as Conservation Areas. The Town and Country Planning Act 1990 makes special provision for trees in Conservation Areas which are not subject to a TPO.
- 4.4 Under section 211 of the Act, anyone proposing to cut down or carry out work to a tree in a Conservation Area that has a trunk diameter of more than 75mm measured at 1.5m above ground level, is required to give the LPA six weeks notice of intent. During this period the LPA has the opportunity to consider bringing the tree under their control by making a TPO.
- 4.5 Considering the existing legislation, it is possible that the parts of the existing area orders that are located wholly within a Conservation Area could be revoked entirely.

#### **5 RESOURCE IMPLICATIONS**

- 5.1 It is expected the resurvey work and preparation of plans and schedules will be met out of existing resource allocation.
- 5.2 The decision whether to confirm a TPO which raises objections is taken by this Committee. For TPOs which do not give rise to any objections, the function of confirming the orders will be delegated to Officers.

#### **6 RECOMMENDATION**

- 6.1 That the Committee notes the report