

## PLEASE NOTE VENUE

# PLANNING COMMITTEE AGENDA



**Wednesday 11<sup>th</sup> June 2008**

**at 10.00 am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors Allison, R Cook, S Cook, Fleet, Flintoff, Kaiser, Laffey,  
G Lilley, Morris, Payne, Plant, Richardson, Simmons, Sutheran and Wright

#### 1. APOLOGIES FOR ABSENCE

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

#### 3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 14 May 2008

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*
1. H/2008/0001 Brierton Moorhouse Farm, Dalton Back Lane
  2. H/2008/0203 Hartlepool Cricket Club, Park Drive
  3. H/2008/0067 77 Grange Road
  4. H/2008/0176 F Shotton Ltd, York Road
  5. H/2007/0354 Former Greenland Cresote Works, Cleveland Road
  6. H/2008/0216 Dunelm, Elwick Road
- 4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.3 Appeal by Mr Pattison, 16 Hutton Avenue, Hartlepool (H/2007/0681) – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeals by Able UK Ltd Graythorp – *Assistant Director (Planning and Economic Development)*

## PLEASE NOTE VENUE

### 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 Seaton Meadows Landfill Site – *Assistant Director (Planning and Economic Development)* (para 6)

### 8. FOR INFORMATION

Next Scheduled Meeting – Wednesday 9 July 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 9 July 2008 at 9.00am or at a time to be agreed by the Committee.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

14<sup>th</sup> May 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, Bob Flintoff, Geoff Lilley, John Marshall, George Morris, Carl Richardson, Chris Simmons and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii) Councillor Christopher McKenna attended as substitute for Councillor Pauline Laffey

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

### **163. Apologies for Absence**

Apologies were received from Councillors Shaun Cook and Pauline Laffey.

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

None

### **165. Confirmation of the minutes of the meeting held on 16 April 2008**

Confirmed – subject to the following amendment to Minute 152:

Councillor Steve Allison declared a personal, non-prejudicial, interest in planning application H/2007/0665 Hart on the Hill **not** H/2007/0140 A19 Services (Southbound) Elwick as stated in the minutes.

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

**Number:** H/2008/0203

**Applicant:** Hartlepool Cricket Club  
PARK DRIVE HARTLEPOOL

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

**Date received:** 01/04/2008

**Development:** Provision of a 3 lane practice facility

**Location:** HARTLEPOOL CRICKET CLUB PARK DRIVE  
HARTLEPOOL

**Decision:** **Deferred for a Members' site visit**

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**Number:** H/2008/0001

**Applicant:** Mr Terry Bates  
7 Brinkburn Court Hartlepool

**Agent:** BIG-Interiors Ltd. Mr Ian Cushlow 73 Church Street  
Hartlepool

**Date received:** 07/03/2008

**Development:** Provision of a touring caravan and camping site with  
associated amenity facilities

**Location:** BRIERTON MOORHOUSE FARM DALTON BACK  
LANE HARTLEPOOL

**Decision:** **Deferred for a Members' site visit**

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**Number:** H/2008/0089

**Applicant:** Mr P Mason  
38 Endeavour Close Hartlepool

**Agent:** David Stovell & Millwater, Mr David Stovell 5 Brentnall  
Centre Brentnall Street Middlesbrough

**Date received:** 25/02/2008

**Development:** Erection of a two storey side extension providing bedroom and garage

**Location:** 38 ENDEAVOUR CLOSE HARTLEPOOL

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

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. 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 elevations 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

The Committee considered representations in relation to this matter.

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**Number:** H/2008/0164

**Applicant:** Mr J Whitfield  
Euro Property Management Park Road Hartlepool

**Agent:** DKS Architects Mr Steve Hesmondhalgh The Design Studio 22 Ellerbeck Court Stokesley Business Park Stokesley

**Date received:** 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

**Representations:** Steve Hesmondhalgh (Agent) was present and addressed the Committee.

**Decision:** **Minded to APPROVE subject to the following conditions and a legal agreement under S106 of the Planning Act restricting the size of vehicles servicing the retail units to those with an axle weight of less than 21 tonnes**

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The 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 and be operated at all times while units exist 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 Redamation 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.

The Committee considered representations in relation to this matter.

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**Number:** H/2008/0191

**Applicant:** Mrs Linton  
BIRCHILL GARDENS HARTLEPOOL

**Agent:** Sean McLean Design The Studio 25 St Aidans  
Crescent Billingham

<b>Date received:</b>	27/03/2008
<b>Development:</b>	Outline application for the erection of a detached 3 bedroom dwelling
<b>Location:</b>	25 BIRCHILL GARDENS HARTLEPOOL
<b>Representations</b>	Sean McLean (Agent) was present and addressed the Committee.
<b>Decision:</b>	<b>Outline Permission Approved subject to the following conditions</b>

## CONDITIONS AND REASONS

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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2007/0765
<b>Applicant:</b>	Chase Property Developments
<b>Agent:</b>	Savills Fountain Court 68 Fountain Street Manchester
<b>Date received:</b>	12/10/2007
<b>Development:</b>	Application for certificate of lawful development in respect of use of units for the unrestricted sale of goods within use Class A1
<b>Location:</b>	UNITS 1 and 4 TEESBAY RETAIL PARK BRENDA ROAD HARTLEPOOL
<b>Decision:</b>	<b>Certificate be granted for the following reason</b>

**REASON(S)**

1. 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 6th 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.

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<b>Number:</b>	H/2008/0162
<b>Applicant:</b>	Chase Property Developments
<b>Agent:</b>	Savills Fountain Court 68 Fountain Street Manchester
<b>Date received:</b>	10/03/2008
<b>Development:</b>	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

**Decision:** **Certificate be granted for the following reason**

**REASON(S)**

1. 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 6th 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.

**Number:** H/2008/0169

**Applicant:** Mr Almpey  
HUTTON AVENUE HARTLEPOOL

**Agent:** Mr A Impey 43 HUTTON AVENUE HARTLEPOOL

**Date received:** 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

**Decision:** **Planning Permission Approved**

**Councillor Geoff Lilley asked that his abstention from the decision be recorded.**

**Number:** H/2006/0782

**Applicant:** Union Pub Company  
Shobnall Road Burton on Trent

**Agent:** P.M. A. Hyde Park House Cartwright Street Newton Hyde

**Date received:** 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

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

## CONDITIONS AND REASONS

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

The Committee considered representations in relation to this matter.

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**Number:** H/2007/0911

**Applicant:** Whitestone Weavers  
Whitestone Estates Whitestone House Saltwells Road

**Agent:** John Taylor Architects Ltd Mr John Taylor The Studio 64  
High West Road Crook

**Date received:** 05/03/2008

**Development:** Extension to provide additional storage units

**Location:** WHITESTONE WEAVERS PARKVIEW EAST  
INDUSTRIAL ESTATE PARKVIEW ROAD EAST  
HARTLEPOOL

**Decision:** **Minded to APPROVE subject to the following conditions and no objection's from outstanding publicity. However a final decision was delegated to the Development Control Manager**

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0186
<b>Applicant:</b>	Mitchells and Butlers Retail
<b>Agent:</b>	The JTS Partnership Number 1 The Drive Great Warley Brentwood
<b>Date received:</b>	25/03/2008
<b>Development:</b>	Retention of 2 jumbrellas on front forecourt
<b>Location:</b>	THE WHITE HOUSE WOOLER ROAD HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0098
<b>Applicant:</b>	Mr Colin Bolton Hartlepool Borough Council Proposed CCTV
<b>Agent:</b>	Hartlepool BC Building Consultancy Group Mr Fred Starrs Leadbitter Buildings Stockton Street Hartlepool
<b>Date received:</b>	26/02/2008
<b>Development:</b>	Installation of 10m CCTV column with camera, control cabinet and anti ram bollards
<b>Location:</b>	47A CATCOTE ROAD HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved subject to the following conditions and the Development Control Manager being satisfied that privacy zones can be provided in practice</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing by the Local Planning Authority the CCTV camera shall not be brought into use until privacy zone(s) for

properties facing Catcote Road and Swalebrooke Avenue 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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0067
<b>Applicant:</b>	The Owner GRANGE ROAD HARTLEPOOL
<b>Agent:</b>	The Owner 77 GRANGE ROAD HARTLEPOOL
<b>Date received:</b>	03/04/2008
<b>Development:</b>	Replacement of front windows
<b>Location:</b>	77 GRANGE ROAD HARTLEPOOL
<b>Decision:</b>	<b>Deferred for additional information and to enable the applicant or his/her representative to address the Committee should he/she wish</b>

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

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

#### **Decision**

That the report be noted.

- 168. 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))*

The purpose of this report was to inform Members that a planning appeal had 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.

**Decision**

That authority be given to officers to contest this appeal.

- 169. Appeal by Mrs Martin, 22 Grange Road, Hartlepool** *(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 the change of use from a doctor's surgery to form five self contained studio apartments at 22 Grange Road, Hartlepool.

**Decision**

That authority be given to contest the appeal.

- 170. Review of Area Tree Preservation Orders Within Hartlepool** *(Assistant Director (Planning and Economic Development))*

Government guidance advises that Local Planning Authorities keep their Tree Preservation Orders (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. At present there were five area TPOs in force across Hartlepool and a review was due to commence in July 2008. Details were given of the method of review to be used and the potential results of such a review. Resource implications were also outlined.

**Decision**

That the report be noted

**171. Any other items which the Chair considers are urgent**

The Development Control Manager referred Members to the recent decision made in respect of the appeals by Able UK Ltd. A full copy of the decision notice was distributed to members who were asked to read it prior to the next Planning Committee meeting in order to facilitate discussion on the matter. The Chair commented that this decision to find in favour of the appellant and award costs against the Council would have a real impact on the authority. Following further queries from members the Development Control Manager advised that Legal Aid had been awarded to one of the objectors in order to pursue a judicial review but it could be some time before this came to court. The decision by the Secretary of State could also be subject to judicial review. Updates would be provided to members as they became available.

**172. 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 173 – 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 174 – 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).

Minute 175 – Waste Sites (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).

- 173. 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 seven 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.

- 174. Any Other Business - 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 Meadows landfill site.

#### **Decision**

Details are provided within the exempt section of the minutes.

- 175. Any Other Business – Waste Sites** (*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 two waste disposal sites within Hartlepool.

**Decision**

Details are provided within the exempt section of the minutes.

- 176. Final meeting of the Municipal Year**

The Chair thanked Councillors and Officers for their help and support during his tenure as Chair. Members and the Development Control Manager (on behalf of the officers) thanked the Chair for his kind comments and paid tribute to his charring skills during the previous year.

CHAIRMAN

**No:** 1  
**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

1.1 The application site is an agricultural holding located in open countryside on the west side of Dalton Back Lane. At the eastern end of the unit a large brick built agricultural building has recently been erected (H/2007/0098). 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).

1.2 Planning permission is sought for the provision of a touring caravan and camping site with associated amenity facilities. The site will operate between March and November inclusive. 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 grass 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

1.3 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

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

1.5 At the time of writing, one letter of support, one letter of no objection, six letters of objection and a petition signed by 172 people had been received.

1.6 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 for low quality buildings in this area which threaten the character of the open countryside. This is not farm diversification as the applications are all consuming farmland. Contrary to national policies which seek to protect the countryside from proliferation of sporadic development.
- 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) The land is moorland and must not be developed and should be used for agricultural purposes only.
- xiii) 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.
- xiv) Highway safety increase in traffic and pedestrians will be detrimental to safety. The road is narrow, too narrow for use by caravans, 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.

- xv) Noise during the day but also at night with the club and general outdoor activities.
- xvi) 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.
- xvii) Concerns Hartlepool might be target for travellers, which will be costly for all.
- xviii) Large caravan site would be out of keeping with the area, incompatible with its rural surroundings and contrary to Local Plan policies.
- xix) The buildings might be designed to compliment the area but the caravans will be intrusive.
- xx) No need for caravan site here. No local attractions etc or accessible footpaths.
- xxi) Not farm or agricultural diversification as the applicant is not involved in any farming or agricultural activities.
- xxii) Noise, disturbance, littering and trespass.
- xxiii) 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.
- xxiv) No supervision indicated.
- xxv) Concerned if commercial vehicles associated with touring caravans allowed on to the site.
- xxvi) Concerned if any night-time lighting detrimental to local biodiversity.
- xxvii) The proposal is contrary to policies To10, Rur7 and Rur 16 of the Hartlepool Local Plan.
- xxviii) No Environmental Impact Assessment has been submitted. Concerns at the impact of competing uses which take place on Dalton Back Lane, joggers, horses walkers, farm traffic.

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The time period for representations has expired.

## Consultations

1.7 The following consultation replies have been received:

**Economic Development** – Support the proposal as it adds to the variety of visitor accommodation improving the Hartlepool offer which will assist in the growth of this key sector. At the same time the proposals will provide private sector investment and job creation.

**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 widen 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 tourers 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.

**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.

**Environment Agency** – The Environment Agency has no objections to the proposed development but advises that if planning permission is granted a planning condition be imposed with regard to surface water drainage. The site is at the head of a catchment prone to flooding down stream. We consider therefore, that surface water runoff should be attenuated to no more than existing rates so as not to cause or exacerbate flooding elsewhere. The applicant states that surface water will be discharged to a soakaway. The Agency would recommend that before planning permission is granted soakways are shown to be effective for the disposal of surface water from this site and, if not the applicant should be requested to resubmit amended proposals showing how he proposes to drain the site. It is therefore recommended that an appropriate assessment is carried out in accordance with BRG Digest 365. Under the terms of the Water Resources Act, the prior written consent of the Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled Waters including rivers, streams, underground waters, reservoirs, estuaries and coastal waters).

**National Grid** - No objections

**Highways Agency** – The Highways Agency has considered the above proposals for a touring caravan site at the above location and has no objections in principal to the development subject to conditions. As previously identified there is a significant accident history at the A19/Dalton Back Lane/Red Lion Farm junction and at the A19/Elwick junctions to the north, and as you will appreciate given the poor safety record at the above locations, the Agency would like to ensure that the safety of all road users on the A19 Trunk Road is not further compromised at the above junctions as a result of development related activities in the area. The applicant has indicated to the Agency that it is their intention when promoting the site, that they will clearly indicate that all clients using the facilities would be directed to the A689 Dalton Back Lane junction and that all advertising booklets and brochures will have a clearly defined map indicating appropriate routes to the A19. The applicant has also indicated that they intend to put up appropriate signage on the exit of the farm/site that clearly indicates the A689 as the preferred safe route to the A19 Trunk Road. Please note that the Agency would not support the use of any directional signage intended to attract and promote the caravan park on the A19 trunk road.

**Engineering Consultancy** – I would request that contamination issues are considered and therefore my standard planning condition in relation to contamination is included.

The EA have covered issues in relation to storm water and foul water disposal within their response and therefore I would have no further comment.

**Northumbrian Water** – No objections.

## Planning Policy

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

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

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**

1.9 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

1.10 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 sewage 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 sewage disposal arrangements and the adequacy of the road network.

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

1.11 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.

1.12 The site lies within open countryside in an undulating landscape. It rises to its northern end and the land around the site rises to the north and south, it is gently 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.

1.13 The southern part of the site will be relatively well screened in views from Dalton Back Lane, which passes some 650m 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 to the south/west, 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.

1.14 It would be difficult to conclude therefore that the site is currently exceptional 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.

1.15 The applicant's 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 and this is being discussed with the applicant, and has been accepted in principle.

#### Impact On The Amenity Of Neighbouring Properties

1.16 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 to the east. 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 affect 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.

1.17 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

1.18 The site is adjacent to a watercourse and a small part of it to the south is identified in the Environment Agency floodmaps 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.

1.19 The application forms and plan indicate that surface water will be discharged to soakaways and watercourse, though the buildings also incorporate rainwater harvesting devices. The Environment Agency has no objections to the proposed development. They have pointed out however that the site is at the head of a catchment prone to flooding down stream and have advised that surface water runoff should be attenuated to no more than existing rates so as not to cause or exacerbate flooding elsewhere. They have advised that if planning permission is granted a planning condition be imposed with regard to surface water drainage and that the applicant should also demonstrate that the site is suitable for the use of soakaways. A suitable condition is proposed and the applicant has been asked to provide evidence that soakaways will work in this area.

### Ecology

1.20 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

1.21 The site is not served by mains drainage. The proposals for surface water drainage have been discussed in the section on flooding above. In terms of foul drainage the applicant is proposing to provide a package sewage treatment plant with outflow to the adjacent watercourse. The Environment Agency and the Engineering Consultancy have not raised objections to the proposals.

### Highways

1.22 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 Highways Agency, which is concerned with the impacts on the strategic road network, have advised that they have no objections in principle to the development. Given the significant accident history at the A19/Dalton Back Lane/Red Lion Farm junction and at the A19/Elwick junctions to the north however they have requested conditions to seek to encourage clients to use their preferred safe routes to and from the site. An appropriate condition is proposed.

1.23 The applicant's proposals include improvement to the access point and the provision of a 6m wide access track. It is apparent however that the applicant no longer owns fields either side of the access and across which the visibility splay is in part achieved. In order that this can be secured it is proposed that any permission is subject to a legal agreement securing the provision and maintenance of the visibility splay.

Conclusion

1.24 The proposal is considered acceptable in principle subject to confirmation of the extent of additional tree planting requested by Tees Forest, the confirmation that soakways are suitable on the site or another acceptable mechanism for the disposal of surface water arising from the site, the completion of an appropriate legal agreement securing the provision and maintenance of the entrance visibility splays. It is hoped these matters can be resolved before the Committee.

**RECOMMENDATION – APPROVE** subject to confirmation of the extent of additional tree planting requested by Tees Forest, the confirmation that soakways are suitable on the site or another acceptable mechanism for the disposal of surface water arising from the site, the completion of an appropriate legal agreement securing the provision and maintenance of the entrance visibility splays 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 plans and details received at the time the application was made valid on 7th March 2008 as amended in relation to the site layout by the drawing BIG/IC/TB/286-102C received at the Local Planning Authority on 10th April 2008, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. The touring caravan pitches (157) and the camping area shall be restricted to the area shown on the approved layout plan unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
4. Prior to its installation details of any play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of visual amenity.
5. Unless otherwise agreed in writing with the Local Planning Authority the amenities building shown on the submitted plans (incorporating the function room) shall only be open to the public between the hours of 07:00 and 24:00 on any given day.  
In the interests of the amenities of the occupants of neighbouring properties.
6. The site including the amenities building and other facilities shown on the submitted plans shall only operate between the months of March to November inclusive in any year.  
As indicated in the application and in the interests of visual amenity.
7. The bars and function room in the amenities building shown on the submitted plans shall only be open to residents of the caravan and camping site. The amenities building shall be used only in association with the caravan and camping site and shall not be used as an independent facility.  
In the interests of the amenities of the occupants of neighbouring properties.
8. No beer gardens or outside drinking areas shall be provided in association with the amenities building.  
In the interests of the amenities of the occupants of neighbouring properties.

9. No amplified music shall be played or relayed outside of the amenities building.  
In the interests of the amenities of the occupants of neighbouring properties.
10. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.
11. Details of the proposals for the disposal of surface water shall be submitted and approved by the Local Planning Authority prior to the commencement of development. A surface water drainage system shall be designed in accordance with the conclusions of the flood risk assessment, and agreed with the Local Planning Authority. The agreed system shall be fully installed before any impermeable surfaces designed to drain to that system are constructed.  
To reduce the risk of flooding
12. Prior to the development being brought into use details of (i) signage to be erected on the site and (ii) promotional literature for the operation shall be agreed with the Local Planning Authority in order to promote safe routes to and from the site for caravan related traffic. The route restrictions in question for caravan related traffic using the A19 shall be as follows:  
Arriving from the North - No restrictions  
Departing to the North - Turn right onto Dalton Back Lane, turn right onto A689 to A19 junction.  
Departing to the South - Turn right onto Dalton Back Lane, right turn onto A689 to A19 junction.  
Arriving from the South - Leave A19 at A689, follow A689, turn left onto Dalton Back Lane.  
To ensure that the A19 trunk road might continue to fulfil its purpose as part of national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and to maintain the safe free flow of traffic on the trunk road.
13. Prior to the site being brought into use the access track and access onto Dalton Back Lane shall be improved in accordance with the approved details.

The 4.5m X 90m visibility splays indicated on the approved drawing shall thereafter be maintained at all times in accordance with the approved drawing. No object, building structure or enclosure, nor any part of the hedgerow, tree, bush or plant within the visibility splay shall be allowed to exceed one metre in height.

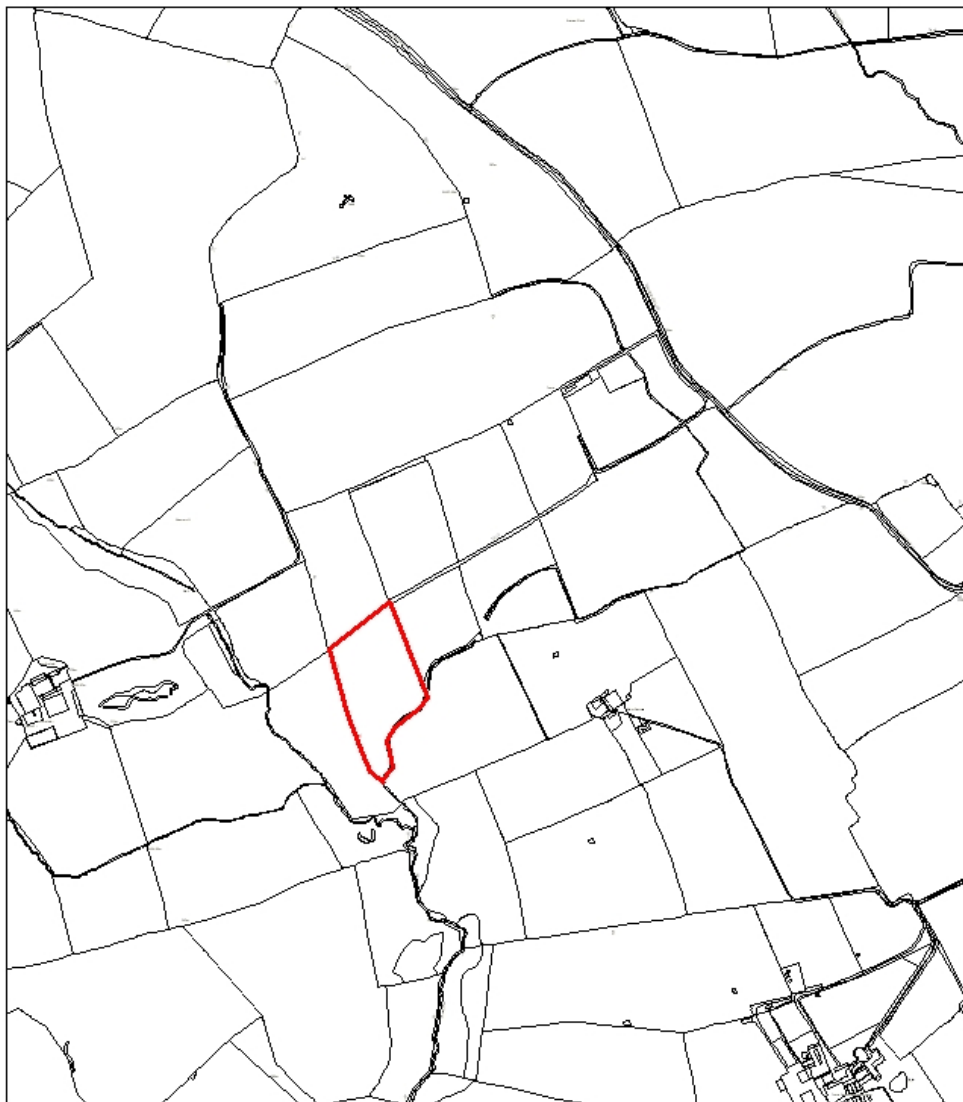
In the interests of highway safety.

14. The development hereby approved shall be used as a touring caravan site and camping site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.  
In line with planning policies and in order to protect the visual amenity of the area.
15. Unless otherwise agreed in writing with the Local Planning Authority the individual caravan pitches and associated car parking areas shall be retained in grass and no hardstandings shall be formed.  
As stated in the application and in the interests of visual amenity.
16. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the visual amenity of the area.
17. 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.
18. Details of the construction of the access, access roads including surfacing materials shall be submitted to and approved by the Local Planning Authority before development commences.  
In the interests of visual amenity and highway safety.
19. 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.
20. Prior to the commencement of development details of any excavation, leveling or earthworks proposed shall be submitted to and approved in writing by the Local Planning Authority.  
In the interests of visual amenity.
21. Notwithstanding the submitted details 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.
22. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. All approved tree planting shall be retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

23. The details of provisions for supervision and any managers/staff accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the site being brought into use. In order to ensure these matters are clarified.
24. Prior to the commencement of development a detailed phasing plan for the development of the site, including a timetable for the provision of caravan pitches/camping facilities and all associated amenity buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the phasing plan so agreed unless otherwise agreed in writing by the Local Planning Authority. In order to ensure that the development of the site proceeds in a satisfactory manner.



## 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>28/05/08</b>
	SCALE <b>1:10,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0001</b>	REV

**No:** 2  
**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

## Update

2.1 Members deferred the determination of this application at the last meeting so that a site visit could be undertaken.

2.2 Since the original report was created a further 2 letters of objection and 1 letter of comments have been received.

2.3 The objections and concerns raised are:-

- i) The training facility is to be used as a commercial venture and open to other organisations and as such will have a much greater use than we had envisaged.
- ii) High volume of use will effect our privacy due to continuous noise disturbance and loose balls could end up in our property.
- iii) It is about time some thought was given to those who live near this club. People need some peace and quiet at some part of the day.
- iv) The biggest problem is the traffic going to and from the site.
- v) Why can't they practice on the cricket pitch. The proposed facility is very close to the main road.
- vi) As the practice facility is within the conservation area the support posts should be the same colour green as the netting.
- vii) I share concerns over noise and disturbance, distance from southern boundary and health and safety/supervision.

2.4 A letter has been submitted by Hartlepool Cricket Club in response to the concerns raised towards the development. The letter raises the following points:-

- i) Injuries - The facility is designed to retain cricket balls when struck. The provision of fully enclosed netting to the side and roof greatly reduce the risk of balls leaving the netting.
- ii) Noise - The facility would only be used during daylight hours. It is not envisaged that it would be used late at night or early in the morning.
- iii) Disturbance – The facility is designed to retain cricket balls when struck. The provision of fully enclosed netting to the side and roof greatly reduce the risk of balls leaving the netting.

- iv) Commercial Venture – Facility is not designed for commercial gain but purely for sporting purposes.
- v) Hours of use – Cricket is a summer sport and the facility is only useful during daylight hours. Club activities tend to be limited to summer evenings and weekends for matches. Occasional use during the summer months for school activity or local authority coaching schemes would be possible but generally the main ground would be more suited to these activities as previously.
- vi) Unauthorised Use/ Misuse – The Club employs a full time Groundsman and there is security fencing to restrict access.
- vii) Floodlighting – No intention to floodlight the facility.

2.5 Full copies of all the correspondence set out above have been made available in the Members room prior to this meeting.

2.6 It is considered that the issues raised above have been addressed in the original report. It is therefore your Officer's opinion that the recommendation for approval subject to the planning conditions set out in the original report should remain the same.

### **The Application and Site**

2.7 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 was 3 non-enclosed practice strips upon it.

2.8 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.

2.9 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 and be sited upon one of the existing practice strips upon the site. The facility is to measure a maximum of 3.66m in height.

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

### **Publicity**

2.11 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.

2.12 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 has expired.

### **Consultations**

2.13 The following consultation replies have been received:

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

**Head of Public Protection** – No objection

### **Planning Policy**

2.14 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.

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**

2.15 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**

2.16 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**

2.17 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.

2.18 While there is relatively high boundary fencing and the facility will be 17m from the boundary an element of the structure 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.

2.19 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

2.20 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.

2.21 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.

2.22 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.

2.23 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.

2.24 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

2.25 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

2.26 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.

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

2.28 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.

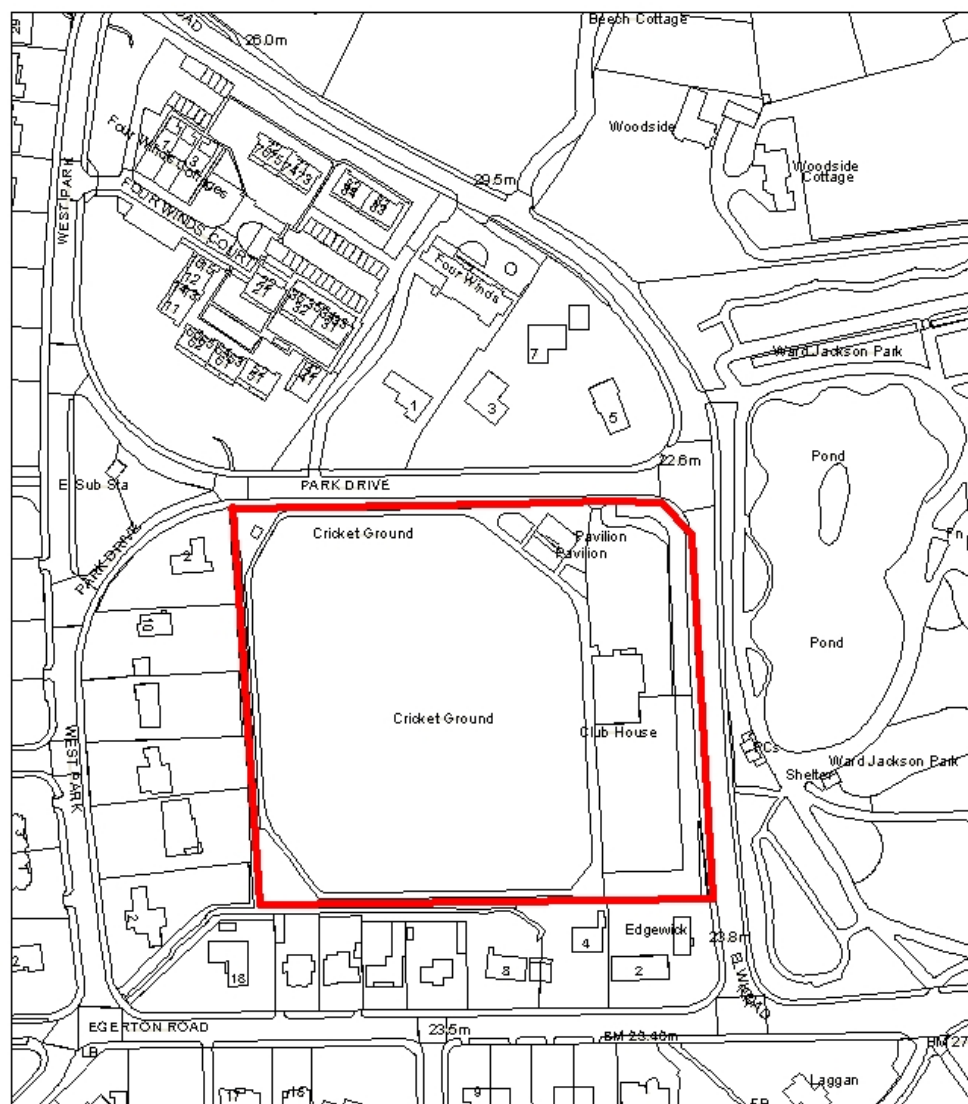
**RECOMMENDATION** – APPROVE subject to the following conditions

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 anyway 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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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<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:** 3  
**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

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## **Background**

3.1 The application was deferred at last Committee for the applicant to make arrangements to address the Committee. The original report and recommendation is provide below.

## **The Application and Site**

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

3.3 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.

3.4 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**

3.5 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**

3.6 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.

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.

3.7 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**

3.8 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.

3.9 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.

3.10 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 2no 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.

3.11 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.

3.12 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:** 4  
**Number:** H/2008/0176  
**Applicant:** Mr C Shotton  
**Agent:** Stephenson Johnson & Riley Suite 101 The Innovation  
 Centre Venture Court Queens Meadow Business Park  
 HARTLEPOOL TS25 5TG  
**Date valid:** 31/03/2008  
**Development:** Provision of 3 display windows, shutters and fascia to new  
 retail area to Elwick Road frontage and bricking up of 2  
 windows at first floor level  
**Location:** F SHOTTON LTD YORK ROAD HARTLEPOOL

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### The Application and Site

4.1 The application site is a large furniture store and warehouse located on the southeast corner of York Road and Elwick Road. The showroom on York Road has recently been rebuilt. The warehouse area faces onto Elwick Road where there are residential properties and there is a large customer parking area to the south on Houghton Street.

4.2 The current application is for the provision of 3 display windows, shutters and fascia to the Elwick Road frontage and the bricking up of 2 windows at first floor level.

4.3 The application also proposes the change of use to retail showroom of a further 200sq.m. of warehousing in the Elwick Road building.

### History

4.4 The property has been in use as a furniture store with warehouse for many years and there is a legal agreement (Section 52 agreement) dating back to 1978 which restricts the areas allocated for retail and warehouse.

4.5 Over time, the area which was restricted to warehouse has in fact been used in part for retail showroom. This was the subject of a Lawful Development Certificate in 1997 when it was established that the retail area in question was lawful and consent was granted.

### Publicity

4.6 The application has been advertised by way of site notice and letters to neighbours (7). One letter of objection has been received from a resident of Elwick Road on the grounds that she wants to know what the development will look like.

The period for publicity has expired.

## Consultations

4.7 The following consultation replies have been received:

**Traffic & Transportation** – no major highway implications with this application.

## Planning Policy

4.8 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.

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

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

Tra1: Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

## Planning Considerations

4.9 The main considerations in this case are the appropriateness of the proposals in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on neighbouring properties and the street scene in general and on highway safety.

4.10 The property, which is a long established furniture business, is located at the south end of York Road in an edge of town centre area now allocated for retail, office and commercial uses within the adopted Hartlepool Local Plan.

4.11 The legal agreement (formerly Section 52 Agreement) was imposed in 1978 to restrict the amount of floor space which could be used for retail purposes. This was in accordance with Council policy for this part of York Road at that time.

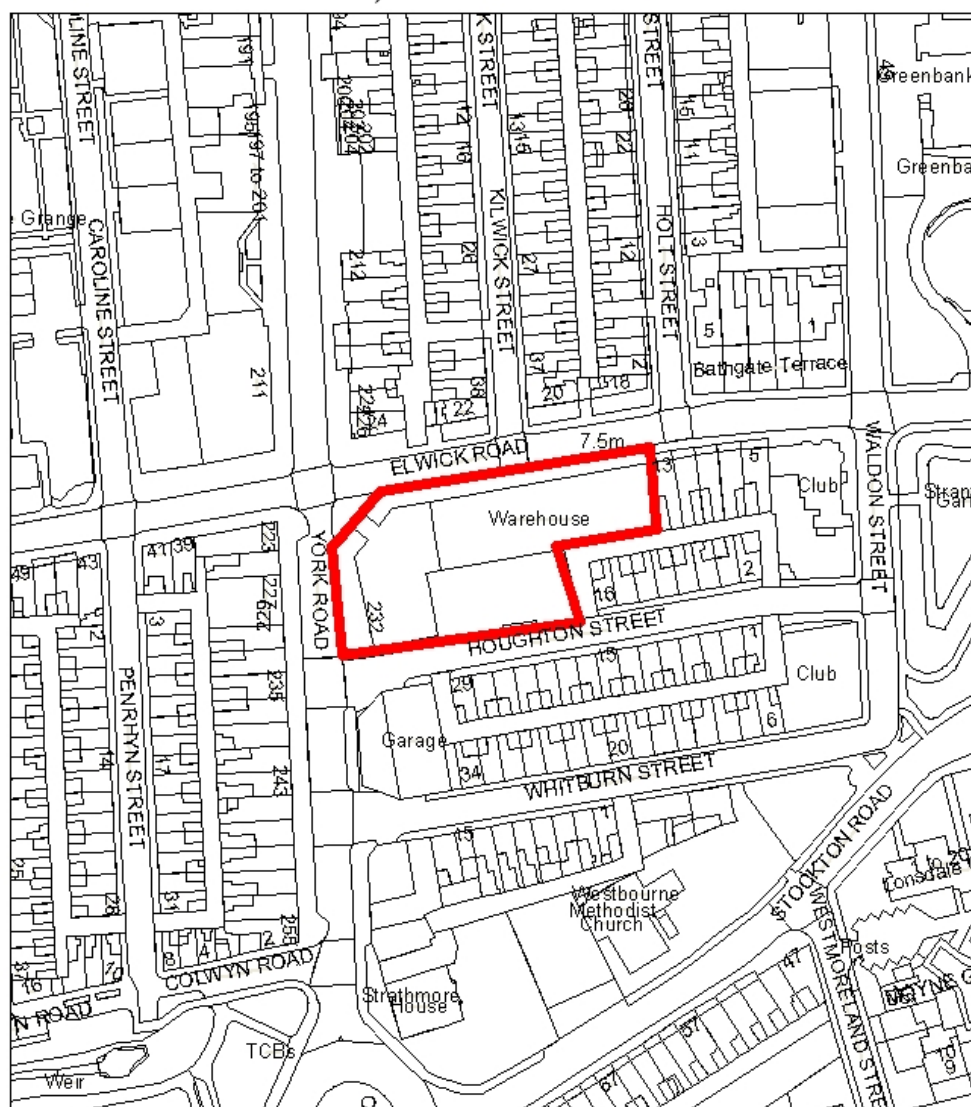
4.12 Since then policies have changed and the importance of York Road is recognised as an edge of town centre area where retail uses are considered appropriate. In view of this, the restrictive legal agreement is now considered to be out of date and inappropriate and as such members are asked to consider the rescission of this agreement and to allow the property to be used for both retail and warehousing purposes without restriction.

4.13 With regard to the other elements of this application the additional showroom windows are considered to be acceptable in terms of visual amenity and will be in keeping with the existing building and the new showroom on York Road. Adequate parking facilities are available at the site.

4.14 In view of the above, approval is recommended.

**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.

**F SHOTTON LTD, YORK ROAD**

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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>27/05/08</b>
	SCALE <b>1:1500</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0176</b>	REV

**No:** 5  
**Number:** H/2007/0354  
**Applicant:** Mr Nick Topp Norton Fabrication Ltd Ross Road Stockton  
 On Tees TS18 2NW  
**Agent:** England & Lyle Mr Jeremy Good Morton House Morton  
 Road Darlington DL1 4PT  
**Date valid:** 27/06/2007  
**Development:** Residential development comprising 108 apartments in 3  
 and 4 storey blocks with associated access, below ground  
 level parking, landscaping and other works  
 (AMENDED PLANS AND SUPPORTING INFORMATION  
 RECEIVED)  
**Location:** FORMER GREENLAND CREOSOTE WORKS  
 CLEVELAND ROAD HARTLEPOOL

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### The Application and Site

5.1 Detailed planning permission is sought for the construction of 108 apartments in 2 blocks which vary between 3 and 4 storeys in height on what is currently a derelict industrial site on Cleveland Road. Some 162 car parking spaces would be provided below ground floor level.

5.2 The proposed development comprises 88 2-bedroom apartments and 20 3-bedroom apartments.

5.3 The site was formally occupied by Greenland Creosote Works and is situated in an area historically associated with industry. It is fairly low lying, sloping from west to east with a fall of around 1 metre from the adjacent road level. There are currently the derelict remnants of former industrial buildings on the site.

5.4 There is a watercourse flowing from north to south in the eastern part of the site. A part is open and the remainder is culverted. The site is bounded to the south by open land running up to a railway embankment, to the east by Greenland Road and to the north by Cleveland Road. The vacant land to the south and east forms part of the neighbouring Victoria Harbour Site.

5.5 The application seeks to create a new access into the site from Cleveland Road. This would facilitate access to both the lower ground level parking area and the ground floor hardstanding area around the apartment blocks for emergency and refuse vehicles.

5.6 The applicant has offered to enter a planning agreement involving a financial contribution towards the provision of offsite play facilities (£27,000) and housing clearance and renewal measures (£63,500).

5.8 The application is accompanied by an Environmental and Transport Statement, a Flood Risk Assessment and a proposed Travel Plan.

## **Publicity**

5.9 The application and associated Flood Risk Assessment has been amended since originally submitted. A re-consultation exercise has been undertaken.

5.10 An error occurred regarding the number of proposed apartments referred to in the Transport Statement, which was uploaded to the Council's Public Access Portal. This matter was acknowledged through the re-consultation exercise. The Transport Statement actually forms part of the Environmental Statement and considers the highway implications of the proposed 108 apartments.

5.11 The application was originally advertised by way of neighbour letters (27), a site notice and a press notice. To date, there have been one letter of no objection and 1 letter of objection to the scheme and two letters of comments. One of the letters is from a local resident. The remaining three are from PD Ports, Heerema and Tees Valley Regeneration.

5.12 No additional letters were submitted following the re consultation exercise, however the original objections related to the following:-

5.13 The concerns raised by Heerema are as follows:

- i) That the proximity of the proposed residential development might lead to complaints about operations on the adjacent Heerema site and might therefore unduly constrain what would otherwise be legitimate operations there.

5.14 PD Ports and Tees Valley Regeneration both consider that the proposal in its current form is inappropriate until the following issues have been addressed:-

- i) No detailed remediation design or risk assessment was available.
- ii) No reference to managing long term groundwater risk has been made or in relation to the impacts of the Part IIA contaminated status of the site/
- iii) Concern that much of the site is below the 1 in 200 year extreme tidal level of 4.19m AOD.
- v) Question if the criteria for minimum floor level of buildings in the development has been established and the effect of the sub-ground basement upon the flood risk status of the site.
- iv The surface water drainage strategy for the proposed development is currently poorly defined.
- v) The foul drainage strategy is currently poorly defined.
- iv) Unclear how the development will deal with electricity demand.
- v) Concern that the development could increase the risk of flooding
- vi) The foul drainage strategy is poorly defined and appears to be somewhat dependant on the Victoria Harbour development.

5.15 A local resident has raised the following comments:-

- i) Would be in support as it will be a big improvement for the area however the number of dwellings to calculate the trip generation figures are based on 72 rather than 108 apartments.
- ii) Car parking provision is also inaccurately referenced in the TA
- iii) The relationship of the proposed access to the existing junctions opposite has not been properly considered in the Transport Assessment. Is the proposed junction acceptable in terms of junction spacing and visibility splays?.
- iv) Impact of access on stretch of cycle path that goes onto path to allow cyclists to cross. A suitable replacement for the cycle crossing facility to Lancaster Road should be provided.
- v) Planning gain should be sought in the form of improvements to bus stops, extra cycle parking and pedestrian crossing point.

5.16 The period for publicity on the re-consultation exercise has expired.

### **Consultations**

5.17 The following consultation replies have been received:

**Natural England** – No objection subject to conditions restricting site clearance works during bird nesting season and retention of grassland and vegetation in accordance with paragraph 8.8.1, 8.8.2 and 8.8.3 of the Environmental Statement.

**Tees Archaeology** – No objection

**Highways Agency** – No objections. Recommend the views of the local highway authority are taken into account and that a Travel Plan is adopted.

**Head of Public Protection** – No objection subject to a planning condition requiring a sound insulation scheme to any habitable rooms on the elevations overlooking the Heerema Site. Including installation of acoustic glazing and acoustic ventilation to bedrooms and living rooms.

**Environment Agency** – No objection subject to conditions relating to drainage and flooding and decontamination of site with respect to controlled waters.

**Tees Valley JSU** – No objection

**Head of Traffic and Transportation** – No objection subject to the relocation of the cycle crossing to the front of the site upon Cleveland Road.

**One North East** – No comments received

**North East Assembly** – No comments received

**NEDL** – No comments received

**Engineering Consultancy** – No objection subject to planning conditions and S106 agreement dealing with de-contamination of the site and drainage.

**Northumbrian Water** – No objection subject to a condition requiring a detailed scheme for the disposal of foul and surface water.

**Headland Parish Council** – No comments received.

### **Planning Policy**

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

Com15: States that proposals for business, office, hotel, tourism, leisure and residential development will be permitted within the Victoria Harbour area where they meet the criteria set out in the policy and take account of the site's unique potential including its water front location and its links to the Marina and the Headland. A high quality of design and substantial landscaping will be required on main road frontages and development will need to take account of the need for flood risk assessment. Port, port related and general industrial development will also be allowed subject to the criteria set out in policy 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.

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.

GEP18: States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

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.

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

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.

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

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

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

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.

Hsg6: Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without detriment to the strategic housing requirement. A flood risk assessment may be required.

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.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

Tra19: States that residential and industrial estates should be designed to ensure adequate access by modes of transport other than the car. Where appropriate, developer contributions will be sought towards improved public transport and alternative transport accessibility.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra7: States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

Tra8: States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

WL7: States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

### **Planning Considerations**

5.19 The main issues for consideration in this case is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan and in particular the principle of the development, contamination issues, visual impact, highway safety issues, flood risk, drainage, noise sensitivity and the nature conservation interests on the site.

### **Principle of Development**

5.20 Whilst the application site is located outside the boundaries of the Victoria Harbour development as per the recent planning application (H/OUT/2004/0575), it is allocated for mixed-use development and covered by both policy Com 15 (Victoria Harbour/North Docks Mixed Use Site) and policy Hsg 6 (Mixed Use Areas). The Local Plan policy is to monitor and manage the supply of housing, however the emerging Regional Spatial Strategy (RSS) does not impose a restriction on an upper limit of housing numbers. The principle of residential development is therefore considered acceptable in this location.

5.21 Whilst the site does not form part of the Victoria Harbour planning proposal the applicant has highlighted that the design and scale principles conform to those set out in the Victoria Harbour Master Plan, Officers concur with this view. The applicant has acknowledged the high density of the development proposal, however they have

indicated that this is largely driven by land economics given the cost of remediation. The Design and Access Statement highlights the rationale behind the lower ground floor parking as a pragmatic way to achieve the parking provision, create sufficient amenity space and deal with the topography of the site in terms of flood risk.

5.22 As the site constitutes contaminated land (as defined by Part 2A of the Environmental Protection Act 1990) it is considered that its remediation as part of a development of this nature will bring about wider regeneration benefits to Hartlepool. The developer contributions towards housing market renewal (£63,500) and offsite play facilities (£27,000) have been negotiated to take account of potential implications of the development in those respects and also the overall economic viability of the scheme.

### **Visual Amenity**

5.23 This development will be clearly visible from both Cleveland Road and surrounding vantage points.

5.24 The site is physically detached from the residential properties directly to the north by way of Cleveland Road and the adjoining planting area running alongside it. As such this is very much a stand-alone development in relation to existing development.

5.25 The scale of the development is substantial and the proposed buildings have a long frontage (Block A is 87m wide and Block B is 62m wide); they will clearly appear prominent in the street scene. The buildings however will be located approximately 6m back from the road frontage to allow for a substantial landscaping scheme to the front of the site.

5.26 The existing planting to the front of the site is to be removed to facilitate the development, however a planning condition requiring the provision of a landscaping scheme will be imposed to any approval to ensure that the green corridor running the length of Cleveland Road is both maintained and improved.

5.27 The plans submitted indicate that the height of the pitched roof apartments will vary from a maximum of 15.4m above the surrounding highway on the 4-storey element and approximately 12m at 3-storey. It is acknowledged that both the application site and the land directly to the south is low lying. As such the development will appear more substantial from the land to the south than from the surrounding public highways site. It is considered however that any development to the south, given the flood risk requirements of the location, would be likely to be of a similar scale.

5.28 Both the design of the apartments and the proposed finishing materials are contemporary. The elevations incorporate a substantial amount of glazing with a render and cedar cladding. The proposed pitched roof profile is to be in mid-grey aluminium composite. The design and external appearance of the proposal are considered acceptable.

5.29 Given the extremely dilapidated state of the existing site it is considered that the proposed development will bring about a vast visual improvement and will hopefully complement the Victoria Harbour development by creating a contemporary and visually interesting high density development.

### **Amenity**

5.30 The front elevations of the proposed buildings facing onto the residential properties directly to the north of the site are to be sited in excess of 50m from the primary elevations. Whilst it is acknowledged that the proposed buildings are 3 and 4 storey in height and the windows in the elevations fronting Cleveland Road will have views upon the surrounding residential properties to the north it is considered that given the substantial associated separation distances it is very unlikely that detrimental overlooking, overshadowing or dominance issues will be created in this instance. It is considered that the existing intervening planting along Cleveland Road will soften the visual impact of the scheme from the outlook of the nearby residential properties.

5.31 It is also necessary to consider the living conditions of the future occupants of the proposed apartments. It would appear that the separation distances and physical relationships between the primary windows of the apartments are in excess of those required by the supplementary guidance held within the Hartlepool Local Plan. There is however an instance where the proposed bedroom windows of 3 of the apartments in block 1 would face onto the side elevation of block 2. Given that the separation distance is approximately 8.5m and the window only serves a bedroom it is considered acceptable in this instance.

5.32 The siting and layout of the development from the southern and eastern boundary is such that it is considered unlikely that the approval of this development would lead to a detrimental constraining effect upon any future development upon the surrounding Victoria Harbour/North Docks site.

5.33 Issues relating to potential noise and disturbance issues affecting the living conditions of the residents of the apartments from the surrounding industrial uses are discussed below.

### **Noise**

5.34 Heerema, who occupy a nearby site which is physically detached by way of the railway embankment, have submitted a letter of objection. They are concerned that the fabrication operations that they carry out can sometimes be carried out over 30m above ground level and as such the noise from the works can travel a considerable distance. They are concerned that the occupants of the upper floors of the proposed development will be exposed to the sound emission from the site and as such any objections may lead to a constraining effect on their operations.

5.35 It is important to note that Members have recently approved a planning application (H/2007/0757) for the erection of 2 industrial buildings, one for the cutting and preparing of steel plate and sections and the other for a blast and paint facility. This approval is subject to a number of planning conditions which seek to

significantly reduce noise breakout from the operations and limit the hours of operation.

5.36 The Head of Public Protection has considered this matter and has raised no objection to the proposal providing that the windows of habitable rooms facing the Heerema site and the surrounding Victoria Harbour (upon the southern and eastern boundaries) are subject to noise insulation measures including acoustic glazing and acoustic ventilation. Similar measures were incorporated in flats within the Marina area facing the Omya industrial development. A planning condition can be attached to agree a scheme of noise insulation measures prior to the commencement of development on site. Once agreed the scheme shall be retained throughout the lifetime of the development.

### **Nature Conservation**

5.37 Both Natural England and the Council's Ecologist have considered the Ecological Section of the supporting Environmental Statement and raised no objections to the proposal.

5.38 The Ecologist has highlighted that the site has been assessed as being of low ecological value except for areas of orchid-rich vegetation which is locally uncommon but culturally significant. The Environmental Statement proposes a mitigation measure which involves the retention of a small amount of this vegetation and the translocation of selected turfs. The Ecologist has suggested that the turf should be located to another, lower-quality coastal grassland or Brownfield Site which might benefit from this vegetation. A planning condition regarding the translocation of orchids will be attached to any approval.

5.39 Natural England have suggested that a planning condition is attached to any approval to ensure that no clearance works will be carried out during the bird nesting season or will be carried out following a survey by an ecologist that demonstrates that there are no nests in the vegetation or buildings to be cleared/demolished. They also welcome the proposal to retain/recreate the areas of grassland with patches of ephemeral/short perennial vegetation as described in the proposed mitigation measures. A suitably worded planning condition will be attached to any approval.

### **Flood Risk and Drainage**

5.40 The site lies within an area identified at risk of flooding by the Environment Agency and as such the application is accompanied by a Flood Risk Assessment, as required by PPS25 (Development and Flood Risk) and Policy Dco2 (Flood Risk) of the Hartlepool Local Plan.

5.41 The development as proposed requires a small section of the open watercourse on the site ('The Slake') to be culverted and built upon.

5.42 The Environment Agency has raised no objection to the scheme subject to a number of planning conditions. They also raise no objections to the proposal to culvert the watercourse but have highlighted that the written consent of the EA under

land drainage legislation will be required. Planning conditions have been suggested to deal with following issues:-

Potential Flooding - Finished Floor Levels of the apartments shall be set no lower than 5.68m AOD.

- No part of the site shall be occupied until a flood warning and evacuation plan has been agreed in writing by the LPA.

Long Term Function of the culverted watercourse – There shall be no development over the line of the watercourse until details of long term maintenance responsibilities have been provided to and agreed with the LPA.

Long Term Function of the Drainage System – No development shall proceed until details of the long term maintenance of the flap valve, which discharges into Victoria Harbour have been agreed with the LPA.

5.43 Suitably worded planning conditions have been suggested at the end of this report to deal with the above mentioned issues.

5.44 No concerns have been raised about underground parking given the requirement for an evacuation plan.

### **Contamination**

5.45 As stated above, the site has been designated as contaminated as defined by Part IIA of the Environmental Protection Act 1990. The Council's Engineering Consultancy and White Young Green (on behalf of the Council) have considered the application in detail. The supporting Environmental Statement has considered the geology and ground conditions of the site, whilst the submitted Remediation Options Report (ROR) has outlined remediation strategies to deal with the contaminated land.

5.46 As the proposal will redevelop a contaminated industrial site to create a more sensitive use (residential) it is suggested that further more detailed investigations are undertaken and a scheme for remediation along with a comprehensive environmental risk assessment for the specific development is created and agreed. It is considered that this approach will ensure that a remediation scheme will adequately and comprehensively address all potential contamination issues of concern before any on site development is allowed to proceed.

5.47 Given that the remediation of the site is fundamental to the appropriateness of the proposed use it is considered necessary in this instance to secure the remediation works through both planning conditions and reference to the requirement for such works in the accompanying Section 106 Agreement. This is to ensure that the requirements for remediation will remain as a charge on the land. This will ensure that any future owner will be aware, without sight of the conditions attached to the planning permission, of the requirements for remediation works upon the site prior to any development commencing.

## Highways

5.48 The Highway Agency have raised no objection to the scheme and have instead deferred to the local highway authority for comments regarding the development impact.

5.49 The Council's Head of Traffic and Transportation has considered the proposal. He has raised no objection to the scheme providing that the applicant provides, at their own expense, a designated right hand turn into the site, the relocation of the cycle crossing and the installation of a traffic island upon the highway to the front of the site. It is considered that it is appropriate in this instance to secure these works, as they are outside the application site, through a Section 106 Legal Agreement.

5.50 It is considered that there is sufficient scope within the application site for the provision of an adequate parking scheme. The proposed plans have indicated the provision of 162 parking spaces, which is considered appropriate in this instance. It is considered necessary however to ensure, by way of planning condition, that provision is made for 10 disabled parking bays and secure cycle storage. Suitably worded planning conditions have been suggested below.

5.51 The applicant has volunteered a travel plan to improve the sustainability of the site and reduce the reliance on car-based travel. A requirement for a travel plan will also be secured through a S106 Agreement.

5.52 The plans indicate the refuse facilities within the site which will be provided within the courtyards at ground level. The plans have indicated the vehicle sweep and arrangements for emergency and refuse vehicles to enter the site. The Head of Traffic and Transportation has raised no objection to this.

5.53 It is acknowledged that the development will clearly bring with it increased vehicle movements to and from the site, however, it is considered that given the adequate parking provision, the access arrangements and the associated off site highway works it is unlikely that the development will bring with it detrimental highway safety issues.

## Conclusion

5.54 This is clearly a development of high density, it is however in keeping with other developments in around the Marina and in the Victoria Harbour master plan. The proposal offers a welcome opportunity to remediate a severely contaminated site and complement the future surrounding Victoria Harbour development.

5.55 It is considered that the issues relating to the drainage, contamination and potential noise implications (from surrounding industrial uses) can be suitably mitigated and controlled through physical works required through the imposition of planning conditions and a S106 Agreement.

5.56 It is for the reasons discussed above and subject to the conditions and requirements of the S106 agreement set out below that the application is recommended for approval in this instance.

**RECOMMENDATION** – APPROVE subject to the following conditions and a Section 106 legal agreement based around the Heads of Terms set out below:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 002 Rev B, 003 RevB, 004 Rev A, 005 Rev A, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, 011, Rev A, 012 Rev A, 013 Rev A, 016 Rev A, 017 Rev A, 018 Rev A received on 23 Jan 2008 and 9 April 2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be commenced until:-
  - i. A detailed targeted scheme for the investigation and recording of contamination is designed and forwarded for the written approval of the Local Planning Authority. The scheme is to be designed in accordance with the conceptual model and consider all potential pollutant linkages present at the site, including among others, the development site's ground conditions and potential impact on Human Health, the potential impact from on site groundwater migration from upstream off site sources, the potential on site soil contamination impact on groundwater, the potential groundwater contamination impact on the Slake watercourse, potential groundwater contamination migration on/off site under third party land and the potential impact on the development of hazardous gases from both soil and groundwater.
  - ii. Detailed targeted site investigation works are carried out in accordance with a scheme to be agreed in writing by the LPA. Following which a Quantitative Contamination Environmental Risk Assessment is carried out and a report is produced and forwarded for the written approval of the LPA. If necessary, any further investigation and reporting as specified by the LPA is to be carried out and a revised Environmental Risk Assessment Report produced for the written approval of the LPA.
  - iii. Detailed, long term, durable and sustainable contamination remediation works proposals derived from risk assessment for the removal of all identified pollutant linkages are forwarded for the written approval of the LPA. The remediation proposals should ensure that the development is safe and should not have an adverse effect on occupiers of adjacent properties or the environment.
  - iv. A Contamination Remediation Construction Quality Audit (CQA) Plan is to be prepared by an appropriately qualified person setting out the contamination remediation works that are to be carried out. The Contamination Remediation CQA Plan shall also set out the contamination remediation validation and recording procedures that are to be undertaken in order to demonstrate that the contamination remediation works have been carried to an acceptable standard as agreed with the LPA. The Contamination Remediation CQA Plan

shall have to be approved in writing by the Council before the works commence on site.

v. The contamination remediation works are to be carried out and supervised by an appropriately qualified person, the "Remediation Supervisor". The Remediation Supervisor shall ensure that the contamination remediation works are carried out strictly in accordance with the Contamination Remediation CQA Plan. The Remediation Supervisor shall maintain a complete record of the contamination remediation works as actually carried out on site for incorporation into the completed works Contamination Remediation CQA Validation Report.

vi. On completion of the contamination remediation works a Contamination Remediation CQA Validation Report shall be prepared and certified by the Remediation Supervisor and provided to the LPA for written approval. If for any reason the LPA do not approve the contamination remediation works and further works are required to be undertaken, the Remediation Supervisor shall ensure that these are supervised and amend, recertify and resubmit the Contamination Remediation CQA Validation Report to the LPA until the LPA deem the completed contamination remediation works are acceptable.

vii. On completion of the contamination remediation works a Remediation Statement is prepared and published detailing how the remediation works carried out meets the requirements of planning and Part IIA of the Environmental Protection Act 1990.

To ensure that any site contamination is addressed.

4. No development approved by this permission shall be commenced until:

a) A detailed contamination risk assessment is submitted to and approved by the local planning authority. This shall assess the risk to ground and surface waters on and off the site that may be effected by contamination originating from the site.

b) A method statement is produced detailing remediation requirements, including measures to minimise the impact on ground and surface water, using the information obtained from the site investigation reports, and the site risk assessment. The remediation method statement shall be submitted to, and approved in writing by the local planning authority prior to the remediation being carried out on site.

To protect controlled waters via the adequate remediation of the site.

5. Upon completion of the remediation detailed in the Method Statement required by condition 4 a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

To protect controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

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

The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

7. Notwithstanding the submitted details, no development shall take place until a scheme for the parking of vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority, the scheme shall make provision for 162 car parking spaces with at least 10 of them for disabled drivers unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
8. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.
9. 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.
10. 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.
11. 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.
12. 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.
13. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme for the sound insulation to all habitable rooms facing the south and east boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme shall include the provision of acoustic glazing and acoustic ventilation. Once agreed the scheme shall be installed as agreed and be retained operational throughout the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
14. No development shall be commenced until a scheme for the provision of surface water drainage works including attenuation to existing rates has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented before the construction of impermeable surfaces draining to

this system unless otherwise agreed in writing by the Local Planning Authority.

To prevent the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

15. Finished floor levels of the development hereby approved shall be set no lower than 5.68m AOD.

To reduce the risk from flooding.

16. No development shall be undertaken until a scheme for the long term maintenance responsibilities of the watercourse ('The Slake') on the site incorporating the section to be culverted as part this development has been submitted to and agreed in writing by the Local Planning Authority.

To ensure the long term function of the culverted watercourse.

17. The development hereby approved shall not be occupied until a flood warning and evacuation plan has been submitted to and been agreed in writing with the Local Planning Authority. Once agreed the flood warning and evacuation plan shall be maintained throughout the lifetime of the development.

In the interests of health and safety.

18. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

To ensure the adequate disposal of foul water drainage from the development.

19. No development shall take place until a long-term maintenance and drainage rights agreement for the flap valve which discharges water from 'The Slake' watercourse into the Victoria Harbour has been entered into and details have been submitted to and approved by the Local Planning Authority. The approved maintenance agreement shall be in place before any of the apartments hereby approved are occupied and thereafter shall be retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure the long-term function of the flap valve which allows 'The Slake' to discharge into Victoria Harbour to reduce the risk of flooding.

20. The development shall be carried out in accordance with the noise and vibration and air quality mitigation measures detailed in section 10.6 and 11.6 of the Environmental Statement reference W11175/VAA/L01 Rev A which was received complete on the 15 June 2008 unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

21. No clearance works shall be carried out during the bird nesting season unless they are carried out following a survey by an ecologist that demonstrates to the Local Planning Authority that there are no nests in the vegetation or buildings to be cleared or demolished.

In the interests of nature conservation.

22. Prior to the commencement of development a scheme for the trans location of orchid rich turf from the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the amount and location of orchid rich vegetation, which has been found not to contain any contaminants, to be retained at the site and the amount to be trans located,

including details of an appropriate receptor site and a programme of works. Thereafter the scheme shall be carried out in accordance with the approved details.

To conserve protected species and their habitat.

23. Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secure by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the apartments being occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interests of security.

## **Section 106 Heads of Terms**

### **Financial Contribution**

Financial contribution towards the provision of offsite plays facilities (£27,000) and housing clearance and renewal measures (£63,500).

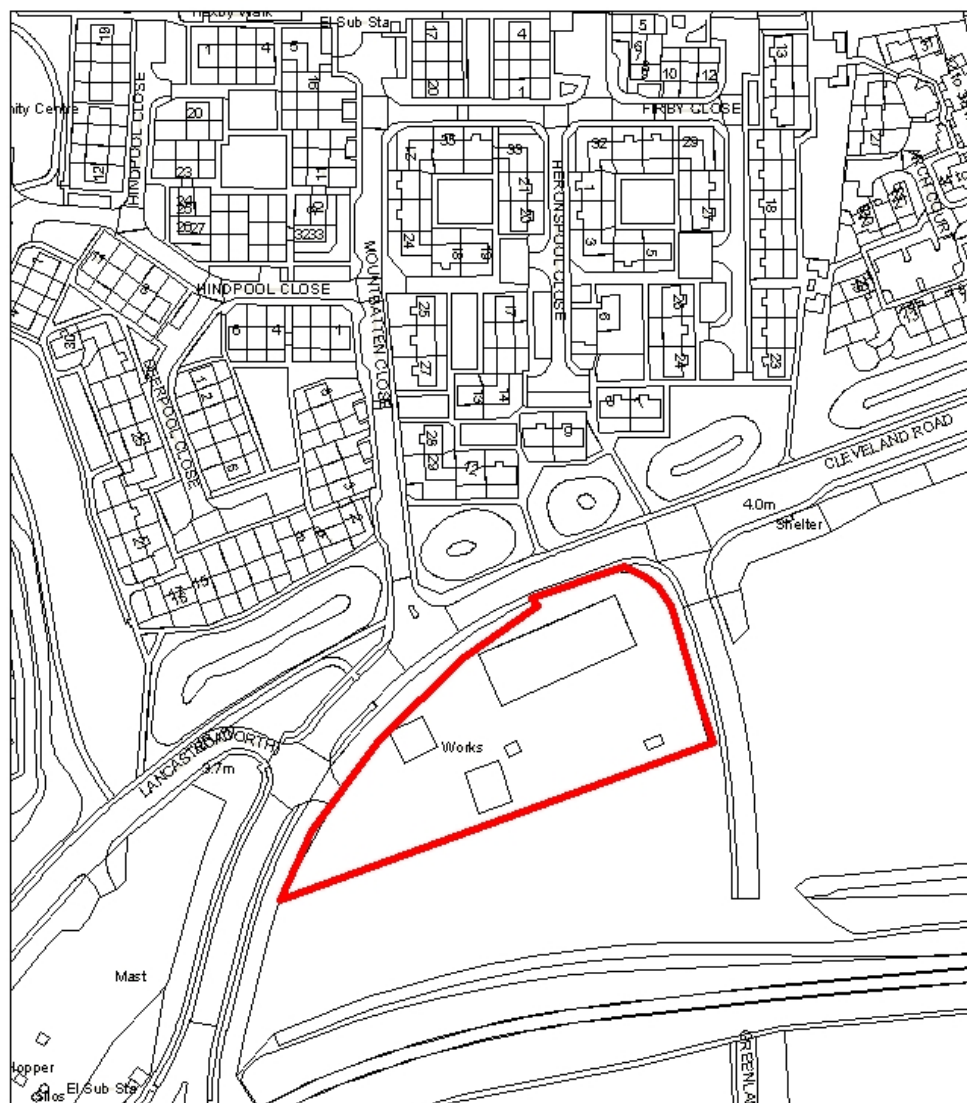
### **Contamination**

Given that the site to which this application relates is a designated contaminated site under part IIA of the Environmental Protection Act 1990, the remediation of the site is fundamental to the implementation of the development.

### **Off Site Highway Works**

- Provision of a right hand turn lane into the site on Cleveland Road
- Re-location of Cycle Crossing upon Cleveland Road
- Provision of a traffic island to the front of the site on Cleveland Road.
- Travel Plan

## FORMER GREENLAND CREOSOTE WORKS



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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>27/05/08</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2007/0354</b>	REV

**No:** 6  
**Number:** H/2008/0216  
**Applicant:** Gail Ann Burnikell  
**Agent:** DUNELM, ELWICK ROAD HARTLEPOOL TS26 0BQ  
**Date valid:** 17/04/2008  
**Development:** Use of part of premises as a health and beauty treatment centre  
**Location:** DUNELM ELWICK ROAD HARTLEPOOL HARTLEPOOL

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### **The Application and Site**

6.1 The application site is a large house, with an attached two storey property. The site is located within the Park conservation area on Elwick Road. Access to the site is via a private drive with electronic gates to the west of the main house sweeping into a courtyard to the rear. There are ample parking facilities within the courtyard. Dunelm is bounded by detached residential properties to the south, west and east, all of which are also set within large plots.

6.2 The application seeks consent for the change of use of a room on the western side of the dwelling house to undertake health and beauty treatments (use class D1). The applicant, who also owns Dunelm, intends to use this part of the building as a place of work to carry out health and beauty treatments during daytime hours. The applicant has indicated that they would be looking to use the building on a half day basis and anticipates a client base of 1 client per hour.

### **Planning History**

6.3 An application in March 2007 (H/FUL/2007/0067) sought the conversion of the garage with store into living accommodation associated with the main house, comprising a sitting area, study, WC, a spiral staircase to a sitting area and bathroom in the roof space. The application was approved via delegated officer powers via the Planning Committee Chair.

6.4 The applicant intends to utilise the study, which has direct access onto the courtyard to the front to carry out the proposed business.

### **Publicity**

6.5 The application has been advertised by way of neighbour letters (5) and a site notice. To date, there have been 4 objections raised

The concerns raised are:

- i) The conversion into business premises would fail to preserve or enhance the character of the Conservation Area and is not in keeping with the residential area.
- ii) The erection of a location/ business board would be unacceptable

- iii) Doubts over the achievement of the car parking area on the site
- iv) Access onto Elwick Road would be dangerous on 'an incline' and 'blind bend'
- v) Would set a detrimental precedent.
- vi) Contrary to policies within the Local Plan

The period for publicity has expired.

## Consultations

6.6 The following consultation replies have been received:

**Head of Traffic and Transportation** – no objection and no major highways implications with this application, providing three parking spaces are provided and that there is only one person working at one time.

**Head of Public Protection** – no objection subject to an hour's restriction to avoid late evening use.

## Planning Policy

6.7 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.

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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.

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.

## Planning Considerations

6.8 The main issues for consideration when assessing this application are the appropriateness of the proposed use in terms of the policies and proposals held within the Hartlepool Local Plan, highway safety and the effect of the proposal upon the amenities of the residents of the surrounding residential properties and the character of the area in general.

### Principle of Development

Policy Com 13 of the Hartlepool Local Plan makes provision for commercial uses in residential areas only when there is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation. The policy also requires that the design, scale and impact is compatible with the character and amenity of the site and surrounding area and that appropriate servicing and parking provision can be made.

It is considered that given the scale and nature of the proposed use and that it will be carried out within an existing property the principle of the use is acceptable in this instance subject to restrictive planning conditions. Considerations relating to the effect upon residential amenity, highways and the character of the conservation area are discussed below.

### Character/Visual Amenity

Policy HE1 of the Hartlepool Local Plan requires development in Conservation Areas to relate to the character of the area, the retention of landscape and building features and the design of car parking provision. As the proposed application involves a change of use only and the external appearance of the property will not be altered, it is not considered that the application would lead to a detrimental effect on the visual amenity of the site and the Conservation Area in general.

An objector has expressed concerns about the erection of advertising boards directing people to the proposed business use. Officers appreciate that as the site is located within a predominantly residential area within a conservation area. It is considered appropriate in this instance to seek to restrict the provision of advertisements upon the premises, and as such in this case it is considered necessary to request the applicant to enter into a unilateral undertaking to restrict advertisements. The applicant has raised no objection to this.

### Amenity

The section of the dwelling to which the change of use relates is detached from the adjoining property by an intervening sitting room with bedroom above approximately 5.7m in width. The surrounding residential dwellings to the south and east are approximately 40m away. Planning conditions have been suggested to restrict the hours of operation, the area in which the business can operate and that only one therapist can work at one time. Given these controls and the nature of the proposed

use, it is considered unlikely that it would give rise to a detrimental effect upon the amenities of the occupiers of the nearby properties in terms of noise and disturbance. The Council's Head of Public Protection has raised no objection to the proposed use subject to a planning condition limiting the hours of use to those proposed.

### Highways

An objector has expressed concerns in relation to the access from the property being potentially 'dangerous'. With regard to the effect of the proposal upon traffic generation and highway safety, it is considered that given the relatively small scale nature of the proposed operation and that there is to be off street parking provision associated with the proposed use at Dunelm it is unlikely that the use would create detrimental highway safety conditions. The Head of Traffic and Transportation has commented on the proposal and raised no objection to the proposed use. He has indicated that three parking spaces would be required for the proposed use and that no more than one person should be working in the building at any one time.

It is considered that there is scope within the courtyard area within the curtilage of the property to facilitate the parking of at least 3 cars. Appropriate planning conditions have been suggested below to ensure this.

### Future Use

An further application for any other change of use would be considered on its own merits. As stated previously, the use of the premises in the proposed form is considered unlikely to lead to a detrimental effect upon the amenities of the occupants of neighbouring properties or the character of the Conservation area.

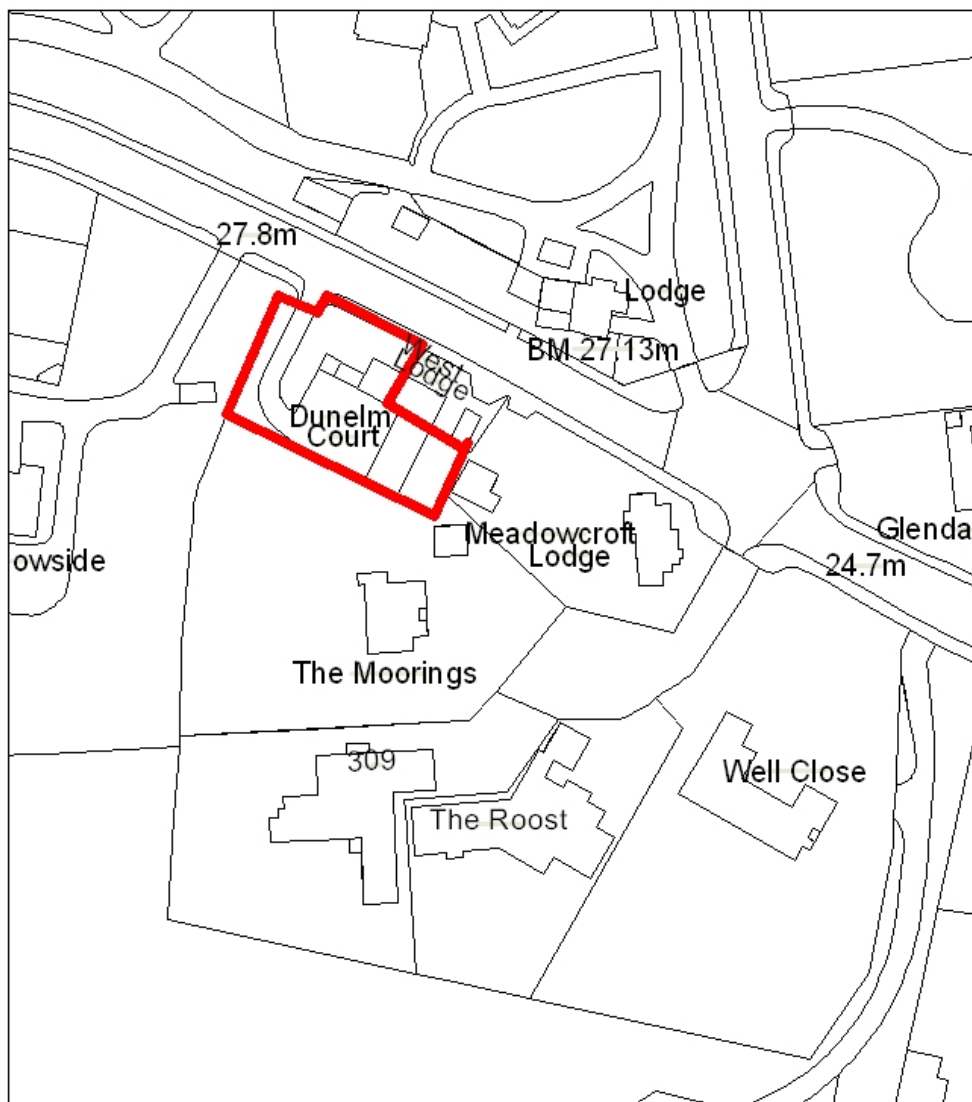
For the above reasons, It is considered that the application is acceptable and approval is therefore recommended, subject to the conditions set out below and the successful completion of a unilateral (S106) agreement to restrict the provision of advertisements upon the premises.

**RECOMMENDATION** – Subject to the applicant entering an agreement to preclude external advertising on the premises APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 0800 and 1800 Mondays to Fridays inclusive and at no other time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The premises shall be used as a health and beauty treatment centre as described in the supporting documentation associated with the application and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any

statutory instrument revoking or re-enacting that Order with or without modification.

4. In the interests of the amenities of the occupants of neighbouring properties. The use hereby approved shall be carried out in conjunction with the use of the property at Dunelm, Elwich Road as a single dwellinghouse only and shall not be used independently.  
In the interests of the amenities of the occupants of neighbouring properties.
5. There shall be one person working in the therapy centre at any one time.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
6. No development shall take place until a scheme showing the layout for the parking of 3 vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority. Once agreed the parking layout shall be retained as such throughout the lifetime of the use.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
7. The use hereby approved shall only operate within the area outlined in blue on the attached plan.  
In the interests of the amenities of the occupants of the neighbouring properties.

**DUNELM, ELWICK ROAD**

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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>27/05/08</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/2008/0216</b>	REV

**Report of:** Assistant Director (Planning and 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 Officer complaint regarding advertisement at land adjacent to A689.
- 1.3 An alleged unauthorised change of use to car wash at Redworth Street
- 1.4 An alleged breach of condition at housing development in Warrior Park.
- 1.5 Alleged unauthorised works to the side of a property at Lanark Street
- 1.6 An anonymous complaint regarding the erection of a rear boundary wall at Hillview.
- 1.7 Alleged erection of high boarding between properties at Catcote Road.
- 1.8 Alleged unauthorised advertisement banner at a shop in Catcote Road.
- 1.9 Alleged siting of a caravan in Shields Terrace.
- 1.10 An anonymous complaint about formation of an access at Newton Bewley.
- 1.11 Complaint regarding the provision of glass screens around outside seating area at a public house on Wooler Road.
- 1.12 Complaint regarding parking on land to the side of a property in Mountston Close.
- 1.13 Complaint regarding damage to wall and fence at Stonethwaite Close.
- 1.14 A neighbour complaint regarding the use of emergency access and siting of storage containers at public house in Seaton Carew.
- 1.15 A neighbour complaint regarding the erection of a structure in a rear garden in Tempest Road.

- 1.16 Complaint regarding an external exposed pipe in Kesteven Road, the complaint is being investigated by Building Control as beyond the planning remit.
- 1.17 Complaint regarding drainage issues with new housing development, currently being investigated by the developer.

## **2 RECOMMENDATION**

- 2.1 Members note this report.

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

**Subject:** APPEAL BY MR PATTISON 16 HUTTON AVENUE  
HARTLEPOOL (H/2007/0681)

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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 vacant residential care home to form 9 self contained apartments at 16 Hutton Avenue, 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 & Economic Development)

**Subject:** APPEALS BY ABLE UK LTD GRAYTHORP

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**1. PURPOSE OF REPORT**

- 1.1 Members were given copies of the Secretary of States decision letters on these appeals at the last meeting and advised that the opportunity would be given to discuss any aspects of the decisions at this meeting. Officers will also take the opportunity to update members on the current position.

**No:**  
**Number:** H/2008/0246  
**Applicant:** Montague Estates (Titan) Ltd Tower Street Hartlepool  
TS24 7HJ  
**Agent:** Building Design (UK) Ltd Suite 1 Tayson House Methley  
Road CASTLEFORD WF10 1PA  
**Date valid:** 18/04/2008  
**Development:** Alterations to provide 49 apartments  
**Location:** TITAN HOUSE YORK ROAD HARTLEPOOL  
HARTLEPOOL

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## The Application and Site

1.1 The application site is located at the junction of York Road and Park Road within the town centre area of Hartlepool.

1.2 This is a 6 storey commercial property which has remained mostly vacant for many years.

1.3 There are commercial uses on the ground floor including shops, offices and health and beauty salons. The surrounding area is mostly commercial, the nearest houses in Dalton Street having been cleared or boarded up.

1.4 The proposal involves alterations and the change of use of the upper floors to provide 49 apartments.

1.5 A new glazed entrance lobby with ramp and canopy will be provided at street level with 9 units on the first floor and 10 on each of the remaining 4 floors.

1.6 This will comprise 29 studio apartments, 8 no 1 bed apartments and 12 no 2 bed apartments, all accessed by stairs and lifts. These units will be for sale at prices targeting affordable housing and first time buyers.

1.7 The external appearance of the building will be altered. This will include new double glazed windows and cladding.

1.8 A secure bin store is to be created within the existing area for car parking which is located in Dalton Street.

1.9 No additional parking for the new apartments has been included in this application. Negotiations are underway between the applicant and Hartlepool Revival for additional land to be made available in the near future to provide a minimum of 25 parking spaces for the development. This would be subject to a separate planning application.

## Publicity

1.10 The application has been advertised by site notice and letters to neighbours (13). To date there have been 3 letters of no objection, one letter of support and one letter with comments as follows:

1. Support for the application but comments on need for parking.
2. A fire exit would lead directly into a living area.

The period for publicity has expired.

## Consultations

1.11 The following consultation replies have been received:

<b>Northumbria Water</b>	- No objections
<b>Public Protection</b>	- No objections
<b>Traffic &amp; Transport</b>	- No objections
<b>Anti Social Behaviour Officer</b>	- No comments
<b>Hartlepool Revival</b>	- Awaited

## Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

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.

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

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

Hsg7: States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Hsg8: States that proposals for the residential use of upper floors will be approved where they do not prejudice the further development of commercial activities. Parking requirements may be relaxed.

## **Planning Considerations**

1.13 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the impact of the development upon neighbouring properties and on the street scene in general and on highway safety.

1.14 In terms of national policy, Government Planning Policy Statement 1 : Delivering Sustainable Development states that good planning practice should actively promote regeneration and accessibility (location and physical access) and the enhancement of the quality, character and amenity value of the urban area. This includes the efficient use or re-use of existing resources and seeks to encourage bringing back vacant and under used previously developed land and buildings into beneficial use.

1.15 PPS 3 (Housing) also promotes the re-use of previously developed land for housing in order to minimise the amount of Greenfield land being used for development.

1.16 Policy Hsg5 of the Local Plan highlights the need to provide a variety of housing to meet demands from all sectors of the community. While in housing need terms there is a significant supply of flats/apartments in the town, the proposed re-use of this building will have a positive effect on the regeneration of this part of the town centre area.

1.17 Policies Hsg7 and Hsg8 both advocate the re-use of upper floors of commercial buildings provided that there are no detrimental effects on adjacent properties.

1.18 It is considered therefore that there would be significant regeneration benefits for the area in the re-development of this building which has previously been highlighted as a major 'eye-sore' in the town. In view of the above, the re-use of this building for residential accommodation is considered to be appropriate.

### **Effect on neighbouring properties and the street scene**

1.19 The physical alterations for the refurbishment will improve the visual amenities of the building itself and the area in general.

1.20 The property which is very prominent in the street scene, can be viewed from a wide area and it is therefore considered that its re-use and refurbishment will have a positive effect on its image, the street scene in general and on other commercial uses in the area.

### **Highway Considerations**

1.21 As previously mentioned, there is no additional parking included in this application. However, as this is a town centre site, no additional parking is formally required.

1.22 The building is located on the main commercial street and very close to Middleton Grange Shopping Centre, where there is easy access to employment, shops, leisure facilities and public transport.

1.23 The agent has stated that an agreement has been reached between the applicant and Hartlepool Revival for land to the rear in Dalton Street to provide a minimum of 25 car parking spaces in the near future.

1.24 This is land that has been cleared and has previous approvals for car parking. A formal planning application will be necessary for the provision of private car parking and it is likely that some landscaping/planting will be required within the scheme.

### **Other issues**

1.25 With regard to the comments made by the occupant of the upper floor of the Park Road wing of Titan House, the blocking up of the doorway would not be a planning matter.

**RECOMMENDATION** – APPROVE subject to the following condition(s)

1. The development to which this permission relates shall be begun not later than five 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 use hereby approved shall not commence until further details for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such details have been implemented.  
In the interests of the amenities of the occupants of neighbouring properties.
4. The scheme shall incorporate energy efficiency and sustainability measures, the details of which shall be first submitted to and approved in writing by the Local Planning Authority; thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of sustainable development.
5. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the commercial uses and the residential accommodation. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.  
To ensure that the building is adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property.
6. Unless otherwise agreed in writing by the Local Planning Authority the alterations to the elevations of the building shall be completed before any of the apartments hereby approved are first occupied  
In the interests of visual amenity.

**Report of:** Assistant Chief Executive

**Subject:** PLANNING WORKING GROUP

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It is necessary for Planning Committee Members to confirm the membership of the Planning Working Group to discuss matters relating to conservation for the municipal year 2008/09. The Panel will consist of five members and will be based on the following political balance – Labour – 2, Liberal Democrats – 1, Conservatives – 1, Administrative Group -1.

The Chair of Planning Committee  
The Vice-Chair of Planning Committee  
1 Labour Group nomination  
1 Liberal Democrat Group nomination  
1 Administrative Group nomination

**RECOMMENDATION**

Members are asked to make the appropriate nominations.