

PLANNING COMMITTEE AGENDA



Wednesday 6th August 2008

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, 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 25th June 2008
- 3.2 To confirm the minutes of the meeting held on 9th July 2008

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*
 - 1. H/2008/0319 Thackeray Road
 - 2. H/2008/0361 Jesmond Gardens/Heather Grove
 - 3. H/2008/0026 North Farm, The Green, Elwick, Hartlepool
- 4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.3 Headland Conservation Area Proposed Extension – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr Stokle, 16 Pinewood Close, Hartlepool, TS27 3QU (H/2008/0159) – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Mr M Majid, 60 Oxford Road, Hartlepool, TS25 5SQ (H/2007/0839) – *Assistant Director (Planning and Economic Development)*

- 4.6 Appeal by Mrs J M L Bellerby, Springfold, Field House Farm, Dalton Piercy, Hartlepool, TS27 3HY – *Assistant Director (Planning and Economic Development)*
- 4.7 Rossmere Pitches, Rossmere Way, Hartlepool – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. FOR INFORMATION

Next Scheduled Meeting – Wednesday 3 September 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 3 September 2008 at 9.00am or at a time to be agreed by the Committee.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25 June 2008

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors Stephen Allison, Shaun Cook, Mary Fleet, Bob Flintoff, Pauline Laffey, Geoff Lilley, Robbie Payne, Michelle Plant, Chris Simmons, Lilian Sutheran and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Christopher McKenna attended as substitute for Councillor George Morris.

Officers Stuart Green, Assistant Director, Planning and Economic Development
Richard Teece, Development Control Manager
Richard Smith, Solicitor
Christine Pipe, Principal Planning Officer
Chris Roberts, Asset Management Technician

13. Proposed Jackson Dock/Trincomalee Wharf Development

Members were informed that a letter had been handed to the Chair prior to the commencement of the meeting in relation to the above application. The Assistant Director, Planning and Economic Development indicated that the letter was dated 21 March 2007 and had been responded to by an Officer from the Legal Division. The detail in the letter was unrelated to the application before the Committee for consideration at today's meeting.

14. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Stan Kaiser, George Morris and Carl Richardson.

15. Declarations of interest by Members

Councillor Pauline Laffey declared a prejudicial interest in minute 4 item H/2007/0918 and left the meeting during its consideration.

16. Confirmation of the minutes of the meeting held on 11 June 2008.

The open minutes were confirmed.

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

Number: 1	H/2007/0918
Applicant:	Jomast Developments Ltd Top Floor Oriel House Stockton on Tees
Agent:	Ryder Architecture Ltd Generator Studios Trafalgar Street Newcastle upon Tyne
Date received:	20/12/2007
Development:	Redevelopment of the land north and south of Maritime Avenue for the provision of retail units, licensed restaurants and cafes, offices, hotel and residential units, with associated infrastructure including multi storey car park and public realm works
Location:	Trincomalee Wharf Maritime Avenue Hartlepool
Representations:	Mr Monk (applicant) and Mr Broadbent and Mr Harris (objectors) were present and Mr Monk and Mr Broadbent addressed the Committee.
Decision:	Minded to APPROVE subject to the following conditions and a legal agreement under S106 of the Planning Act to include Travel Plan(s), affordable housing (10%), contributions towards off site play facilities, abnormal loads route, a local labour agreement, TV reception and the retention of town centre traders. However given that the retail element represents a departure from the adopted Hartlepool Local Plan and the terms of the Shopping Floorspace Directive, the application be referred to the Secretary of State in the first instance for consideration. A final decision on the details of the Agreement and the finalisation of conditions was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of five years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. If the site is developed on a phased basis, a phasing plan shall be first submitted to and approved in writing by the Local Planning Authority. The applicant shall provide with each phase the reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions below for approval by the Local Planning Authority, such approval to be in writing.
To clarify the extent of the permission.
4. The master plan and details of building heights submitted with the application shall be treated as being for illustrative purposes only and shall not be taken as an approval by the Local Planning Authority of the layout of the site, the disposition of buildings thereon or building heights. Such details shall be considered as part of the reserved matters application(s) required by condition 1.
For the avoidance of doubt and to clarify the extent of the permission.
5. Subject to the provisions of condition 6 and unless otherwise agreed in writing by the Local Planning Authority the schedule of accommodation submitted with the application and referred to below shall be taken as the maximum floorspace, the maximum size of hotel and the maximum number of residential units that will be permitted on the site. The accommodation shall include no more than:
 - i) 4900 square metres of gross retail (Class A1) floorspace
 - ii) 18600 square metres of gross office (Class B1) floorspace
 - iii) 1700 square metres of gross licensed restaurant and cafes (Class A3) floorspace
 - iv) a 150 bedroom hotel (Class C1)
 - v) 50 units of sheltered residential (Class C2) accommodation or residential (Class C3) accommodation for residents aged 55 years of age and over.
 - vi) 85 units of residential (Class C3) accommodation.
 For the avoidance of doubt.
6. The applicant shall submit sufficient details with each reserved matters application to enable the Local Planning Authority to establish either that:

- i) the development in whole can be carried out in a manner which will not adversely affect the offsite highway network and railway crossing and that adequate on site parking and servicing arrangements can be provided for each element of the development, or
- ii) each phase of development can take place having regard to any existing development on the site or any other approved but unimplemented phase of development without adversely affecting the off-site highway network and railway crossing and that adequate on site parking and servicing arrangements can be provided for that phase of development and without adversely affecting any such arrangements for existing or other approved phases of development.

The Local Planning Authority shall confirm its acceptance of the submitted details in writing before any part of the development to which this condition applies commences. Thereafter unless otherwise agreed in writing by the Local Planning Authority, development shall be carried out in accordance with the approved details.

To ensure that the development can take place in whole or in part in a satisfactory manner.

7. Unless otherwise agreed in writing no development shall take place unless in accordance with the mitigation details within Volume 2 : Environmental Statement dated 23 November 2007 including, but not restricted to, adherence to timing and spatial restrictions and habitat creation.

To conserve protected species and their habitat

8. Notwithstanding the details submitted the final scheme shall make provision for a 5m wide publicly accessible walkway along the dockside.

In order to ensure public access is retained to the dock.

9. Notwithstanding the submitted details, final details of proposed ground levels and finished floor levels of buildings shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt.

- i) Floor levels of any commercial development shall be set no lower than 5.20 metres above Ordnance Datum.

- ii) Floor levels of any residential development shall be set no lower than 5.67 metres above Ordnance Datum.

Thereafter unless otherwise agreed in writing by the Local Planning Authority development shall be carried out in accordance with the approved details.

To enable the Local Planning Authority to control these details in the interests of the amenities of neighbour properties/To protect the development from flooding.

10. Prior to the occupation of any part of the site flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

11. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 200 year flood plain, are submitted to and agreed in writing by the Local Planning

Authority. This route must be in place before any occupancy of the building(s).

To provide safe access and egress during flood events and reduce reliance on emergency services.

12. In cases where development involves the provision of basement parking the details submitted with the reserved matters application(s) shall include details to clarify the technical specification of the basement parking. In order to ensure that ground conditions are suitable for underground parking.

13. 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. The development shall not be occupied on site until the scheme for the disposal of the foul sewage has been completed and commissioned in accordance with the approved details.

The Northumbrian Water Sewage Pumping Station (SPS) at Bridge Street 1 & 2 has reached its design capacity and cannot accept the anticipated flows.

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

To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and for environmental reasons to avoid the unnecessary pumping and treatment of surface water.

15. Development shall not commence until a detailed scheme which either provides for the diversion of Northumbrian Water apparatus, or, avoids building over of the same by the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

A sewage rising main crosses the site. Northumbrian Water will not permit a building over or close to its apparatus

16. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

To prevent pollution of the water environment.

17. No development approved by this permission shall be occupied until the foul drainage works, i.e. connection to the public foul sewerage system, has been completed in accordance with the approved details.

To ensure a satisfactory means of foul sewage disposal.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

In order to prevent pollution of the water environment.

19. Prior to the commencement of development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of the scheme to deal

with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority.

(1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. To ensure that contamination is addressed and for the protection of controlled waters and all other receptors.

20. Prior to completion of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

To ensure that contamination is addressed and for the protection of controlled waters and all other receptors.

21. Unless otherwise agreed with the Local Planning Authority prior to the commencement of any development on the site, details of measures proposed to protect railway infrastructure, and the operations of the railway, adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of:

- i) The position/design of lighting to be placed adjacent to the railway line.
- ii) Temporary and permanent measures to secure the railway boundary from trespass.
- iii) Details of all excavations and earthworks to be carried out on sites adjacent to the railway line.
- iv) Details of measures proposed to prevent vehicles driving into, or rolling onto, the railway line or lineside fencing.

In order to ensure that the safety and operation of the adjacent railway line is not affected by the development.

22. No part of any building shall be situated within 2m of the boundary with the railway line.
In order to protect the railway line from interference during construction or maintenance works.
23. Notwithstanding the provisions of Condition 3 no development shall take place until a general parking strategy including provision for casual visitors to the site has been submitted to and approved by the Local Planning Authority. The agreed strategy shall be complied with unless otherwise agreed in writing with the Local Planning Authority.
In the interests of highway safety.
24. Prior to the commencement of any development a phasing plan for the provision of highway infrastructure including roads, footpaths and cycleways and for the management of all types of traffic within and in the vicinity of the site including provision for an abnormal loads route shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include confirmation of highways subject to traffic exclusions/restrictions. The plan shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.
In order to ensure satisfactory access within the site.
25. 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 restaurant and café accommodation hereby approved shall be used only as restaurants and cafes as defined by Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended and shall not be used for any purpose within Class A1 or A2 of the same Order or in any provision equivalent to those Classes in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties and in the interests of the vitality and viability of the Town Centre.
26. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use of any part of the development which includes any use falling within classes A3, C2 or C3 as defined by the Schedule to the Town & Country Planning (Use Classes Order) 1987 as amended, the building shall be provided with noise insulation measures, details of which shall first 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. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
To ensure that such buildings where necessary are adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property and the future occupiers of the proposed dwellings.
27. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use of any part of the development which includes any use falling within Class A3, as defined by the schedule to the Town & Country Planning (Use Classes Order) 1987 as amended, the building shall be provided with ventilation filtration and fume extraction equipment to reduce cooking smells, details of which shall first be

submitted for the consideration and approval of the Local Planning Authority. The Class A3 use shall not commence until all approved items so approved have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

28. Any approved A1 or A3 premises shall only be open to the public between the hours of 07:00 and 24:00 daily.

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

29. Unless otherwise agreed in writing with the Local Planning Authority no construction, site clearance or preparation works in any part of the site shall take place outside the hours 07.00 to 19.00 Monday to Friday 07:00 to 13:00 on Saturday and not at all on Sundays and Bank Holidays. No pilling works in any part of the site shall take place outside the hours 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and not at all on Sundays or Bank Holidays.

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

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment.

31. No development shall take place within any part of the application site until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.

The site is of archaeological interest.

- 32 The permission hereby granted shall not permit the redevelopment of the piazza bandstand and open space area shown edged red on the plan accompanying this decision.

In the interest of visual amenity and the amenities of the occupiers of nearby housing/the area is identified as a protected green space in the Hartlepool Local Plan 2006.

33. A scheme to incorporate energy efficiency measures and embedded renewable energy generation within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In the interest of the environment.

34. Subject to the stipulation in condition 5 that the total amount of retail (Class A1) floorspace hereby permitted shall not exceed 4900 square metres gross, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking or re-enacting that Order with or without modification), the provision of convenience retailing floorspace shall not exceed 400 square metres gross, unless otherwise agreed in writing by the Local Planning Authority. In order to avoid an adverse impact on existing convenience retailing within the town centre and other local centres.
35. Subject to the stipulation in condition 5 that the total amount of retail (Class A1) floorspace hereby permitted shall not exceed 4900 square metres gross, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking or re-enacting that Order with or without modification), the provision of speciality retailing floorspace for the sale of specialist goods for the visitor/tourism market shall not exceed 1,000 square metres gross in total, no single unit to exceed 130 square metres gross, unless otherwise agreed in writing by the Local Planning Authority. The goods sold shall be directly related to, designed and intended for use for visitors and tourists. In order to avoid an adverse impact on existing retailing within the town centre and other local centres.
36. Subject to the stipulation in condition 5 that the total amount of retail (Class A1) floorspace hereby permitted shall not exceed 4900 square metres gross, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking or re-enacting that Order with or without modification) the provision of retailing floorspace for the sale of specialist goods for water related sports and outdoor pursuits shall not exceed 1,000 square metres gross in total, unless otherwise agreed in writing by the Local Planning Authority. The goods sold shall be directly related to, designed and intended for use for water-related sports and outdoor pursuit activities. In order to avoid an adverse impact on existing retailing within the town centre and other local centres.
37. Subject to the stipulation in condition 5 that the total amount of retail (Class A1) floorspace hereby permitted shall not exceed 4900 square metres gross, and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking or re-enacting that Order with or without modification), the provision of retailing floorspace for the sale of bulky goods shall not exceed 4500 square metres gross in total, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of any doubt, the proposed retail units shall not be used for the sale of:
- i) food and drink
 - ii) clothing and footwear
 - iii) books and stationery
 - iv) CD's and other recorded audio-visual material
 - v) jewellery, clocks and watches
 - vi) china and glassware
 - vii) musical instruments
 - viii) medical, chemists and opticians goods

Except that the sale of clothing and footwear, books and stationery shall be allowed where the sale of such items is directly related to the sale of 1) DIY goods, 2) motorists' or motorcyclists' accessories, or 3) gardening goods. The floorspace associated with the sale of clothing, footwear, books and stationery as at (1,2 and 3) shall not exceed combined 10% of the gross floor area used for the sale of DIY goods, motorists' of motorcyclists' accessories or gardening goods.

Except that where a unit shall be used for the retail sale of goods sold by a catalogue retailer, the proposed retail unit shall not be used for the sale of food and drink. The following goods sold by a catalogue retailer may be sold but must not combined exceed 10% of the gross floor area:

- a. clothing and footwear;
- b. jewellery, clocks and watches
- c. china and glassware

No clothing or footwear or jewellery or watches shall be displayed on the premises.

To protect the vitality and viability of the town centre.

The Committee considered representations in relation to this matter.

Councillor Pauline Laffey returned to the meeting at this point.

Number: 2	H/2005/5254
Applicant:	Culford Ltd 11 Bury New Road Manchester
Agent:	SCA Planning Lazenby House St Mongahs Court Copgrove Harrogate
Date received:	30/03/2005
Development:	Outline application for residential development open space and associated means of access (AMENDED PLANS AND FURTHER ENVIRONMENTAL INFORMATION RECEIVED)
Location:	BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL
Representations:	Mr John Lynch (objector) was in attendance and addressed the Committee.
Decision:	Minded to APPROVE subject to the following conditions and a legal agreement under S106 of the Planning Act to include habitat creation compensation, provision and maintenance of coastal defence works, decontamination of the

site initial site clearance, affordable housing (10%), financial contribution towards the provision of offsite play facilities he refurbishment of the Spion Kop cemetery wall and the maintenance of the coastal footpath and cycleway and a local labour agreement during the construction period(s). However given that the proposal will have a significant adverse effect on the Teesmouth and Cleveland Coast Special Protection Area the application must be referred to the Secretary of State for consideration. A final decision on the details of this Agreement and the finalisation of conditions were delegated to the Development Control Manager in consultation with the Chair of the Planning Committee

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of five years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale, appearance of the building(s) and landscaping (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. Save for the area of open space and the ecologically sensitive area shown within area A of the Illustrative Concept Master Plan, the Master Plan and details of the building heights submitted with the application shall be treated as being for illustrational purposes only and shall not be taken as an approval by the Local Planning Authority of the layout of the site, the disposition of buildings thereon or building heights. Such details shall be considered as part of the reserved matters application(s) required by condition 1.
For the avoidance of doubt and to clarify the extent of the permission.
4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. If the site is developed on a phased basis the applicant shall provide with each phase the reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions below for approval by the Local Planning Authority.
To clarify the extent of the permission.

5. Unless otherwise agreed in writing by the Local Planning Authority within 3 months from the grant of this permission the application sites shall be cleared and levelled in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.
In the interests of visual amenity.
6. Notwithstanding the submitted details and the provisions of condition 4 no development shall take place unless in accordance with a mitigation scheme for the protection of breeding birds and other ecological receptors to be first submitted to and approved in writing with the Local Planning Authority.
To conserve protected species and their habitat.
7. Unless otherwise agreed in writing notwithstanding the provisions of condition 4 no development shall commence until a scheme for the fully detailed final design and extent of coastal defence works including a dune management plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved coastal defence works shall be carried out in accordance with the approved details and prior to occupation of any dwelling within any of the agreed phases, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of coastal protection.
8. A scheme for a designated construction corridor in connection with the construction of the coastal defence works shall be submitted to and agreed in writing with the Local Planning Authority. Equipment to be used during these construction works shall be tracked excavators or soft -tyred excavators only, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the protection of the SPA.
9. Unless otherwise agreed in writing with the Local Planning Authority the construction of the approved coastal defence works shall only take place between April and October inclusively.
In the interests of protection of wintering waterfowl and migratory species.
10. Notwithstanding the provision of condition 4 a Habitat Restoration and Management Plan for the nature conservation area identified in area A as The Ecologically Sensitive Area on the submitted Illustrative Concept Master Plan, including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of enhancing the nature conservation value of the area.
11. Notwithstanding the submitted Illustrative Concept Master Plan the area identified as a formal recreational area (within area A of the said plan) shall be provided as an area of informal recreation in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. This scheme shall include a long term maintenance plan and a programme of works. Thereafter the scheme shall be developed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of providing appropriate recreational space.

12. A scheme for the provision of the coastal footpath/cycleway including access points and signage to the beach shall be submitted to and agreed in writing by the Local Planning Authority; thereafter the scheme shall be implemented in accordance with a programme of works to be agreed with the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of providing recreational routes and in the interests of the protection of the SPA.

13. The development hereby permitted shall not be commenced until 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.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

14. The development hereby permitted shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to

controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

15. The development hereby permitted shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

16. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

18. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

19. If as a result of the investigations required by the condition 13-18 above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, 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, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures

20. No development approved by this permission shall be commenced until a scheme for the provision of surface water and foul water drainage works including flow attenuation and proposals for overcoming any capacity shortfall in the public sewers and pumping stations to which the development would connect has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

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

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

- To prevent pollution of the water environment.
22. Roof drainage downpipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off.
To prevent pollution of the water environment.
23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
To prevent pollution of the water environment.
24. During the construction period, and where relevant afterwards, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
To prevent pollution of the water environment.
25. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing sewerage system has been agreed submitted to, and approved in writing by, the Local Planning Authority. No buildings hereby permitted shall be occupied until such improvements and/or extensions have been fully commissioned in accordance with the approved scheme.
To prevent pollution of the water environment.
26. Notwithstanding the submitted plans, details of the siting and design of an emergency vehicular access to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented after the occupation of 50 dwellings and retained in accordance with the approved details.
In the interests of highway safety.
27. The Brus Tunnel shall not be used by vehicular traffic unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
28. The development layout shall be designed to facilitate a bus service, unless otherwise agreed in writing by the Local Planning Authority.
To promote alternative means of access
29. Unless otherwise agreed in writing:
1) A scheme for lighting the Brus Tunnel shall be submitted to and approved in writing by the Local Planning Authority;
2) The development shall not commence until a scheme for traffic regulation orders and traffic calming measures on Old Cemetery Road including a programme for implementation, has first been submitted to and agreed in writing by the Local Planning Authority;

Thereafter the scheme shall be carried out in accordance with the approved details.

In the interests of highway safety and in the interests of providing a safe pedestrian route

30. A scheme for pedestrian crossings on 1) West View Road and 2) Old Cemetery Road, including a programme for implementation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

31. Notwithstanding the submitted plans, final details for the roundabout, including sections and levels designed to ensure access for all shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout shall be provided in accordance with the approved details.

In the interests of highway safety and potential affect on a Listed Building.

32. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings shall be completed and available for occupation prior to the completion of the link road and roundabout, which shall be available for use at all times thereafter.

In the interests of highway safety.

33. Prior to the occupation of the first dwelling, a 'Travel Plan Framework' shall be submitted to and agreed by the Local Planning Authority. Such a Travel Plan Framework shall clearly indicate the measures to be undertaken to reduce dependency on private cars associated with the development together with targets and timescales for the achievement of such measures. Thereafter a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of the first occupation of the development. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of controlling vehicle congestion on the highway network.

34. A scheme for the provision of public art/landmark features, including a programme of works, which are identified on the hereby approved Master Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of visual amenity.

35. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

36. No development or clearance shall take place until the applicant, or their agents or successors in title:

- 1) Has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority;
 - 2) Has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ;
- Thereafter this development/clearance shall be carried out in accordance with the approved scheme.
- As the building is of historic significance the specified record is required to mitigate impact and the site is of archaeological interest.
37. A geophysical survey shall be submitted to and approved in writing by the Local Planning Authority, prior to any underground works/clearance, unless otherwise agreed in writing by the Local Planning Authority.
 38. In the interests of mitigation for any unexploded ordnance The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the completion of that phase.
 39. In the interests of crime prevention For the avoidance of doubt this permission relates to the provision of 480 dwelling, unless otherwise agreed in writing by the Local Planning Authority.
- To clarify the permission.

The Committee considered representations in relation to this matter.

Number: H/2007/0354

Applicant: Mr Nick Topp
Topmac Developments Ltd Norton Fabrication Ltd
Ross Road Stockton On Tees

Agent: England & Lyle Mr Jeremy Good Morton House
Morton Road Darlington

Date received: 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

Decision: **Minded to APPROVE subject to the following conditions and a legal agreement under S106 of the Planning Act to include financial contribution(s) to offsite play facilities and housing clearance and renewal measures, site decontamination, TV reception and the provision of a right hand turn lane in to the site on Cleveland Road, relocation of a cycle crossing on Cleveland Road, the provision of a traffic island on Cleveland Road and a Travel Plan. A final decision on the Agreement and conditions was however delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

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) 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:-

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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, a programme for monitoring its effectiveness once installed and specify any mitigation measures should the monitoring highlight a problem with its effectiveness. 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

The Committee considered representations on this matter.

18. 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 19 – Minutes of the meeting held on 11 June 2008 (Para ??) - This item contains exempt information under Schedule 12A Local Government Act 1972, namely

19. Minutes of the meeting held on 11 June 2008

The exempt section of the minutes were confirmed.

20. Duration of Planning Committee meetings

A discussion ensued in light of the duration of this Planning Committee meeting and the possibility of changing the start time of future Committee meetings. The Chair asked for an indication of the duration of meetings for the past 12 months to be provided at the next meeting for Members' consideration.

The meeting concluded at 1.45 pm

CHAIRMAN

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9 July 2008

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors Stephen Akers-Belcher, Mary Fleet, Bob Flintoff, Pauline Laffey, Chris Simmons and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Jane Shaw attended as a substitute for Councillor Shaun Cook and Councillor Gladys Worthy attended as a substitute for Councillor Lilian Sutheran.

Officers Richard Teece, Development Control Manager
Richard Smith, Solicitor
Linda Wright Planning Officer
Angela Hunter, Principal Democratic Services Officer

21. Apologies for Absence

Apologies for absence were received from Councillors Shaun Cook, Stan Kaiser, George Morris, Robbie Payne, Carl Richardson and Lilian Sutheran.

22. Declarations of interest by Members

Councillor Pauline Laffey declared a personal and prejudicial interest and Councillor Jane Shaw declared a non-prejudicial interest in minute 24 – planning application number H/2008/0320. Councillor Laffey left the meeting during the consideration of this item.

23. Confirmation of the minutes of the meeting held on 25 June 2008.

The minutes were deferred for consideration at the next meeting.

24. Planning Applications (Assistant Director (Planning and Economic Development))

Number: H/2008/0364

Applicant: Mr A Khan
Grange Road Hartlepool

Agent: Mr A Khan 59 Grange Road Hartlepool

Date received: 09/06/2008

Development: Change of use from cafe (A3) to cafe with hot food takeaway service (A3/A5)

Location: 44 MURRAY STREET HARTLEPOOL

Representations: Mr Khan (applicant) and Miss Rudge (objector) were in attendance and addressed the Committee.

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

CONDITIONS AND REASONS

1. The use hereby granted is valid until 9 July 2009 and the premises shall revert to the originally approved use as a cafe only and the associated opening hours (approved under application H/2007/0584) on or before that date unless the prior written consent of the Local Planning Authority has been granted to an extension of this period. To enable the Local Planning Authority to assess the use in the light of experience.
2. For the avoidance of doubt the premises shall only be open to the public between the hours of 9.00am - 10.00pm any day of the week during the period permitted by condition 1. In the interests of the amenities of the occupants of neighbouring properties.
3. Within one month of the date of this permission a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority . Once agreed the scheme shall be either installed or retained (if existing is considered acceptable) as such throughout the lifetime of the development. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturers instructions. In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

- Number:** H/2008/0275
- Applicant:** Mr R M Mayes
EGERTON ROAD HARTLEPOOL
- Agent:** ASP Associates 8 Grange Road HARTLEPOOL
- Date received:** 10/06/2008
- Development:** Amendment to planning approval H/2007/0650 for alterations and extensions to provide a double garage, new entrance, kitchen/dining area, cloakroom, 3 additional bedrooms with 2 en-suites and bedroom extension, to provide an additional kitchen window on west elevation and an obscurely glazed first floor ensuite bathroom window on the east elevation (amended description).
- Location:** 26 EGERTON ROAD HARTLEPOOL
- Representations:** Mr Loughrey (agent for the applicant) and Mr Downes (objector) were in attendance and addressed the Committee.
- Decision:** **Planning Permission Approved subject to the following Conditions:**

CONDITIONS AND REASONS

1. For the avoidance of doubt the alterations to the development allowed by planning approval H/2007/0650 hereby approved shall be carried out in accordance with the amended plans 1498/4 rev H and 1498/5 rev G received by the by the Local Planning Authority on the 1 July 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt and in the interests of the amenities of the occupants of the surrounding residential properties.
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order with or without modification), no additional window(s) shall be inserted in the side elevations of the dwelling facing 24 and 28 Egerton Road without the prior written consent of the Local Planning Authority.
To prevent overlooking upon the neighbouring properties
3. Unless otherwise agreed in writing by the Local Planning Authority the first floor en-suite window in the elevation of the property facing 24 Egerton Road, hereby approved, shall be obscurely glazed and shall remain as such throughout the lifetime of the development.
To prevent overlooking upon the neighbouring properties.

4. Unless otherwise agreed in writing with the Local Planning Authority prior to the occupation of the extension hereby approved the windows in the side elevation of the property serving bedrooms 1 and 3 as indicated on drawing no 1498/4 Rev H and 1498/5 Rev G received by the Local Planning Authority on the 1 July 2008 (edged blue on the plan attached hereto) shall be replaced with a window which shall be by design fixed (unopenable) and obscurely glazed. The window detail shall be first agreed in writing by the Local Planning Authority. Once installed the windows shall remain as such throughout the lifetime of the development.
To prevent overlooking.
5. Notwithstanding the submitted details, prior to the occupation of the extension hereby approved a scheme to obscure views from the first floor window serving the bathroom in the side elevation facing 24 Egerton Road as indicated upon plan 1498/4 rev H and 1498/5 received by the Local Planning Authority on the 1 July 2008, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of obscure glazing and a method to fix the window to restrict views upon the above mentioned property. Once agreed the window shall be provided in accordance with the agreed scheme prior to the bathroom being brought into use and shall be retained as such throughout the lifetime of the development.
To prevent overlooking.
6. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2007/0714

Applicant: Mr A Wilks
Penhill Road Bexley

Agent: ASP Associates 8 Grange Road HARTLEPOOL

Date received: 14/09/2007

Development: Alterations and change of use to provide 12 self contained flats with associated car parking (AMENDED PLANS RECEIVED)

Location: 10 THE GREEN SEATON CAREW HARTLEPOOL

Representations: Mr Wilks (applicant) was in attendance and addressed the Committee.

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. The development hereby approved shall be carried out in accordance with the amended plans received on 30th May 2008, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
3. Notwithstanding the details submitted no development shall commence until a schedule of works for internal and external repairs, including a methodology for the repair of the ceiling to the lounge of flat 2, has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved schedule.
In the interests of the character and appearance of the listed building and the Conservation Area.
4. Unless otherwise agreed the external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
5. Notwithstanding the details submitted no development shall commence until large scale details showing the stud walling to protect the fire place, and the new panelling, both to flat 2, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
In the interests of the character and appearance of the listed building.
6. Notwithstanding the details submitted no development shall commence until large scale details of all new windows, doors and door surrounds, including materials and finishes, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
In the interests of the character and appearance of the listed building.
7. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
8. Notwithstanding the details submitted 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.
9. The use hereby approved shall not commence until the proposals for the storage of refuse within the site shown on the approved plans have been implemented.

- In the interests of the amenities of the occupants of neighbouring properties.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the development without the prior written consent of the Local Planning Authority.
To prevent overlooking
 11. The proposed ensuite window(s) serving flat 8 facing 9 The Green shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking
 12. 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.
 13. 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, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
 14. Prior to the development being brought into use secure cycle parking shall be provided on the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the cycle parking so approved shall be retained for the lifetime of the development.
In the interests of highway safety.
 15. The second floor roofspace identified as a storage area to be retained by the applicant, shall be used only for domestic storage and shall not be used for residential accommodation, or any business or other purpose, without the prior written consent of the Local Planning Authority.
In order that any alternative uses proposed can be properly considered and in the interests of the amenity of neighbouring properties.
 16. Prior to the commencement of development details of the proposed on site working hours of construction workers implementing the permission shall be submitted and approved in writing by the Local Planning Authority, thereafter works on site shall be restricted to the approved hours unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenity of neighbouring residents.

The Committee considered representations in relation to this matter.

Councillor Pauline Laffey declared a personal and prejudicial interest in this item and left the meeting during its consideration.

Number: H/2008/0320

Applicant: HARTLEPOOL SIXTH FORM COLLEGE
BLAKELOCK ROAD HARTLEPOOL

Agent: Jefferson Sheard Architects Fulcrum 2 Sidney Street Sheffield

Date received: 21/05/2008

Development: Part demolition of existing college buildings, construction of new college accommodation, refurbishment of retained building and landscaping and creation of new car park

Location: HARTLEPOOL SIXTH FORM COLLEGE
BLAKELOCK ROAD HARTLEPOOL

Representations: Mr Rick Wells (applicant) and Mrs Thomson (objector) were in attendance and addressed the Committee.

Decision: **Minded to APPROVE subject to no substantially different objections before the period for reconsultation on the amended plans expires but a final decision was delegated to the Development Control Manager in consultation with the Chair and Vice Chair of the Committee. A list of proposed conditions is to be circulated to all Members of the Committee before the decision is finalised.**

The Committee considered representations in relation to this matter.

Councillor Pauline Laffey returned to the meeting at this point.

Number: H/2008/0322

Applicant: Deepdale Solutions Limited
Stockton Road Hartlepool

Agent: Deepdale Solutions Limited Queens Meadow
Business Park Stockton Road Hartlepool

Date received: 29/05/2008

Development: Erection of 3 free-standing wind turbines

Location: QUEENS MEADOW BUSINESS PARK
STOCKTON ROAD 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. The development hereby approved shall be carried out in accordance with the details and plans as submitted on 29th May 2008 as amended by the plans received at the Local Planning Authority on 26th June 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
3. No generation of electricity from the development hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing for the remediation of any interference to radio telemetry links caused by the operation of the turbines. The approved scheme shall be implemented thereafter.
To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy GEP4 (Control of Pollution) of the Hartlepool Local Plan.
4. No generation of electricity from the development hereby permitted shall take place until a report detailing a scheme for the investigation and alleviation of any electromagnetic interference to TV reception, which may be caused by the operation of the wind turbine hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The recommendations stated in the report shall be followed and, where necessary, and upgrading works implemented.
To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy PU7 (Renewable Energy Development) of the Hartlepool Local Plan.
5. Unless otherwise agreed in writing by the Local Planning Authority the turbines hereby approved shall be removed from the site within 28 days after any cease to be used for the purposes of generating electricity.
In the interests of visual amenity.

Number: H/2008/0246

Applicant: Montague Estates (Titan) Ltd
Tower Street Hartlepool

Agent: Building Design (UK) Ltd Suite 1 Tayson House
Methley Road CASTLEFORD

Date received: 18/04/2008

Development: Alterations to provide 49 apartments

Location: TITAN HOUSE YORK ROAD 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 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.

The Committee considered representations in relation to this matter.

Number: H/2008/0285

Applicant: Hartlepool Borough Council
Victoria Road Hartlepool

Agent: Hartlepool Borough Council Building Consultancy
Leadbitter Buildings Stockton Street Hartlepool

Date received: 09/05/2008

Development: Provision of a parking area (retrospective application)

Location: LAND ADJACENT TO 11 ARBROATH GROVE
HARTLEPOOL

Decision: **Minded to APPROVE subject to the following conditions but as the proposal represents a departure from the Hartlepool Local Plan and the land is owned by the Council the application be referred to GONE for consideration**

CONDITIONS AND REASONS

1. Within one month of the permission being granted an approved scheme for formal layout of the parking area and a schedule of works and time scales shall be submitted to and agreed in writing to the Local Planning Authority.
In the interests of highway safety.
2. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of the 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.

The Committee considered representations in relation to this matter.

Number: H/2008/0261

Applicant: TESCO PLC

Agent: TNEI Service Ltd Mrs Sarah Bough Milburn House
Dean Street Newcastle upon Tyne

Date received: 29/04/2008

Development: Proposed erection of 1 no micro wind turbine in car

park

Location: TESCOS SUPERMARKET LTD BURN ROAD
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. No generation of electricity from the development hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing for the remediation of any interference to radio telemetry links caused by the operation of the turbines. The approved scheme shall be implemented thereafter.
To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy GEP4 (Control of Pollution) of the Hartlepool Local Plan.
3. No generation of electricity from the development hereby permitted shall take place until a report detailing a scheme for the investigation and alleviation of any electromagnetic interference to TV reception, which may be caused by the operation of the wind turbine hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The recommendations stated in the report shall be followed and, where necessary, and upgrading works implemented.
To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy PU7 (Renewable Energy Development) of the Hartlepool Local Plan.
4. Within 28 days of the wind turbine becoming redundant it shall be removed from the site.
In the interests of visual amenity.
5. Full details of a scheme for protective barriers surrounding the wind turbine to be submitted to and agreed in writing by the Local Planning Authority and installed within one month of the wind turbine being erected.
In the interests of visual amenity and safety of the general public.
6. In accordance with the details submitted as part of the application, the development hereby permitted shall be finished in white - RAL 9016 and thereafter so maintained in white - RAL 9016 unless an alternative is first approved in writing by the Local Planning Authority.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

25. Any Other Business – Delegated Authority

Members' approval was sought to utilise the existing scheme of delegation which provided for delegated authority to the Development Control Manager, in conjunction with the Chair and Vice Chair of Planning Committee where deemed necessary, to consider future applications of the proposed erection of wind turbines to serve commercial and industrial premises. Where there any concerns raised in relation to an application, this would be submitted to the Committee for consideration. Members were also asked to note that where any objections were received for applications, the applications would automatically be submitted to the Committee for consideration.

A brief discussion ensued in which Members agreed that delegated authority in this instance was a good idea with the provision of applications being referred to Committee where any concerns were raised or objections received.

Decision

That delegated authority be given to the Chair and Vice Chair of Planning Committee in conjunction with the Development Control Manager to consider future applications for the proposed erection of wind turbines with the exception of any applications where concerns were raised or objections were received to be submitted to the Planning Committee for consideration.

26. Update on Current Complaints

Members' attention was drawn to 28 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

27. Appeal by Mr Pattison, 16 Hutton Avenue, Hartlepool (H/2007/0681) *(Assistant Director (Planning and Economic Development))*

A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the change of use from a vacant residential care home to form 9 self contained apartments at 16 Hutton Avenue. Members were informed that the appeal had been withdrawn by the

appellant.

Decision

That the withdrawal of the appeal be noted.

28. Any Other Business – Duration of Planning Committee Meetings

At its meeting on 25 June 2008, concern had been raised about the duration of the Planning committee meetings and a request had been made for a list of the duration of meetings across the last 12 months. This list was presented to Members for their consideration.

A lengthy discussion took place and the suggestion was made of moving the Planning Committee to commence at 1pm instead of 10.00am, therefore avoiding any clash over the lunchtime period. It was also suggested that Members be reminded of the substitute arrangements in place if they were unable to attend.

Decision

- (i) That the Planning Committees diaried for 3 September 2008 and 1 October 2008 be changed to 2pm as a trial period.
- (ii) That Members be reminded of the substitute arrangements should they be unable to attend future meetings.

29. Any Other Business –Members' Training

Members were informed that the annual training session for Members in relation to Planning Regulations was arranged for 2 September 2008 commencing at 9.30am. All Members were urged to attend, this would enable the substitute arrangements to be utilised fully where necessary.

Decision

Members noted the training session.

30. Any Other Business – Decision Making and subsequent Appeals

A discussion ensued in which Members were reminded that only material planning considerations should be taken into account in the decision making process in relation to planning applications. Members were asked to note that the once an application had been refused by

the Planning Committee, the right of appeal would fall to the Secretary of State who would only consider material planning considerations. This could result in an appeal being upheld with costs being awarded to the Appellant and borne by the Council.

Decision

Members noted the comments from the Council's solicitor.

The meeting concluded at 12.50 pm

CHAIRMAN

No: 1
Number: H/2008/0319
Applicant: Dunelm Property Services Ltd Bowburn County Durham
DH6 5PF
Agent: HMM Architects Ltd 26 Enterprise House Team Valley
Gateshead NE11 0SR
Date valid: 21/05/2008
Development: Demolition of nos 3-25 Thackeray Road and erection of
12, 3 bedroom, semi-detached houses
Location: 3 -25 THACKERAY ROAD AND LAND ADJOINING
HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The application site is located at the western edge of the town to the east of Thackeray Road and north of Masfield Road. The north end of the site is occupied by 12, two storey flats (Housing Hartlepool) and the south part is currently grassed open space.

1.2 There are residential properties to the north, east and south with an electric sub-station immediately to the west. Beyond the substation is open countryside.

1.3 The proposal involves the demolition of the flats and the redevelopment of the whole site with 6 pairs of semi-detached houses.

1.4 The houses, which have 3 bedrooms and rear gardens with sheds, have been designed to achieve sustainability and Secured by Design standards. The houses will have high levels of insulation, high efficiency boilers and solar panels on the rear roof planes, as well as recycling bin storage areas. Eighteen parking spaces have been provided to the front of the properties in blocks of three.

1.5 All 12 properties will be for rent by a registered social housing landlord – Housing Hartlepool, using Government Housing Corporation grant.

Publicity

1.6 The application has been advertised by way of neighbour letters (18), site and press notices. 3 letters of no objection and 6 letters of objection (2 from same person) have been received. The objections include:-

- a) will encourage children to play outside of properties on Masfield Road instead.
- b) concerns over volume of traffic in crowded street
- c) loss of light to houses opposite
- d) objects to window in side elevation
- e) impact on environment, pollution, noise and sunlight
- f) loss of views of countryside
- g) will affect value of properties
- h) loss of play area for children
- i) unduly large

- j) impact on health of neighbour due to stress
- k) increase in parking congestion
- l) only the area of flats should be developed

Copy letter A

The period for publicity has expired

Consultations

1.7 The following consultation replies have been received:

Head of Public Protection – no objections

Property Services – no objections

Northumbria Water – no objections

Archaeology – no objections

C.E. Electric – no objections in principle. Has provided mains records giving approximate location of Northern Electric apparatus in the area. This information has been forwarded to the agent.

Head of Traffic & Transport – no objections. Proposal meets the maximum parking standards for this type of development. Any damage to roads/footpaths during construction must be repaired before the properties are occupied.

Environment Agency – awaited.

Engineering Consultancy – no objections in principle subject to standard condition regarding contamination. Advised that the Environment Agency should be consulted regarding the discharge of storm drainage. A Section 80 Notice will be required for demolition. Some additional ground test and soil sampling results are still outstanding. The final surveyors report should be available in the near future.

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.

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 in the use of landscaping.

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

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

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

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

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.

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

Planning Considerations

1.9 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, and national policy guidance, the impact of the development on the surrounding area and on the amenities of nearby residents, highway safety, archaeology, ecology and wild life, the loss of open space and the design of the scheme itself.

Principle of development

1.10 The site lies within the limits to development as set out in the Hartlepool Local Plan. Whilst the southern part of the site is incidental open space, more than half of the site is classed as brownfield previously development land.

1.11 As the area in general is almost entirely residential, the principle of additional houses would not be considered to be inappropriate, subject to the consideration of the open space issue (see below).

Open Space

1.12 Council policy GN6 is concerned with protecting areas of incidental open space from development unless it can be demonstrated that it (the open space) is detrimental to the amenities of adjoining or nearby properties and it is too small or difficult to maintain or that it can be demonstrated that a proposed development has special locational requirements and there is no other appropriate site in the vicinity.

1.13 In this particular case, the area of open space is relatively large and its maintenance is not a known problem. Objectors have indicated that local children use the grassed area for informal play. However, there is an established need/demand for social housing within the town which has been recognised in this instance by the provision of Government Housing Corporation Grant which has already been confirmed for this development.

1.14 Policy GN6 also goes on to state that where an area of open space is lost to development, there should be compensatory provision of an alternative site or enhancement of adjoining open space. The applicant has been asked to provide a developer contribution for each dwelling towards green infrastructure as compensation. Some tree planting is to be provided to the front of the properties.

1.15 Notwithstanding that the proposal is considered to be a departure from the Local Plan, it is considered that there are special circumstances that would make residential development of this site acceptable.

Highway Issues

1.16 The development would provide 1.5 spaces per dwelling (18 spaces for 12 houses). The highway engineer is satisfied with this provision. The maximum parking requirement for this type of housing association development is 1.5 spaces per property.

1.17 The existing 12 flats have no off-street parking and whilst car ownership is believed to be fairly low for these properties, any visitors would have to park on the highway.

1.18 It is considered that the new development would provide adequate parking for residents and visitors within the site and would be no different to most other residential streets in the town.

Design of scheme and impact on surrounding area

1.19 The new dwellings, which are of a traditional style, have been designed to incorporate features which will meet sustainable energy targets. Each property will have rear gardens with tree planting between the front parking bays and will provide typical family accommodation similar to many existing houses in the area.

1.20 The dwellings are well distanced from neighbouring properties and meet the Council's guidelines for separation distances and overlooking.

1.21 Issues such as loss of view and the potential for loss of property values are not material planning considerations.

1.22 The mature tree at the north end of the site has been taken into account and will be maintained. Some trees will also be planted at the southern end of the site adjacent to Masefield Road.

Ecology

1.23 The Council's ecologist has identified the potential for a habitat for bats within the existing flats. Although there were no obvious signs at the time the ecologist visited the site, this does not rule out the possibility for future use of the buildings by Pipistrelle bats. In view of this a condition has been suggested that would prevent demolition being carried out at critical periods for bats ie breeding or hibernating. Soffit boards can be removed by hand and if any bats are found work would be stopped. Natural England would then have to be consulted and a license applied for.

Archaeology

1.24 The site lies immediately to the south of the Bronze Age and Romano-British settlements at Catcote.

1.25 In view of the importance of this area in archaeological terms, Tees Archaeology required an evaluation to be carried out prior to any recommendations being made. Two trenches were excavated by a firm of archaeological consultants. No archaeological or modern features of interest were excavated or recorded.

RECOMMENDATION – Minded to approve subject to the following conditions and no adverse comments from outstanding consultees. However as a departure and because of the Council's ownership of the land, the application must be referred to GONE for consideration.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the dwellinghouse (plot 12) facing 27 Thackeray Road without the prior written consent of the Local Planning Authority.
To prevent overlooking.
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. 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.
5. 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.
6. 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.
7. 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).

8. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Grey House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest.
9. Before the development hereby approved is commenced a method statement drawn up by a properly qualified ecological consultant to minimise the risk to bats, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out strictly in accordance with the method statement unless otherwise agreed in writing by the Local Planning Authority.
In the interests of nature conservation and bio diversity.



Thackeray Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22/7/08
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG NO H/2008/0319	REV

No: 2
Number: H/2008/0361
Applicant: Lidl UK Parsons Court Welbury Way Aycliffe Business
Park Newton Aycliffe County Durham DFS 6ZE
Agent: Lidl UK Unit 15 Parsons Court Welbury Way Aycliffe
Business Park Newton Aycliffe DFS 6ZE
Date valid: 12/06/2008
Development: Erection of a foodstore and associated car park and
outline application for the erection of residential units
Location: JESMOND GARDENS/HEATHER GROVE
HARTLEPOOL

The Application and Site

2.1 The application site is an area of rough ground formerly occupied by housing at the junction of Jesmond Gardens and Throston Grange Lane. It is bounded to the west by the Grayfields recreation ground. To the northwest corner of the site are two bungalows which front onto Throston Grange Lane, Sandness/Sayada, the back and back/side gardens of which respectively bound the site. Also to the north is a roundabout beyond which is a service station, children's nursery, Hartlepool University Hospital and a public house. To the east the site is bounded by Jesmond Gardens on the other side of which terraced properties face the site. To the south of the site are the Gretton Court Nursing Home and Alzheimers Day Centre and its associated car parking area, to the south east are a group of bungalows, all which have access from Heather Grove.

2.2 The application has been submitted by Lidl and is in two parts. It includes a proposal to erect a Lidl supermarket on the northern part of the site and an outline proposal for residential development on the southern part of the site.

2.3 The supermarket will extend to some 1030 square metres gross with a sales area of some 800 square metres. It will be located in the south east corner of the northern half of the site with car parking areas, for 59 cars, located to the north and east. Landscaped areas will fringe the site. It will be enclosed by a wall and railing to the public sides, and close boarded fencing (acoustic in sensitive locations) on the other sides. Access both vehicular and pedestrian will be taken from new access points from Jesmond Gardens. The delivery bay for the supermarket will be located at the southern end of the site. The applicant has indicated that the supermarket will be open 8am to 8pm Monday to Saturday and 10am to 4pm Sunday and Bank Holidays.

2.4 The proposed residential development will be located at the southern end of the site. The applicant has confirmed that all matters are reserved however an indicative layout shows the provision of 19 new dwellings which would include 6 two bedroom houses, 7 three bedroom houses and 6 one bedroom bungalows. Access will be taken from Heather Grove

Planning History

2.5 In January 2003 an application for the erection of a larger retail unit with a net sales area of 1200 square metres and associated car park was received. (H/FUL/0044/03). The application was reported to the Planning Committee of July 2004 with a recommendation for refusal on grounds relating to failure to demonstrate need, failure to satisfy the sequential test, contrary to policy/retail strategy, and impact on the vitality and viability of existing and proposed local centres. The application was withdrawn by the applicant before it was considered by the Committee.

2.6 In October 2003 an application for outline planning permission for the erection of a residential care home was approved (H/OUT/0512/03). This application was never implemented.

2.7 In April 2000, September 1998, and November 1997 planning permission was granted for the erection of a hospice unit. (H/FUL/0069/00, H/FUL/0400/98, H/FUL/0514/97). These applications were never implemented.

Publicity

2.8 The application has been advertised by neighbour notification (46), by site notice and in the press. The time period for representations has expired.

2.9 Six letters of no objection and twelve letters of support were received. Those writing in support raise the following issues.

- i The nearest Lidl is in Peterlee.
- ii Very impressed with Lidl stores.
- iii The site has been empty/an eyesore for some years. I am glad it is being put to good use.
- iv An extra shopping facility in an area not served by local shops would be an asset.
- v A lot of elderly people live in the area and it would be a great help to them if they did not have to travel to town for shopping.
- vi Store would be used by young and old.

2.10 Five letters of objection were received. The writers raise the following issues.

- i Traffic congestion, busy roads, proposal will add to it, there have been a number of accidents some unreported.
- ii Car park will not be large enough, people will park outside houses.
- iii Delivery lorries will be an inconvenience especially at night.
- iv Noise.
- v The shop will disturb the elderly and the terminally adjacent.
- vi Youths hanging around the area. There is already a problem with youths, damage to property and cars, and the shop will add to it.

2.11 One letter from an individual was received which does not object to the proposal but does raise concerns about youths hanging around the shops at night and causing anti-social behaviour.

Copy letters B

The period for publicity has expired.

Consultations

2.12 The following consultation replies have been received:

Environment Agency - No objections request conditions.

Engineering Consultancy - I would request that my new updated planning condition regarding contamination is attached to any approval.

The supporting flood risk assessment outlines tentative storm water drainage proposals and indicates how these could work in practice. I would therefore request a condition covering detailed designs for the disposal of storm water from the development to be submitted before development commences.

Public Protection:- I would have no objections to this application subject to the following conditions:

That no deliveries are to be made to the store between the hours of 8:00pm and 7:00am.

That acoustic fences are provided and maintained between the site of the store and the residential properties including the existing properties on the Northern edge of the site (Sandness/Sayada). Prior to commencement of the development exact details of the acoustic fences shall be submitted and approved in writing by the Local Planning Authority.

Whilst I accept that the details of the housing development are indicative I would not support the layout as indicated as plots 5,6,7 and 8 in my opinion are too close to the store development and have windows serving bedrooms overlooking the store and the delivery bay.

Property Services:- I have no issue with the application other than the release of covenant position which we are dealing with.

Northumbria Water - A public sewer crosses the site request condition securing the diversion of the sewer or the redesign of the scheme to avoid building over.

Traffic & Transportation - The proposed development is located in an area which is close to good transport links to other parts of the town

The development will have an impact upon the existing highway network with increase traffic flows. The nearby Jesmond Gardens/Easington Road junction has congestion problems at present due to the close proximity of the roundabout. The supermarket and the housing could exacerbate this problem further. The applicants traffic assessment suggests that queuing does not occur at this junction however it

does at peak times where there could be queue lengths of at least 8 vehicles. However the queue lengths do not take long to disperse.

A condition will be required for the service vehicles so no servicing can take place while the shop is open to the general public as service vehicles would have to reverse in or out of the service area and would cross a pedestrian route to the shop. The condition would be in the interest of pedestrian safety.

Where the applicant has indicated pedestrian crossing points on the west side of Jesmond Road there should be crossing points on the other side of the road this would be at the expense of the applicant.

The total gross floor area for the development is 1030m² and the maximum parking requirement would be 82 parking spaces. The applicant has provided 59 spaces this is acceptable as there are good transport facilities within 400metres of the development. The layout of the parking is acceptable.

On the plans supplied with the application, the parking for the housing development is shown as 1 space per dwelling and not the 2 spaces the transport assessment has indicated. This can be resolved with reserved matter for the site. If the housing is for social housing the parking requirement would be a maximum of 1.5 spaces per dwelling.

Police – No comments received

Community Safety – Raise issues relating to safety and security pointing out that retail developments can raise disorder issues generally surrounding anti-social behaviour and minor disturbance and therefore the site needs to be carefully managed. Security measures should include a security review, CCTV and appropriate enclosures. Suggest security review conditioned.

Planning Policy

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

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

Dco2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

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

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

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

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

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

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

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

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

Planning Considerations

2.14 The main planning considerations are policy, retail issues, impact on the amenity of neighbours, highway issues, design/impact on the visual amenity of the area, crime and disorder, flooding/drainage, contamination and landscaping issues.

POLICY

2.15 The site lies within the limits to development and in policy terms the use of part of the site for housing is acceptable in principle. The main policy issue therefore in relation to this development relates to the acceptability of the use of part of the site for retailing. The site is located on the edge of a predominantly residential area, it is not allocated for retailing and is not located within an existing local centre. In accordance with PPS6 the applicant is required to clearly establish that there is a need for the development, that there is no sequential preferable site available and that the development will not have an unacceptable impact on the on the vitality and viability of the town centre and nearby local centres. The retail issues surrounding the development are discussed below.

2.16 Discussions are continuing about development contributions, but the applicant has agreed to provide an element of affordable housing.

RETAIL ISSUES

2.17 Specialist retail advice has been sought on the retail issues, an update report will follow.

IMPACT ON THE AMENITY OF NEIGHBOURS

2.18 The application site is located on the edge of a predominantly residential area. To the south is a care home, to the south east are bungalows, to the north are a pair of bungalows, on the opposite side of Jesmond Gardens are residential properties.

2.19 The use and operations of the supermarket has potential to affect the amenity of the neighbours. The Head of Public Protection has been consulted and has raised no objection in relation to the supermarkets relationship with existing residential properties. In order to protect the amenity of residents however he has advised that conditions be imposed on deliveries allowing no deliveries between 08:00 pm and 07:00 am and requiring the provision of acoustic fencing in specific locations. The Head of Public Protection has however raised concerns in relation to relationship between the supermarket site and the proposed housing site in that the indicative layout proposed shows four properties in close proximity to, and overlooking the delivery bay. This matter has been raised with the applicant however the housing application is in outline and it is considered that an acceptable layout could be arrived at that would address these concerns.

2.20 It is considered that the proposed housing site on the southern half of the site closest to the care home and bungalows will provide a residential buffer to the supermarket development limiting any potential adverse impacts to these residents. Whilst an indicative layout has been provided only outline planning permission is sought for the housing site and the design/appearance and layout will be reserved. It is anticipated however that acceptable separation distances and relationships could be achieved and, with this residential buffer in place, that the development as a whole will be unlikely to have a detrimental impact on the amenity of these existing residential properties.

2.21 In relation to the bungalows to the north these face the site with their rear elevations and have gardens approaching the boundary. In terms of their orientation they will not face the proposed supermarket building squarely but at an angle. The area of the site immediately behind the bungalows gardens will consist of a landscaped strip, ranging in depth from 1.5 to 6m, with car parking beyond. Beyond this will be the supermarket building itself which will face the bungalows with its side elevation and at its closest point be some 14m from the rear garden boundary of the closest property, Sandness, and some 20 to 24.5m from the rear elevation of this property. In terms of its height the supermarket building is not exceptionally high ranging from 5.6m to 7.7m back to front. Given the separation distances involved it is not considered that the proposed supermarket building will unduly affect these neighbours in terms of loss light, privacy, outlook or in terms of any overbearing effect. In terms of the use and operation of the supermarket itself in order to limit any impact from the use of the car park an acoustic fence is proposed enclosing the neighbours boundaries. The delivery bay for the supermarket will be on the opposite side of the building and so deliveries are unlikely to affect these neighbours. The proposed opening hours of 8.00am to 8.00pm Monday to Saturday and 10.00am to 04.00pm Sunday/Bank Holidays are considered reasonable. In the event that the application were approved delivery and opening hours could be conditioned. It is considered that in terms of the relationship with these properties the proposal is acceptable.

2.22 In relation to the houses on the opposite side of the road, the supermarket building is set well back from these houses, some 45m to 48m. In relation to the housing site, outline permission only is sought here, it is anticipated however that acceptable separation distances and relationships with the housing opposite could be achieved. It is not considered therefore that the proposed development would unduly affect the amenity of these residents in terms of loss of light, privacy, outlook or in terms of any overbearing effect. In terms of the use and operation of the supermarket, the proposed opening and delivery hours can be conditioned. It is considered that in terms of the relationship with these properties the proposal is acceptable.

HIGHWAY ISSUES

2.23 The applicant has provided a Transport Assessment in support of the application. This concludes that there are no highway reasons why the application should not be approved. Traffic & Transportation have acknowledged that the development will have an impact upon the existing highway network with increased traffic flows. There is some congestion at the nearby Jesmond Gardens/Easington Road junction due to the close proximity of the roundabout and the development could exacerbate the situation. However Highways have not advised against the application. In relation to parking given the good transport links available they consider the provision to be acceptable. In relation to the housing area outline permission only is sought and car parking issues can be resolved at the detailed stage. Traffic & Transportation have however raised concerns regarding the fact that the access to the delivery bay will cross a pedestrian access into the site and have suggested therefore that there should be no deliveries during store opening hours. Unfortunately given the restrictions on delivery hours requested by the Head of Public Protection this would leave only an hour window (7.00am to 8.00am) Monday to Saturday and this is unworkable for the applicant. Traffic & Transportation have

also requested drop kerbs on Jesmond Road to assist crossing. Discussions on this issue are on going and it is hoped will be resolved before the meeting.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA.

2.24 The site is located on the edge of a predominantly residential area. It is currently something of an overgrown area of rough ground which contributes little to the visual amenity of the area. The housing application is in outline only however it is considered that a suitable design and layout could be arrived at which would have a positive impact on the visual amenity of the area. In relation to the supermarket element of the application the proposed supermarket building itself is of a design typical of a modern supermarket. It is set well back on the site with a wall and railing feature enclosing the landscaped car park. It is considered that the design of the supermarket is acceptable and that it will have an acceptable impact on the visual amenity of the area.

CRIME & DISORDER

2.25 A number of neighbours have raised concerns in relation to the possibility that the supermarket will encourage youths to hang around late at night with the potential for antisocial behaviour. The community safety officer whilst not objecting to the application has advised security would need to be carefully managed. The opening hours of the store extend to only 8.00pm and it is not considered that the proper functioning of the shop itself would raise issues of crime or antisocial behaviour. It is also the case that the site is currently unsupervised rough ground to which any youths intent on causing antisocial behaviour currently have unfettered access. The concerns have nonetheless been raised with the applicant who has advised that the store manager would not allow youths to loiter, no external seating would be provided, Lidl strictly control their sale of alcohol, and that CCTV cameras would be installed to discourage vandalism/anti social behaviour. It is not uncommon for shops to be located in or adjacent to residential areas and it is not considered that these concerns, which essentially relate to the criminal behaviour of individuals unconnected to the supermarket, would warrant refusal of the application.

FLOODING/DRAINAGE

2.26 The site is within an area of low flood risk. The Environment Agency and Hartlepool Council's Engineering Consultancy have raised no objection to the proposal, subject to conditions requiring the appropriate drainage measures. In flooding/drainage terms the proposal is considered acceptable.

2.27 Northumbrian Water have advised a public sewer crosses the site and have therefore requested a condition requiring the diversion of the sewer of the amendment of the scheme to avoid the sewer. The applicant believes the sewer is redundant and is in discussion with Northumbria Water. However it is considered this position could be protected by an appropriate condition.

CONTAMINATION

2.29 The site is previously developed land and the Engineering Consultancy have therefore requested an appropriate site investigation and remediation condition,

should the application be approved, in order to address any contamination which may be present on the site.

LANDSCAPE

The western boundary of the site is bounded by a line of trees and bushes. Discussions on these features are ongoing.

RECOMMENDATION : - As a number of matters, retail issues, highway issues (deliveries, drop kerbs), and landscaping are outstanding an update report will follow.



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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06.08.08 Planning applications.DOC 18

No: 3
Number: H/2008/0026
Applicant: Mrs D Watson North Farm Elwick Village Hartlepool TS27 3ED
Agent: Jacksonplan Limited Mr Ted Jackson 7 Amble Close Hartlepool TS26 0EP
Date valid: 04/04/2008
Development: Change of use alterations, extensions and new build to create 14 dwellings and creation of new vehicular access (Amended Plans Received - House no.14 modified and House no.5 relocated)
Location: NORTH FARM THE GREEN ELWICK HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The site to which this application relates forms part of an existing working farm unit located at the eastern end of Elwick Village on the north side of Elwick Road. The site incorporates a semi-detached two-storey farmhouse and a number of associated agricultural buildings of varying ages, sizes and conditions. The application site also includes a raised paddock area at the eastern end of the site. The ground levels on the site fall significantly from east to west.

3.2 To the north of the application site are open agricultural fields, directly to the east of the site is Carlton Bungalow and to the west is Greencroft, a large detached residential property set in substantial grounds. The southern boundary of the application site is bounded by Elwick Road, the main thoroughfare through Elwick, which detaches the site from the residential properties and farm buildings directly to the south.

3.3 The farmhouse on the site adjoins 17 The Green (to the west) which is a 2 storey residential property with a single storey extension to the side. The property has a separate vehicular and pedestrian access than that serving the farmhouse.

3.4 The farmhouse and the agricultural buildings upon the site are located within the Elwick Conservation Area, only the paddock area to the eastern end of the site and a small grassed area in the north west are located outside of it.

3.5 An existing Public Right of Way (Elwick 1) runs through the application site.

3.6 This application seeks consent for the conversion of existing agricultural buildings upon the site and the erection of new build dwellings to create 14 dwellings with associated car parking. The proposal also incorporates the creation of a new vehicular access and indicates that the previous access is to be closed, made good and become village green. The plans indicate that a vehicular and pedestrian access (Public Footpath) will be created to the farmland to the north.

3.7 The proposal incorporates the retention of the farmhouse as a single dwelling. It seeks to convert and alter the linked traditional single storey agricultural buildings which front Elwick Road to create 2 dwellings. 1 of the dwellings is to be single storey and 1 dwelling will have living accommodation in the roofspace.

3.8 The former granary building to the north of the single storey buildings fronting Elwick Road is to be converted into a dwelling with living accommodation in the roof space. The proposal incorporates the demolition of the existing lean-to structure on the north elevation of the granary and the erection of a single storey extension in its place to create a garden room with the appearance of a gingang.

3.9 The additional 11 dwellings are to be new build. The proposal includes the erection of 2 pairs of semi-detached two storey properties. A courtyard development to incorporate 4 attached dwellings including 3 no two-storey properties and 1 single storey property. A single storey dwelling is proposed to the rear of 17 The Green with a linked two-storey dwelling to the north of it. A two-storey detached dwelling with single storey off shoots is proposed at the eastern end of the site adjacent to Carlton Bungalow.

3.10 The proposal includes the provision of 6 garages and a total of 34 parking spaces.

3.11 An Archaeological Survey and Evaluation, Bat Survey and Design and Access Statement have accompanied the proposed plans and elevations. The plans and elevations will be displayed at the meeting.

3.12 The applicant has offered 2 of the 14 dwellings to be affordable housing.

3.13 The plans have been amended since originally submitted in light of officers concerns over the siting of the dwellings on plots H5 and H14 with regard to a potential detrimental effect upon the living conditions of the residents of Carlton Bungalow to the east of the site and the living conditions of future occupants of H5 should the scheme gain approval. Both properties have been re-sited. The occupants of neighbouring properties were re consulted on the amendment.

Publicity

3.14 The application has been advertised by way of neighbour letters (24), site notice and press notice. Eight letters of objection were received from the original consultation exercise from the occupants of 6 different properties, 1 letter of comments and 7 letters of no objection. Seven letters of objection were received following the re-consultation on the amended plans referred to above.

3.15 The concerns raised are:

1. The access is onto a dangerous stretch of road where drivers exceed the speed limit.
2. With the volume of traffic now using the village particularly on the morning and evening this would be a tragedy waiting to happen. Should this development be passed and a serious accident or fatality occurs I would seek to bring my objection to the media.

3. The existing hawthorn hedge impedes the line of sight from the proposed site entrance down to the village, which is on the road boundary of North Farm.
4. Residents have expressed concern over the daily hazards and problems experienced departing from their properties in either direction due to lack of visibility to observe speeding cars in both directions. Issues relating to the state of the roads during the winter months.
5. Object to a proposed pedestrian crossing point as it would put the general public at risk due to poor visibility and speeding vehicles travelling through the village. *'I would intend to seek legal advice in regard to the legality and risks to my family of an incident occurring due to our private access drive been crossed in the future as an access route from the proposed pedestrian crossing to the adjacent fenced path'*
6. The Traffic and Transportation response makes no mention of the dangerous bank/summit or bend at the proposed entrance/exit to the site, taking into account the high volume of traffic at commuting times.
7. Dangerous for people to cross Elwick Road from the site.
8. Concerns over the access to plot H14 and the effect upon the safety of the general public. Consideration should be given the possibility of the pedestrian route being taken from the point adjacent to plot H5, which is identified for 'possible future extension', which would dramatically reduce the risks for both vehicular accidents and injury to pedestrians.
9. Development may have an effect upon the shared sewage and land drainage which runs across the site.
10. The development is at the important east entrance and by reason of its size and design would adversely affect the area in terms of visual intrusion and be an unwelcome invasion into the village road scene contrary to policies GEP1 and HSG10 of the Hartlepool Local Plan 2006.
11. The scale and density of the proposal is not appropriate to the area.
12. The development will set a precedent for future expansion of the site.
13. General feeling is that this continued expansion of the village towards the town is unacceptable.
14. Frontage and access of 3 recently built properties near to the site have not been finished properly and are an eyesore for which a planning enforcement order should be served.
15. Development would be contrary to PPS1 para 27.
16. Site of the proposed development is part of an area known as Great Mill it is the site of the Old Elwick Mill, it is believed to form part of the buildings to be demolished and removed. Are some of these barns also part of the Longhouse Farm?
17. Many bats in the area, which have been seen emerging from the pantile eaves of the barns.
18. Tawny Owls are on the site and swallows and house martins makes nests under the barn eaves during the summer.
19. The public right of way should remain where it is.
20. Security fencing should be provided along the western boundary prior to the commencement of any work.
21. Concerns over the hours of working.
22. Reduce the value of houses opposite.
23. The additional infrastructure to support the additional housing would be of concern, which detracts from the quite village life.

Consultations

3.16 The following consultation replies have been received:

Public Protection – No objection

Northumbrian Water – Comments awaited

Engineering Consultancy – Have requested a planning condition is attached to any approval to require ground investigation.

Elwick Parish Council – Comments – The Councillors do not want an extension to the village envelope, it must be in keeping with the village, must only be for 14 dwellings, parking spaces must not be converted to garages at a later date, development must be as close as possible to the existing buildings in appearance, facing bricks on building 9 should be replaced with a more suitable bricks and wall fronting Elwick Road should be retained.

Traffic and Transportation – No objection. The officer has highlighted that the existing access onto Elwick Road is very close to an existing farm building which reduces the visibility for on coming traffic going out of the village. The officer considers that the proposed relocation of the access and the associated sight lines will have an improvement on the existing situation.

The officer has acknowledged that there will be an increase in vehicular movements with the development compared with the existing situation but will have minimal impact on the highway network.

He has suggested that the developer should extend the proposed footway onto Elwick Road with a crossing point to link the existing footpath and make the village more accessible.

A Public Right of Way (Elwick 1), which runs through the site, will require diverting before works start on the proposed development.

Ecology – No objection subject to a planning condition requiring a mitigation scheme for the re- location of bats as suggested in the accompanying Bat Survey.

Cleveland Police – Burglary Reduction and Architectural Liaison Officer has commented that the risk assessment in respect of the Elwick Area is low in terms of crime and anti-social behaviour. He has however recommended a number of measures that could be implemented to get the scheme to reach a Secure By Design accreditation.

Cleveland Archaeology – No objections.

Ramblers Association – Comments awaited

Countryside Access Officer – Informally no objection.

Planning Policy

3.17 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.

HE14: States that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

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.

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

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

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

Rur3: States that expansion beyond the village limit will not be permitted.

Planning Considerations

3.18 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 principle of the development, highway safety, visual amenity, residential amenity, the effect of the proposal upon the character of the conservation area and street scene and considerations relating to the ecological and archaeological value of the site.

Policy Considerations

3.19 Whilst land that has been occupied for agricultural buildings does not constitute previously developed land for the purposes of PPS3 (Housing), the entire application site, including the proposed garden areas of the dwellings, is located within the limits to development as defined by policy Rur3 (Village Envelopes) of the Hartlepool Local Plan 2006. Moreover, given the housing figures suggested in the recently adopted Regional Spatial Strategy and as the site is surrounded by residential properties, the principle of residential development is considered acceptable in this instance.

3.20 The applicant has proposed that 2 of the dwellings are affordable. Affordable housing includes both social rented and intermediate housing provided to specified eligible households whose needs are not met by the market. PPS3 (Housing) defines social rented housing as rented housing owned and managed by local authorities and registered social landlords. It describes intermediate affordable housing as housing at prices and rents above those of social rent, but below market price or rent. These can include shared equity products, other low cost homes for sale and intermediate rent.

3.21 Given the outcome of the Hartlepool Strategic Housing Market Assessment (2007) where it was identified that there is a shortfall of 393 affordable units per year in Hartlepool, the proposed affordable housing in this instance is welcomed. The provision of the 2 units will be secured through the applicant entering into a Section 106 Legal Agreement.

Highway Considerations

3.22 A number of objection from the residents of the nearby properties have been submitted regarding the potential of the proposed development to lead to detrimental highway issues.

3.23 The Head of Traffic and Transportation has considered the proposed scheme and has raised no objection to it. He has acknowledged that the sight lines associated with the existing access to the farm are hindered by the farm building at the access point, he has commented that the proposed sight lines 4.5 x 70m are an improvement on the existing situation and that the proposed parking provision is acceptable.

3.24 The officer has acknowledged that there will be an increase in vehicle movements to and from the site with the development compared to the existing situation, but considers this will have a minimal impact upon the highway network.

3.25 He has suggested that the proposed footway onto Elwick Road is extended and a pedestrian crossing point created from the development site to the south side of Elwick Road to make the centre of the village more accessible for residents to walk to it. This matter will require further detailed consideration and discussion given ownership and levels issues.

3.26 A requirement for the provision of a crossing point outside of the site could be included in a Section 106 Agreement or as a Grampian condition should it be considered feasible.

3.27 As the site has a Public Right Of Way running through it, this would have to be diverted to facilitate the proposed development. The Rights of Way Officer has raised no objection to the scheme and has welcomed the investigation into the potential for a pedestrian crossing point to be provided near to the site to link to the footpaths to the south of Elwick Road. The comments of the Ramblers Association are awaited, it is envisaged that they will be received before the meeting and Members will be updated accordingly.

Visual Amenity/Conservation Area/Streetscene

3.28 It is considered that the proposed alterations to the external appearance of the traditional agricultural buildings to be converted are sympathetic to the agricultural history of the site and will enhance the character of both the streetscene and the Elwick Conservation Area in general.

3.29 The scale, siting and external appearance of the proposed new dwellings are considered acceptable. It is felt that the removal of the substantial modern agricultural buildings and the development of this high quality sympathetic scheme will significantly improve the aesthetics of the site from the surrounding vantage points.

3.30 Plots H12, H13 and H14 at the eastern end of the development will be sited upon an existing paddock area which is the most elevated position of the site. It is considered that as these properties are to be set well back from the Elwick Road frontage they will not appear unduly large or out of keeping upon the streetscene. Overall it is considered that given the differing levels of the site and the retention/conversion of the existing agricultural buildings along the Elwick Road frontage it is unlikely that the proposed new build dwellings will appear unduly large or incongruous upon the streetscene and in turn the conservation area.

3.31 The Council's Conservation Officer has considered the proposed scheme and has raised no objection. She has commented that the proposal incorporates a good mixture of properties which have a high quality of design and attention to detail. It is considered that the proposed dwellings and alterations reflect the existing buildings on the site and replicate the appearance of converted farm buildings which will sit well within this part of the conservation area.

3.32 The applicant's architect has indicated that the dwellings will be finished in either reclaimed local stone or York Handmade Bricks with reclaimed grey welsh slate or clay pantile roofs. It is envisaged that the proposed mix of finishes will add visual interest and variety to the scheme whilst respecting the existing character.

3.33 As the site is located within a conservation area it is considered prudent in this instance to remove permitted development rights for the alteration or extension to the properties by way of planning condition, to preserve the character of the development over time.

Residential Amenity

3.34 In this instance it is not only important to consider the effect of the proposed development upon amenity of the occupants of the surrounding residential properties but to assess the living conditions of the future occupants of the proposed dwellings.

3.35 It is considered overall that the physical relationship of the proposed dwellings to the surrounding existing properties and between the proposed dwellings is such that it is unlikely that detrimental overlooking, overshadowing or dominance issues will be created. In reaching this conclusion the following relationships have been considered in detail. In terms of the guidance contained within the Hartlepool Local Plan there are 2 instances in the proposed scheme where the separation distances are less than those specified. This is between plots H2 and H3 and the rear elevation of 17 The Green and the front elevation of plot H4.

3.36 Plots H2 and H3 (Granary) are to be converted into dwellings with a distance of 7m between the rear elevation of plot H2 and the rear elevation of plot H3. This is well below the guideline separation distances set out in the Local Plan. However these are existing buildings and the layout of the properties are such that no primary windows will be facing each other. Given that the proposed scheme will facilitate the retention of these traditional buildings of special character the relationship is considered acceptable in this instance. Such a relationship is not unusual in barn conversion schemes, or within village locations.

3.37 The physical relationship between the first floor windows upon the rear elevation of the neighbouring property 17 The Green and the primary elevation of plot H4 approx 10m again whilst well below the guidelines in the Local Plan is considered acceptable given the difference in scale of the properties (H4 is proposed as single storey). A substantial (approx 2m high) wall runs along the rear elevation of 17 The Green which will screen the majority of the proposed development from the rear ground floor windows. It is not considered that any direct overlooking issues will be created from the first floor bedroom window of 17 The Green and the windows

in the south elevation of H4. The relationship is considered acceptable in this instance.

Ecology

3.38 The Council's Ecologist has studied the application and the supporting Bat and Barn Owl surveys for the outbuildings. He has commented that the survey established that there are no signs that the buildings to be altered are bat roosts although small number of bats of three species were found to be foraging around the buildings. He also confirmed that there is a small risk that some of the buildings could be used by a small number of bats at sometime in the future, particularly as hibernation roosts. The mitigation proposed in the survey is considered to be an appropriate way of dealing with this situation.

3.39 A suitably worded planning condition has been suggested below that will require the construction work to be carried out in accordance with the mitigation schedule suggested.

Archaeology

3.40 An Archaeological Survey and Evaluation has been carried out and submitted as part of the application. Tees Archaeology has been consulted upon the application and visited the site to view inspection trenches, they have confirmed that the archaeological potential of the site is low and as such have raised no objection to the application.

Landscaping

3.41 The proposed layout plans indicate the provision of tree planting along the northern and western boundary of the site. It is considered that such planting will go some way to integrating the development into the surrounding countryside and complement the character of the Elwick Conservation Area. Notwithstanding the proposed trees around the boundary it is considered necessary for a planning condition to be attached to any approval to ensure that a scheme of new planting is created. It is anticipated that there is substantial scope for a comprehensive landscaping scheme along the southern boundary of the site which will make a positive contribution to both the character of the application site and Elwick Village as a whole. An appropriate condition is proposed.

Other Matters

3.42 An objection relates to the potential of the proposed development to damage the existing land drainage and foul sewers that run across the site which serve properties outside the site. A planning condition can be proposed requiring full drainage details of the scheme to deal with foul and surface water including proposals for dealing with any existing arrangements. It must be noted drainage within the site will be considered in detail within the consideration of Building Regulations.

3.43 The comments of Northumbrian Water are awaited. It is anticipated that they will be received prior to the meeting and as such an update report will be provided.

3.44 A letter of objection makes reference to the potential for the proposed development to devalue house prices within Elwick, as Members will appreciate this is not a material planning consideration and cannot be given weight in the determination of this application.

Conclusion

3.45 In conclusion, this is considered to be a high quality sympathetic residential scheme in the style of agricultural type buildings, located within the limits to development of Elwick Village.

3.46 It is considered that the siting, design and external appearance of the scheme is such that it is unlikely that it will have a detrimental effect upon the character of the streetscene and in turn the character of the Elwick Conservation Area. Moreover, the physical relationships between the proposed properties within the scheme and the existing surrounding residential properties are considered acceptable.

3.47 Notwithstanding the increased traffic movements to the site it is considered that the proposed access arrangements will bring about an improvement to the existing situation, no objection has been raised by the Head of Traffic and Transportation. The potential provision of a pedestrian crossing point for Elwick Road, which is to be further discussed and considered in detail, could provide a sustainable link into the centre of the village if feasible.

3.48 However a number issues remain outstanding in particular comments from both the Ramblers and Northumbria Water. An update will be provided.

RECOMMENDATION – Update to follow



North Farm, Elwick



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 22/7/08
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0026	REV

No: 2
Number: H/2008/0361
Applicant: Lidl UK Parsons Court Welbury Way Aycliffe Business Park Newton Aycliffe County Durham DFS 6ZE
Agent: Lidl UK Unit 15 Parsons Court Welbury Way Aycliffe Business Park Newton Aycliffe DFS 6ZE
Date valid: 12/06/2008
Development: Erection of a foodstore and associated car park and outline application for the erection of residential units
Location: JESMOND GARDENS/HEATHER GROVE
HARTLEPOOL

UPDATE

1. This application appears on the main agenda at item 2.
2. The recommendation was left open as a number of matters were outstanding, these related to highway issues (deliveries, drop kerbs), landscaping and retail issues.
3. Four additional letters of support and one letter of no objections have been received.

One of the writers raises the following issues:

- i) Inadequate parking and overspill into our parking area.
 - ii) Noise from evening deliveries which may disturb residents.
 - iii) Excessive light pollution from the site.
4. Those supporting the application raise the following issues:
 - i) Great opportunity to provide affordable housing with a much needed foodstore.
 - ii) Lack of discount food provision forcing residents to travel great distances to purchase groceries.
 - iii) Delighted to see a Lidl foodstore in the area.
 - iv) Lidl provide high quality products at competitive prices.

These additional responses will be tabled at the meeting.

5. The following additional consultation responses have been received.

POLICE : I would recommend that this development complies with the principles of Secured by Design guidelines with regard physical security and the layout and design of the development. Secured by Design is the minimum standard for safety and security. Crime pattern analysis for the area of the development shows higher than average rates for burglary and disorder appropriate measures should be made to prevent crime and

disorder in order to comply with Section 17 of the Crime and Disorder Act 1998. Various recommendations are made in relation to security on the housing and supermarket site. (doors, windows, security lighting, intruder alarms, boundary treatments, CCTV, gates).

TRAFFIC & TRANSPORTATION : The amended layout is an improvement on the previous layout and reduces some of the concerns. Warning signs near the servicing area should be erected to warn pedestrians of the servicing vehicles. The wording and locations of the signs could be made a condition

Planning Considerations

HIGHWAY ISSUES

6. Traffic & Transportation have confirmed that the proposed parking provision is acceptable. They did however raise concerns in relation to the relationship between the pedestrian access and the delivery bay and requested that drop kerbs be provided to aid the crossing of Jesmond Gardens. The applicant has submitted an amended site layout which shows the provision of the requested drop kerbs and shows an altered location for the pedestrian access, which whilst it still crosses the access route to the delivery bay is considered an improvement. Traffic & Transportation have however requested that appropriate warning signage be provided, this can be conditioned.

LANDSCAPE

7. Discussion have been ongoing in relation to the trees and bushes along the western side of the site adjacent to the Grayfields Recreation Ground. The applicant wishes to remove these elements and landscape the site. The trees and bushes have been assessed by the Arboriculturalist who found that whilst there are semi-mature trees and some remnant hedgerow trees within the site these are sparse and of low quality. The most significant tree, an isolated Sycamore, is structurally defective because of the large cavity within the main stem where the crown breaks. In landscape terms the applicant's proposals are considered acceptable.

RETAIL ISSUES

8. Specialist retail advice has been sought on the retail issues raised by the application and is awaited, an update will be provided at the meeting.

RECOMMENDATION :- Given the outstanding retail issues Members will be updated at the meeting.

No: 3
Number: H/2008/0026
Applicant: Mrs D Watson North Farm Elwick Village Hartlepool TS27 3ED
Agent: Jacksonplan Limited Mr Ted Jackson 7 Amble Close Hartlepool TS26 0EP
Date valid: 04/04/2008
Development: Change of use alterations, extensions and new build to create 14 dwellings and creation of new vehicular access (Amended Plans Received - House no.14 modified and House no.5 relocated)
Location: NORTH FARM THE GREEN ELWICK HARTLEPOOL HARTLEPOOL

Update

1. Since the original report was created the formal consultation responses of Northumbrian Water, The Ramblers Association and the Countryside Access Officer have been received.

Northumbrian Water - No objection.

The Ramblers Association - Have raised no objection to the scheme providing that the length of the new path for any diverted Public Right of Way is at least 2m wide and that a gap or self-closing hand gate is provided to provide access to the existing PROW upon the agricultural fields to the north.

The Countryside Access Officer – Has raised no objection to the planning application. He has commented that the Public Right of Way would require diversion and that an application under Section 257 of the Town and Country Planning Act 1990 (Application for Diversion of Public Footpath or Bridleway) would be the relevant legal process to facilitate this.

2. The applicant's agent has been consulted upon the response of the Ramblers Association and has agreed to provide the relevant countryside furniture and footpaths in line with up to date access requirements. A planning condition has been suggested to control these requirements.

3. In light of the responses set out above and the considerations discussed in the original report, the proposal is considered acceptable and is therefore recommended for approval.

RECOMMENDATION – Approve subject to the following planning conditions and a S106 Legal Agreement requiring the provision of 2 affordable dwellings and potentially a pedestrian crossing point:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the plan(s) no(s) 03 Rev D, 04 Rev E, 10 Rev B, 11 Rev B, 12, 13, 14, 15, 16, 17 Rev A, 18 Rev B, 19, 20, 21, 22, 23, 24, 25 Rev A, 26, 27, 28 Rev A, 28 Rev A, 30 received on the 16 January 2008 and the 27 June 2008, unless otherwise agreed in writing by the Local Planning Authority

REASON:-For the avoidance of doubt

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

REASON:-To ensure the adequate disposal of foul and surface water drainage from the development.

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

REASON:- In the interests of visual amenity.

5. 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 or altered in any way without the prior written consent of the Local Planning Authority.

REASON:- To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent amending legislation no incidental buildings (including garages and sheds) shall be erected within the curtilage of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

7. 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), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse, without the prior written consent of the Local Planning Authority.

REASON:- To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

8. The area(s) indicated for car parking on the plans hereby approved shall be provided before the occupation of the dwellings hereby approved and thereafter be kept available for such use at all times during the lifetime of the development.

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

REASON:- 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.

REASON:- In the interests of visual amenity.

11. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.

REASON:- To preserve the landscape features on the site in the interests of visual amenity.

12. 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.

REASON:- In the interests of the health and appearance of the preserved tree(s).

13. Notwithstanding the submitted details, 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.

REASON:- In the interests of visual amenity.

14. The development shall be carried out in accordance with the bat mitigation scheme as set out in section 4 of the 'Bat and Barn Owl Survey for Outbuildings at Elwick North Farm' which was received by the Local Planning Authority on the 17 January 2008 unless otherwise agreed in writing by the Local Planning Authority.

REASON:- To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.

15. No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:-

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until 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.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason (common to A,B,C,D,E,F): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

G. Extensions and other Development in Dwellings

If as a result of the investigations required by the conditions above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, 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, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

16. Notwithstanding the submitted details prior to the commencement of the development hereby approved a plan showing the width of the access junction of H12, H13 and H14 reduced to 4.5m shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON:- In the interests of highway safety.

17. Prior to the development hereby approved commencing large-scale details of new windows, doors and rainwater goods of the approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All windows and doors shall be constructed in timber.

REASON: - In the interests of visual amenity.

18. The development hereby approved shall not commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority, once agreed the scheme shall be constructed in accordance with the agreed details.

REASON: - In the interests of visual amenity.

19) Prior to the commencement of the development hereby approved details of the doors for the garages hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the doors shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

20) The area within the application site marked 'Village Green' on the approved plan shall be grassed within 1 month of the completion of the development and thereafter shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

21) Prior to the commencement of the development hereby approved full details of the bin enclosures shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the enclosures shall be constructed in accordance with the agreed details and remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

22) Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the proposed diversion of the Public Right of Way (Elwick 1) running through the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the widths, siting and surfacing of footpaths to be provided and any access gates to facilitate the diversion. Once agreed and implemented the footpath and gate shall remain as such throughout the lifetime of the development.

To ensure the access is safe and suitable for all people, including people with disabilities.

23) Unless otherwise agreed in writing by the Local Planning Authority the visibility plays of 4.5m x 70m as indicated upon plan 1859 03 Rev D received by the Local

Planning Authority on 25 June 2008 shall be provided before the development hereby approved commences. The hedges on the Elwick Road boundaries of plots H1 and H14 shall be cut back to facilitate this. Thereafter the hedges shall be kept cut back so as not obstruct visibility within the approved sight lines.

In the interests of highway safety.

24) Notwithstanding the area marked for possible future extension on the approved plans for the avoidance of doubt this does not constitute an agreement in principle to the future expansion of the site.

For the avoidance of doubt.

25) Prior to the commencement of the development hereby approved a scheme for security measures incorporating 'secure by design' principles shall be submitted to and approved in writing by the Local Planning Authority this shall include a scheme for the security of the site during construction. Once agreed the measures shall be implemented prior to the development being completed and 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 of the occupants of the site.

26) Prior to the commencement of the development hereby approved an energy efficiency and sustainability method statement identifying relevant measures to be incorporated into the development, including sustainable drainage measures, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be constructed incorporating the approved measures.

To ensure the development incorporates sustainable development techniques.

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

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 Neighbour complaint regarding untidy site at a property on Wasdale Close.
- 1.3 Neighbour complaint regarding the erection of a conservatory at a property on Merlin Way.
- 1.4 Neighbour complaint regarding the mending and sale of cars at a property on Tristram Avenue.
- 1.5 Neighbour complaint regarding high hedges at a property on The Grove.
- 1.6 Neighbour complaint regarding a possible new driveway access to a property on Crowland Road.
- 1.7 Neighbour complaint regarding the erection of externally (spot) illuminated sign at a property on the Green.
- 1.8 Neighbour complaint regarding the erection of an advertising sign on a property in Oxford Road.
- 1.9 Councillor complaint regarding the erection of a conservatory on Broadfield Road.
- 1.10 Anonymous complaint regarding Sunday opening at a business premises on Elizabeth Way.
- 1.11 Neighbour complaint regarding untidy land at the rear of properties on Watercress Close and Comflower Close.
- 1.12 Councillor complaint regarding car parking at a property in Granville Avenue.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: HEADLAND CONSERVATION AREA PROPOSED EXTENSION

1. PURPOSE OF REPORT

- 1.1 In 2007 an appraisal of the Headland Conservation Area was carried out. The report concluded with a number of proposals. One suggestion was to extend the boundary of the conservation area to include the Heugh Breakwater, this report will consider this proposition.

2. BACKGROUND

- 2.1 Appraisals are a means of assessing the key factors contributing to the appearance and character of existing and potential conservation areas, local authorities are encouraged to undertake periodically conservation area appraisals. There is no formal requirement for the form and content of appraisals, or the methodology to be used, but typically appraisals cover such subjects as historical development of the area, archaeological significance, prevalent building materials, the character of open spaces, the quality and relationships of buildings and also of trees.
- 2.2 Consultants Scott Wilson (formerly Ferguson McIlveen) were commissioned to carry out the appraisal of the conservation area. Their work was informed by a steering group which comprised local groups, Ward Members and officers. The group guided the appraisal process and fed advice and local knowledge into the project.
- 2.3 The report resulted in an extensive document which summarised the character of the Headland Conservation Area. In addition the report concluded by providing a number of suggestions to be considered further. One such suggestion was the alteration of the boundary of the area to include the Heugh Breakwater. The Portfolio Holder has agreed to further consultation regarding the extension to the boundary.

3. PROPOSED EXTENSION TO THE BOUNDARY

- 3.1 Throughout the three rounds of public consultation there was much public support for the proposed inclusion of the Heugh Breakwater in the Conservation Area. It was considered that the Breakwater is one of the main landmarks of the Headland and there is concern amongst residents who responded that it is being left to fall into disrepair. Although conservation area status would not offer a greater level of protection, the report indicates that the

Breakwater's inclusion would reinforce the importance of the structure to the character of the area.

4. CONSULTATION

- 4.1 PD Ports as the local Port Authority have jurisdiction over the Breakwater. They have been consulted directly regarding the proposed extension to the boundary of the area and their views will be presented to the Portfolio Holder when he considers the proposed extension. No comments have been received to date.

5 CONCLUSIONS

- 5.1 The Breakwater is a prominent structure within the Headland Conservation Area. It does influence the character of the coastline of this conservation area and, unlike the Old Pier, was not included within the original boundary of the area. Although its inclusion would not offer any additional protection it would acknowledge the local views that this structure contributes to the character of the area.
- 5.2 A recommendation will be made to the Portfolio Holder for Regeneration and Liveability on the 29th August. The views of the PD Ports will be considered prior to a final recommendation being made however officers are minded to extend the boundary of the Headland Conservation Area to include the Heugh Breakwater based on the information currently available.

6 RECOMMENDATION

- 6.1 That the Planning Committee notes the report.

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

Subject: APPEAL BY MR M STOKLE, 16 PINWOOD CLOSE, HARTLEPOOL TS273QU (H/2008/0159)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a decision of the Council.

2. THE APPEAL

A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a bedrooms extension above garage and alterations to existing rear conservatory including provision of a tiled pitched roof at 16 Pinewood Close.

The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 Authority be given to contest the appeal.



Appeal Decision

Site visit made on 3 January 2007

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

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

The Planning Inspectorate
At 1 Eagle Way
Hampshire, GU14 7JH
2 The Square
Temple Alley
Bristol BS1 1SF
☎ 0117 322 6670
e-mail: enquiries@pi.gov.uk
inspectorate.pi.gov.uk

Date: 18 January 2007

Date: 18-January 2007

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Griffiths against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0502, dated 30 June 2006, was refused by notice dated 8 August 2006.
- The development proposed is a hot food take away.

Decision

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

Reasons

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

Appeal Decision APP/H0724/A/06/2025540

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

K.A. Ellison

Inspector

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

Subject: APPEAL BY MR M MAJID 60 OXFORD ROAD,
HARTLEPOOL TS25 5SQ (H/2007/0839)

1. PURPOSE OF REPORT

- 1.1 To advise Members of a planning appeal that has been submitted against a decision of the Council.

2. THE APPEAL

A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the change of use of the property to a hot food take away at 60 Oxford Road.

The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 Authority be given to contest the appeal.

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

Subject: APPEAL BY MRS J.M.L BELLERBY,
SPRINGFOLD, FIELD HOUSE FARM, DALTON
PIERCY, HARTLEPOOL TS27 3HY.

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council for the issuing of an Enforcement Notice.

2. THE APPEAL

- 2.1 A planning appeal has been lodged against the Council for the issuing of an Enforcement Notice against an alleged breach of planning control involving the unauthorised use of an office building within a building at Springfold, Field House Farm, Dalton Piercy as a dwellinghouse with ancillary office.
- 2.2 The appeal is to be determined by the Inquiry procedure Council's opinion has been sought on this matter and an update will follow.

3. RECOMMENDATION

- 3.1 Update to follow.

Report of: Assistant Director (Planning & Economic Development)

Subject: ROSSMERE PITCHES, ROSSMERE WAY,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 A planning appeal was lodged against the refusal of planning consent for the change of use from public open space to football pitches, erection of 2.2m high perimeter fencing and resiting of 3 existing site cabins at Rossmere Pitches, Rossmere Way for St Francis 2000 Football Club.
- 1.2 The appeal was decided by written representations and the inspector subsequently allowed the appeal.
- 1.3 A copy of the decision letter is attached as an appendix.



Appeal Decision

Site visit made on 13 June 2008

by **John L Gray** DipArch MSc Registered
Architect

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
17 July 2008

Appeal Ref. APP/H0724/A/08/2070106

Rossmere Pitches, Rossmere Way, Hartlepool, TS25 5EF.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Keith Everett against the decision of Hartlepool Borough Council.
- The application, ref. H/2007/0597, dated 26 July 2007, was refused by notice dated 5 December 2007.
- The development proposed is the removal of existing 1.2m high post-and-wire-mesh fence and replacement by 2.2m high mesh fencing incorporating additional land.

Decision

1. I allow the appeal and grant planning permission for removal of the existing 1.2m high post-and-mesh fencing and its replacement by a 2.2m high mesh fence incorporating additional land at Rossmere Pitches, Rossmere Way, Hartlepool, TS25 5EF, in accordance with the terms of the application, ref. H/2007/0597, dated 26 July 2007, and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The containers hereby permitted shall be removed from the site and the land restored to its former condition within five years of the date of this permission unless the local planning authority has granted its prior written consent to an extension of this period.
 - 3) Notwithstanding the information on drawing no. 308/01/PL/02 and in the Design and Access Statement, development shall not begin until full details of the fencing hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reasons

2. Officers recommended that the application be approved but members decided to the contrary, a harmful increase in traffic and parking, the loss of public open space and the visual impact of the proposed fencing being the three reasons for refusal. A large number of objections were made by local residents at the application stage and also in relation to the appeal.
3. Looking first at the loss of public open space, I do not consider that taking in the small area of land beyond the south-west corner of the existing playing field enclosure can be contentious. At present, that area appears to serve no useful purpose, being away from the footpath route to its west and with enclosed land on its other three sides. Relocation of the containers to that area

Appeal Decision APP/H0724/A/08/2070106

would render them slightly less prominent than they are now (though they are somewhat unsightly and should not be considered a permanent fixture). I also take the view that encompassing the proposed area of land to the north of the present enclosure would not cause any serious harm. A substantial width of open space would remain between the playing fields and Rossmere Way. Nor, since the area lies away from them, would there be any effect at all on the existing trees to the north-east of the playing fields.

4. Turning to the effect of the proposed fencing, I accept that enclosure of the pitches by 2.2m fencing would be much more obvious than the existing 1.2m fence. That said, the enclosure of some of the adjacent school grounds shows that this type of fencing does not obscure what lies beyond. Put another way, while it would be clear that the pitches were not to be used by the general public, it would also be evident that the land was still open. I do not consider that the visual impact of the fencing would so undermine existing residential amenity as to be unacceptable. However, I note what is said about wind noise caused by the existing fencing at the school; while not a phenomenon I have encountered myself, there is merit in considering further the specification of fencing to be used.
5. Lastly, the concern about traffic and parking is understandable but, in my opinion, unsubstantiated. The proposal would allow five football pitches, of different sizes for different age groups, to be laid out without any overlap. In principle, it makes sense to mark out the pitches separately. Residents, though, fear that the additional playing area would mean additional games being played, thus generating additional traffic and parking. It seems to me that the likelihood of that is very small indeed.
6. The grounds of appeal say that there would be no intensification of the existing activity, which involves no more than three pitches being in use at any one time because of different training times, different match times and fixtures being home and away. That state of affairs is highly likely to continue. And, if it did, there would be no additional traffic and no additional parking over and above what may anyway occur at present and for the duration of the existing lease. That is the conclusion reached by the Council's Highway Engineer and I see no reason to take a different view, even if there might be rare occasions when more than three pitches were in use at the same or very similar times.
7. As I read the objections, much of the concern appears to arise because of what happens at present. Rossmere Way is a wide road; with a carriageway of around 9.0m it ought to be able to accommodate parking on both sides without obstructing the flow of traffic. A large number of cars may be parked at any one time, and some of the parking may be inconsiderate, but my conclusion from all that has been said is that conditions now, while perhaps irritating for some, would not become noticeably worse if the appeal were allowed.
8. Accordingly, I conclude that there would be no harm in relation to Local Plan Policies GEP1 and REC4 – or, indeed, the additional policies referred to by the Council in its statement though not in the reasons for refusal – which could justify dismissing this appeal.

John L Gray

Inspector

ANY OTHER BUSINESS

No:
Number: H/2008/0320
Applicant: HARTLEPOOL SIXTH FORM COLLEGE BLAKELOCK ROAD HARTLEPOOL TS25 5PF
Agent: Jefferson Sheard Architects Fulcrum 2 Sidney Street Sheffield S1 4RH
Date valid: 21/05/2008
Development: Part demolition of existing college buildings, construction of new college accommodation, refurbishment of retained building and landscaping and creation of new car park
Location: HARTLEPOOL SIXTH FORM COLLEGE BLAKELOCK ROAD HARTLEPOOL HARTLEPOOL

Update

1. This application was considered by Members at the last meeting where they endorsed the principle of the development subject to consultation on late amendments and discussions to try to increase parking provision within the site. Members also wanted to see the suggested conditions before a decision is issued. A final decision was delegated to the Development Control Manager in consultation with the Chair and Vice Chair. Since that meeting amended plans have been submitted which incorporate additional car parking provision, a new electricity sub station, widening of entrance, the erection of internal pedestrian and vehicle access gates and erection of boundary fencing. The amended layout plan will be displayed at the meeting.

2. A re-consultation exercise has been undertaken, all nearby residents who were originally consulted have been given the opportunity to comment on the revised plans. To date no letters of objection have been received. One letter of comments has been received which raises no objection to the amended plans but seeks further consultation with residents on the potential demolition of the Arts Block and future use of the land should the college wish to demolish the Arts Block. The period of publicity expires 2 days after the meeting.

3. With regard to the Arts Block given that it houses a substantial bat roost and that further detailed bat mitigation measures would be required to successfully re locate the roost a planning condition restricting its demolition has been suggested below.

4. The proposed plans now indicate the provision of 74 student parking spaces (inc 8 no disabled) and 57 staff parking spaces (inc 7 no. disabled) to create a total of 131 spaces. The original plans proposed 107 spaces. The Head of Traffic and Transportation has raised no objection to the revised

plans. Moreover with regard to the temporary access road onto Catcote Road it is considered that it would be prudent in this instance to restrict commercial vehicles associated from the construction of the development from entering and leaving the site from Catcote Road given the number of schools which are located along it. A condition has been recommended to restrict the movements between the hours of 8:15am and 9:15am and 3pm and 4pm. The Head of Traffic and Transportation has raised no objection to this condition. Given that the period for reconsultation only has a short period before it expires and after consultation with the Chair it is considered that this matter would be best considered at todays meeting to avoid any unnecessary delay. The suggested conditions are indicated below.

RECCOMENDATION:- Subject to no material different objections being received the application is recommended for approval subject to the following conditions :-

TIME LIMIT

1) The development to which this permission relates shall be begun not later than three years from the date of this permission.

Reason: To clarify the period for which the permission is valid.

SPECIFIC PLANS AND DETAILS

2) The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 May and amended Plan 3901 A-2000 Rev D5 received by the Local Planning Authority on the 23 July 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

FINISHING MATERIALS

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

Reason: In the interests of visual amenity.

PARKING PROVISION DURING CONSTRUCTION

4) No development shall take place until a scheme for the parking of vehicles visiting the site during the construction of the development hereby approved has been submitted for the consideration and approval of the Local Planning Authority. Once agreed the parking scheme shall be provided prior to the commencement of the development hereby approved.

Reason: In the interests of highway safety.

PERMENANT PARKING SCHEME AND RESTRICTION OF PARKING ELSEWHERE ON SITE

5) Before the completed development is brought into use the approved car parking scheme as indicated on plan 3901 Rev D5 received by the Local Planning Authority 23 July 2008 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.

Reason: In the interests of highway safety.

PHASING OF DEVELOPMENT

6) The development hereby approved shall be constructed in accordance with the proposed phasing plan as indicated within the Design and Access Statement received by the Local Planning Authority on the 20 May 2008 unless otherwise agreed in writing by the Local Planning Authority.

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

DETAILS OF MEANS OF ENCLOSURE

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.

Reason: In the interests of visual amenity.

DETAILS OF LANDSCAPING

8) A detailed scheme of landscaping and tree and shrub planting and replanting 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.

Reason: In the interests of visual amenity.

RETENTION OF LANDSCAPING

9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than 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.

Reason: In the interests of visual amenity.

PROTECTION OF TREES ON SITE

10) Unless otherwise agreed in writing by the Local Planning Authority 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.

Reason: In the interests of the health and appearance of the preserved tree(s).

RETENTION OF ARTS BLOCK

11) Notwithstanding the submitted details including the Bat Survey, the Arts Block at the southern end of the site shall not be demolished unless a robust Bat mitigation strategy and a scheme for the future use of the land has been submitted to and agreed in writing by the Local Planning Authority. For the general avoidance of doubt the site shall not be used as a parking area.

Reason: To protect the integrity of the Bat population of the site and residential amenity.

DEMOLITION OF BUILDINGS ON SITE

12) No works, including demolition, shall take place on the larger site until a robust bat mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall progress in accordance with the mitigation strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the local Bat population.

WHEEL WASHING FACILITIES

13) Prior to the commencement of the development, details of a wheel-washing facility within the site for the use by construction vehicles using the temporary access road shall be submitted and approved in writing by the

Local Planning Authority. The approved facility shall be installed before traffic associated with the construction of the development commences entering or leaving the site and shall thereafter remain operational and be available for its intended use at all times during the lifetime of construction of the development.

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

HOURS OF USE OF THE TEMPORARY CONSTRUCTION ACCESS ROAD

14) The temporary construction access road as indicated on plan 3901 1050 rev D1 received by the Local Planning Authority on the 20 May 2008 shall not be used by commercial vehicles to enter or leave the site to or from Catcote Road Between the hours of 8:15 am and 9:15am and 3pm and 4pm Monday to Friday (Inclusive) unless otherwise agreed in writing by the Local Planning Authority, the temporary surface shall be removed from the site within 1 month of the date of completion of the development.

Reason: In the interests of the highway safety of pedestrians and drivers/passengers using Catcote Road.

PLAYING FIELD RESTORATION

15) Prior to commencement of the development/use a playing field restoration scheme for the site edged blue on drawing No. 3901 1050 Rev D1 (Temporary Construction Access) shall be submitted and approved in writing by the Local Planning Authority. The restoration scheme shall provide details of the following:

1. existing and proposed ground levels
2. existing and proposed soil profiles
3. measures to strip, store and re-spread soils to avoid soil loss or damage
4. measures to dispose of/accommodate waste materials on the site
5. drainage measures including where appropriate under drainage
6. proposed seeding, feeding, weeding and cultivation measures
7. boundary treatment
8. 5 year aftercare and maintenance arrangements
9. installation of equipment
10. restoration and maintenance programme

The playing field should be restored in accordance with approved scheme and shall be available for use on commencement of use of the new college block.

Reason: To ensure adequate playing field provision following removal of contractors compound and temporary construction access road.

USE OF PLAYING PITCHES DURING CONSTRUCTION

16) Prior to the commencement of development hereby approved a scheme shall be submitted to and approved by the Council which-

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Hartlepool 6th Form College.doc

- i) realigns pitches within the playing field so as to the same number, type and size of playing pitches: or
- ii) should there be an unavoidable temporary reduction of pitches, details of transitional relocation arrangements with the affected community teams.

The approved scheme shall be brought into effect within one month of the commencement of the development.

Reason: To ensure adequate playing field provision is retained at the site .

COMMUNITY USE OF SPORTS FACILITIES

17) Prior to the commencement of the use/development a Community Use Scheme for the sports and leisure facilities shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-college users, management responsibilities, a programme for implementation and include a mechanism for review. The approved Scheme shall be implemented in accordance with the approved programme.

Reason: To improve community use of the sports facilities at the college.

SECURE CYCLE STORAGE

18) Before the development is brought into use a scheme including the external appearance of shelters for the secure storage of cycles for students and teachers at the college shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

PROVISION OF CYCLE STORAGE

19) Before the development hereby approved is brought into use the agreed cycle 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.

Reason: In the interests of highway safety.

RESTORATION OF MERCHANTS HOUSE

20) Prior to the commencement of the development hereby approved full details of the proposed works to repair and restore the Merchants House shall be submitted to and agreed in writing by the Local Planning Authority, this should include a schedule of repairs with a method statement to include details of finishing materials, large scale details of repairs/replacement of windows and doors and how any scarring from the demolition of the attached buildings would be made good. The restoration works shall be carried out in

accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve and enhance the integrity and aesthetics of the Merchant House on site

RETENTION OF ORIGINAL FEATURES OF MERCHANTS HOUSE

21) Prior to the undertaking of any alterations to the Merchants House a photographic survey and schedule of all original features to be retained within it, including a statement of how they are to be protected during the alterations shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the restoration and alteration of the Merchant House shall be carried out in accordance with the agreed details.

Reason: To preserve and enhance the specific character of the Merchants House on site.

PHOTOGRAPHIC RECORD OF SIGNIFICANT BUILDINGS TO BE DEMOLISHED

22) A photographic record of significant buildings upon the site to be demolished shall be created and submitted to the Local Planning Authority prior to the demolition of any buildings upon the site..

Reason: To record the history of the buildings.

TRAVEL PLAN

23) Prior to the completion and occupation of the development hereby approved a revised travel plan shall be prepared in consultation with Hartlepool Borough Council's Travel Plan Co-ordinator and submitted for the approval of the Local Planning Authority. Once approved all reasonable endeavours shall be made to meet the agreed aims of the travel plan.

Reason: To encourage sustainable methods of transport to and from the site.

15. No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:-

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until 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.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason (common to A,B,C,D,E,F): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

HOURS OF CONSTRUCTION

25) Unless otherwise agreed in writing with the Local Planning Authority and written notification given to the residents of the residential properties which bound the site, any construction activity audible at the site boundary shall only be carried out between the hours of 8am – 6pm Monday to Friday (inclusive) 8am – 1pm Saturday and at no time on a Sunday.

Reason: In the interests of residential amenity.

LIGHTING SCHEME

26) Before the development hereby approved is brought into use an external lighting scheme, the details of which shall be first submitted to and agreed in writing by the Local Planning Authority shall be provided. The scheme shall include the external appearance and exact siting of any lighting columns.

Reason: In the interests of residential amenity.

SECURE BY DESIGN

27) 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 development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of security.

ELECTRICITY SUB STATION

28) The electricity sub station as indicated on site plan 3901 A-2000 D5 received by the Local planning Authority on the 23 July 2008 shall not be constructed until exact details of the size and external appearance have been submitted to and agreed in writing by the Local planning Authority, once agreed the electricity sub station shall be constructed in accordance with the agreed details.

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

SUSTAINABLE DEVELOPMENT AND EFFICIENCY DETAILS

29) Prior to the commencement of the development hereby approved an energy efficiency method statement identifying relevant measures to be incorporated into the development, including sustainable drainage measures, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be constructed incorporating the approved measures.

Reason: To ensure the development incorporates sustainable development techniques.

INFORMATIVE'S

Natural England Licence

Section 80 Demolition Notice

Contact Details of Council's Travel Plan Co-ordinator