

# PLEASE NOTE START TIME

## PLANNING COMMITTEE AGENDA



**Wednesday 3<sup>rd</sup> September 2008**

**at 1.00pm**

**in The Council Chamber  
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 6<sup>th</sup> August 2008

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*
1. H/2008/0361 Lidl, Jesmond Gardens
  2. H/2008/0312 103 Thornton Street
- 4.2 Conservation Policy Review – *Assistant Director (Planning and Economic Development)*
- 4.3 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr A Griffiths at 38A Catcote Road, Hartlepool (H/2007/0887) – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Mr Fletcher, Glendower, Egerton Road, Hartlepool (H/2008/0309) – *Assistant Director (Planning and Economic Development)*

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- 4.6 Appeal by Primsight Ltd, site at A19 Services (North Bound), Elwick, Hartlepool (H/2008/0276) – *Assistant Director (Planning and Economic Services)*

5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

## EXEMPT ITEMS

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

7. **ITEMS REQUIRING DECISION**

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

6. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 1 October 2008 in the Civic Centre at 1.00pm

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Wednesday 1 October 2008 at 12 noon or at a time to be agreed by the Committee.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

6 August 2008

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

### **Present:**

Councillor Rob Cook (In the Chair)

Councillors Stephen Allison, Mary Fleet, Bob Flintoff, Geoff Lilley, Robbie Payne, Michelle Plant, Carl Richardson and Chris Simmons.

Also Present in accordance with Council Procedure Rule 4.2: -  
Councillor Reuben Atkinson as substitute for Councillor Wright,  
Councillor Gladys Worthy as substitute for Councillor Sutheran,  
Councillor Jane Shaw as substitute for Councillor S Cook.

Officers: Linda Wright, Senior Planning Officer  
Jim Ferguson, Senior Planning Officer  
Gill Scanlon, Planning Technician  
Peter Graves, Townscape Heritage Initiative Manager  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Traffic Team Leader  
Richard Smith, Solicitor  
David Cosgrove, Principal Democratic Services Officer.

### **31. Apologies for Absence**

Councillors Akers-Belcher, S Cook, Kaiser, Laffey, Dr Morris, Sutheran and Wright.

### **32. Declarations of interest by members**

None.

### **33. Confirmation of the minutes of the meeting held on 25 June and 9 July 2008**

Councillor Allison indicated that his apologies for the meeting on 9 July, 2008 that had not been recorded and requested that an amendment be noted accordingly.

Subject to the above amendment, the minutes of the two meetings were confirmed.

### 34. Planning Applications *(Assistant Director (Planning and Economic Development))*

H/2008/0026

**Applicant:** Mrs D Watson  
North Farm Elwick Village Hartlepool

**Agent:** Jacksonplan Limited Mr Ted Jackson 7 Amble Close  
Hartlepool

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

**Development:** Change of use alterations, extensions and new build to create 14 dwellings and creation of new vehicular access

**Location:** NORTH FARM THE GREEN ELWICK HARTLEPOOL

**Decision:** **APPROVED** subject to the following conditions, and a Section 106 legal agreement requiring the provision of two affordable dwellings and if it can be accommodated following discussions a pedestrian crossing point and path to the village or alternatively, if appropriate, a condition covering the latter. The final decision on this application to be delegated to the Development Control Manager in consultation with the Chair of the 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 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, 29 Rev A, 30 received on the 16 January 2008 and the 27 June 2008, unless otherwise agreed in writing by the Local Planning Authority  
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 including arrangements for dealing with existing facilities within the site 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 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.  
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.  
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.  
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.  
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.  
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. 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.

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. 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. 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. 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.  
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.  
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.  
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 interest 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 interests 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 splays 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 visual amenity.
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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0319
<b>Applicant:</b>	Dunelm Property Services Ltd Bowburn
<b>Agent:</b>	HMH Architects Ltd 26 Enterprise House Team Valley Gateshead
<b>Date received:</b>	21/05/2008
<b>Development:</b>	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

**Decision:** **Minded to approve subject to the following conditions, no adverse comments from outstanding consultees and a contribution to the provision of off site play facilities. However as a departure and because of the Council's ownership of the land the application be referred to GONE for consideration.**

## 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. 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 windows(s) shall be inserted in the elevation of the dwelling house (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, should 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.
10. 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.

11. No construction of any impermeable surfaces approved by this permission shall be commenced until a detailed scheme for the provision of surface

water drainage works has been approved and agreed in writing by the Local Planning Authority. The surface water drainage system shall then be completed and maintained in full accordance with the approved scheme. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0320
<b>Applicant:</b>	HARTLEPOOL SIXTH FORM COLLEGE BLAKELOCK ROAD HARTLEPOOL
<b>Agent:</b>	Jefferson Sheard Architects Fulcrum 2 Sidney Street Sheffield
<b>Date received:</b>	21/05/2008
<b>Development:</b>	Part demolition of existing college buildings, construction of new college accommodation, refurbishment of retained building related works landscaping and creation of new car park
<b>Location:</b>	HARTLEPOOL SIXTH FORM COLLEGE BLAKELOCK ROAD HARTLEPOOL
<b>Decision:</b>	<p><b>A. Subject to no materially different objections being received before the expiry of the additional publicity period and confirmation that the College is unable to contribute financially towards the provision of parking facilities within the garden areas of nearby houses APPROVED subject to the following conditions.</b></p> <p><b>B. In the event that the College is unable to contribute towards parking facilities as outlined in A above Council Engineer's to investigate whether a scheme of residents parking can be introduced in the nearby surrounding residential area.</b></p>

## 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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 May 2008 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.  
For the avoidance of doubt
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
  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.  
In the interests of highway safety.
  5. Before the completed development is brought into use the approved car parking scheme as indicated on Plan 3901 A-2000 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.  
In the interests of highway safety.
  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.  
To ensure the site is developed in a satisfactory manner.
  7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
  8. 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.  
In the interests of visual amenity.
  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.  
In the interests of visual amenity.
  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. In the interests of the health and appearance of the preserved tree(s).

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. To protect the integrity of the Bat population of the site and residential amenity.
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.  
To protect the integrity of the local Bat population.
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.  
In the interests of the amenities of the occupants of neighbouring properties.
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.  
In the interests of the highway safety of pedestrians and drivers/passengers using Catcote Road.
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.

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

- 16. Prior to the commencement of development hereby approved a scheme shall be submitted to and approved by the Local Planning Authority which-
  - i) repositions pitches within the playing field so as to ensure the same number, type and size of playing pitches are available: or
  - ii) should there be an unavoidable temporary reduction of pitches, provides 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.

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

- 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.

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

- 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.

In the interests of highway safety.

- 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.

In the interests of highway safety.

- 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.

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

- 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.

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

22. A scheme for the photographic recording of significant buildings upon the site to be demolished shall be submitted to and approved in writing by the Local Planning Authority and thereafter undertaken prior to the demolition of any buildings upon the site.

To record the history of the buildings.

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.

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

24. 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)].

25. Unless otherwise agreed in writing with the Local Planning Authority and subject to written notification being given to the residents of the residential properties which bound the site in advance of a start, 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.  
In the interests of residential amenity.
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.  
In the interests of residential amenity.
27. Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured 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.  
In the interests of Security
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.

To ensure the site is developed in a satisfactory manner.

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.

To ensure the development incorporates sustainable development techniques.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2008/0361
<b>Applicant:</b>	Lidl UK Parsons Court Welbury Way Aycliffe Business Park Newton Aycliffe
<b>Agent:</b>	Lidl UK Unit 15 Parsons Court Welbury Way Aycliffe Business Park Newton Aycliffe
<b>Date received:</b>	12/06/2008
<b>Development:</b>	Erection of a foodstore and associated car park and outline application for the erection of residential units
<b>Location:</b>	JESMOND GARDENS / HEATHER GROVE HARTLEPOOL
<b>Decision:</b>	<b>Deferred to allow for further consideration of retail issues.</b>

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

The Assistant Director (Planning and Economic Development) drew Members attention to eleven ongoing issues, which were being investigated.

#### **Decision**

That the report be noted.

### **36. Headland Conservation Area Proposed Extension** *(Assistant Director (Planning and Economic Development))*

In 2007 an appraisal of the Headland Conservation Area was carried out. 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. 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. 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.

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.

A recommendation would be made to the Portfolio Holder for Regeneration and Liveability on the 29th August. The views of the PD Ports would 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.

#### **Decision**

That the report be noted.

### **37. Appeal by Mr Stokle, 16 Pinewood Close, Hartlepool, TS27 3QU (H/2008/0159) (Assistant Director (Planning and Economic Development))**

The Assistant Director (Planning and Economic Development) reported that 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 was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

#### **Decision**

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

**38. Appeal by Mr M Majid, 60 Oxford Road, Hartlepool, TS25 5SQ (H/2007/0839)** *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that 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 was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

**Decision**

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

**39. Appeal by Mrs J M L Bellerby, Springfold, Field House Farm, Dalton Piercy, Hartlepool, TS27 3HY** *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that 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 dwelling-house with ancillary office. The appeal was to be determined by the Inquiry procedure Counsel's opinion has been sought on this matter. The Solicitor reported that further advice was still being sought.

**Decision**

That the Assistant Director (Planning and Economic Development) be authorised to contest the appeal unless advice from Counsel recommended against.

**40. Rossmere Pitches, Rossmere Way, Hartlepool** *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that 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 re-siting of three existing site cabins at Rossmere Pitches, Rossmere Way for St Francis 2000 Football Club. The appeal was decided by written representations and the inspector subsequently allowed the appeal. A copy of the decision letter was attached as an appendix to the report.

Members commented that this was another of an increasing number of planning decisions taken by Members that was subsequently over-turned at appeal. Members principal concern was that the inspectors making these decisions were not accountable to the local people and indeed were not from



the area and had no local knowledge. Members requested that a detailed overview of the planning appeals system was included in the training event for Planning Committee Members in September.

**Decision**

1. That the report be noted.
2. That the appeals procedure be included in the Members Training event to be held in September.

**41. Any other exempt items which the Chairman considers are urgent**

The Chairman ruled that the following two items should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

**42. Seaton Meadows** *(Assistant Director (Regeneration and Planning))*

The Senior Planning Officer reported that an update on the Seaton Meadows waste disposal site would be presented to Members at the next meeting of the Committee.

**Decision**

That the report be noted.

**43. Consultation on Planning Applications**

The Chair reported that, as Members would be aware, the issue of the consultation undertaken on planning applications was discussed at the meeting of Council held on 31 July 2008, when he indicated that he would raise the issue with this Committee. The Chair asked if the Members had any specific concerns/issues with the consultation procedures undertaken by officers on planning applications.

Members acknowledged that it was a fine balance as to how far and where consultation stopped. It was noted that the consultation carried out in Hartlepool was more extensive than that required under regulations. Members indicated that they were happy to allow officers to exercise their judgement on extending the consultation area dependent on the nature of the application.

**Decision**

That no action is required at this time in amending the current consultation processes undertaken by the Development Control Team in respect of planning applications received by Hartlepool BC that require advertisement / public consultation.

## **44. Date and Time of Next Meeting**

The Chair indicated that following the decision at the previous meeting on the starting time for Planning Committee meetings, there appeared to be some confusion in the details sent to Councillors. The Chair confirmed that as had been stated in the recent letter to Members, the next two meetings would commence at 1.00 p.m.

There had also been some problems during the meeting with the microphones system in Committee Room B and the Chair commented that it was known that the system did work properly in the Council Chamber, so it was therefore appropriate that the Planning Committee meetings should move to the Chamber to allow proper use of the microphone system.

### **Decision**

That the Committee meetings on 3 September and 1 October 2008 commence at 1.00pm in the Council Chamber at the civic Centre.

The meeting concluded at 12.25 p.m.

CHAIRMAN

**No:** 1  
**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

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## Background

1.1 This application was reported to the August meeting of the Planning Committee when it was deferred to allow for the further consideration of retail issues surrounding the application.

## The Application and Site

1.2 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, which together with Gretton Court enjoy vehicular access from Heather Grove.

1.3 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.

1.4 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 west 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. The site 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.

1.5 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**

1.6 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.

1.7 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.

1.8 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**

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

1.10 Eight letters of no objection and forty one 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. It is in need of development. 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.
- vii Great opportunity to provide affordable housing with a much needed foodstore.
- viii Lack of discount food provision forcing residents to travel great distances to purchase groceries.
- ix Delighted to see a Lidl foodstore in the area.
- X Lidl provide high quality products at competitive prices.

Two writers whilst not objecting 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.
- iv) Concerns about youths hanging around the shops at night and causing anti-social behaviour.

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 ill 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.

Copy letters **B**

The period for publicity has expired.

### **Consultations**

1.11 The following consultation replies have been received:

**Adult & Community Services** - Ask for a developer contribution for improvement of play facility at Grayfields Recreation Ground (£250.00 per house).

**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 level of additional traffic on the network as a result of the proposed development, would not be significant, and not sufficient grounds for objection.

It is a relatively small store with only 59 parking spaces. Even if these were full, not all vehicles would leave at the same time, and a good number would head south towards Chester Road, away from the busiest area (Easington Road).

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.

**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 recommendation are made in relation to security on the housing and supermarket site. (doors, windows, security lighting, intruder alarms, boundary, treatments, CCTV, gates).

**Community Safety** – Raise issues relating to safety and security pointing out that retail developments can raise disorder issues relating to 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**

1.12 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**

1.13 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**

1.14 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 vitality and viability of the town centre and nearby local centres. The retail issues surrounding the development are discussed below.

1.15 The applicant has agreed to provide an element of affordable housing and contribute towards offsite play facilities, should the application prove otherwise acceptable these matters would be secured by an appropriate section 106 agreement.

### **RETAIL ISSUES**

1.16 Specialist retail advice has been sought on the retail issues and is currently under consideration, an update report will follow.

### **IMPACT ON THE AMENITY OF NEIGHBOURS**

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

1.18 The use and operation of the supermarket has potential to affect the amenity of the existing neighbours, and its future neighbours on the proposed housing site, however with appropriate conditions on deliveries, opening hours, the layout of the new estate, and the provision of acoustic fencing in key locations it is considered any impact could be ameliorated.



1.19 In relation to the bungalows and nursing home/day centre to the south it is considered that the proposed housing site on the southern half of the site, closest to them will in any case provide an effective buffer to the supermarket development effectively limiting any potential adverse impacts to these residents. In relation to the proposed housing site, outline permission only is sought here, it is anticipated however that acceptable separation distances and relationships with the adjacent bungalows/nursing home/day centre could be achieved.

1.20 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 with appropriate conditions it is considered any adverse impacts could be ameliorated.

1.21 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. 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 again with appropriate conditions it is considered any adverse impacts could be ameliorated. 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.

1.22 The Head of Public Protection has raised concerns in relation to the relationship between the supermarket site and the proposed housing site, in that the indicative layout shows four proposed properties in close proximity to, and overlooking, the store and delivery bay. However the housing application is in outline and it is considered that an acceptable layout could be arrived at that would address these concerns.

## HIGHWAY ISSUES

1.23 The applicant has provided a Transport Assessment in support of the application. This concludes that there are no highway reasons as to 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, Traffic & Transportation

have advised that the level of additional traffic on the network as a result of the proposed development, would not be significant, and not provide sufficient grounds for objection. Traffic & Transportation previously raised concerns in relation to the relationship between a pedestrian access and the delivery bay access 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 and this can be conditioned. In highway terms the proposal is considered acceptable.

#### DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA.

1.24 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

1.25 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 Police and Community Safety Officer whilst not objecting to the application have 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

1.26 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 appropriate drainage measures. In flooding/drainage terms the proposal is considered acceptable.

1.27 Northumbrian Water have advised a public sewer crosses the site and have therefore requested a condition requiring the diversion of the sewer or 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 consider this position could be protected by an appropriate condition.

#### CONTAMINATION

1.28 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.

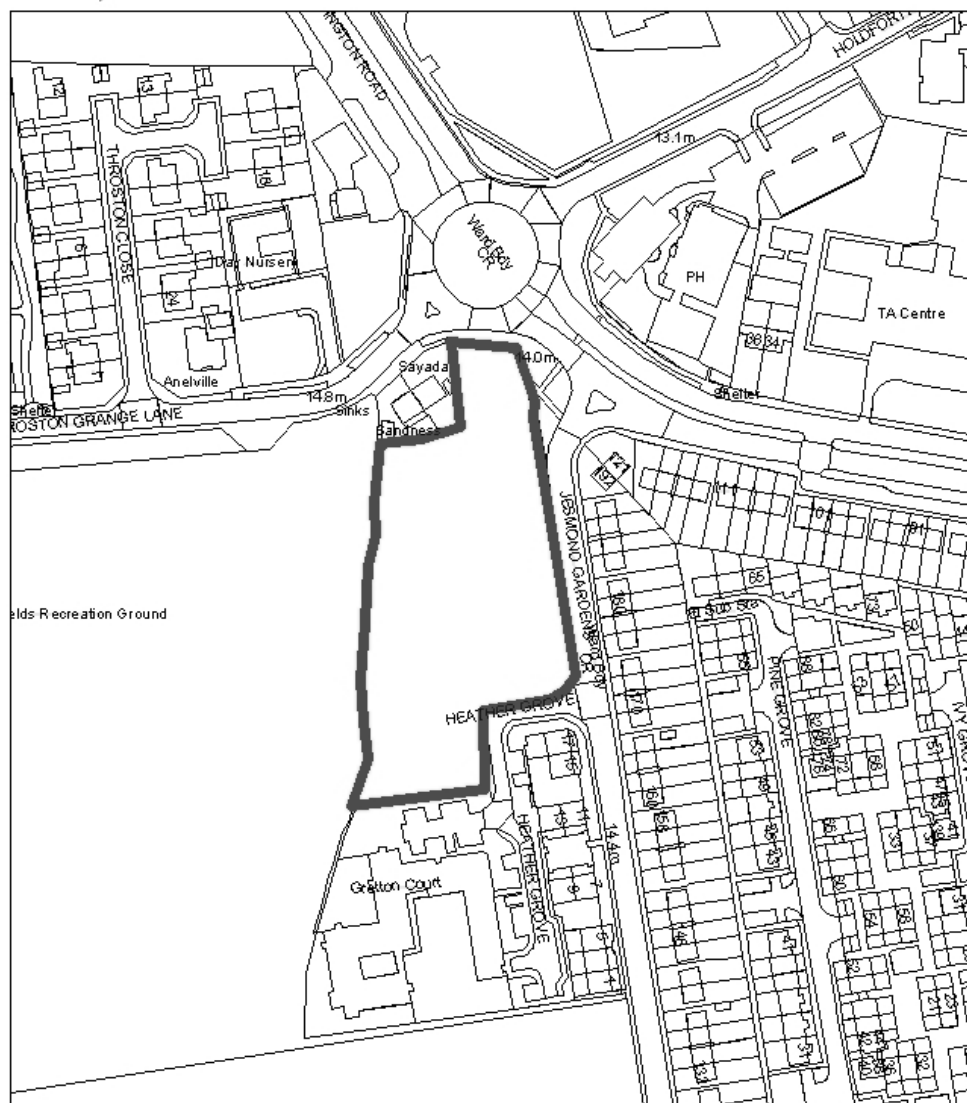
#### LANDSCAPE

1.29 The western boundary of the site is bounded by a line of trees and bushes. 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.

**RECOMMENDATION** : - As retail issues are still under consideration an update report will follow.



## Lidl, Jesmond Gardens



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN <b>GS</b>	DATE <b>22/7/08</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2008/0361</b>	REV

**No:** 2  
**Number:** H/2008/0312  
**Applicant:** Mr S Elahi Mitchell Street Hartlepool TS26 9EZ  
**Agent:** ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA  
**Date valid:** 27/05/2008  
**Development:** Erection of a first floor bathroom extension  
**Location:** 103 THORNTON STREET HARTLEPOOL  
 HARTLEPOOL

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### **The Application and Site**

2.1 The site to which this application relates is a three-storey terraced property located in Thornton Street, a predominantly residential area. The application seeks consent for the erection of a first floor bathroom extension above an existing single storey rear offshoot extension.

2.2 The proposed first floor extension is to project 4m from the rear wall of the main dwelling house at a width of 3.05m. The roof is flat and will have a maximum height of approximately 5.35m.

### **Publicity**

2.3 The application has been advertised by way of neighbour letters (2). To date, there have been no letters in response.

The period for publicity has expired.

### **Planning Policy**

2.4 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.

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

## Planning Considerations

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

2.6 In terms of policy, Supplementary Note 4, of the Hartlepool Local Plan 2006 states that:

*Two storey extensions or an extension above an existing offshoot, which extend along a shared boundary with an attached neighbouring property will not normally be permitted.*

*However, in a terraced situation, this guideline will be relaxed where the extension is to be built over an existing offshoot, it is intended to provide basic facilities and it can be paired now or in the future with a similar extension on a neighbouring property. In these circumstances an extension projecting up to 2.5m from the main wall of the property will normally be permitted.*

2.7 In this instance the proposed extension projects 4 meters from the main wall and is unlikely to be paired now or in the future with a similar extension on a neighbouring property. It is therefore contrary to the guidelines.

2.8 It is acknowledged that the occupants of 101 Thornton Street have not objected to the proposal and that there are a number of similar extension in the immediate area; however consideration must be given to the effect of the proposal on future, as well as present residents, and it has to be accepted that these other extensions predate current guidelines.

2.9 Both 101 and 105 Thornton Street have two storey original rear extensions, the one at 101 being significantly larger. Any two storey extension on 103 Thornton Street therefore needs very careful consideration because of its potential to significantly impact on the already limited amenities of both these properties, 101 would potentially be the most affected property. It is believed that the layout of the property is very similar to that at 103 and as a consequence ground and first floor kitchen, dining/living room and bedroom windows could all be affected.

2.10 It is considered that given the projection of the proposed extension from the rear of the main dwellinghouse at first floor level (4m) this would lead to a tunnelling effect (due to the two-storey offshoot currently in situ at 101 Thornton Street) upon the outlook from the windows at 101 referred to above. The rooms the windows serve are considered primary in nature. Irrespective of the use of the rooms, it is considered that a wall projecting 4m so close to the windows would have an overbearing and oppressive effect for the residents of 101 Thornton Street.

2.11 Furthermore, it is considered that the proposal would lead to an unacceptable level of overshadowing to the yard area located to the rear of 101 Thornton Street.

Although direct sunlight to the yard area is limited, due to the orientation of the property, it is considered that the residents enjoy a reasonable level and quality of daylight. It is considered that the height and projection of the proposed first floor extension would exacerbate the overshadowing.

2.12 It is considered that the siting, design and scale of the proposal is likely to lead to a detrimental dominance effect upon the outlook and therefore the living conditions currently enjoyed by the occupants of the neighbouring property and its approval would have the potential to set an avoidable precedent.

2.13 It was precisely because of such concerns that the guidelines were established, initially in the 1994 Local Plan and now carried through into the 2006 plan. The approach had in fact initially been established as a result of an appeal in 1991 on a property in Furness Street. The Council has consequently followed this line in considering two storey extensions on terraced properties since then.

2.14. Officers are not suggesting that any extension would be inappropriate here rather that a 4m extension would be excessive. An extension projecting 2.5m has been suggested but the applicant appears unwilling to consider this.

### **Summary**

2.15 Having regard to the policies identified in the Hartlepool Local Plan 2006 it is considered that the proposed first floor extension, by virtue of its siting, design and scale would have a detrimental and overbearing effect upon the outlook currently enjoyed by the neighbouring property of 101 Thornton Street contrary to policies GEP1 and HSG10 of the adopted Hartlepool Local Plan 2006.

### **RECOMMENDATION – REFUSE**

It is considered that the proposed first floor extension, by virtue of its siting, design and scale would appear unduly large and have an overbearing effect upon the neighbouring property 101 Thornton Street contrary to policies GEP1 and HSG10 of the adopted Hartlepool Local Plan 2006.

**No:** 1  
**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

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### **UPDATE**

This application appears on the main agenda at item 1.

The recommendation was left open in order to allow for the further consideration of retail issues surrounding the application.

### **Publicity**

An additional objection has been received on behalf of Morrisons (tabled). The objection is on the grounds that the applicant has failed to satisfactorily demonstrate a quantitative or qualitative need for the proposal.

### **Planning Considerations**

#### **RETAIL ISSUES**

The site is not located with an existing centre. In accordance with Planning Policy Statement 6: Planning for Town Centre PS6 the applicant is required therefore to establish that there is a need for the development, the scale is acceptable, that there is no sequentially preferable site available, that the development will not have an unacceptable impact on the vitality and viability of the town centre and nearby local centres and the site is accessible.

In support of the application the applicant has produced a retail assessment. The assessment concludes that:

- there is a need for the development, both to meet expenditure growth in the defined catchment area and to reduce currently high levels of expenditure leakage out of the local area (For example through local people shopping at Asda, Morrisons and Tesco) and to meet a qualitative need for a new foodstore in the area.
- the scale is appropriate
- there are no sequentially preferable sites available.



- the development would not result in impacts on the trading performance of any existing local centre which would threaten its vitality and viability
- the site is accessible.
- the development would contribute to local employment.
- it would regenerate a vacant site.

The Council's retail adviser has questioned whether the need for the development has been demonstrated and, whilst they acknowledge the desirability of clawing back expenditure leakage from the area, question in particular whether the proposed store would claw back the level of expenditure anticipated. Instead it is considered more likely that trade would be drawn from other similar facilities in and around the catchment area of the store. Some of these facilities are themselves outwith local centres i.e. Aldi, Hart Lane and Netto, Oakesway and therefore are afforded no protection by PPS6. In terms of the local centres, Middle Warren and Wiltshire Way in particular, it has been demonstrated that these centres are overtrading and it is not considered that any impact from the current proposal would threaten their vitality and viability and prejudice the retail hierarchy. It is also accepted that the scale is appropriate, that there are no sequentially preferable sites and that the site is accessible.

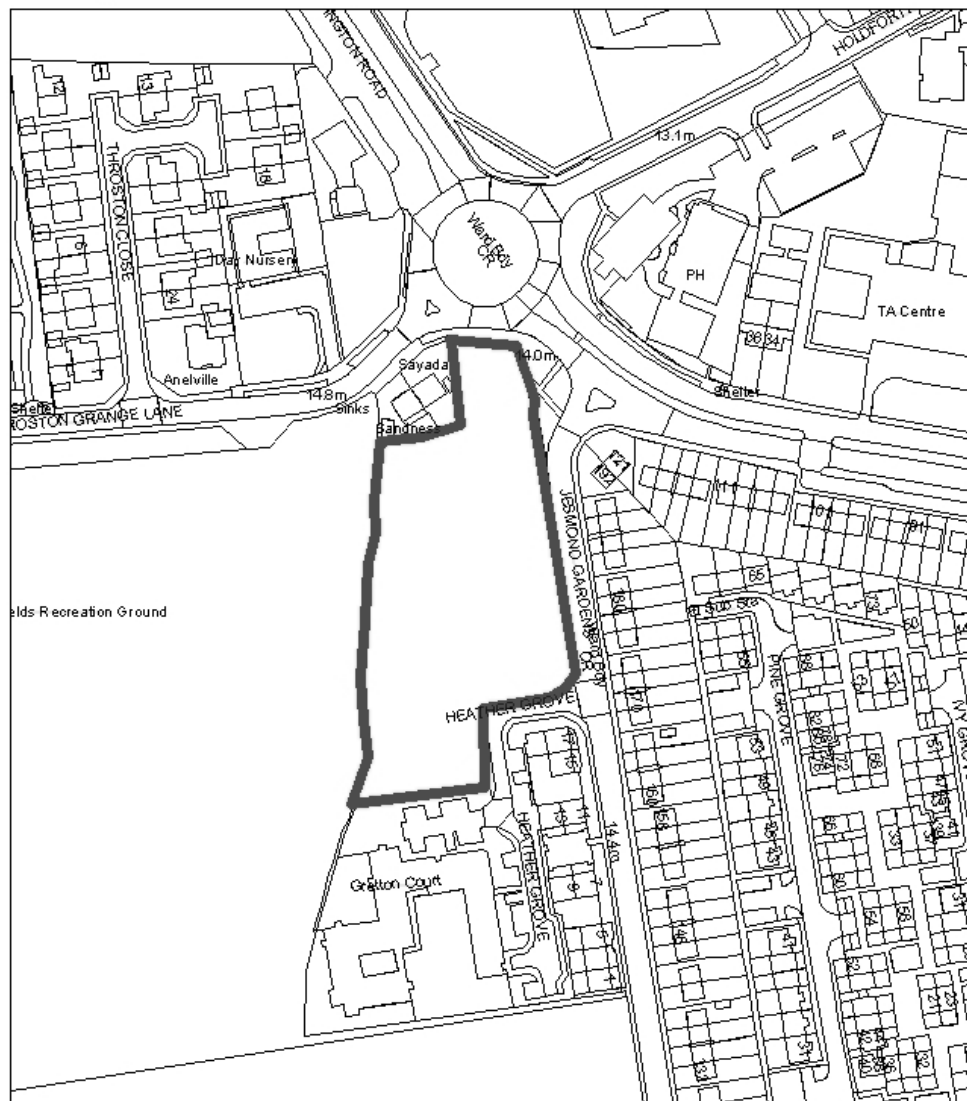
It is also the case that the government is currently consulting on proposed changes to PPS6. The consultation document proposes a move away from need in assessing retail development in favour of an approach which requires the applicant to demonstrate that no sequentially preferable sites are available and that the development would have no unacceptable impacts including on existing centres. However whilst this document gives an indication of current government thinking it is at consultation stage and can be given little weight.

Whilst there remains a question as to the need for the development it is considered that in the context of the other key considerations identified by PPS6 (scale, sequentially test, impact on the vitality and viability of existing centres, accessibility) the proposal is acceptable. In terms of other material considerations the development as a whole will bring additional benefits. It will ensure that a currently overgrown and unused site is brought to productive use and potentially add to local employment. The applicant is also agreeable to enter into a section 106 agreement to include a proportion of affordable housing (30%) within the housing element and this will in turn help to address a recognised need for affordable housing within the Borough.

**RECOMMENDATION** – A late objection has been received and is currently under consideration a recommendation will be tabled at the meeting



## Lidl, Jesmond Gardens



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**Location:** JESMOND GARDENS / HEATHER GROVE  
HARTLEPOOL

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## **UPDATE**

The application appears on the main agenda at item 1. The final recommendation was left open as a late objection had been received and was under consideration.

The objection centres on whether there is a need for the retail development. The applicant maintains there is a need both to meet expenditure growth and to reduce currently high levels of expenditure leaking out of the area. The Council's own retail advisor continues to question whether the need for the development has been demonstrated and whether the clawback of expenditure leaking from the catchment anticipated by the applicant can be achieved. The applicant and the council's own retail adviser are agreed however that on the basis of the information submitted that any impact from the development would be unlikely to threaten the vitality and viability of any designated local centre (Middleton Warren and Wiltshire Way) and prejudice the retail hierarchy. It is also accepted that in terms of the other key consideration identified by PPS6 (scale, sequential test, and accessibility) the development is acceptable.

The retail issues are finely balanced and the Council's retail advisor considers that should the application be refused, given the current policy position and the current content of Planning Policy Statement 6 – Planning for Town Centres the outcome of any appeal would be weighed slightly in the Council's favour. However this must be considered, in light of the fact that the development is unlikely to threaten the vitality and viability of any designated local centre. It might therefore prove difficult for the Council to demonstrate at appeal a material harm would arise from the development. The Council's retail advisor also considers that as the emerging draft PPS6 which currently includes a proposal to remove the key need test becomes a greater material consideration, the possibility of the applicant pursuing a successful appeal would increase greatly.

The development as a whole also has other positive benefits which also need to be considered. It will bring into use a vacant piece of land and can contribute, through a legal agreement, to the provision of affordable housing in the Borough.

The arguments have to be finely balanced however given the difficulties anticipated in defending the council's position at appeal and the positive benefits of the development it is considered that on balance the proposal is acceptable.

**RECOMMENDATION - APPROVE** – subject to the completion of a legal agreement securing a proportion of affordable housing (30%) on the housing site housing targets for marketing the site (1 year) and for a start on site (3 years) and a contribution towards off site play facilities (£250 per dwellinghouse) and subject to the following conditions:

1. The foodstore and associated car park development to which this permission in part 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. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
3. In relation to the residential development to which this application in part relates, notwithstanding the details submitted, approval of the details of 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.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
5. The foodstore and associated car park development hereby approved shall be carried out in accordance with the details submitted on 5th June 2008 as amended by the proposed site plan 80877 G2-007J received at the Local Planning Authority on 29th July 2008, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
6. The foodstore shall only be open to the public between the hours of 08:00 and 20:00 Mondays to Saturdays inclusive and between the hours of 10:00 and 16:00 on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.

7. No deliveries to, or from, the premises shall take place between the hours of 20:00 and 07:00 on any days.  
In the interests of the amenities of the occupants of neighbouring properties.
8. Details of the proposed acoustic fences and other means of boundary enclosure, around the foodstore and associated car park development, shall be submitted to and approved by the Local Planning Authority before this part of the development is commenced. The boundary treatments so approved shall be implemented before the food store is brought into use and be retained for the lifetime of the development.  
In the interests of visual amenity.
9. Prior to the foodstore being brought into use a scheme of warning signage for pedestrians crossing the site in the vicinity of the delivery bay shall be submitted to and approved in writing by the Local Planning Authority. The signage scheme so approved shall be implemented prior to the food store being brought into use and shall be retained for the lifetime of the development.  
In the interests of public safety.
10. Unless otherwise agreed in writing by the Local Planning Authority before the foodstore development is commenced details of the proposed surfacing of the car parking and manoeuvring areas and bicycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved car and bicycle parking scheme shall be provided in accordance with the approved details prior to the food store being brought into use. 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.
11. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until a detailed scheme for the diversion of the public sewer which crosses the site, or alternatively revised proposals which avoid building over or close to the public sewer, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved scheme/proposals. A public sewer crosses the site and is shown built over on the approved plans. Northumbrian Water have indicated that they will not permit building over or close to the sewer.
12. 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'.

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)].

13. Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system including attenuation to greenfield 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 the system unless otherwise agreed in writing by the Local Planning Authority.

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

14. Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

15. Unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use drop kerbs to assist pedestrian access across Jesmond Gardens shall be provided in accordance with the approved site plan (80877 G2-007J).

In the interests of highway safety.

16. Notwithstanding the submitted details a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

The submitted details do not take account of the amended site plan and in the interests of visual amenity.

17. 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.

18. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of any part of the development hereby approved details of proposals for the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme once agreed shall be carried out in accordance with the approved details.

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



19. Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured 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.

In the interests of security

20. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of any development on the foodstore a scheme for the maintenance of the proposed residential site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.

In order to ensure that the residential site is maintained in a satisfactory condition pending its redevelopment. In the interests of the visual amenity of the area.

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SCANNED

- 3 SEP 2008



EO/3096/01(28Aug06)HartlepoolBC

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Development Control  
Regeneration & Planning Services  
Bryan Hanson House  
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28 August 2008

Dear Mr Ferguson

**APPLICATION BY LIDL FOR PROPOSED FOODSTORE AND RESIDENTIAL UNITS AT JESMOND GARDENS, HARTLEPOOL (LPA REF. H/2008/0361)**

We write on behalf of Wm. Morrison Supermarkets plc ('Morrison's') to object to the above planning application submitted by Lidl.

Our objections are based on a review of the retail assessment prepared by NLP on behalf of the applicant, the Hartlepool Local Plan (2006) and PPS6.

It is noted that the application seeks to develop a retail foodstore outside the defined town / local centres and Paragraph 3.4 of PPS6 requires that retail development proposals outside existing centres demonstrate the following:

- a) the need for the development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

In particular, we consider the test of retail need in greater detail below.

**Need**

PPS6 indicates that need is the first and foremost retail test to consider in the assessment of an edge or out-of-centre retail scheme such as the subject proposal. It confirms that quantitative factors are more important than qualitative issues when considering the needs test.

Paragraph 3.10 of PPS6 states that:

**"A needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan"**

The Hartlepool Retail Study was prepared in 2002 (and updated in 2005) by Drivers Jonas. The Study concluded that (as at 2005) there is an estimated £15.71 m deficit in convenience goods expenditure

Managing Director: Peter R.G. Woodcock MBE

Directors: Andrew S. Eichelberger MBE

Chris Oughton MBE

Mark Capland MBE

Senior Associate: Cassie Fountain MBE

Associate: Ed Rendley MBE

Consultant: Robert Smith MBE

H/2008/0361

and this deficit is likely to increase towards 2011. The Study concludes that there is no capacity for any new convenience floorspace and the Study advises:

**"Drivers Jonas consider that extreme caution should be exercised in permitting new floorspace in locations outside the established centres within Hartlepool"**

The Study advises that Hartlepool has a good choice and variety of convenience shopping facilities with a good distribution throughout the area. It notes that there is some qualitative deficiency in the town centre, however it concludes that the Morrisons store will meet this deficiency by providing linked trips to the primary shopping area. The Study does note a gap in local convenience provision in the north west of the urban area (which includes part of identified catchment area for the proposed Lidl), however it highlights that this has been addressed by the allocation of the new local centre at Middle Warren. It is noted that since the Study was published in 2005 the new 'Local Service Centre' at Middle Warren now accommodates a Sainsbury's store (743 sq.m), which should meet the identified gap in provision in this part of Hartlepool.

Despite the conclusions of the 2005 Retail Study the applicants have prepared their own assessment of retail need. With regards to this assessment, we have the following comments to make:

The applicants accept that there is no significant growth in expenditure to support the proposed new Lidl store. They forecast that under the current market share there is only very limited convenience capacity of around £0.262m at 2011, which is insufficient to support the proposed new Lidl store. Indeed we note that even by 2013 the forecast growth in convenience expenditure (£0.54m) will still be insufficient to support the new store.

Instead the applicants 'need' argument is wholly based on the theoretical capacity based on a scenario where expenditure in the primary / secondary catchment area is increased to 20% i.e. expenditure is 'clawed back' from outside the catchment area.

Given the proximity of supermarkets close to but outside the identified primary catchment area, leakage of expenditure from the catchment area is significant. Asda at Marina Way and Morrisons at Clarence Road are located just outside the primary catchment area (i.e. 200m and 500m respectively) and it is noted that a large proportion of expenditure within the catchment area is apportioned to these two stores (i.e. approximately 75%).

We note that the Council has obtained advice from Drivers Jonas regarding the current Lidl proposal and they have concluded that the quantitative and qualitative need has not been demonstrated by NLP. Drivers Jonas correctly point out that the area is already served by discount convenience stores, with the presence of Netto and Aldi and that there is no qualitative benefit of the proposed Lidl store in this location. Furthermore, they consider that the argument of 'clawing-back' expenditure from larger main shops (i.e. Asda and Morrisons) to the south of the area is unrealistic.

We therefore consider that the applicant has not satisfactorily demonstrated that there is a quantitative or qualitative need for the proposal. Accordingly, we respectfully request that the application by Lidl is refused.

If you have any queries regarding this matter please contact Ed Kemsley at the address overleaf. We would be grateful if you could keep us informed on progress of this application.

Yours faithfully

*Peacock & Smith*

PEACOCK & SMITH

cc. J Fletcher Esq, Wm Morrison Supermarkets Plc

Jim Ferguson  
Senior Planning Officer  
Department of Regeneration and Planning  
Hartlepool Borough Council  
Bryan Hanson House  
Hanson Square  
Hartlepool  
TS24 7BT

15<sup>th</sup> August 2008

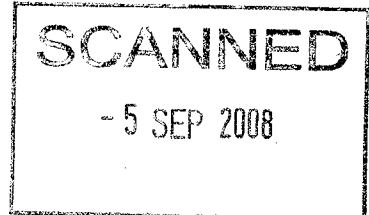
Dear Mr. Ferguson,

**Proposed Mixed Use Application Incorporating a Lidl Foodstore  
Jesmond Gardens, Hartlepool  
Application Number: - H/2008/0361**

I am writing to confirm my full support for the proposed Application at the above address.

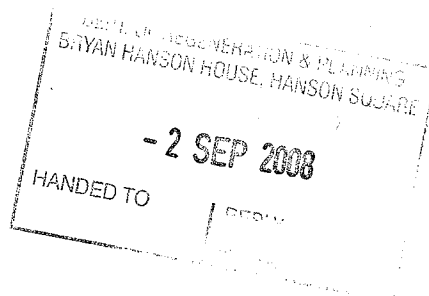
The site at Jesmond Gardens is in need of development and I would be delighted to see a Lidl Foodstore in the area. I hope that the Planning Authority duly recommend it for approval.

Yours sincerely,



Address,

6 HOWARD RD  
HARTLEPOOL



13 other similar  
letters received

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

**Subject:** Conservation Policy Review

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## **1 Introduction**

- 1.1 Members will recall the consideration of planning policy guidance for residential properties in conservation areas and listed buildings during 2006 – 7. A report has previously been brought to this Committee however it was noted that the proposed policy did not include reference to the use of modern materials in conservation areas therefore it the Committee requested that this guidance should be reconsidered.
- 1.2 The Planning Working Group has therefore been reconsidering this area of policy in recent months. In considering policy guidance the Working Group agreed that there should be no change to the policy guidance for listed buildings: works to such buildings of special interest should continue to use traditional design solutions and materials. The main focus of this review is therefore on unlisted properties in conservation areas. These fall into two categories outlined below:
  1. Properties in conservation areas covered by an Article 4 Direction which controls changes including replacement windows.
  2. Other properties in conservation areas with the normal permitted development rights, which allow alterations such as window replacement without the need for planning permission.
- 1.3 Given the distinction between the controls and the requirement for planning permission due to Article 4 Directions the main consideration in this instance is the policy guidance relating to properties covered by an Article 4 Direction.

## **2 Background**

- 2.1 In considering policy guidance this Committee specifically requested further investigation into the inclusion of reference to modern materials within any new guidance.
- 2.2 Officers have carried out research into the options available when using modern materials. In addition, a representative of the British Plastics Federation (BPF) was invited to Hartlepool to provide information to officers on the capability of UPVC.

### 3 Requirements for replacement windows

3.1 Discussions at Working Group Meetings have suggested that four criteria should be considered when looking at replacement windows. These are:

- Design
- Dimensions
- Detailing
- Opening mechanism

3.2 These criteria are felt to be the key details that, if achieved, will result in a window similar to a traditional solution. The rationale behind the use of the four criteria is examined in Appendix 1.

3.3 The criteria were proposed as part of the consultation processes on the Headland Conservation Area appraisal. The consultation was extensive with three rounds gauging residents' thoughts on the conservation area. It was clear from the first two consultation events that a major issue in the area was the use of UPVC. In the third round of consultation the majority of respondents (65%) agreed that, in the case of Article 4 properties, 'modern materials on these properties may be considered, but only where these materials are in keeping with the design, detailing, dimensions and the opening mechanism of the original window'. It is therefore suggested that any new policy on UPVC windows should be based on these criteria.

3.4 With regard to the introduction of a new policy to support the use of replacement windows within conservation areas, it is suggested that the planning policy endorsed by Planning Committee on the 10<sup>th</sup> March 2004 is amended in relation to unlisted buildings in conservation areas, subject to an Article 4 Direction. The proposed amendments are highlighted below.

- B(i) Any planning application for replacement or alteration of traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be favoured, however the use of modern material will be accepted provided that the window is of design, dimensions, detailing and opening mechanism matching those of the original window.
- (ii) Any planning application for replacement or alteration of non-traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and

character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be favoured, however the use of modern material will be accepted provided that the window is of design, dimensions, detailing and opening mechanism matching those of a traditional window appropriate to the character of the property.

- 3.5 These amendments specifically refer to modern materials and the key design elements which should be met in a suitable replacement window.
- 3.6 Should Members feel that it is appropriate a list of companies which can manufacture UPVC sash windows could be compiled, however it should be noted that the Council could not recommend companies and a caveat would be placed on any list.

#### **4 Financial Assistance**

- 4.1 In discussions about UPVC sliding sash windows it was acknowledged that such windows can be more expensive than timber sliding sash windows and standard UPVC windows. The Working Group expressed a desire to explore any opportunities available to provide financial assistance to residents seeking use of the more expensive UPVC option.
- 4.2 Research has shown that the existing forms of conservation and housing grant offered by the Council have neither the eligibility criteria nor the spare capacity to be able to provide any significant support towards the use of UPVC sash windows. The potential for loan assistance has also been explored but there is no approved Council budget to establish a loan fund. Enquiries have also shown there to be no external funding streams which might be relevant to this issue. Looking ahead, it would be theoretically possible to raise such financial assistance towards UPVC windows as a potential priority item for consideration in the Council's 2009-10 budget process but there can obviously be no certainty that such an approach would be supported, in comparison with other pressures and priorities.

#### **5 Conclusion**

- 5.1 The amended policy outlined in full in Appendix 2 allows residents the opportunity to use modern materials in a way which will be sympathetic to the overall character and appearance of the relevant conservation area. Some Working Group members have expressed reservations about the affordability of such policy for householders and the investigations referred to above have indicated that it is highly unlikely that there can be any significant assistance available towards the use



of UPVC sash windows. Members' reservations may therefore remain but the Planning Committee is asked to consider the following points:

- a) The UPVC sash window is a product already available, indicating that there is a viable market for its use without any guarantee of grant assistance;
- b) The policy proposed is consistent with the outcome of the Headland Conservation Area appraisal, which involved three stages of public consultation;
- c) The proposed acceptance of UPVC sash windows provides for a visually acceptable solution coupled with double glazing, which is commonly perceived to be a valuable benefit to the householder;
- d) The underlying rationale for this proposed policy is established national and local policy for the preservation and enhancement of conservation areas as areas of special architectural or historic interest. The planning system serves to establish a set of policies in the public interest, with the expectation that planning applicants will have regard to such policies in submitting applications. It is not uncommon for applicants to face additional costs in complying with approved planning policy, whether they be private developers, businesses or householders, and planning authorities should not modify their decision-making on applications by reference to applicants' financial circumstances. There is not a duty on planning authorities to provide financial assistance for applicants who may indicate that they are unable to comply with approved policy.

5.2 Whilst some members may retain their reservations about the proposed amended policy it is submitted that an alternative approach of allowing "standard" UPVC windows, not meeting the criteria of the proposed policy, runs the severe risk of substantial loss of character in areas which contribute significantly to Hartlepool's overall sense of identity.

5.3 It is suggested that before any revised guidance is adopted, a consultation exercise should be undertaken to seek the views of residents across the conservation areas (members may feel that the Headland could be omitted, given the conservation area appraisal consultation undertaken in 2007, in the interests of avoiding "conservation fatigue"). In addition the views of the relevant Portfolio Holder, the Conservation Area Advisory Committee and the recently established Headland Conservation Area Advisory Committee will be sought.

## **6 Recommendation**

6.1 That the Planning Committee agrees to the proposed revised policy guidelines being taken forward for consultation with residents.

## Appendix 1

### 1. Design

The design of UPVC windows available on the market varies greatly. It is essential that any replacement window replicates the main design elements of a sash window, namely the appropriate proportions of the two panes with a central meeting rail with the lower window set back.

### 2. Dimensions

Timber sash windows usually have a slim frame in comparison with double glazed UPVC windows. This slim frame should be achieved in a replacement window.

### 3. Detailing

In UPVC windows it is usually difficult to re-create the finer detailing found in timber sliding sash windows, in particular elements such as glazing bars. Such parts are often added as applied strips on to a standard UPVC window to attempt to create the desired appearance, but such details lack the profile of “true” glazing bars and often fail to match the traditional dimensions. Where appropriate, additions could include horns and glazing bars however the detailing should be carefully considered and only used where historically accurate.

### 4. Opening mechanisms

Windows which open outwards differ in appearance from sash windows which slide vertically. The push out opening mechanism usually results in a bulkier, flatter window and the appearance of the ‘mock sash’ is lost once the window is open. For this reason it is suggested that any replacement window should be a sliding sash window to replicate one of the most distinctive elements of the window it is replacing.

## Appendix 2

### **Amended Planning policy endorsed by the Planning Committee on 10<sup>th</sup> March 2004.**

#### A. Listed Buildings:

- (i) Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.
- (ii) Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.
- (iii) Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.

#### B. Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

- (i) Any planning application for replacement or alteration of traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be favoured, however the use of modern material will be accepted provided that the window is of design, dimensions, detailing and opening mechanism matching those of the original window.
- (ii) Any planning application for replacement or alteration of non-traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be favoured, however the use of modern material will be accepted provided that the window is of design, dimensions, detailing and opening mechanism matching those of a traditional window appropriate to the character of the property.
- (iii) Within modern extensions, any planning application for replacement or alterations of joinery details, which is not of a sympathetic

character (in terms of scale, proportion, form and emphasis) should be denied consent.

C. Unlisted buildings in Conservation Areas, not subject to an Article 4 Direction:

Any planning application for alterations or extensions which are not of a type sympathetic to the age and character of the building (in terms of scale, proportion, form and emphasis) and the character and appearance of the conservation area should be denied consent.

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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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**1. PURPOSE OF REPORT**

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
- 1.2 Public complaint regarding the placing of tables and chairs outside a café in York Road causing an obstruction to the highway.
- 1.3 Councillor complaint regarding the appearance of a building and site at a property on Usworth Road.
- 1.4 Neighbour complaint regarding the unfinished development of the drives and lack of hedgerow planting at land near Greenlea, Elwick Village.
- 1.5 Public complaint regarding alterations to the position of a front boundary wall at a property on Ocean Road.
- 1.6 Public complaint regarding the change of use of a property on Raby Road from retail to residential
- 1.7 Neighbour complaint regarding the erection of a rear garden fence over 2m high at a property on St Pauls Road.
- 1.8 Councillor complaint regarding the erection of a fence over 2m high at a property on Brierton Lane and possible dog breeding.
- 1.9 Public complaint regarding work being carried out in the rear garden of a property on Verner Road.
- 1.10 Anonymous complaint regarding the change of use to flats, a rear extension and insertion of a dormer window at a property on Hutton Avenue.
- 1.11 Anonymous complaint regarding the change of use of a detached garage to an independent dwelling at a property in Embleton Village.
- 1.12 Public complaint regarding the erection an extension to the rear of a property in Kingsley Avenue.

- 1.13 Neighbour complaint regarding the erection of a conservatory at a property on Masefield Road.
- 1.14 Anonymous complaint regarding the erection of a sun lounge to rear of a property on West View Road.
- 1.15 Neighbour complaint regarding the installation of industrial cabin/shed/caravan adjacent to the neighbouring boundary and operating a business from a property on Manor Road.
- 1.16 Neighbour complaint regarding decking and an untidy garden at a property on Masefield Road.
- 1.17 Anonymous complaint regarding the installation of UPVC windows to the front of a property on Beaconsfield Street.
- 1.18 Neighbour complaint regarding car repairs being carried out in the back street between Edgar Street and Kendal Road.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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

**Subject:** APPEAL BY MR A GRIFFITHS AT  
38A CATCOTE ROAD, HARTLEPOOL  
(H/2007/0887)

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the change of use of 38A Catcote Road to a hot food takeaway.
- 1.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

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

**Subject:** APPEAL BY MR FLETCHER, GLENDOWER,  
EGERTON ROAD, HARTLEPOOL  
(H/2008/0309)

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## **1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the erection of a dormer bungalow with attached garage at the garden area of Glendower, 38/40 Egerton Road, Hartlepool.
- 1.2 The appeal is to be decided by a hearing and authority is therefore requested to contest the appeal.



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

**Subject:** APPEAL BY PRIMESIGHT LTD, SITE AT A19 SERVICES (NORTH BOUND), ELWICK, HARTLEPOOL (H/2008/0276)

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the retention of an internally illuminated free-standing display unit.
- 1.2 The appeal is to be decided by written representations and authority is therefore requested to contest the appeal.