

PLANNING COMMITTEE AGENDA



Wednesday 25th February 2009

at 1.00 pm

**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 Minutes of the meeting held on 28th January 2009

4. ITEMS REQUIRING DECISION

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

1. H/2008/0495 Tees Bay Retail Park, Brenda Road
2. H/2009/0009 Able UK Ltd, Tees Road
3. H/2008/0558 Ashfield Farm, Dalton Piercy Road
4. H/2008/0531 34 Station Lane, Hartlepool
5. H/2009/0013 Hartfields Manor, Middle Warren
6. H/2009/0008 Land adjacent to Hartfields Manor, Middle Warren
7. H/2009/0042 Land in Spenser Grove
8. H/2009/0006 18 Greenbank Court
9. H/2008/0721 36 Hutton Avenue
10. H/2008/0494 Slake Terrace
11. H/2009/0024 Land next to 402 Catcote Road
12. H/2009/0035 St Hild's C of E School, King Oswy Drive
13. H/2008/0698 78 Grange Road
14. H/2009/0025 370 Catcote Road

- 15. H/2008/0711 Premier Inn Hotel, Maritime Avenue
- 16. H/2009/0003 Holmewood Nursing Home, Stockton Road

- 4.2 Appeals by Primesight Ltd. Site at A19 Services (North Bound), Elwick, Hartlepool (H/2008/0276) – *Assistant Director (Planning and Economic Development)*
- 4.3 Update on Current Complaints - *Assistant Director (Planning and Economic Development)*
- 4.4 Able UK Ltd, TERRC Facility, Tees Road, Hartlepool - *Assistant Director (Planning and Economic Development)*
- 4.5 Seaton Meadows Landfill Site - *Assistant Director (Planning and Economic Development)*
- 4.6 Tesco, Burn Road, Hartlepool - *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

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

7. EXEMPT ITEMS FOR DECISION

8. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

9. FOR INFORMATION

Next Scheduled Meeting – Wednesday 25th March 2009 in the Civic Centre at 1.00pm.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

28 January 2009

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Allison, Rob Cook, Mary Fleet, Stan Kaiser, Geoff Lilley, Dr George Morris, Michelle Plant, Carl Richardson and Lilian Sutheran.

In accordance with Council Procedure Rule 4.2 (ii), Councillor Christopher McKenna attended as a substitute for Councillor Pauline Laffey, Councillor Jane Shaw attended as a substitute for Councillor Chris Simmons and Councillor Jonathan Brash attended as a substitute for Councillor Stephen Akers-Belcher.

Officers present:

Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Chris Pipe, Principal Planning Officer
Richard Smith, Solicitor
Mike Blair, Head of Traffic and Transportation
Adrian Hurst, Principal Environmental Health Officer
Angela Hunter, Principal Democratic Services Officer

Also Present:

Adrian Milton, Scott Wilson

120. Apologies for Absence

Apologies for absence were received from Councillors Stephen Akers-Belcher, Shaun Cook, Pauline Laffey, Robbie Payne, Chris Simmons and Edna Wright.

121. Declarations of interest by Members

Councillor Stan Kaiser declared a prejudicial interest in minute 129 and indicated he would leave the meeting during its consideration.
Councillor Stephen Allison declared a prejudicial interest in minute 123 – Item H/2008/0718 and indicated he would leave the meeting during its consideration.

122. Confirmation of the minutes of the meeting held on 17 December 2008

Confirmed.

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

Prior to considering the planning applications on the agenda, the Chair informed Members that the following items would be withdrawn from consideration:

Item 4 – H/2008/0495 – Teesbay Retail Park, Brenda Road – further information awaited.

Number: H/2008/0634

Applicant: Mr N Johnson
EGERTON ROAD, HARTLEPOOL

Agent: Mr N Johnson, 16 EGERTON ROAD,
HARTLEPOOL

Date received: 23/10/2008

Development: Alterations and erection of two-storey rear and side garage, kitchen/dining, balcony and bedrooms extensions

Representations: Mrs Johnson (applicant) and Mr Cavilla (objector) were in attendance and addressed the Committee.

Location: 16 EGERTON ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

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 external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevations of the extensions facing 14 and 18

Egerton Road without the prior written consent of the Local Planning Authority.

To prevent overlooking

4. Notwithstanding the submitted details a scheme for an L-shaped screen to the side and part of the front of the balcony closest to 14 Egerton Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of its height, size and materials. Thereafter the scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

To prevent overlooking and in the interest of visual amenity.

5. With the exception of the screen detail, the permission hereby granted shall relate to the balcony detail received by the Local Planning Authority on 28 December 2008 unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

The Committee considered representations in relation to this matter. In relation to Condition 4 above, Mr and Mrs Johnson stated that they would happily provide an L-shaped, opaque glazed screen in order to provide the necessary screening but without unnecessary obstruction of light.

Councillor Stephen Allison left the meeting during the consideration of the next item due to his earlier declaration of interest.

Number: H/2008/0718

Applicant: Mr Martin Booth
NDC Hartlepool/Salaam Community Centre, Park Road, HARTLEPOOL

Agent: NDC Hartlepool/Salaam Community Centre, Mr Martin Booth, 79 The Arches, Park Road, HARTLEPOOL

Date received: 18/12/2008

Development: Change of use and associated building works to provide multi cultural centre on part of the ground floor and a Mosque on part of the ground floor and the first floor

Representations: Mr Malcolm Walker (applicant's representative) and Mr Graham Hodgman (objector) were in attendance and addressed the Committee.

Location: ST PAULS CHURCH HALL, MURRAY STREET, HARTLEPOOL

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development a scheme to ensure the privacy of the neighbouring residential properties to the west, Grosvenor Gardens, shall be submitted to and approved in writing by the Local Planning Authority. The scheme, including any measures identified, shall be implemented prior to the development being brought into use, and retained for the lifetime of the development hereby approved.
To prevent overlooking
3. Unless otherwise agreed in writing by the Local Planning Authority the door in the west elevation of the building facing Grosvenor Gardens shall be used only as an emergency exit/access in the event of an emergency, or for occasional access to the bin store, and not as a main access to the premises, it shall other than in above circumstances be kept closed at all times.
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing by the Local Planning Authority before either use of the premises hereby approved commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
5. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
6. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority 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.
7. Neither of the uses hereby approved shall commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
8. Neither of the uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been

installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

9. Unless otherwise agreed in writing by the Local Planning Authority the community centre (multi-cultural centre) shall only operate between the hours of 08:00 and 22:00 on any day.

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

10. Unless otherwise agreed in writing by the Local Planning Authority the Mosque shall only operate between the hours of 07:00 and 22:30 on any day.

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

11. Unless otherwise agreed in writing with the Local Planning Authority the Mosque hereby approved shall be used for worship, prayer and religious education. It shall not be used for the holding of weddings, funerals, parties, receptions or other similar functions likely to encourage large numbers of people to the premises without the prior written consent of the Local Planning Authority.

In accordance with the application and in the interests of highway safety and the amenity of neighbouring occupiers.

12. Amplified music and/or speech shall not be played outside the premises and no speakers shall be erected on the exterior of the building.

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

13. Unless otherwise agreed in writing with the Local Planning Authority 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

14. Notwithstanding the details submitted prior to their installation details of any proposed new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority. The new doors and windows installed shall be in accordance with the details so approved.

In the interests of visual amenity.

15. The building shall be used only as a Mosque and Community Centre, as proposed within the application, and for no other use including any other use within Class D1 or Class D2 of the Town & Country Planning Use Classes Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

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

The Committee considered representations in relation to this matter.

Councillor Stephen Allison returned to the meeting at this point.

Number: H/2008/0676

Applicant: Mr Dilawar Khan, Concord, Washington

Agent: Mr Dilawar, 26/27 Front Street, Concord, Washington

Date received: 20/11/2008

Development: Variation of opening hours previously approved to allow opening 8 am - 11pm Monday to Sunday inclusive

Representations: Mrs Khan (applicant) was in attendance and addressed the Committee.

Location: 33 CHATHAM ROAD, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. Notwithstanding the variation of the condition applied for, for the avoidance of doubt the premises shall only be open to the public between the hours of 8am and 11pm Mondays to Saturdays (inclusive) and 8am and 4pm on Sundays.
In the interests of the amenities of the occupants of neighbouring properties.
2. All other conditions attached to planning permission H/2006/0096 shall continue to apply.
For the avoidance of doubt

The Committee considered representations in relation to this matter.

Number: H/2008/0714

Applicant: Mr G Wise
CLIFTON AVENUE, HARTLEPOOL

Agent: Mr S Pinder, 42 John Howe Gardens, Millfield Park, Hartlepool

Date received: 12/12/2008

Development: Replacement of existing timber windows with UPVC

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

Location: 76 CLIFTON AVENUE, HARTLEPOOL

Decision: **Planning Permission Approved**

Members were fully aware of the on-going review of policy in relation to the use of upvc in conservation areas. In this instance and having regard to this, Members took the view that the windows were similar to many others on properties in Clifton Avenue and that their design was not be out of keeping.

The Committee considered representations in relation to this matter.

Number: H/2008/0683

Applicant: Housing Hartlepool, Stranton, Hartlepool

Agent: Browne Smith Baker, 1st Floor, Morton House, Morton Road, Darlington

Date received: 25/11/2008

Development: Demolition of existing nursing home and sheltered housing and erection of an extra care development for the elderly comprising 60 apartments with communal and community support facilities. Provision of car parking for extra care facility and residential car parking and enhancements to open space

Representations: Sarah Fawcett (applicant's representative) and Mr McLelland (objector) were in attendance and addressed the Committee.

Location: ORWELL WALK, HARTLEPOOL

Decision: **Minded to approve subject to the following conditions. However as the application represents a departure from the Hartlepool Local Plan and the land is owned by the Council, the application be referred to the Secretary of State for consideration in the first instance. Should the Secretary of State decide that the application can be determined by the Local Planning Authority the final decision was delegated to the Development Control Manager.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials, including details of the sumemr house shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. No development shall take place until the following matters have been addressed
 - 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'.

4. Notwithstanding the submitted details a scheme for linking the footpaths from Nash Grove and Garrick Grove to Orwell Walk shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

5. Details of all walls, fences and other means of boundary enclosure, including details for the refuse storage area shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

In the interests of visual amenity.

6. Notwithstanding the submitted plans the final layout, including a programme of works for the enhancement of the open space shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of visual amenity.

7. 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.

8. The residents parking areas hereby approved shall be provided within 3 months of the occupation of the extra care facility. Thereafter the parking areas shall be retained with the associated enclosures, unless otherwise agreed in writing by the Local Planning Authority.

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

9. For the avoidance of doubt the hanging tiles, weather boarding and wooden cladding on the existing buildings proposed for demolition shall not be removed in the months June - August inclusive.

In the interests of protecting potential bat breeding areas.

10. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interest of crime prevention.

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

To encourage sustainable development

12. Notwithstanding the submitted details prior to the development being brought into use the applicant shall enter into a community use agreement formalising community access to the site. The agreement

shall include management and maintenance arrangements, pricing policy and hours of availability. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the use of the facility shall be in accordance with the approved community use agreed.

To secure community use of facilities on the site.

The Committee considered representations in relation to this matter.

Number:	H/2008/0555
Applicant:	Mr Ron Perry, Ron Perry & Son Ltd
Agent:	Plan It Designs Architectural Services Ltd, 281 Newmarket Street, Skipton
Date received:	10/11/2008
Development:	Outline application for the erection of an 80 bedroom hotel and fast food/drive thru restaurant
Location:	A19 SERVICES, NORTHBOUND TRUNK ROAD, A19 HARTLEPOOL
Decision:	Minded to approve subject to relevant conditions and the execution of a S106 Agreement requiring the financial contribution of £8,000 towards green infrastructure in the locality and the provision of a secondary access point to Meadowvale, and its retention in perpetuity, but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.
Number:	H/2008/0679
Applicant:	Mr Sean McNicholas McNicholas Estates Ltd, The Green, Wolviston, Billingham
Agent:	Malcolm Arnold, 2 Siskin Close, HARTLEPOOL
Date received:	21/11/2008
Development:	Variation of planning approval H/2008/0393 to allow 1 car parking space per dwelling instead of 2 and erection of new boundary wall to front
Location:	FORMER CHURCH HALL SITE, ROSSMERE WAY, HARTLEPOOL

Decision: Planning Permission Approved

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 received on 21 11 08, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
3. All conditions from the original planning permission H/2008/0393 shall still apply.
For the avoidance of doubt.

Number: H/2008/0655

Applicant: Mr Ian Fenny
Alab Environmental Services Ltd, Billingham Reach
Industrial Estate, Billingham

Agent: Alab Environmental Services Ltd, Mr Ian Fenny,
Able House, Billingham Reach Industrial Estate,
Billingham

Date received: 10/11/2008

Development: Provision of an additional tyre storage area

Location: SEATON MEADOWS LANDFILL SITE, BRENDA
ROAD, HARTLEPOOL

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The use hereby approved shall be discontinued and the land restored to its former condition within 2 years from the date of this permission unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.
The use is not considered suitable as a permanent use of the land.
2. The storage height of whole and shredded tyres within the site shall be restricted to a height of no more than 2.9 metres to ensure that stockpiles of such material can at no time be seen from anywhere along Tees Road and/or Brenda Road. Poles 2.9meters in height shall be erected within the storage areas in locations to be first agreed in writing by the Local Planning Authority to enable the height restriction to be measured on site, the poles shall thereafter be retained during the lifetime of the development.
In the interests of visual amenity.

3. The development permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2008 and that the working area shall be set no lower than 5.1metres above Ordnance Datum (AOD).
To reduce the risk of flooding to the proposed development and future occupants.
4. The perimeter bund (marked green on the hereby approved plan) shall be retained at a height of 8 metres, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

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

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

Decision

That the report be noted.

125. Appeal by Legato Properties Ltd, Land at Wynyard Woods, Wynyard Estate, Billingham (H/2008/0015) *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that a planning appeal had been submitted against the refusal of the Local Planning Authority to allow the erection 2 detached dwellings on land within Wynyard. The appeal was decided by written representations and was dismissed by the Planning Inspectorate. A copy of the decision letter was appended to the report.

Decision

The decision was noted.

126. Appeal Ref: APP/H0724/A/08/208/4324/WF H/2008/0043 Erection of a two-storey extension to side including integral garage and a rear single storey kitchen extension (amended scheme) 11 Newlands Avenue, Hartlepool, TS27 3QU *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that a planning appeal had been submitted against the refusal of the Local Planning

Authority to allow the erection of a two-storey extension to side including integral garage and a rear single storey kitchen extension at 11 Newlands Avenue. The appeal was decided by written representations and was allowed by the Planning Inspectorate. A copy of the decision letter was appended to the report.

Decision

The decision was noted.

127. Appeal Ref APP/H0724/S/07/2048720: H/2007/064 Application for a Certificate of Lawfulness of existing use of Amerston Hill Cottage as a residential dwelling house, Amerston Hill Cottage, Coal Lane, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that the above planning appeal had been determined by the Planning Inspectorate following a Public Inquiry. The appeal was dismissed. A copy of the decision letter was appended to the report.

Decision

The decision was noted.

128. Appeal by Mr Richardson, 21 Lowdale Lane, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager informed Members that an appeal had been lodged against the delegated refusal to allow the erection of a two storey side and single rear extension. The appeal had been decided by written representation and was allowed by the Planning Inspectorate. A copy of the decision letter was appended to the report.

Decision

The decision was noted.

Councillor Stan Kaiser left the meeting at this point in view of his earlier declaration of interest.

129. Local Government (Access to Information) Act 1985

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

Minute 130 – Able UK Ltd, TERRC Site - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person (para 6).

Minute 131 – Enforcement Action – 13 Manor Road - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order to direction under any enactment (para 6).

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

The Assistant Director presented a report which informed Members of issues relating to working hours at the TERRC (Teesside Environmental Reclamation and Recycling Centre) site at Graythorp. Further information was detailed within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

- 131. Enforcement Action – 13 Manor Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order to direction under any enactment (para 6).

The Development Control Manager presented a report which outlined the reasons enforcement action was sought in respect of 13 Manor Road. Further information was detailed within the exempt section of the minutes.

Decision

Details were included within the exempt section of the minutes.

The meeting concluded at 4.25 pm.

CHAIRMAN

No: 1
Number: H/2008/0495
Applicant: Chase Property Developments
Agent: Savills Mr T Adey Fountain Court 68 Fountain Street
 Manchester M2 2FE
Date valid: 03/10/2008
Development: Application to allow additional floorspace to vary the size
 of units and extend the range of goods that can be sold
Location: TEESBAY RETAIL PARK BRENDA ROAD
 HARTLEPOOL HARTLEPOOL

Background

1.1 This application was considered at the January meeting when it was deferred as a number of matters were outstanding.

The Application and Site

1.2 The application site is an existing retail park located on the west side of Hartlepool close to the junction of the A689 and Brenda Road. It currently extends to some 14,676 square metres of floorspace. At the northern and north eastern end of the park are a range of buildings currently occupied by B & Q, Storey/WalterWall Carpets, Aldi, Poundstretcher, UK Bowling with the remaining units currently vacant. At the south western end of the Park is a former filling station and a building occupied by Halfords. The south east corner of the site is open and undeveloped.

1.3 The park is bounded to the south and east by an area of raised waste ground which is allocated in the Local Plan for outdoor recreation and sporting development. To the north is a landscape buffer beyond which passes the A689. To the western side of the site is a pond and Brenda Road beyond which are commercial premises on the Usworth Road Industrial Estate a garage, bus depot and a vacant site.

1.4 The site already benefits from extant planning permissions some of which have been implemented and which are subject to various restrictive conditions. The application seeks planning permission to remove/vary these various conditions. In particular to extend the permitted floor space allowed within planning approval H/2005/5921 by a further 4,537 square meters to 11,017 square metres (restricted by condition 4). This additional space will be accommodated through altering the footprint of some units slightly but mainly through the use of mezzanine floors. The application also seeks to remove planning conditions limiting minimum unit size (Condition 5 - H/2005/5921) and the range of goods that can be sold (Condition 4- EZ2/3/OUT/519/85, Condition 2 H/FUL/0619/91, Condition 6-H/2005/5921) on the site. Instead two new planning conditions are proposed. One limiting floor space for the sale of food to 8,933 sq metres other than ancillary café, confectionary, hot snacks or meals. A further proposed condition limits the amount of D2 leisure floorspace to 2,508 square metres. (It is understood this relates to the existing Bowling facility). A proposal seeking flexibility to allow three of the units to be

occupied by Class A3 (Restaurant & Café) operators has subsequently been withdrawn.

1.5 The revised indicative site layout shows a 11,017 square metre extension to the existing retail and leisure floorspace which will bring the total floorspace at Tees Bay to 25,851 square metres. The additional floorspace will be provided in ten new units. Unit 6 will link Poundstretcher to the adjacent vacant unit which will be subdivided into three units. Five units 11 to 16 will be provided in the south east corner of the estate effectively closing this corner. Units 11,12,13 will also accommodate 4,415 sq m of the proposed additional floorspace in a mezzanine floor. Unit 18 a stand alone unit will be provided to the north of the existing Halfords Unit. Units 19 & 20 will be provided in the centre of the site on the site of the former car wash. Car parking and pedestrian areas within the site will be extended and remodelled and the service road extended. At the entrance to the site the existing service station will be removed and a water feature formed.

1.6 In support of the application the applicant has submitted a Flood Risk Assessment, a design and access statement, a Transport Assessment and a retail statement.

1.7 The applicant states that the retail park is no longer fit for purpose and attributes this to restrictive planning controls which limit the range of retailers, dated premises and overall poor image, and high vacancy rates re-enforcing negative perceptions amongst prospective purchasers. He considers that the proposal can address the park's decline by broadening the range of goods and so retailers, upgrading the park and by providing a range of units to cater for a wide range of tenants.

1.8 The applicant's retail assessment concludes that the Park is in need of regeneration. That there is a need for the development, that the development is of an appropriate scale, the site is accessible, there are no sequentially preferable sites available and that the proposal will not have an unacceptable impact on the vitality and viability of existing centres. Further that the development will regenerate the existing retail park and contribute to employment opportunities and social regeneration.

Relevant Planning History

1.9 The planning history of the site is complex.

1.10 Outline Planning Permission was originally granted for a non food retail centre on the site in April 1986 (EZ2/3/OUT/519/85). A condition (4) on this "principal permission" restricted the sale of food from the premises other than confectionary, hot snacks or meals. A legal agreement dated 10th April 1986 the "principal agreement" completed in connection with the planning permission further restricted the range of goods which could be sold from the site to bulky specialised goods not generally expected to be found in the town centre. For example timber and other products, hardware, plumbing, electrical, building maintenance and construction, insulation, furniture, flooring, glass, decorating equipment, D.I.Y, leisure, Autocentre, Gardening, Pet products, related books and publications, food and drink (in a restaurant/snack bar). This was varied in 7th August 1986 to allow for the sale of

ready made furniture and the sale or hire of other specific goods (electrical, hi-fi, tapes, cassettes, cartridges films optical and photographic equipment watches and clocks) by a specified retailer/retail group (Harris Queensway Plc) in part of the development (up to 25% of the whole or 2000 square metres whichever is the greater).

1.11 In Nov 1986 reserved matters were granted for the erection of non food retail units (H/EZ2/0479/86).

1.12 In December 1991 planning permission was granted for the change of use of units 2,3A and 3B from non food to food retail (H/FUL/0619/91). A condition (2) attached to the approval restricted the maximum gross floorspace of food retailing to 1417 sq m and required the accommodation to be contained solely within units 2 ,or, the combined units 3A and 3B. The principal legal agreement was varied through a supplemental agreement dated 14th September 1993 to allow for this. Unit 2 is now occupied by Aldi .

1.13 In April 1993 a planning application by Iceland for the change of use of unit 3a was refused for reasons relating to the cumulative impact on the town centre (H/FUL/0066/93).

1.14 In November 1994 planning permission was granted for the erection of a non food retail unit in the south east corner of the site opposite Halfords. A condition restricts food sales other than within an ancillary restaurant, canteen or snack bar. This application does not appear to have been implemented (H/FUL/0547/94).

1.15 In December 1996 permission was granted to vary the principal legal agreement to extend the range of goods sold however it does not appear that the formal variation of the agreement was completed due it is understood to the complexity and multitude of owners and tenants of the retail park (H/VAR/0118/96).

1.16 In 2001 permission was granted to vary the principal legal agreement to allow for the use of unit 3B for the unrestricted sale of non food retail goods. (H/VAR/0454/00). The principal agreement was varied by a supplemental agreement dated 1st February 2008. This unit is now occupied by Pound Stretcher.

1.17 In September 2004 planning permission was granted for the subdivision of two existing units, 1 & 4, with new customer feature entrances to front and new service doors to rear elevations to create separate retails units within the existing buildings. (H/FUL/0101/04). The permission allowed for the subdivision of the units into 5 retail units. No conditions relating to the use of these units nor the range of goods sold were imposed on this permission.

1.18 In June 2007 outline planning permission was granted for alterations to existing units, erection of additional units and associated infrastructure and landscape works. (H/2005/5921). A condition on the approval (4) restricted the total new retail warehouse floorspace to 6,480 square metres gross. A condition (5) restricted the minimum size of unit to not less than 929 square metres. A condition (6) restricted the range of goods which could be sold. Specifically the permission did not allow the units to sell, food and drink, clothing and shoes (including sports clothing), books and

stationary, CDs and other recorded audio-visual material, toys and children's goods, jewellery, clocks and watches, sports equipment and accessories, china and glassware, musical instruments, medical, chemist and opticians goods and pet products. These conditions were imposed to protect the viability of the town centre. It is this permission in the main that the current application seeks to vary to allow for the erection of additional floorspace, the sale of a wider range of goods and the removal of limits on the minimum size of unit. The permission was subject to a legal agreement securing employment opportunities for local people, a travel plan and a financial contribution to secure a cycleway link which was completed on 28th June 2007.

1.19 In 2007/2008 the applicant applied for certificates of lawfulness to establish that the lawful use of units 1 and 4 were they to be subdivided in accordance with permission (H/FUL/0101/04) would be for any purpose within Class A1 shops (H/2007/0765 & H/2008/0162). The certificates were granted in May 2008 with the proviso that the decision was without prejudice to the enforceability of the covenants in any legal agreements relating to the site

Recent Legal Advice

1.20 In considering the application legal advice has been sought on two matters.

i) The scope of the application:

Questions had been raised by our own retail consultant and a retail consultant representing a third party as to the appropriateness of the application. In essence the concern was that the changes proposed, (increased floor space, extending the range of goods to be sold and removing the restriction on the minimum size of unit) were so significant that a new planning application should be submitted rather than an application under section 73 to vary existing conditions. The legal advice received is that the application to vary the conditions is appropriate.

ii) The position of the legal agreements.

Questions had been raised as to whether the most recent legal agreement dated 28th June 2007, completed in relation to planning permission H/2005/5921 which contains no restrictions on the range of goods sold, superseded the principal legal agreement dated 10th April 1986, completed in connection with the original outline planning permission for the site (EZ2/3/OUT/519/85) which does restrict the range of goods which can be sold on the site. The legal advice supports the view that the most recent legal agreement supersedes the principal legal agreement.

Summary of Planning History

1.21 In light of the most recent legal advice in summary the use of the existing and approved units on the site is restricted by planning conditions only.

1.22 In relation to planning conditions the main effect of the extant planning permissions is that the original permission (EZ2/3/OUT/519/85) restricts the sale of

food except in relation to the unit occupied by Aldi where this condition has been relaxed by the permission in 1991.(H/FUL/0619/91). It will also be relaxed in the case of units 1 & 4 should planning permission (H/FUL/0104/04) be implemented. The conditions imposed on the recent 2007 permission (H/2005/5921) restricts the range of goods that can be sold from the new units should they be erected, the minimum size of units and the maximum amount of floor space.

Publicity

1.23 The application has been advertised by site notice, neighbour notifications(10) and in the press. The time period for representations has expired. Two letters of objection were received from consultants representing the owner of Anchor Retail Park. A letter of objection was also received from PD Ports. The writers raise the following issues.

- i) Format of application is inappropriate.
- ii) The proposal is contrary to policy as it seeks to allow out of centre retail floor space and allow the sale of goods without restriction, including foods and goods, that should be sold in the town centre.
- iii) The retail statement is deficient and does not satisfactorily demonstrate that the application accords with retail planning policy.
- iv) PD Ports has land currently available at Victoria harbour including 17,094 sq m of retailing. These sites provide sequentially preferable sites to the application site and a better and more sustainable location through the provision of critical mass to support an improved retail offer. They will also act as a catalyst for wider regeneration opportunities which would enable closer links to the town centre and existing Marina development. It is felt that if this permission is approved this would create a competing out of town retail locality which would undermine developer confidence in Victoria Harbour. This would prejudice wider regeneration proposals and have an adverse impact on retailing in the town centre and Marina. National Planning Guidance should be considered. Whilst current economic conditions are having an impact on the retail market in general, should there be a requirement for additional critical mass within the retail offer at Hartlepool it is felt that this would best be accommodated at Victoria Harbour.

Copy letters C

Consultations

1.24 The following consultation responses have been received:

Head of Public Protection - No objection.

Northumbrian Water - No objection.

Traffic & Transportation - The proposed traffic flows from the development will have minimal impact on the highway network given the amount of traffic generated from it.

The legal agreement which was put in place with the previous permission for the retail park, which involved the proposed cycle route and travel plan, should pass over to this application if planning permission is granted.

The proposed parking for development is acceptable. There should be at least 32 spaces for disabled persons and they should be set out in accordance with BS8300:2000. The layout of the car park can be conditioned and agreed with my department.

The development will require cycle parking. The cycle parking should be located so it is secured and covered. The details can be condition and agreed with my department.

Tees Valley JSU - The planning application raises a number of strategic issues that will need to be taken into account by the Borough Council during its consideration of the proposals. Overall the development of an expanded out-of-centre retail park with currently poor public transport connections does not conform with broad national and regional guidance and policy. It is important therefore that the necessary conditions are imposed to ensure that the retail development is consistent with current policy in the Hartlepool Local Plan. In such circumstance, then there would be no strategic concerns with this application, subject to meeting the tests in national guidance PPS 6.

I note that the Borough Council is currently seeking legal advice on the scope of the planning application. The accompanying Retail Impact Assessment does not fully address the quantitative and qualitative need for such types of retailing as required by PPS6 and may therefore underestimate the adverse impact on any existing centre as a result of the proposed development. The Retail Impact Assessment also does not fully address the sequential site tests in PPS6 for such types of retailing. The Borough Council needs to consider the importance of a substantial extension of out of centre retail development to the future vitality and viability of the town centre and should consider the form of retail development that it requires. The Borough Council should recognise that it may be necessary to re-examine non-car travel mode assumptions on accessibility. The site is located within Flood Zone 1 and there are no concerns about the projected low level of future background traffic growth on the existing road network.

In view of these comments, I do not however propose to report this application to the Planning & Economic Strategy Board of Tees Valley Unlimited.

Environment Agency – No objections recommended condition relating to disposal of surface water.

Engineering Consultancy - No objections.

Natural England – No objection. The proposal poses no risk to designated sites and there is only a limited possibility of damage/disturbance being caused to protected species, breeding birds. Recommended that construction work takes place outside the bird nesting season. It would be beneficial if the proposed included measures to restrict use by off road motorbikes .

Community Safety Officer – Any comment will depend on whether retail floorspace is to extended/format of building altered/extended etc. Details of proposed variation of goods to be sold to identify potential security implications. Any notification to change trading hours would be appreciated. What are existing, if any security arrangements and car parking provision/monitoring.

Economic Development - In general terms I fully support further investment into the Park encouraging private sector investment and job creation. The proposals fit with the emerging Southern Business Zone strategy and support a number of the themes within the strategy. In terms of specific uses I do not have any particular objection to a broad range of uses including food retail in economic development terms, however this particular use will need to be considered in the light of retail studies and Local Plan policies.

North East Assembly – The proposal is in general conformity with the Regional Spatial Strategy, subject to the local authority's satisfaction that the scale of the development cannot be accommodated in the town centre, and that the vitality and viability of the town centre will not be compromised as a result of the development proposal. The NEA has raised other issues in this response (travel, transport plans, use of renewable energy/reduction of energy consumption), which if addressed would improve the conformity of the development proposal with the RSS.

One North East - I understand that this application follows a previous approval (ref: H/2005/5921) for development of additional retail units at this retail park. The previous application pre-dated the commencement of One North East's statutory planning consultation role and therefore the Agency did not comment on that original outline application.

It is noted that concerns relating to the potential impact of the proposed retail development of this site on the town centre resulted in the imposition of conditions by the planning permission to restrict the use, range of goods to be sold and minimum size of the units.

The current application seeks to vary those restrictive conditions to enable:

- reconfiguration of units and increase in overall floorspace provision;
- not more than 8933sqm of floorspace to be used for the sale of food (other than ancillary café sales, confectionary, hot snacks or meals or any other food which may be agreed by the Local Planning Authority);
- not more than 2508sqm of floorspace to be used for Class D2 leisure purposes;
- use of three units for Class A3 purposes.

Clearly the issues relating to the protection of the vitality and viability of the town centre which were a concern to the Local Planning Authority (LPA) in determining the original application remain. I understand that the LPA is currently considering the

retail assessment submitted to support the application in the context of Council policies and guidance offered by PPS6: Planning for Town Centres.

In coming to a decision, One North East would urge the LPA to be satisfied that the revisions to the original permission are in accordance with policy and guidance and to establish as far as possible that the proposed changes will not result in a detrimental impact upon the vitality and viability of retail operators within the town centre. Subject to this aspect and all environmental issues of the application being satisfactorily resolved, One North East does not object to the proposed revisions. As you are aware the RES promotes the need for quality of place within existing and proposed development. With this in mind, should the application be viewed favourably, the Agency would request the LPA to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BREEAM, Building for Life and Secured by Design.

In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application details regarding the provision of renewable energy measures within the scheme should also be provided.

Cleveland Police - No comments

Tees Valley Regeneration - TVR would wish to express general concern about the effect that such an out-of-town retail facility would have on the existing provision in the Town centre and proposed Victoria Harbour development. We have concerns that the proposal will detract from the existing retail provision, albeit that the bulky goods proposals at Victoria Harbour are now under review, and there may therefore be no direct conflict.

Planning Policy

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

Com7: Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments attracting large numbers of visitors should comply with policies Com8 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses

outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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.

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.

Rec14: States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

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

Planning Considerations

1.26 The main planning considerations are at this time considered to be the scope of the application, policy in particular the suitability of the development in terms of national and local retail policies, highways, flooding, impact on the amenity of neighbours and Conservation Issues.

1.27 The comments of this Council's Retail Consultant have been passed to the applicant and whilst the applicant has responded he has since indicated that part of their response requires amendment. The applicant's amended response is awaited.

RECOMMENDATION – Update report to follow.

[illegible]

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 6/1/09
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0495	REV

No: 2
Number: H/2009/0009
Applicant: Billingham Reach Industrial Estate Billingham Teesside TS23 1PX
Agent: Able UK Ltd Mr Richard Cram Able House Billingham Reach Industrial Estate Billingham TS23 1PX
Date valid: 09/01/2009
Development: Application to remove condition 1 of planning permission H/2008/0525 to allow permanent permission for module
Location: ABLE UK LTD TEES ROAD HARTLEPOOL

The Application and Site

2.1 The application site is part of the Able UK Port Facility, known as TERRC. An application for the change of use of a module from offshore accommodation to office use with welfare/hygiene facilities for the use of the staff at TERRC was approved by the Planning Committee in December 2008. The approval did restrict the use to a temporary period of 5 years and the applicant is now applying for a variation of this condition to allow permanent use of the module due to the financial commitment involved in the conversion.

2.2 The oil rig living quarters module is established onsite adjacent the boundary with the Power Station under the consent granted to Able to demolish offshore structures. The module is a steel four storey structure, 50metres in length, 25metres in width and 18metres in height.

2.3 Parking for the building is provided within the general site car park at the northern end of the facility.

Publicity

2.4 The application has been advertised by way of site notice and press notice. To date, there has been 3 letters of objection.

The concerns raised are:

1. Health
2. Safety
3. Security
4. Environmental
5. Constitutional
6. Legal

The period for publicity expires after the meeting on 2 March 2009, should any further response be received before the meeting these will be presented to the Planning Committee.

Copy letters A

Consultations

2.5 The following consultation replies have been received:

Public Protection - No objection

Traffic and Transportation - There are no major highway implications with this application

Northumbrian Water - No objection

Health and Safety Executive - Do not advise against the grant of planning permission

HSE Nuclear Installations Inspectorate - No objection

National Grid & Transco - Advise that there is moderate risk, however no objection.

Northern Gas Networks - No objection

Planning Policy

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

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

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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Planning Considerations

2.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon the area in general, in terms of outlook, dominance and appearance.

2.8 Although the module is large it is not considered to be out of keeping with the surrounding area. The module is sited close to the boundary of the power station and in terms of scale is similar to equipment at the power station site. The application proposes the reuse of a module which otherwise would be scrapped, therefore the reuse of the module is considered to be sustainable and should be encouraged. It was recommended that a temporary approval for 5 years was attached to the previous approval (H/2008/0525), which was similar to the Heerema approval for a similar structure (which now has permanent approval). However after further consideration it is considered that the location of the module which is within an industrial setting and sited adjacent the power station, that it would be difficult to sustain an objection to removing the condition in terms of visual amenity.

2.9 In terms of the response from National Grid, moderate risk means that if there is any large scale equipment e.g. cranes etc to erect the building then plans need to be shown to National Grid for consideration. After discussions National Grid are aware that the module is onsite as part of Able's approval for the demolition of offshore structures and they offer no objection to the scheme.

2.10 In terms of highway safety, the Traffic and Transportation team have confirmed that there are no major highway implications with the proposed change of use of the module.

2.11 The development was considered acceptable by the Planning Committee in December 2008 in terms of the use of the module as offices and the Health and Safety Executive have no objection to the scheme.

Conclusion

2.12 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of area in terms of outlook and its appearance the development is considered satisfactory.

RECOMMENDATION – Minded to approve the application subject to no substantially different objections and the condition below, however the final decision be delegated to the Development Control Manager:

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority in relation to application H/2008/0525 on 15th and 19th September 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

ABLE UK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 13/2/09
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0009	REV

No: 3
Number: H/2008/0558
Applicant: Mr M Ashton Hillcrest Grove Elwick Hartlepool TS27 3EH
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 17/09/2008
Development: Variation of planning conditions to allow opening of
 caravan and camping park and clubhouse between 1st
 April and 31st January and removal of condition to provide
 an acoustic fence
Location: ASHFIELD FARM DALTON PIERCY ROAD
 HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 Ashfield Farm is located approximately 1 km to the north east of Dalton Piercy and consists of a smallholding. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall holding is part of a cluster of holdings which are being used for various commercial and rural related enterprises. The site is accessed from Dalton Back Lane via a track some 300m in length.

3.2 The application site is an operating touring caravan and camping site, which was approved by Members on the 8th August 2006. This was approved with some 13 conditions including that the site be restricted to the months of March to October, and the requirement for the erection of an acoustic fence in a location to be agreed. The site has been operational since March 2008.

3.3 An application to provide a licensed clubhouse on the site was refused by Members on the 1st August 2007, however was subsequently allowed on appeal on 13th December 2007, subject to conditions.

3.4 The application proposes to vary the opening of the touring caravan and camping site, including clubhouse to between the 1st April to 31st January inclusive. The application also proposes to remove the condition on the approval which requires an acoustic fence to part of the site boundary.

3.5 The application was deferred from the November Planning Committee as there was an error in advertising the proposal, this has now been rectified. The application was deferred from the December Planning Committee at the request of the applicant to allow further discussions.

Publicity

3.6 The application has been advertised by way of neighbour letters (10), site notice and press notice. To date, there have been 4 letters of no objection, 4 letters of objection (3 anonymous), 1 letter of comment and 3 letters of support.

The concerns raised in the objection letters are:

1. The clubhouse is being used to sell alcohol to non residents of the site.
2. This is in direct competition to the village pubs in Elwick.
3. The opening as a pub is illegal and they are breaking the law and putting their license in jeopardy.
4. A beer garden has been constructed.
5. Music is played outside.
6. Drinks can be consumed in areas outside the licensed area.
7. Concerns that the site is residential caravans.
8. There is no adventure playground which was on the approved plans, another sign the operators are only interested in a pub.
9. The tourism officer should have visited the site to see how many tourists are on the site before commenting on the application.
10. The caravan site was open on the 1st and 2nd November which is in contravention to the license held.
11. When does a touring caravan site become a residential site?
12. The fence referred to should have been provided before the site was opened.
13. One of the objectors who has commented anonymously has raised a link between an occupant of the caravan site to a fatal car crash on the A19. It was also raised that the person involved was occupying the site as a contractor.

The person commenting raised no objection to the running of the site, however has stated that one year may not be an adequate sample period to gauge the need for an acoustic fence. The author has suggested that the condition for an acoustic fence is not enforced however is reviewable for removal in 4 years time.

The letters of support for the applications cite the following reasons:

1. Since it has opened sales in the writers shop and post office have increased.
2. The owners of the site have gone out of their way to help and support the local businesses in the area.
3. Since the caravan park has closed there has been a drop in sales in the writers shop and decrease of post office transactions. Therefore as a local business owner and resident of Elwick Village supports the extended opening.
4. Rather than seeing the development as competition we need to work together to support the area and bring in as many opportunities for each other as possible.
5. Strongly oppose the erection of a fence on the side of a private road, it would not be in keeping with the area and would serve no purpose other than looking like an eyesore. It would be detrimental to the wildlife.

Copy letter D

The period for publicity has expired.

Consultations

3.7 The following consultation replies have been received:

Public Protection - No objection

Economic Development - No objection, particularly as it will extend the visitor season to Hartlepool and therefore the visitor economy at a potentially quieter period.

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

Dalton Piercy Parish Council - Concerns for the following reasons:

1. There is minimal possibility that caravanners would be on the road in the months asked for in the change of opening hours.
2. How would it be commercially viable to open in those months.
3. The club house should be restricted to those who are resident onsite; there are suggestions that it is being used as a pub.
4. As a result of the above the Council would like to see the hours remain as they are.

Planning Policy

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

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

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

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

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

Rur16: States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

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

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

Planning Considerations

3.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties and surrounding area in terms of its affect on the local highway network and noise and disturbance.

3.10 Planning Policy Statement 7 (Sustainable Development in Rural Areas) is supportive of tourism development in countryside areas providing that this is not to the detriment of the area. In this instance it is considered that the operating of the site for an additional 2 months of the year would not have an adverse affect on the surrounding area, this is expanded on in the remainder of the report.

Highways Issues

3.11 The Traffic and Transportation team have confirmed that there are no major highway implications with this application; therefore there are no objections on highway grounds to the variation of the conditions.

Noise and Disturbance

3.12 The proposed variation of the condition to allow the operation of the site between April to January inclusive is not considered to have a detrimental affect on the surrounding area in terms of noise and disturbance. The site is surrounded by mature hedging and there is a degree of separation between the site and neighbouring properties, which are scattered around the vicinity. Given that the site is approved to be operational between March to October, and no objections have been received in terms of noise and disturbance since it has become operational (March 2008), it is considered difficult to substantiate an objection to the additional 2 months proposed. Public Protection has not objected to the variation of this condition.

3.13 With regard to the provision of an acoustic fence the site has been operational since March 2008 and no objections have been received by Public Protection in terms of noise and disturbance. Public Protection have no objection to this acoustic fence not being provided and given the amount of screening around the site and separation distances between the site and surrounding properties it would be difficult to sustain an objection to the removal of this condition. With regard to the letter of comment suggesting that the condition should not be enforced but reviewed in 4 years time consideration has been given to this proposal however the basis for imposing conditions are that they must be reasonable and necessary. It is considered difficult to substantiate rewording the condition to be reviewed given no objection has been received regarding noise and disturbance.

Other Issues

3.14 Concerns have been raised regarding the viability of the site during the additional months proposed, however the Council's Tourism officer has assessed the proposal and has no objection, particularly as it will extend the visitor season to Hartlepool and therefore the visitor economy at a potentially quieter period.

3.15 Concerns have been expressed by both objectors and the Dalton Piercy Parish Council in terms of the clubhouse being used as a public house. There is a condition imposed on the licensed clubhouse which restricts the use of the premises to only resident occupants of the touring caravans and tents on the site at any particular time. It should be acknowledged that Public Protection and The Police have visited the site on a number of occasions; as a complaint was received from one of the objectors who has objected to this proposal; and they have not found any evidence to suggest the clubhouse is not being run as the condition/license specifies.

3.16 With regard to an objection which states that a beer garden has been constructed, the case officer has visited the site and although there was a "picnic area" adjacent to the club house, this has now been sited in the correct approved location.

3.17 There is no proof to substantiate music being played outside, the Council's Public Protection team have confirmed that they have not received a complaint regarding music being played outside.

3.18 With regard to the adventure playground not being constructed, the applicant has confirmed that this is to be constructed prior to the site opening in April 2009.

3.19 An objector has cited that the site has been open outside the months attached to the approval, i.e. 1st and 2nd November. It should be noted that the applicant had contacted the Planning Department to seek clarification on opening prior to these dates and given the application currently being considered (which was submitted in September 2008) it was considered enforcement action would be unreasonable.

3.20 In terms of the objection referring to a fatal traffic accident the issue of drink driving is not a material planning consideration.

3.21 In terms of the occupancy of the site by contractors, this has been looked into having regard to concerns raised about occupancy at the recently proposed touring caravan/camping site at Brierton Moorhouse Farm. Legal opinion was sought regarding that application earlier this year. The legal view was that it would be not be reasonable to seek to prevent the use of the site by one defined section of the community and that it is only lawful to restrict the use of the site for permanent accommodation. This has been reaffirmed in the most recent discussions in relation to the application site.

Conclusion

3.22 It is considered that extending the opening of the touring caravan and camping site would not have an adverse effect on the surrounding area, as detailed in the previous committee report. In terms of the removal of the condition requiring the acoustic fence it is considered that given no objections have been received during the operational year without the fence it would be difficult to sustain an objection. Having regard to the policies identified in the Hartlepool Local Plan 2006 and in particular consideration of the effects of the development on the amenity of surrounding area the development is considered satisfactory.

3.23 The previous Planning Committee report did replicate conditions comparable to the Brierton Moorhouse Farm approval, which were not previously attached to Ashfield Farm, however after further legal discussions this is not considered reasonable, primarily because of the limited extension in the period of operation of the site proposed. There are 2 conditions which are proposed which were not previously attached to the approvals (conditions 10 and 11 below) however they are considered to be reasonable to be imposed.

RECOMMENDATION – Approve subject to the following conditions:

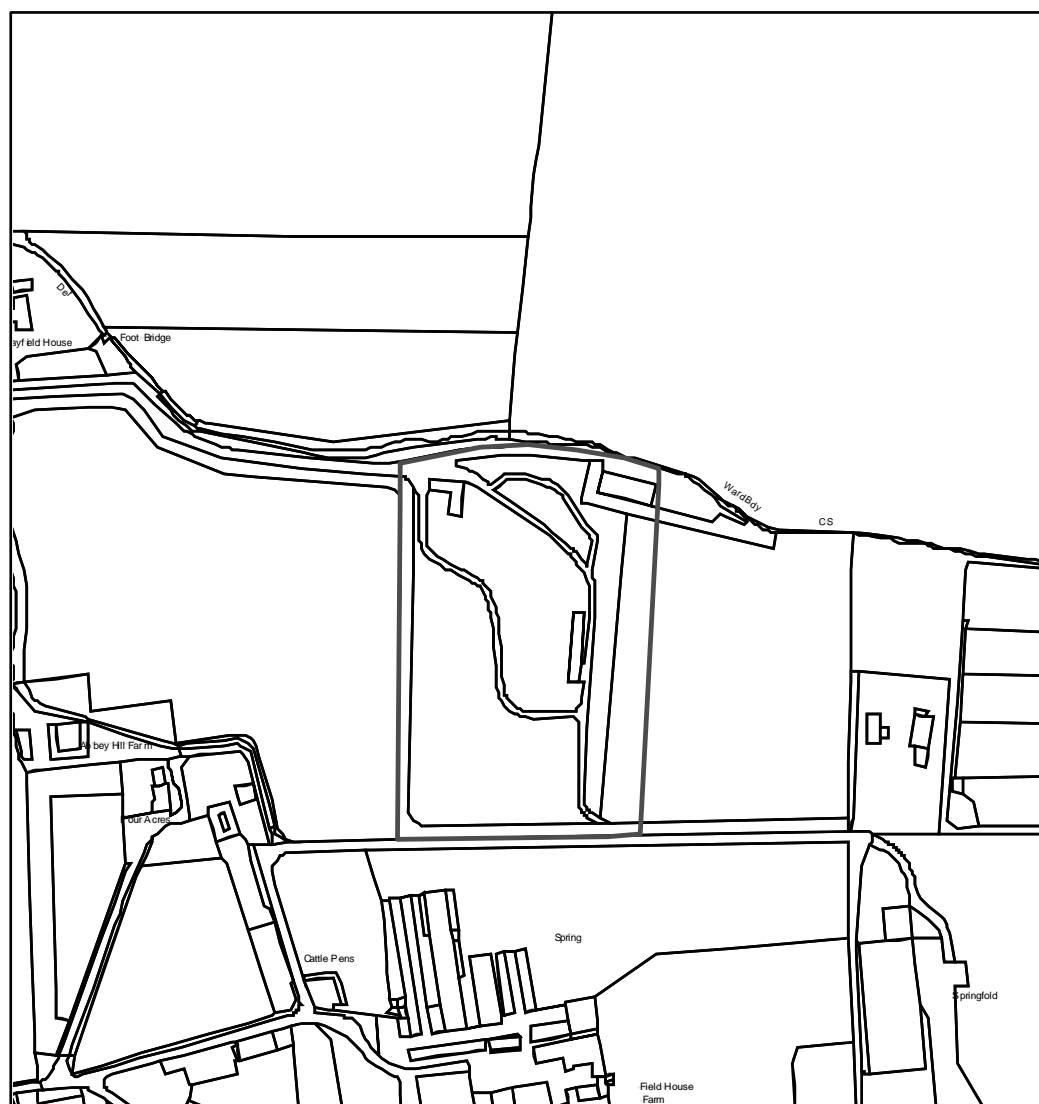
1. All planting, seeding or turfing comprised in the previously approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 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.

2. The development hereby approved shall be restricted to the part of the site outlined in red.
For the avoidance of doubt
3. The development hereby approved shall be used as a touring caravan site and camp site only and under no circumstances for the siting of static caravans. Neither shall it be used for the storage of caravans.
In order to protect the visual amenity of the surrounding area.
4. The touring caravan and campsite hereby approved shall only be open to the public between the 1st April and 31st January inclusive and shall be closed at all other times. In the interests of visual amenity and the site is not considered suitable for occupation throughout the year.
5. The licensed clubhouse for the touring caravan and camp site permitted shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
6. The license clubhouse shall not be open other than at the times that the touring caravan and camp site is in operation and shall not be open other than between the months of April to January inclusive between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
7. Customers for the licensed clubhouse shall not purchase or consume drink or food or other refreshments anywhere other than within the area of the licensed clubhouse facility shown hatched on the extract from drawing ref: BIG/IC/MA/254-201 that is attached to the appeal decision under application reference H/2007/0244 and no food or drink shall be consumed by customers anywhere else within the building. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
8. None of the land surrounding the clubhouse shall be used as an amenity area, beer garden or any form of outside drinking/eating area without the prior written consent of the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
9. No music shall be piped or relayed to the outside from within the building. In the interests of the amenities of the occupants of neighbouring properties and the surrounding area.
10. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenity of the area.
11. Final details, including a programme of works of the play equipment to be installed in the childrens play area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of the visual amenity of the area.
12. The drainage and the surface water treatment details approved under planning application H/2006/0333 shall be implemented and retained in

working order, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is adequately drained.

ASHFIELD FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6/1/09
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0558	REV

No: 4
Number: H/2008/0531
Applicant: Mr MATT MATHARU STATION LANE HARTLEPOOL
TS25 1BG
Agent: S J R Architects Suite 101 The Innovation Centre
Venture Court Queens Meadow Business Park
HARTLEPOOL TS25 5TG
Date valid: 08/09/2008
Development: Outline application for the erection of a 30 bed residential
care home with associated car parking
Location: 34 STATION LANE HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 The application site is located on Station Lane in Seaton Carew on a main link road into and out of Seaton Carew.

4.2 The site is approximately 0.12 hectares in size and accommodates a 3 storey double fronted Victorian property, which was converted into a residential care home in 1987 (under application H/FUL/0520/87). In 1988 an application was approved for a 2 storey extension to the rear (H/FUL/0022/88). A smaller infill extension was approved in 1997 (H/FUL/0235/97).

4.3 There have been 2 recent outline applications associated with the proposal to demolish the existing care home and rebuild:

4.4 **H/2007/0759** comprised an application for a 29 bed residential care home. This was withdrawn by the agent as there were concerns from the case officer regarding the scale and design of the proposal.

4.5 **H/2008/0213** comprised an application for a 32 bed care home. This was refused on the grounds that the scale proposed would be overbearing and detrimental to the occupiers of neighbouring properties in terms of visual intrusion, dominance, overlooking and loss of outlook. It was also considered that the scale of the home proposed would not provide amenity space to meet the needs of residents commensurate with the size of the building.

4.6 The current application proposes the demolition of the existing building and the erection of a 30 bedroom care home, which is shown to be 3 storey at the front then 2 storey at the rear. However these details are illustrative as the application is in outline with all matters reserved for later approval.

4.7 The applicant has provided a design and access statement which states that the current building does not comply with many of the requirements set out by the current Care Home Regulations. The statement also states that attracting new residents has been lost to competition from newer built homes within the surrounding area and subsequently a lack of investment has resulted.

Publicity

4.8 The application has been advertised by way of neighbour letters (10). To date, there have been 1 letter of no objection and 2 letters of objection.

The concerns raised are:

1. loss of light
2. concerns re: landscaping as boundary wall is already badly damaged from previous planting
3. out of keeping with surrounding buildings
4. set precedent for a destroy and rebuild
5. the size of the building is out of character with the surroundings
6. car parking will be a nightmare

Copy letters B

4.9 The period for publicity expires before the Planning Committee, should any further representations be received they will be reported accordingly.

Consultations

4.10 The following consultation replies have been received:

Traffic & Transportation – no objection

Public Protection – no objection

Engineering Consultancy – no objection subject to a condition regarding contamination.

Director of Adult & Community Services – awaiting comments

Cleveland Police – comments regarding secured by design

Planning Policy

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

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

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

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

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.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Planning Considerations

4.12 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, the effect of the proposals upon neighbouring properties, on the streetscene in general, and highway implications.

Local Plan

4.13 The site is within the limits to development where the type of development proposed would be acceptable in principle.

Residential Amenity

4.14 Whilst the details submitted are purely for illustrative purposes they clearly show the difficulties of accommodating a development of this scale on this site. While the existing building is large it is clear that that proposed would be significantly larger and that issues of overlooking, dominance and poor outlook will be particularly relevant.

4.15 The relationships with the houses at 5A Bolton Grove and 32 Station Lane are particularly tight. The illustrative details show the proposed home running virtually the full length of the site occupied by 5A Bolton Grove and a significant part of that occupied by 32 Station Lane, between 3 and 2 storeys high closer to the party boundaries than the existing building with a variety of windows, mainly bedroom windows facing both these properties. At its closest the new building will be only 3.3 metres from the boundary and opposing windows will be as little as 8m apart.

4.16 Although it is acknowledged that some of these windows are shown to be obscure glazed they are not shown fixed. There will therefore inevitably be a degree of overlooking and a perception of being overlooked. Further given the proximity and scale of the building to neighbours the new home will appear dominant and there will be a very poor outlook from both neighbours properties.

4.17 The rear elevation which is shown at 2 storey is sited approximately 5.3metres away from the boundary of 7 Bolton Grove and contains windows comprising corridor/stairwell windows facing into the neighbouring garden. This is actually further away than the existing building. In this instance it is acknowledged that the windows could be controlled via condition to prevent overlooking (the agent has indicated obscure glazing to the first floor windows).

4.18 In terms of the outlook for residents of the proposed care home there are concerns for the occupants of the ground floor. There is a large boundary wall to 2 sides of the site which bedroom windows would face onto. The height of the walls range from approximately 2metres to 4metres. These walls are imposing and within approximately 5.8/6.5metres of the proposed bedrooms shown on the illustrative scheme. The agent has indicated that the walls could be softened by the addition of low level planting and climbers.

4.19 There are windows which face onto the site from the neighbouring social club. This would add to the sense of overlooking and loss of privacy, for the occupiers of the care home.

4.20 The development proposes limited amenity space for residents, the location for this would be within the areas identified above which are between bedroom windows and high walls. These areas are limited in size and with bedroom windows facing onto the areas there are concerns in terms of loss of privacy for the occupants of these rooms.

4.21 Given the above it is considered that any development of the scale proposed will adversely affect the amenities of some residents living adjacent in terms of its siting, design and scale and its overbearing effects in terms of visual intrusion, dominance and loss of privacy and that the amenities of the occupiers of the home will be constrained.

Impact on Street Scene

4.22 Station Lane is made up of a variety of styles in terms of designs of properties and within the immediate vicinity there is no uniformity of the dwellings in terms of the street pattern. Given the mix of styles of properties in the area it is considered that a new building could be accommodated satisfactorily and that shown in the illustrative scheme would not be out of keeping with the streetscene.

4.23 There is a clear view into the application site from Bolton Grove, which is a mix of bungalows and 2 storey dwellings. The agent has provided illustrational elevations which also indicates the scale of the existing building to compare actual sizes. Although the proposed new build would project further into the rear of the site at 2/3storeys which could be more visible from Bolton Grove it is considered that a building of the scale illustrated may not appear unduly large and dominant in the streetscene.

Landscaping

4.24 The scheme has been assessed by the Council's Landscape Team and there is one medium sized Sycamore tree at the front of this property which appears to be in good health. There is a decay pocket on the bole however this is not extensive. The scheme should not affect this tree. It has been advised that should permission be granted that additional landscaping be provided at the front, between car parking bays and Station Lane.

Highway Implications

4.25 The applicant has shown 9 spaces which based on the information provided would exceed the parking requirement for this development (7 spaces). The access onto Station Lane of 4.1 metres is acceptable as it will allow vehicles to pass each other. The carriage crossing must be either an industrial crossing construction or standard road construction and the works to be carried out by credited RASWA contractor

4.26 The Head of Traffic and Transportation have raised no objection to the scheme, however it has been advised that bay 4 shown on the amended plans should be closer to the entrance of the building, this could be controlled by condition.

Other Issues

4.27 The Council's Engineering Consultancy Team have advised that a section 80 notice is required for the demolition of this building and should the application be approved a condition requiring clarification of any potential contaminants would be required. This would be a standard condition.

4.28 Cleveland Police have provided general comments regarding crime prevention including that windows/doors should comply with the relevant British Standards, external lighting and defined boundaries. Should the application be approved a condition would be required to incorporate these measures.

Conclusion

4.29 The proposed development is considered to be unacceptable particularly by virtue of the adverse affect on the living conditions of some nearby residents. However as comments are awaited from the Council's Adult & Community Services Team a final recommendation will be provided before the meeting.

RECOMMENDATION – UPDATE TO FOLLOW



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0711	REV

No: 5
Number: H/2009/0013
Applicant: Hartlepool Primary Care Trust Harbour Walk The Marina
 Hartlepool TS24 0UX
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 08/01/2009
Development: Incorporation of doctors surgery and provision of car
 parking (AMENDED DESCRIPTION)
Location: HARTFIELDS MANOR MIDDLE WARREN
 HARTLEPOOL

The Application and Site

5.1 The application site is within the approved Middle Warren development and comprises part of the Neighbourhood Park and an area within the Joseph Rowntree development of Hartfields. To the north of the site is proposed future residential development, to the east lies the remainder of Hartfields which is still under construction, to the south lies the Green Wedge, and to the west is the future Neighbourhood Park.

5.2 Hartlepool Primary Care Trust are proposing to incorporate a doctors surgery within the Hartfields extra care facility which is still under construction. No external alterations are proposed to the approved Hartfields scheme, however internal alterations are proposed which would involve the alterations of existing offices, seating area and meeting room associated with Hartfields staff.

5.3 The surgery is proposed to accommodate a maximum of 3 doctors.

5.4 The proposal involves the development of a car park with 62 car parking spaces within the area allocated for a Neighbourhood Park. The car park would comprise 21 spaces associated with the proposed doctors surgery, and 41 spaces associated with the Neighbourhood Park. The park is to be developed on a phased basis.

Publicity

5.5 The application has been advertised by way of neighbour letters (15), site notices. To date, there have been 3 letters of no objection a petition against the development with 21 signatures and 1 letter of comment.

5.6 The concerns raised in the petition are:

1. noise, disturbance and privacy
2. better to locate the doctors surgery near Sainsbury's and the Tall Ships

5.7 The letter of comment was from the Middle Warren Residents Association and raised no objection to the scheme however there is concerns regarding the parking

space issue, they do not wish this to impose on the much awaited play area in the estate and would trust that the increased traffic flow a surgery would generate would be properly addressed.

Copy letters H

5.8 The period for publicity expires prior to the Planning Committee should any further representations be received after the writing of this report they will be reported accordingly.

Consultations

5.9 The following consultation replies have been received:

Transportation and Traffic - no objection subject to final design of the car park.

Public Protection – no objection

Community Services – providing there is no impact or loss of public open space and play facilities located in the vicinity, no objection

Engineering Consultancy - Discussions on-going, in principle no objection

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green 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.

PU9: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

Planning Considerations

5.11 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, the affect of the proposals upon the surrounding area in general, and in relation to drainage and highway safety considerations.

Effects on the surrounding area & relationship to the original Master Plan

5.12 A Master Plan was developed in 1997 to accompany the outline planning permission for the Middle Warren housing development. The Middle Warren development was always designed on a comprehensive basis encompassing more than just housing. It did identify sites for a green wedge (an extensive open space area), a neighbourhood park, additional areas of open space and landscaping. These are provided for by a legal agreement. It was always envisaged that these facilities would be phased.

5.13 Members may recall that as part of the negotiations leading to the approval of the Joseph Rowntree 'Hartfields' application it was agreed that some of the facilities in the neighbourhood park would be provided earlier than anticipated. Thus some children's play equipment and a 20 space car park are to be provided. The provision of these facilities is anticipated Spring/Summer 2009. The legal agreement specifies that an additional 40 car parking spaces are to be provided once the remainder of the park is developed, however this application is applying for the entire car park to be developed now rather than wait for the trigger which would be in a number of years time.

5.14 The permanent car park is now proposed to comprise 62 car parking spaces with 21 of these spaces to be associated with the proposed doctor's surgery. There is an application for a temporary car park also being considered at this Planning Committee (H/2009/0008). However should this application be approved it is unlikely that the temporary car park would be implemented.

5.15 The incorporation of a doctor's surgery into the Hartfields development is considered to be a complimentary facility to the existing services offered. Pedestrian access into the doctor's surgery would be via an existing entrance separate from the Hartfields extra care entrance. In visual amenity terms the scheme would not have a detrimental affect on the area, the main issue regarding this development is to ensure that adequate parking is provided with the proposed surgery. The doctors surgery should be operational by the 1st April 2009 to secure the funding of the development.

Highway Considerations

5.16 It is considered that the provision of the doctor's surgery would increase traffic to the site, however the legal agreement for Middle Warren makes provision for a 60 space car park associated with the Neighbourhood Park, however the application proposes a car park with 62 spaces. The application proposes 21 of these spaces to be associated with the proposed doctor's surgery, although this is effectively lowering the number of spaces previously allocated for the Park and Green Wedge.

It is considered that the scale of the Park and Green Wedge is such that 41 spaces are more than sufficient.

5.17 Access to the car park would be via the access road into the Hartfields development which is existing. The Council's Traffic and Transportation Team has no objection to the incorporation of a doctors surgery on the basis that it is a surgery for a maximum of 3 doctors and 21 spaces are provided to serve the surgery, however alterations are required in relation to the submitted layout, these are minor and can be controlled via condition.

Drainage Issues

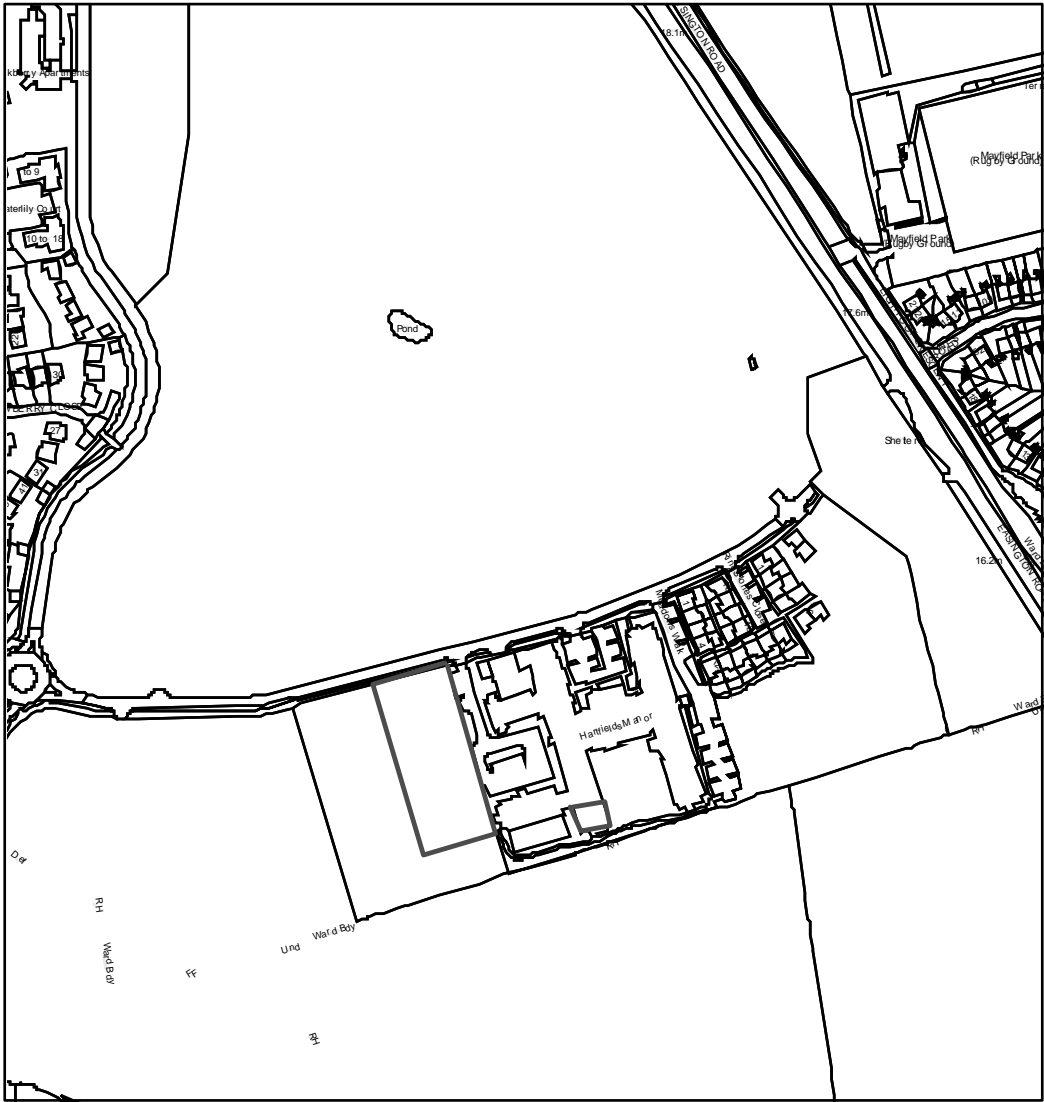
5.18 In principle the Council's Engineering Consultancy Team has no objection to the proposal, however discussions are still on-going in respect to the drainage of the site. It is anticipated that issues will be resolved in time for the Planning Committee.

Conclusion

5.19 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted Hartlepool Local Plan. There is a presumption towards an approval of this application subject to the outstanding issues being resolved. It is anticipated that the outstanding issues will be resolved in advance of the Committee. A final recommendation will follow.

RECOMMENDATION - UPDATE TO FOLLOW

HARTFIELDS



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0013	REV

No: 6
Number: H/2009/0008
Applicant: Joseph Rowntree Foundation
Agent: Billingham George & Partners Waterloo House
 Teesdale South Thornaby Stockton On Tees TS17 6SA
Date valid: 08/01/2009
Development: Provision of temporary car park for 33 cars
Location: LAND ADJACENT HARTFIELDS MANOR
 HARTLEPOOL

The Application and Site

6.1 The application site is part of land within the approved Middle Warren development. To the north and west of the site is proposed future residential development, to the east lies the Joseph Rowntree Development of Hartfields, and to the south lies the Green Wedge.

6.2 The proposal involves the development of a temporary car park with 33 car parking spaces. The agent has confirmed that the temporary car park would be required to mitigate the current issues with regard to parking in the main building access area.

6.3 The application site currently has a stoned surface and is being used for site personnel as a temporary car park, however the agent has confirmed that this requires a more suitable surface for pedestrian use due to Health and Safety Reasons.

Publicity

6.4 The application has been advertised by way of neighbour letters (15), site notices. To date, there have been 3 letters of no objection and 2 letter of objection.

6.5 The concerns raised are:

1. the need for 33 car parking spaces is excessive
2. is there a need for 33 car parking spaces
3. this will cause more traffic using Merlin Way and Bluebell Way roundabout
4. the car park would encroach on the area designated for the Neighbourhood Park and would give a negative message to residents
5. how temporary is temporary

Copy letters G

6.6 The period for publicity expires prior to the Planning Committee should any further representations be received after the writing of this report they will be reported accordingly.

Consultations

6.7 The following consultation replies have been received:

Transportation and Traffic - no objection

Community Services – no objection

Engineering Consultancy - Discussions on-going, in principle no objection

Planning Policy

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

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

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.

GN2: Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Planning Considerations

6.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, the affect of the proposals upon the surrounding area in general, and in relation to drainage and highway safety considerations.

Effects on the surrounding area & Relationship to the Original Master Plan

6.10 A Master Plan was developed in 1997 to accompany the outline planning permission for the Middle Warren housing development. The Middle Warren development was always designed on a comprehensive basis encompassing more than just housing. It did identify sites for a green wedge (an extensive open space area), a neighbourhood park, additional areas of open space and landscaping. These are provided for by a legal agreement. It was always envisaged that these facilities would be phased.

6.11 Members may recall that as part of the negotiations leading to the approval of the Joseph Rowntree 'Hartfields' application it was agreed that some of the facilities in the neighbourhood park would be provided earlier than anticipated. Thus some children's play equipment and a 20 space car park are to be provided. The provision of these facilities is anticipated Spring/Summer 2009.

6.12 The permanent car park comprising 62 car parking spaces to serve the Neighbourhood Park and a doctors surgery within Hartfields is the subject of an application also being considered at this Planning Committee (H/2009/0013). There are concerns from Joseph Rowntree regarding the timing of the provision of the permanent car park therefore as a precautionary measure they have applied to surface the current temporary car park in a suitable material for Health and Safety purposes. Should the permanent car park be approved it is unlikely that the temporary car park would be implemented.

6.13 Although the application site does encroach into the proposed Neighbourhood Park it is considered that the surfacing of the temporary car park would not delay the provision of the facilities which are to be provided later this year. A condition can be imposed to control this.

6.14 It is considered that the temporary car parking, subject to conditions, would not have an adverse effect on the amenities of the surrounding residents, the surrounding area in general or the provision of the imminent neighbourhood park works due to its temporary nature.

Highway Considerations

6.15 It is considered that the provision of the temporary car park would not increase traffic to the site as it would resurface the existing temporary car park which is being used in this area, albeit the current use of this does not have planning permission.

6.16 Access to the temporary car park would be via the access road into the Hartfields development which is existing. The Council's Traffic and Transportation Team has no objection to the provision of this temporary car park.

Drainage Issues

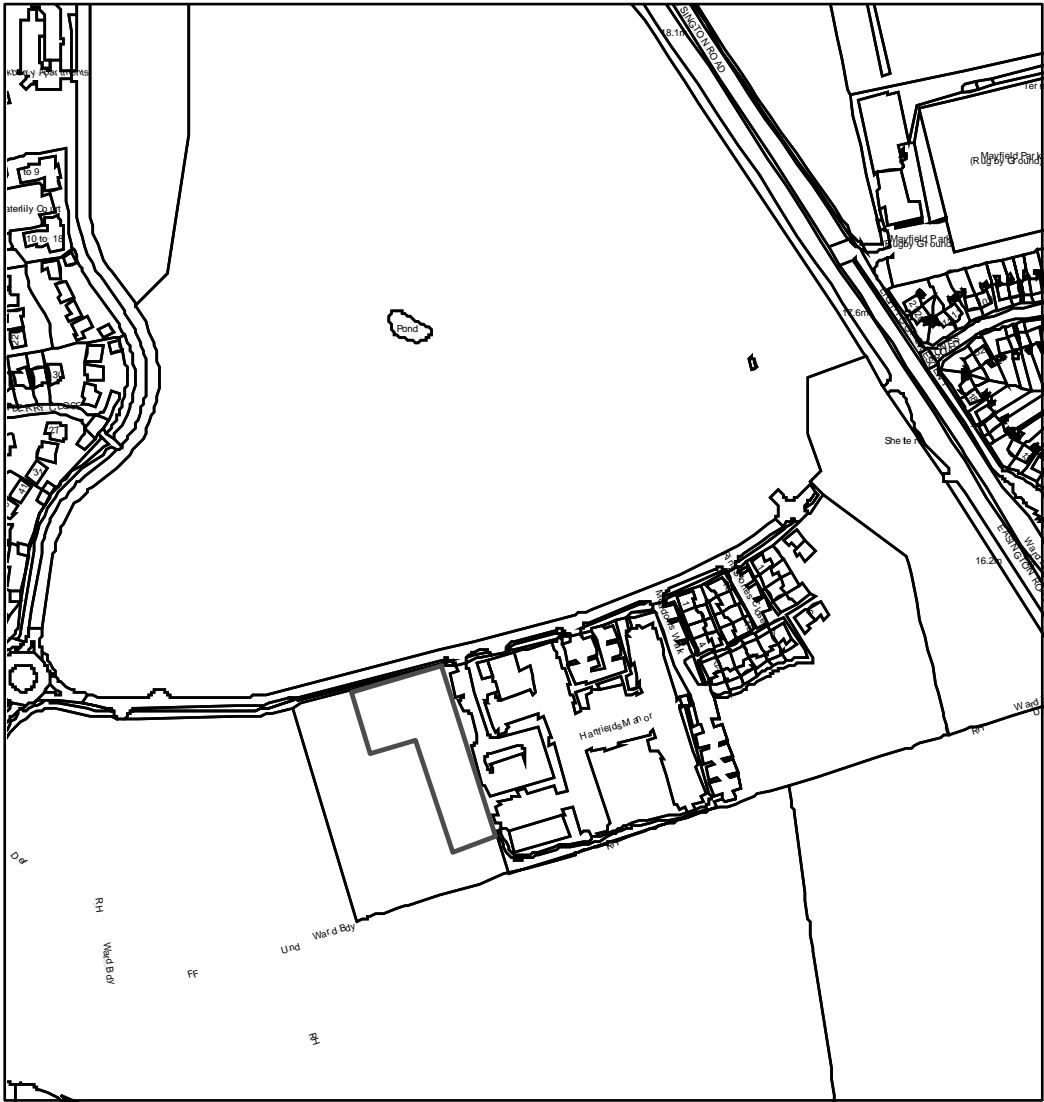
6.17 In principle the Council's Engineering Consultancy Team has no objection to the provision of the temporary car park, however discussions are still on-going in respect to the drainage of the site, it is anticipated that issues will be resolved in time for the Planning Committee.

Conclusion

6.18 It is considered that the proposed development is appropriate for the site on a temporary basis, and accords with the policies and proposals contained within the adopted Hartlepool Local Plan. There is a presumption towards an approval of this application subject to the outstanding issues being resolved. It is anticipated that the outstanding issues will be resolved in advance of the Committee. A final recommendation will follow.

RECOMMENDATION - UPDATE TO FOLLOW

HARTFIELDS



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0008	REV

No: 7
Number: H/2009/0042
Applicant: Mr J Wright Church Street Hartlepool TS24 7DS
Agent: Mr J Wright Hartlepool Borough Council 1 Church Street
 Hartlepool TS24 7DS
Date valid: 28/01/2009
Development: Alterations to provide a new extended carriageway
Location: LAND IN SPENSER GROVE HARTLEPOOL
 HARTLEPOOL

The Application and Site

7.1 The application seeks detailed planning consent to extend a carriageway to provide off street parking within an area of public open space at the end of a cul-de-sac adjacent to 9 and 11 Spenser Grove. The proposed area of hardstanding measures 10m in length at a width of 12m. The plans submitted also indicate the provision of bollards.

Publicity

7.2 The application has been advertised by way of neighbour letters (6) a site notice and a press advert. To date, there has been no letters of objection.

7.3 The time period for publicity expires on the 20th February 2009. Details of any further representation received will be included in an update report.

Consultations

7.4 The following consultation replies have been received:

Head of Public Protection – No Objection

Head of Traffic and Transportation – The proposal will help reduce the parking problems within the cul-de-sac and improve access for residents. There are no major implications providing the access to No 9 and 11 are maintained.

Planning Policy

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

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

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

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

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

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

Planning Considerations

7.6 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular whether the change of public open space will have an effect on the street scene and the amenity of the area.

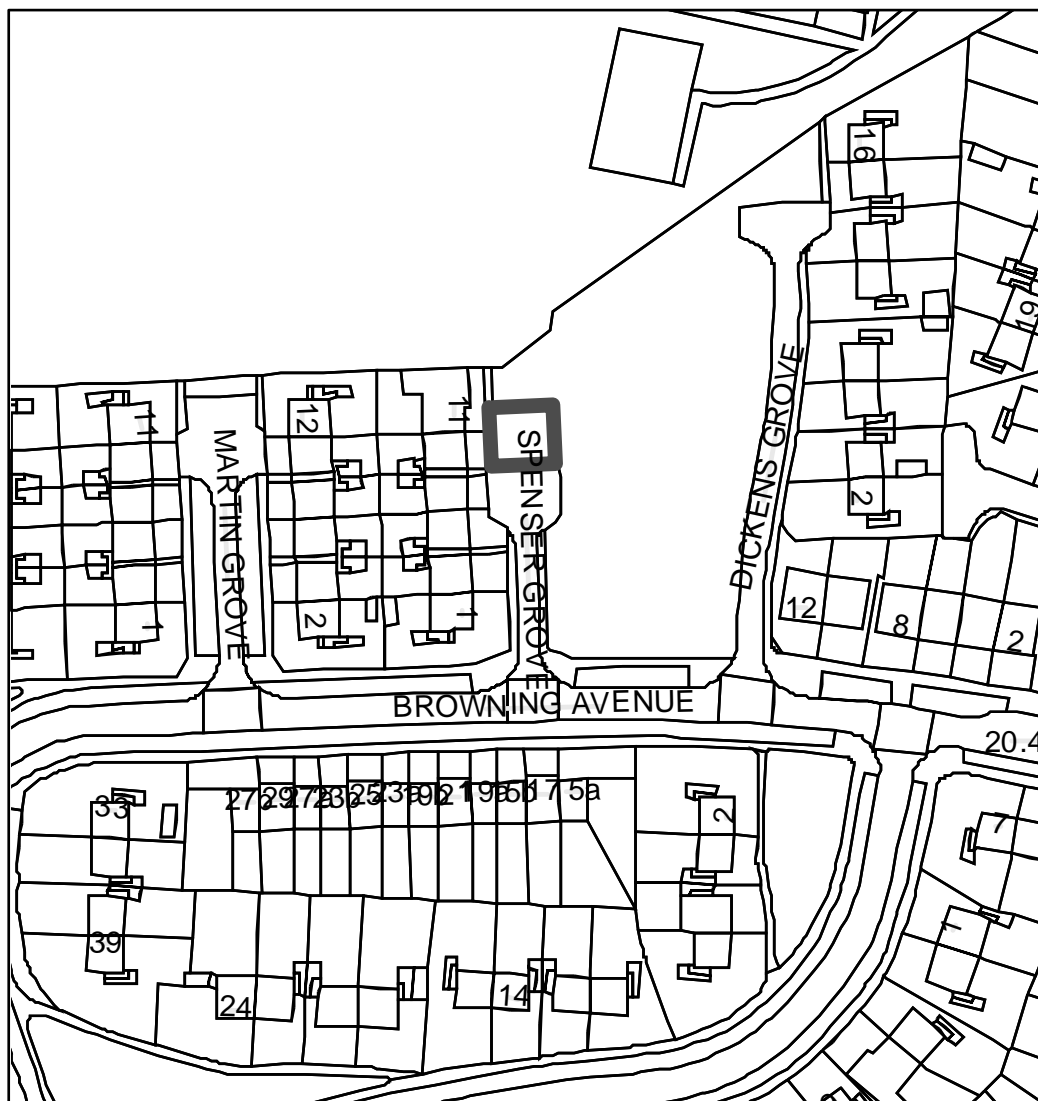
7.7 The proposal involves the extension of an existing carriageway to provide further car parking in a residential area, where many of the houses suffer from insufficient levels of parking provision, leading to cars being parked on the highway and grassed areas. This is not an unusual situation and the Council has sought to provide more formalised parking throughout various areas of the town. This enables the local residents to park their vehicles off the highway. This proposal affects a small incidental area of open space within Spenser Grove, which is currently being used for off street parking. The majority of the open space between Spenser Grove, Dickens Grove and fronting Browning Avenue will be retained and unaffected by this proposal.

7.8 Policy GN6 (Protection of Incidental Open Space) of the Hartlepool Local Plan states that the loss of an area of open space will be endorsed providing the proposed development has special locational requirements and there is no other appropriate site in the vicinity. It is considered that the proposal adheres to these requirements. The loss of this small piece of public open space for use as parking, which is clearly required in the cul-de-sac, will benefit local residents and should not have a significant detrimental effect upon the amenity of the area.

7.9 The area is a small piece of land, which is identified as a public open space and therefore has to be referred to the Government Office for the North East (GONE) as a departure for the Hartlepool Local Plan.

RECOMMENDATION - Members indicate that they are minded to Approve the application subject to the following conditions but the application be referred to GONE.

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. Within one month of the permission being granted a final scheme for formal layout of the carriageway including exact position and size of bollards and a schedule of works including time scales shall be submitted to and agreed in writing to the Local Planning Authority. Once agreed the development shall be implemented in accordance with the agreed details.
In the interests of highway safety.

SPENSER GROVE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2009/0042	REV

No: 8
Number: H/2009/0006
Applicant: Mr Philip Hunter
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR
Date valid: 12/01/2009
Development: Erection of a first floor bedroom and en-suite extension above garage
Location: 18 GREENBANK COURT HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The application site is a large detached residential property with an attached double garage.

8.2 The properties within Greenbank Court are a mix of detached houses and bungalows. There is a bungalow opposite the application site which is slightly off-set.

8.3 The application seeks the erection of a 1st floor bedroom extension with ensuite and walk-in robes.

Publicity

8.4 The application has been advertised by way of a neighbour letters (5). To date there have been 3 letters of objection which are from the same household, 14 Greenbank Court.

8.5 The concerns raised are:

- 1) Garage directly opposite bungalow
- 2) The bedroom will be on a higher level
- 3) The extension will block light to my house
- 4) Will be able to look directly into my lounge and bedroom this is an invasion of privacy
- 5) Will be forced to keep my curtains drawn
- 6) No other property is being overlooked in this manner
- 7) Over development of the site
- 8) Distinct change in the original development concept of the site where no property overlooks another
- 9) The new bedroom windows would affect the privacy and quiet enjoyment within the bungalow

8.6 The period for publicity has expired

Copy letters M

Consultations

Planning Policy

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

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

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

8.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan and the impact of the proposal in terms of possible overlooking, overshadowing and/or poor outlook. The appearance of the proposal in relation to the main dwellinghouse and the street scene in general will also be assessed.

8.9 Current Council guidelines allows 1st floor extensions providing they do not dominate the house and/or are not unduly intrusive in the street scene. There are also minimum separation distances of 20m where principal elevations face one another.

8.10 18 Greenbank Court is a large detached property on a corner plot with a large rear garden. The property is off-set slightly to that of the property across the road at 14 Greenbank Court, which has lounge and bedroom windows facing the front elevation. The separation distance is approx 19m between the two front elevations of 14 Greenbank Court and 18 Greenbank Court. It is for this reason that a Councillor has asked that this application be considered by Committee.

8.11 Although this is not strictly in line with current guidelines it is felt that an objection could not be sustained in this instance given the distances involved and the fact that the windows will be slightly off-set. Further recent changes in the permitted development rules have introduced new considerations in relation to separation distances which will need further consideration. So, for example back to back distances as low as 12 metres are now deemed to be acceptable. On balance therefore the relationship in this case is considered satisfactory.

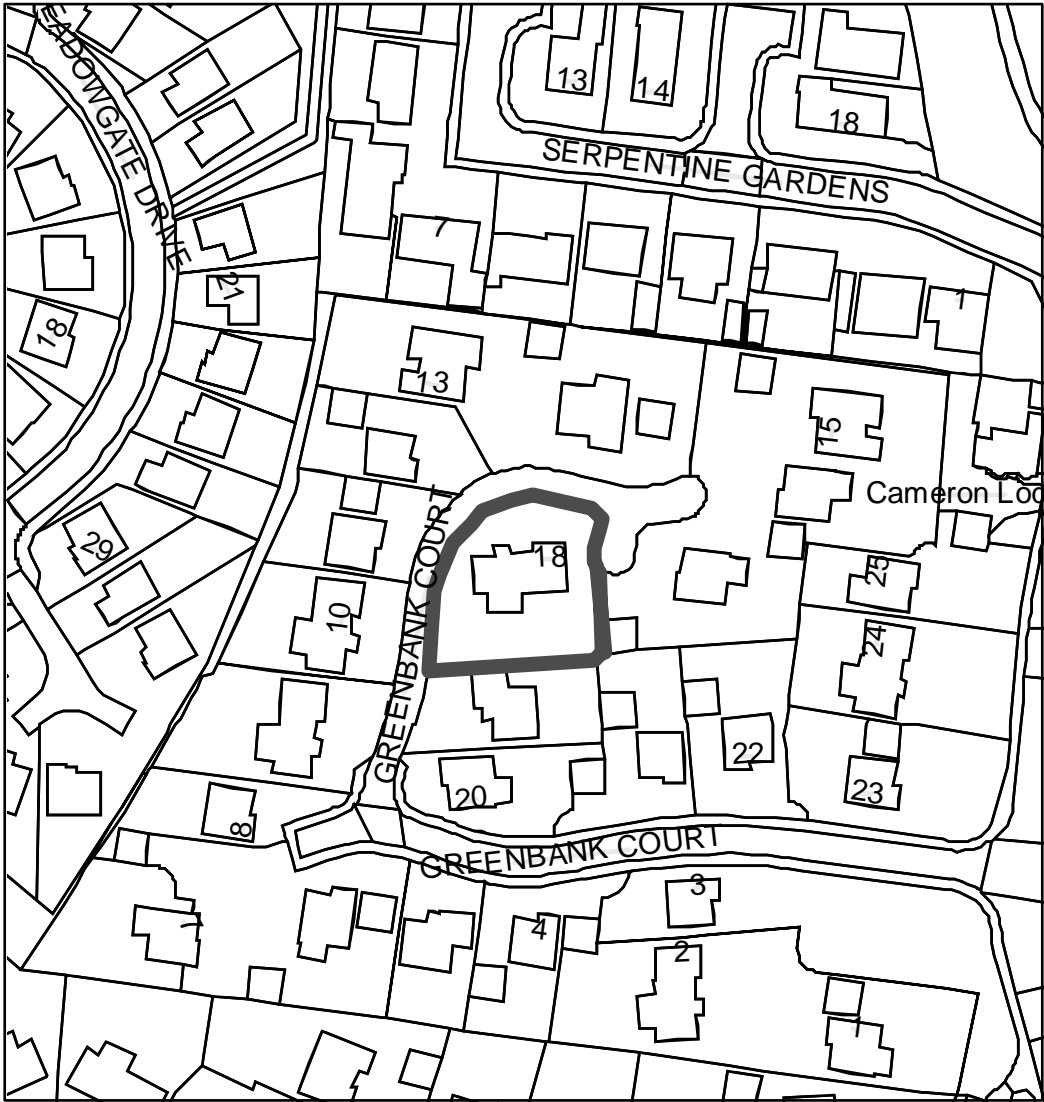
8.12 This type of development is not unusual on houses of this type and size and it is felt that the site layout could accommodate this type of extension.

8.13 It is for the above reasons that the application is recommended for approval.

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

18 GREENBANK COURT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0006	REV

No: 9
Number: H/2008/0721
Applicant: Mr Bell HUTTON AVENUE HARTLEPOOL TS26 9PN
Agent: Mr Bell 36 HUTTON AVENUE HARTLEPOOL TS26 9PN
Date valid: 22/12/2008
Development: Conversion to bed and breakfast guest house (10 beds)
Location: 36 HUTTON AVENUE HARTLEPOOL HARTLEPOOL

The Application and Site

9.1 The site to which this application relates is a semi-detached two-storey Edwardian property with rooms in the roof space located within the Grange Conservation Area. The property is currently in use as a single dwellinghouse.

9.2 The property has a small garden to the rear and an area of hardstanding at the front which is currently used as a parking area for the dwelling. A large mature sycamore tree protected by Tree Preservation Order 64 is located to the front of the dwelling close to the side brick boundary wall.

9.3 This application seeks consent for the change of use of the premises to a 10 bedroom bed and breakfast establishment.

9.4 The proposed plans indicate the provision of car parking spaces to the front of the property (within the curtilage) and parking spaces to the front on the public highway.

9.5 The supporting Design and Access Statement indicates that the premises had previously been converted to 9 flats (3 on each floor).

Background

9.6 Both the application site and the adjoining property have a relevant planning history. Previous planning applications indicate that in 1999 36 Hutton Avenue was in use as 6 flats and had been in use as such since 1984.

9.7 In 1990 an application (H/FUL/0163/90) was approved for the use of 34 and 36 Hutton Avenue as a 32 bed nursing home. It does not appear that this permission was ever implemented.

9.8 Planning permission was granted for the change of use of 34 Hutton Avenue to 6 self contained flats in both 1989 (H/FUL/0821/89) and 1999 (H/FUL/0507/99)

Publicity

9.9 The application has been advertised by way of neighbour letters (22) site notice and press notice. To date, there have been 28 letters of objection received.

9.10 The concerns raised are:

1. Will set a precedent which will ultimately be exploited and change the character of the street.
2. Question that applicants statement that 'there is a large demand for B&B accommodation'. Want to see substantiated evidence from recognised sources.
3. Increased traffic and parking congestion.
4. Highway safety.
5. Risk of young children getting injured from traffic.
6. Question room for 4 parking spaces on the property.
7. In practice it will be impossible to use all proposed parking spaces
8. Fire safety concerns from blocking up of the rear staircase.
9. Noise and disturbance issues from 24/7 operation.
10. The Authority will have no control over who will be staying in the house
11. Residents of Hutton Avenue currently suffer from businesses being run in Hutton Avenue.
12. Residential area will be changed into a commercial development area.
13. Will attract undesirable people into a predominantly family orientated area, increasing noise pollution.
14. Reduce property value.
15. Short term residents will have little or no concern for the local community.
16. May bring trouble to the area, increasing the possibility of anti-social behaviour and crime.
17. Security concerns.
18. Property is not too large for single family occupation. Examples of similar sized dwellings in the locality being used as single family accommodation.
19. Hartlepool is not a tourist destination and as such the proposed use will not be able to rely upon any substantial form of tourist trade.
20. Will not attract passing trade.
21. If the business is not successful may lead to short term social housing in various guises i.e. DSS referrals, private let evictions, offender resettlement.
22. B&B will require signage which will have an effect upon the character of the conservation area.
23. There are already many other conversions of this type and nursing homes in the street and to lose another family house, particularly as it is now a conservation area it would seem to go against the best interests of both the town as a whole, and the local residents in particular.
24. Questions the Council's plans for Hutton Avenue and its immediate environment.
25. Overflow of bins due to 10 people living in the house.
26. Concerned about it being used as bed sits.
27. We have at present 7 property's that are flats/homes/care centre in Hutton Avenue.
28. Already Hotel/guest house in Grange Road.
29. Hutton Avenue is a designated residential area of historic importance to Hartlepool

30. This is another blow to maintaining Hutton Avenue as a residential area. There are numerous multi occupancy facilities in Hutton and another one is not wanted.
31. The development would change the ambience detrimentally.
32. Need to consider the immediate and longer-term impact upon the environment and community.
33. The residential character that has already been eroded and could well be irreparably damaged through the introduction of a bed and breakfast.
34. Grave concern that once a property is converted fit for business use, then realistically the future prospects of converting back to a residential dwelling, will be outweighed by the prohibitive financial implications.
35. The proposed plans make no provision for a separate residents lounge or dining area, a reception area nor a liquor licence. Objector questions whether the applicant is intending to secure residents attracted to Hartlepool's tourist attractions.
36. 'North East Lincolnshire Local Plan (Supplementary Planning Guidance Notes) define bed and breakfast guesthouses as providing accommodation for people with no other permanent place of residence as distinct from hotels which provide accommodation for temporary visitors to an area'.
37. List of guesthouses in Hartlepool produce by objector who states 'this survey of guesthouses clearly illustrates that none of the above establishments are sited in predominantly residential areas'
38. The primary objection of a Conservation Area is to actively encourage residents to re-instate original features for example boundary walling. The provision of a wider dropped kerb will prohibit this.
39. The proposed parking arrangements would lead to the residents of the bed and breakfast to 'juggle' their vehicles to unblock vehicles of others staying at the guest house.
40. Lack of control of residents will culminate in unacceptable noise disturbance.
41. Such businesses, if they are experiencing under occupancy, will become increasingly reliant upon accepting bookings from referral sources i.e. Homeless Protocol Teams, Council/private Let evictions, custodial resettlement teams, mental health services etc.
42. The majority of guest rooms will face onto side of 38 Hutton Avenue and the privacy once enjoyed by 38 Hutton Avenue will be lost.

Copy Letters N

The period for publicity has expired.

Consultations

9.11 The following consultation replies have been received:

Head of Traffic and Transportation – No objection subject to conditions

Head of Public Protection – No objections subject to conditions requiring sound insulation measures upon the party wall (if necessary), 24-hour management of the operation and that no function facilities will be created for non guests.

Planning Policy

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

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

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

To9: Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

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

Planning Considerations

9.13 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan and in particular the effect of the proposed use upon residential amenity, the character of the streetscene/conservation area, highway safety and the effect upon the protected tree within the site.

Principle of Development

9.14 Policy Com13 of the Hartlepool Local Plan makes provision for commercial uses in residential areas only where there is no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises, the design scale and impact is compatible with the character and amenity of the site and surrounding area and that appropriate servicing and parking provision can be made. Policy To9 while seeking to encourage tourist accommodation in key tourist areas does not seek to preclude such uses elsewhere.

9.15 It is considered that in this instance that for the reasons discussed below and subject to planning conditions that the use of the property to provide bed and breakfast accommodation in this location, within walking distance of the designated town centre is acceptable in principle.

Character of Streetscene/Conservation Area

9.16 As stated above the application site is located within the designated Grange Conservation Area. This application is for a change of use only, however the proposed layout plans do indicate the need for the provision of extract fans upon the side elevation to serve the en suite bathrooms. It is considered that such installations will be extremely minor in nature and as they will be located upon the side elevation it is very unlikely that the proposed alteration would lead to a detrimental effect upon the external appearance of the property upon the streetscene and therefore the character of the Conservation Area. A planning condition to agree the external appearance of the extract fans can and will be controlled/agreed through a planning condition.

9.17 The Council's Conservation Officer has highlighted that the property has had a number of changes made to it in the past in the form of UPVC windows and the loss of the front garden to provide parking. However as the proposed alterations to accommodate the new use at this property are internal the Officer has raised no objection to the proposal and feels that the proposal will have little effect on the character of the conservation area.

Highway Safety

9.18 It is acknowledged that the parking requirements of a 10 bedroom Bed and Breakfast operation and those of a single dwellinghouse are substantially different. In addition, as set out above, there have been a number of objections raised by residents in the immediate locality with regard to parking congestion and highway safety, both of which are material planning considerations.

9.19 The Council's Head of Traffic and Transportation has considered the application and has commented that the property is located within 500 meters of shops and good transport facilities, which is between acceptable and preferred maximum for walking according to Institution of Highways and Transportation guidelines.

9.20 The parking for this development is 1 parking space per 2 bedrooms. 5 spaces would be required for the development. The applicant has shown 4 off-street parking

spaces at the front of the property. However it is of note that the protected tree to the front of the building would constrain the provision of 4 spaces within the curtilage and as such there is only scope for 3. The Council's Arboricultural Officer has confirmed that he would object to any proposed removal of this tree given its significant amenity value in both the streetscene and the conservation area as a whole.

9.21 The section of Hutton Avenue immediately outside the applicants property and to the east is covered by the Councils Residential Parking Schemes whilst a substantial section of road to the west has recently been removed from the scheme.

9.22 The Highway Engineer has commented that under the Council's residential parking scheme the owner can claim 1 permit for living at the premises plus 1 concessionary permit for visitors and 2 business permits which has been confirmed by the Councils Car Parking Manager. On this basis there is scope for adequate parking arrangements associated with the proposed use.

9.23 The officer has also requested that the applicant make provision for the parking of at least 2 cycles which must be secure and covered. It is considered that there is scope to provide such a shelter within the curtilage of the site and in a position which would not compromise the visual amenity value of the conservation area. A planning condition has been suggested to secure such cycle provision.

9.24 The Officer has requested that a widened carriage crossing be provided for vehicles to access/park at the property before the proposed use comes into operation. This can be secured and enforced through a planning condition. In relation to an objector's comments with regard to a widened carriage crossing compromising the future re-instatement of wall and railing details. In this instance the frontage is currently used as hardstanding for the parking of cars. It is not considered reasonable to require the provision of traditional walls and railings. Carriage crossing widths and parking provision would be reconsidered should the bed and breakfast use cease operating and an application for an alternative use be submitted.

9.25 Given the comments of the Council Head of Traffic and Transportation it is not considered that a refusal could be sustained upon traffic generation, parking congestion or highway safety grounds in this instance.

Residential Amenity

9.26 It is acknowledged that the amount of associated comings going to a 10 bed Bed and Breakfast guest house would be higher than a single dwellinghouse. It is of note however that this and the adjoining property have been in use as 6 flats/bedsits each in the past.

9.27 The Head of Public Protection has raised no objection to the proposed use subject to a number of conditions. The officer considers it necessary to require an investigation into the thickness of the party wall to establish whether or not further noise insulation measure will be required. In addition the Officer has requested that the use should be managed/member of staff be present at the premises at all times in the interests of monitoring/supervising guests.

9.28 A planning condition restricting the provision of function facilities within the property for non guests is proposed so that the level of comings and goings are kept to a minimum.

9.29 Turning to the objections set out by the owner of no 38 Hutton Avenue with regard to the potential for loss of privacy from guests occupying the rooms with windows in the side elevation facing 38 Hutton Avenue, it has to be accepted that these windows exist and that whatever the use there will be an element of overlooking. Further, the premises has been granted permission in the past for a 32 bed nursing home (with 34 Hutton Avenue) and has been in use as 6 flats both of which would have led to people spending a more significant period of the day in rooms served by the windows. It is not considered therefore that a refusal could be substantiated on this basis.

9.30 Unless in exceptional circumstances the general approach to planning is that it is concerned with land and buildings, and not the identity of their occupiers. In this instance as the application seeks consent for the use of the building as a Bed and Breakfast. This is not an exceptional use, and the character/identity of the occupiers is not therefore considered to be a material planning consideration. With regard to concerns of the dwelling being converted into bed sits or some other use it is important to note that it would require a separate permission which would of course be determined on its own merits. A planning condition restricting the use of the property to a Bed and Breakfast only is suggested.

Other matters

9.31 It is considered that it is not uncommon for Bed and Breakfast accommodation to have associated signage. Such signage is likely to be controllable under the provisions of the Advertisement Regulations.

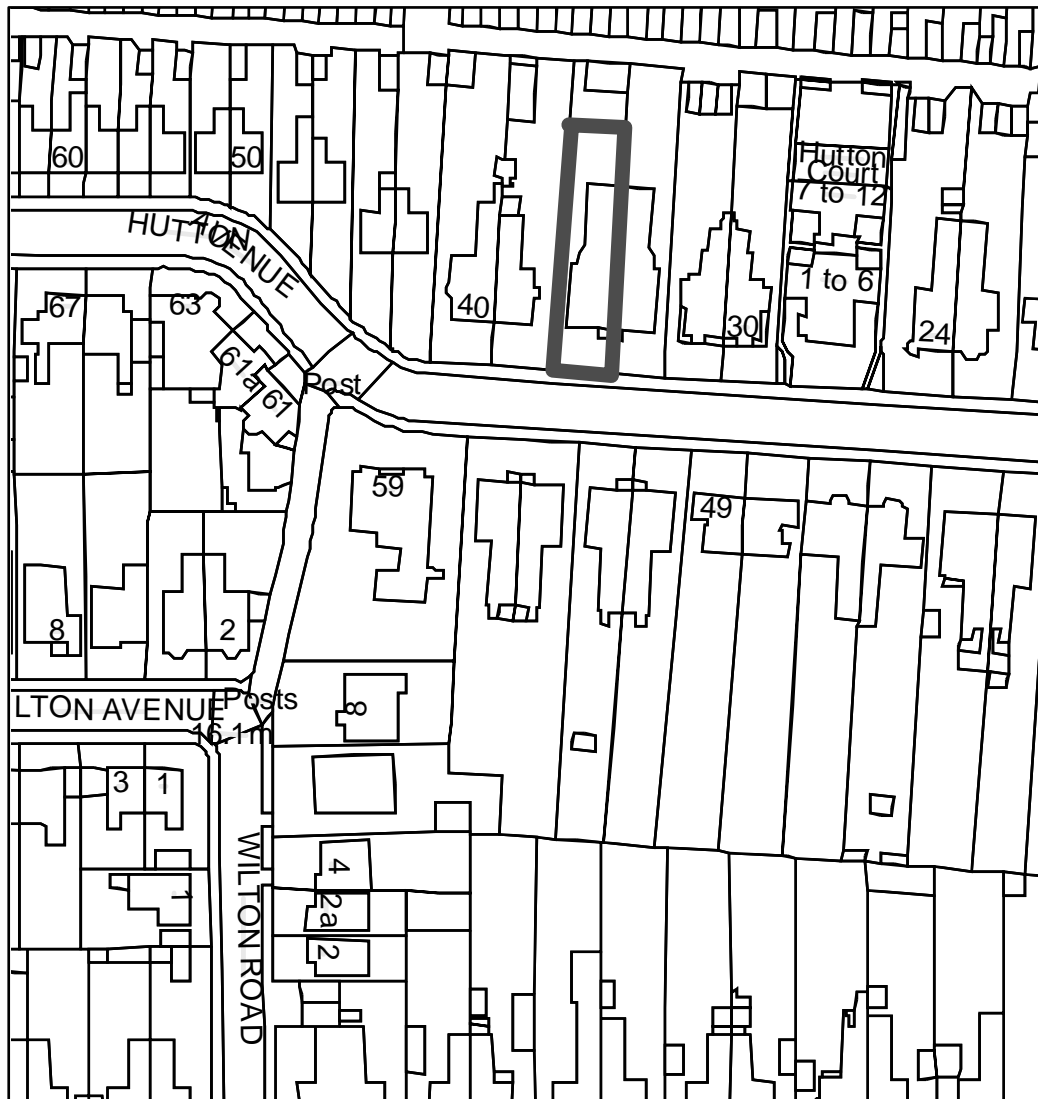
9.32 With regard to residents' concerns regarding precedent, it is acknowledged that precedent can be a material planning consideration, however it must be highlighted that every application must be determined on its own merits.

9.33 Given that there is no existing bed and Breakfast provision in the immediate vicinity it is not considered that by approving this application it would lead to a proliferation of guest house use in the locality or a detrimental cumulative effect. However should further applications of the same nature follow as a result of the approval of this application, cumulative effect will of course have to be considered.

Conclusion

9.34 On balance it is considered that the proposed development, subject to appropriate conditions, is unlikely to have a significant detrimental effect upon the character of the streetscene, the amenity of the residents of the surrounding residential properties and highway safety sufficient to substantiate a refusal. Discussions are however continuing about the detailing of the scheme and appropriate considerations. An update will follow.

RECOMMENDATION – Update to follow

36 HUTTON AVENUE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0721	REV

No: 10
Number: H/2008/0494
Applicant: Mr Allan Henderson
Agent: England & Lyle Morton House Morton Road
DARLINGTON DL1 4PT
Date valid: 14/08/2008
Development: Erection of a two-storey boat showroom and restaurant
Location: SLAKE TERRACE HARTLEPOOL

The Application and Site

10.1 The application site lies to the south-east of Navigation Point, immediately to the north of the Marina yacht lock. Sited to the east of the existing Harbour Masters building, the site occupies a prominent site overlooking the harbour and the yacht lock. To the north-west is Abdiel House which incorporates a restaurant with flats above, and Navigation Point which is characterised by a number of restaurants, shops, cafes and flats. Currently, the site is an open, concreted area which is used by members of the public for its visual aspects, as well as the storage of boats.

10.2 The proposed development involves the erection of a 2-storey building which would provide a boat showroom with ramp on the ground floor with restaurant above. The new building which is relatively modern in terms of design, measures approximately 11.8m by 23.3m and is approximately 6.6m to the highest point of the flat roof. There are first floor balconies proposed to the east and south elevations for use by visitors to the restaurant.

10.3 The building will be approximately 5.5m from the existing sea wall on two sides – south and west facing. Immediately to the west of the proposed building is the Harbour Masters building which provides the controls for the yacht lock. There are 2 first floor windows in the eastern elevation of this existing building which would have a close relationship with the proposed building given their proximity. Fifteen parking spaces have been indicated on the submitted plans, including 2 disabled parking bays.

10.4 The applicant has lodged an appeal against the non-determination of this application within the statutory period of eight weeks. The purpose of this report is therefore to seek the Committee's resolution as to what its decision would have been, and this will form part of the Local Planning Authority's case at appeal.

Publicity

10.5 The application has been advertised by way of neighbour letters and site notice. One letter of no objection has been received. Five letters of objection have been received.

10.6 The concerns raised are:

- 1) Not sufficient provision for sea wall maintenance or crane access to the lock gates (there is no access from the opposite side of the lock).

- 2) There are existing problems with the lock gates.
- 3) Drains will be affected. There are existing drainage problems in the area.
- 4) The building will obstruct the view from the Harbour Master viewing tower – will therefore affect safety at sea.
- 5) The sector light (Trinity House owned) will be impeded.
- 6) May cause interference with boat radios.
- 7) Parking problems for residents of Abdiel House and other local businesses.
- 8) Overdevelopment of the site.
- 9) Will have visual impact on local scene from both land and sea.
- 10) Proposed parking is close to the coastal footpath and may be in line of the craneage.
- 11) Development may prevent access to Abdiel House in case of fire.
- 12) Another restaurant may constitute over subscription to restaurants etc
- 13) Constant drainage problems in the area particularly at sites immediately to the south of the lock. This problem needs to be addressed before allowing any further development.
- 14) Existing drainage problems have not been given proper consideration.
- 15) Recently raw sewage transformed one of the car parks into a “stinking pond”.
- 16) Sometimes all parking spaces are taken.
- 17) Existing tenants and businesses should be worked after first.
- 18) All crane access to the seawall end of the lock gates will be prevented. This is critical for lock maintenance.
- 19) No objection to the proposal provided that no residential accommodation is provided.

The period for publicity has expired.

Copy Letters K

Consultations

10.7 The following consultation replies have been received:

Head of Public Protection – No objections in principle.

Northumbrian Water – No objections.

Engineering Consultancy – Request standard condition re contamination. Has concerns regarding the existing drainage system in Marina area which does not appear to be functioning properly. Also has concerns regarding the potential for loading (from the foundations) on the sea wall.

Environment Agency – Object to the development as there is insufficient information to demonstrate that the risk to pollution controlled waters is acceptable. A Preliminary Risk Assessment should be provided to demonstrate any risks to controlled waters (PPS23). This would cover all premises uses of the site, the potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any

potentially unacceptable risks arising from contamination at the site. Should the above criteria be resolved, no objections would be raised subject to a number of standard conditions.

Tees Valley Regeneration – A condition of any development must be that sufficient provision is made for the coastal walkway.

Traffic and Transportation – Object to the application on the grounds of parking. Existing car park on the Marina is at capacity, the proposed car parking does not meet standards and incorporates two spaces which are inaccessible. A suitable access has failed to be provided.

Planning Policy

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

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

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

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.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

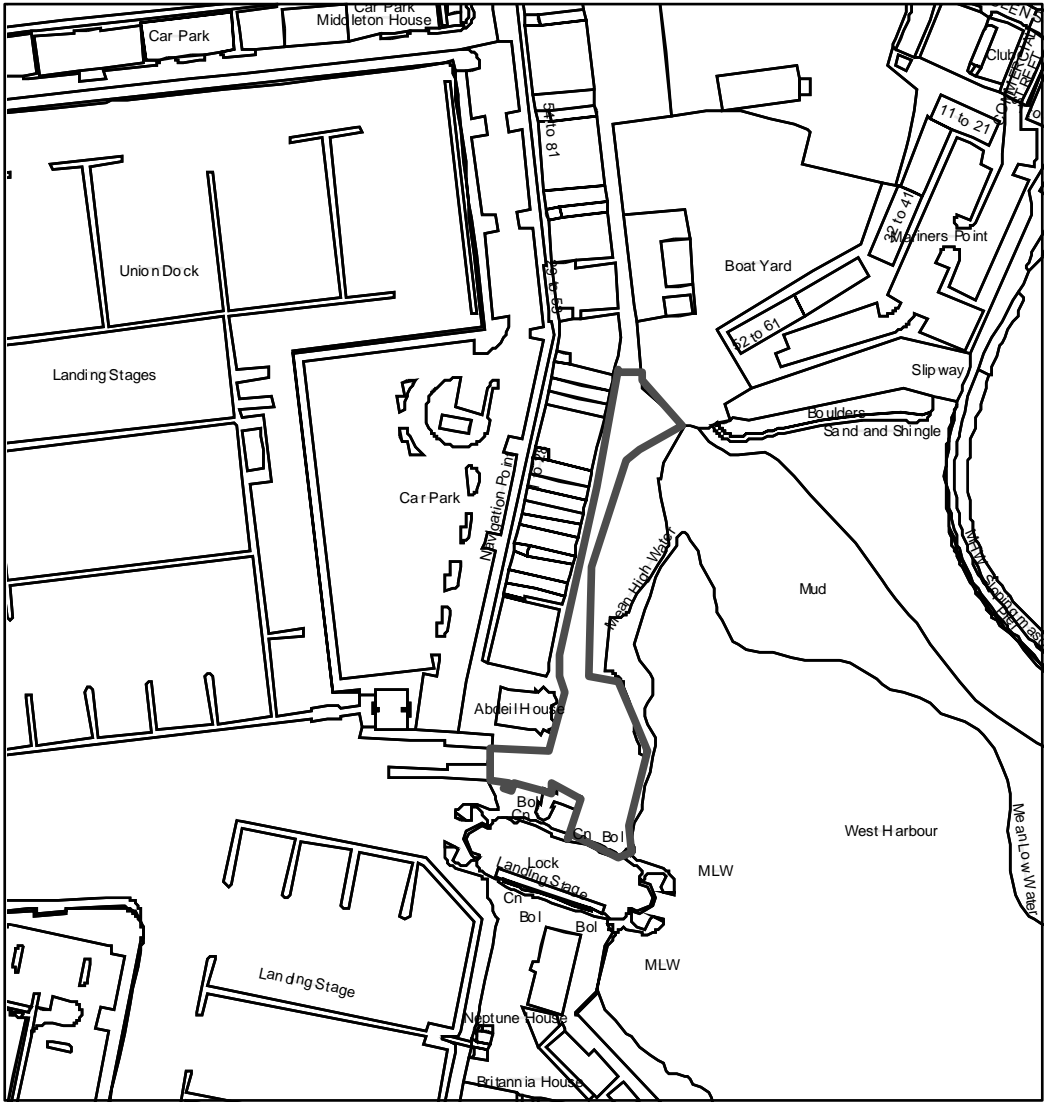
To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

Planning Considerations

10.9 This application has been outstanding for some time in an attempt to negotiate a satisfactory scheme. There are still a number of issues outstanding which have yet to be resolved and discussions at officer level are continuing to be able to crystallise the Council's position at appeal. These will therefore be discussed fully in an update report to follow. The issues relate to: design; siting; contamination; parking; access; drainage; coastal walkway; sea wall and lock, maintenance and harbour and boatlift access.

RECOMMENDATION – Update report to follow.

NAVIGATION POINT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0494	REV

No: 11
Number: H/2009/0024
Applicant: Hartlepool & N Tees PCT
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 13/01/2009
Development: Siting of a temporary doctors surgery
Location: LAND NEXT TO 402 CATCOTE ROAD HARTLEPOOL
 HARTLEPOOL

Background

11.1 This is one of two applications submitted by the Hartlepool and North Tees Primary Health Trust for the siting of a temporary doctors surgery at the Fens Shopping Parade.

11.2 The two applications are 2 options to provide the required accommodation and follow a recent planning approval (H/2008/0570) for the change of use of 424 – 426 Catcote Road (on the shopping parade) to a permanent GP Surgery.

11.3 The applicant has given the following information as background to this application:

11.3.1 *Our NHS Our Future*, and the Darzi *Interim NHS Next Stage Review* (NSR) emphasised the need to develop care outside of hospitals and in particular prioritised improvements in access to GP led primary care services. There was a commitment to establish at least 150 GP led health centres as well as 100 new GP practices in areas of greatest need and so Hartlepool PCT is tasked to develop 1 health centre and 2 additional GP practices.

11.3.2 Procurements have been taking place over the last year to ensure that services commence on 1st April 2009. This has always been a very challenging timescale.

11.3.3 A 13 week consultation process completed on 4 August 2008 was designed to ensure that the proposals are reflective of local need and views and opinions have been collected from a number of stakeholders including the local population, Practice Based Commissioning groups, GP practices, feedback from prior consultations and a range of departments and individuals across both the PCT and local authority.

11.3.4 The outcome of the consultations led to the recommendation to site one of the GP practices in the Fens Ward. A shop unit within the Local Centre (424 – 426) was identified and planning permission for change of use

was granted. Unfortunately due to unforeseen circumstances the unit has not been made available for lease to the PCT.

11.3.5 As the funding relating to the establishment of the new practice is closely related to the delivery of services from 1st April 2009 it was essential that another solution was identified in the short term. The application to site the modular buildings on the hard standing will allow time for a permanent solution to be identified. We are working closely with the managing agents for the shopping centre and have established relations with the Fens Residents group and local councillors as well as the Local Authority Business Development Team and are hoping to identify a permanent solution within the area of the Shopping Centre.

11.3.6 At this stage we are asking for permission for up to 2 years to give us an achievable timescale in which to identify and act on that solution.

The Application and Site

11.4 The site to which this application relates is an area of concrete hard standing directly to the north of the Fens Shopping Parade.

11.5 The plans indicate the provision of a building with an area of approximately 230m² to create the following:-

- 3 Consultation Rooms
- Reception
- Waiting Area
- General Office
- Nurse Treatment Room
- Utility
- Kitchen
- Disabled W.C
- Unisex W.C.
- Cleaners Store
- General Store

11.6 The applicant is entering into an agreement with the owner of the shopping parade for use of the existing car park to serve the proposed development. The car park currently has 91 car parking bays and 4 disabled parking bays.

11.7 The applicant has done a consultation exercise consisting of a public display of the plans at the Fens Public House on the two schemes and a presentation to the Fens Residents Association.

Publicity

11.8 The application has been advertised by way of neighbour letters (46) and the posting of 2 site notices. To date, there have been no letters of objection or comments received.

11.9 The period for publicity does not expire until after the meeting. Any objections or comments received before the meeting will be brought to the attention of members and set out in a subsequent update report.

Consultations

11.10 The following consultation replies have been received:

Head of Public Protection – No objection

Head of Property Services – Comments awaited

Northumbrian Water – Comments

Traffic and Transportation –Comments awaited

Planning Policy

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

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green 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.

Planning Considerations

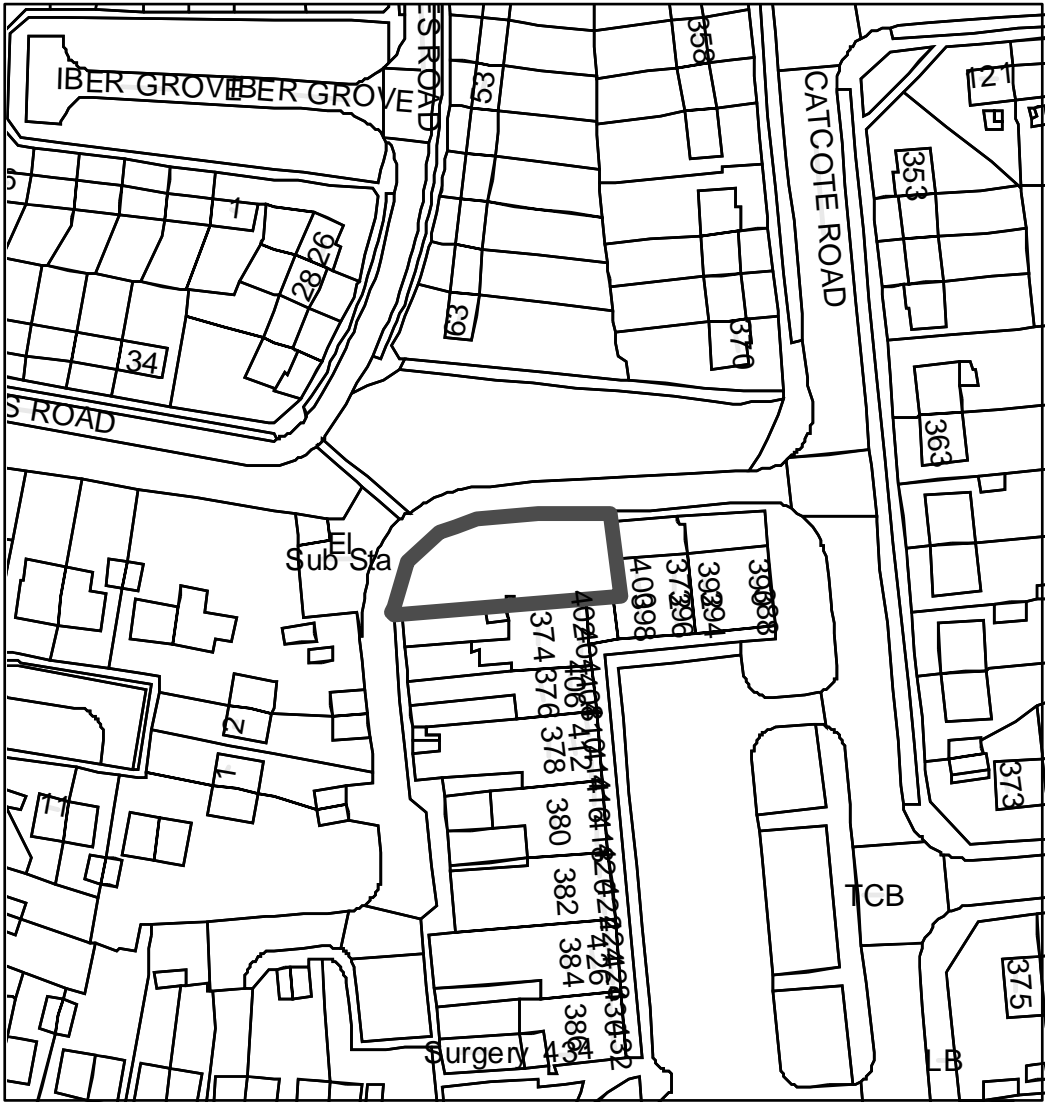
11.12 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular the principle of the development, visual amenity, residential amenity and the effect upon highway safety.

11.13 As the period of publicity has not expired and consultation response from statutory consultees is awaited on both applications a full update report with recommendation will need to be created.

11.14 It is considered necessary to bring this application to the attention of Members as soon as practical given both the nature of the application the time constraints associated with the funding for the scheme.

RECOMMENDATION – Update to follow.

402 CATCOTE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0024	REV

No: 12
Number: H/2009/0035
Applicant: Mr P Briggs Victoria Road Hartlepool
Agent: GWL Chartered Architects 1st Floor Cathedral Buildings
Dean Street Newcastle Upon Tyne NE1 1PG
Date valid: 20/01/2009
Development: Erection of a new classroom unit for learning including
community use
Location: ST HILDS C OF E SCHOOL KING OSWY DRIVE
HARTLEPOOL HARTLEPOOL

The Application and Site

12.1 The application site is situated within the grounds of the St. Hild's School and adjacent to St. John Vianney Primary School.

12.2 It is proposed to locate a detached single storey classroom, known as Space to Learn between the two schools fronting onto King Oswy Drive, which is currently a tarmac area. The classroom is proposed to sit forward of both schools so that it is visible to pedestrians and vehicles using King Oswy Drive.

12.3 Space to Learn will act as a satellite facility for all schools in the area during the Building Schools for the Future project and the Primary Capital Programme and also a focal point for community interaction.

12.4 Once the Space to Learn's role within the Building School for the Future project and Primary Capital Programme has come to an end the space will revert to being used by St. Hild's and St. John Vianney's schools, but continue its role within the community.

Publicity

12.5 The application has been advertised by way of neighbour letters (146), site notice and press notice. To date, there have been 11 letters of no objection

12.6 The period for publicity expires after the Planning Committee.

Consultations

12.7 The following consultation replies have been received:

Public Protection – no objection

Property Services – no objection

Engineering Consultancy – no objection subject to standard contamination condition.

Traffic and Transportation – There are no major highway implications with this planning application

Northumbrian Water – no objection

Planning Policy

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

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

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.

Planning Considerations

12.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties and the streetscene in general. Highway safety issues also need to be considered.

Policy

12.10 The use of the building for learning and community use is considered acceptable given its location within the existing school grounds.

Effect on the surrounding area

12.11 The building is proposed to be situated on a tarmac area in the north-east corner of St. Hild's school. The building is proposed to be single storey approximately 5.7metres in height. Given the location of the building it would be prominent to users of King Oswy Drive, however it is considered that the siting and scale are appropriate for the use and character of the area.

The design of the building is unique both externally and internally and has been specifically designed to allow flexibility of use with direct involvement with both staff and pupils. The buildings north façade and main entrance faces north onto King Oswy Drive. The north elevation is a simple uninterrupted façade with no fenestration except for the main entrance which is a recessed north cut in the corner of the building.

12.12 The south façade links Space to Learn directly to outside areas via floor to ceiling glazed folding walls. The orientation of the building maximises passive solar opportunities. Concealed roller shutters will allow the glazed elevation to be protected over night. An artists impression will be displayed at the meeting.

12.13 As a satellite facility it will be managed on a booking basis where schools will be able to reserve the space for a day or half day session. It will be flexible enough to respond to personalised learning needs of schools due to the flexible internal layout, this will assist in the redevelopment of schools under the Building School for the Future project and Primary Capital Programme. Within the building is a flexible system which allows the internal spaces to be altered to suit the functions of that particular session. It is anticipated that the building will function as an experimental classroom available to all schools in the Hartlepool area.

12.14 In terms of the effect on the surrounding residential properties the proposed building is located between the existing two schools. It is considered that the new facility would not have an adverse affect on the neighbouring residential properties and surrounding area in general.

12.15 The applicant has undertaken community involvement in the form of 2 public consultation events and letters sent out to over 600 households in the local area. Despite the canvassing only 2 members of the public attended and no feedback was received.

Highways

12.16 Public access into the building is along a dedicated route within the existing school grounds.

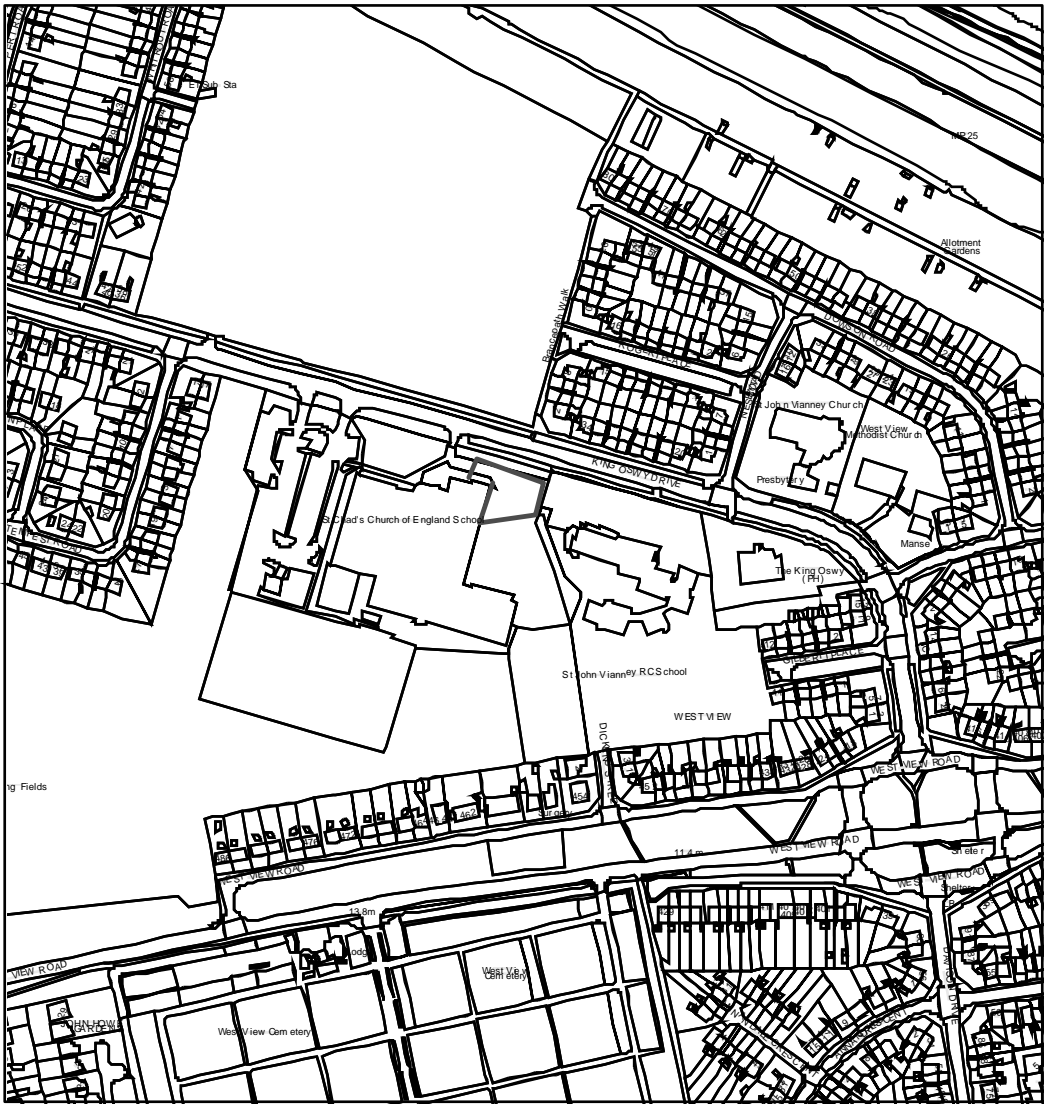
12.17 Space to Learn will accommodate 4 full time support staff who will be relocated from the present City and Learning Centre at Dyke House School. No alterations are proposed to the car parking arrangements as it is considered that the additional staff would utilise existing spaces. The Council's Traffic and Transportation Team have no objection to the proposal.

Conclusion

12.18 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted Hartlepool Local Plan. There is a presumption towards an approval of this application, however as publicity is outstanding it is recommended that the application be finally delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

RECOMMENDATION – Delegate final decision to the Development Control Manager and the Chair of the Planning Committee.

ST HILD'S SCHOOL



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0035	REV

No: 13
Number: H/2008/0698
Applicant: Mr A Khan GRANGE ROAD HARTLEPOOL TS26 8JQ
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 23/12/2008
Development: Conversion of single dwelling to 4 flats
Location: 78 GRANGE ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

13.1 The application site is an existing 2 ½ storey terraced property on the north side of Grange Road. The immediate surrounding area is characterised by similar terraced properties. The property benefits from traditional features, incorporating bay windows at ground floor level. The property has a yard to the rear, typical of the properties on Grange Road, with an alley gated back lane.

13.2 Similar proposals for conversions from dwellings to flats have been approved at Grange Road, notably 102 Grange Road which was granted approval for 4 flats (ref: H/2008/0239).

13.3 The original scheme has gone through two stages of amendments in light of concerns relating to the provision of and access to refuse storage and the proposed inclusion of a partition wall to the ground floor front bay window of the property.

13.4 The application proposes the conversion of an existing 6 bedroom dwelling, into four self contained flats, two 1 bed and two 2 bed. The application originally proposed three, 2 bed and one 1 bed, but this has been amended based on comments relating to the dividing bay wall at the front of the property at ground floor. All the proposed flats will be self contained with the provision of kitchen, bathroom and living space facilities.

13.5 The planning history of the property indicates that 78 and 80 Grange Road, received approval for the “change of use from dwelling to hostel for unemployed, homeless people and single people on probation” in 1986 (ref: H/1986/0200). Additionally, in 1990 the property, along with no. 80, received approval for the “change of use from house in multiple occupation to guest house” (ref: H/1990/0354). The property then received approval in 2003 for the “change of use from guest house to single dwelling” (Ref: H/2003/0248) reverting the property back to its current use.

Publicity

13.6 The application has been advertised by way of neighbour letters (16) site notice and press advert. To date, there have been 5 letters of support and 3 objections received. A petition of support containing 25 names was submitted as part of the application. Two of those have since submitted formal letters of support.

13.7 The concerns raised in the objections included:

- 1) We moved into the area because it was a family area and community;
- 2) The future of Grange Road lies in a family community and should remain family homes;
- 3) We have no desire to raise children in an area that lacks community spirit through lack of consistent tenants;
- 4) Previous experience of single living dwellings is that they are not supervised correctly;
- 5) We are against the change of a family home to flats as per 71 Grange Road;
- 6) There is enough flats already in the road and also the Hostel at Scot Grange;
- 7) Many people coming and going in the property's previous incarnation as flat, receiving verbal abuse from previous tenants;
- 8) Why the need to change from family housing?

Copy Letters J

The period for publicity has expired.

Consultations

13.9 The following consultation replies have been received:

Head of Public Protection – No objection.

Head of Property Services – No comments.

Traffic and Transportation – The proposal is on a road with poor transport links. The nearest public transport available is over 550 metres away. The acceptable walking distance to shops and bus stops according to The Institution of Highway and Transportation guidelines is 400 metres. The proposal will encourage vehicular use.

Grange Road is no longer part of the Council's residential parking scheme. The south side of Grange Road has no parking restrictions. The north side of Grange Road has a Traffic Regulation Order, which does not allow parking between 7am and 7pm. There is already insufficient on-street parking on Grange Road in this area. The applicant has provided only 1 off street parking space. The parking requirements for this development would be 6 spaces on 1.5 spaces per apartment.

This proposal would exacerbate the existing parking problem in the area further and also the side streets are under the Council's residential parking scheme and it does not allow residents from non-residential parking scheme street to park in these streets between 8am to 6pm.

The refuse for this property is collected from the back street. The applicant has shown the refuse storage in the front of the property. The refuse storage should be

relocated to the yard and there should be access to the yard within the property for all the occupants in the property. This does not appear to be the case.

Private Sector Housing – Informally no objections.

Planning Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green 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.

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.

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

HE2: Encourages environmental improvements to enhance conservation areas.

HE4: Identifies the circumstances in which demolition of buildings and other features and structures in a conservation area is acceptable - where it preserves or enhances the character or appearance of the conservation area, or its structural condition is

such that it is beyond reasonable economic repair. Satisfactory after use of the site should be approved and committed before demolition takes place.

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

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

Planning Considerations

13.11 The main planning considerations in this instance are: policy, impact character of the surrounding area, impact on the amenity of neighbouring properties, impact on the Grange Conservation Area, and highways.

Policy

13.12 Policy Hsg7 of the Hartlepool Local Plan (2006) states that conversions to flats are acceptable if they do not have a detrimental impact on the amenities of occupiers of adjoining or nearby properties, or on the character of the surrounding area.

13.13 Policy HE1 of the Hartlepool Local Plan (2006) states that development will only be approved where it can be demonstrated that it will preserve or enhance the character or appearance of the Conservation Area.

Impact on Character of the Area

13.14 It is not considered that the proposal would unduly affect the character of the area as the appearance of the property will not materially change. It is considered that the size of the property is suitable to support four self contained flats and that the change from such a dwelling to four flats would not adversely affect the character of the surrounding area. There are a number of similar conversion developments in the surrounding area, notably on Grange Road itself.

13.15 There are no proposed external alterations to the property and the siting of the bin stores has been revised to re-locate them to the rear and it is therefore unlikely they will have an adverse impact on neighbouring properties.

Impact on Amenity of Neighbours

13.16 It is not considered that the activity associated with four flats would be significantly different from that associated with one 6 bedroom dwelling, which would be likely to be attractive to larger families/groups. It is not considered that the

proposed use of the buildings as flats would unduly affect the existing living conditions of the occupier's of neighbouring properties. There are no objections from Public Protection in this respect.

13.17 Concerns have been raised by neighbours to the possibility of un-neighbourly behaviour. It is considered that it would be difficult to sustain an objection on this basis. The Private Sector Housing Team have raised no objections informally to the scheme.

13.18 The concern raised by neighbours with regard to the occupiers of the flats, the flats bringing a lack of community spirit, incorrectly supervised tenants, and the need to retain a family area, are not material planning considerations and cannot be taken into account in the formulation of a decision on this planning application.

Impact on Conservation Area

13.19 The originally submitted proposal incorporated a dividing wall at the bedroom to the front of the property at ground floor. Concerns were raised with regard to the visual impact on the Conservation Area with the provision of a dividing wall and the potential loss of the bay window. The application was subsequently amended to remove the dividing wall to negate any potential impact on the Conservation Area, and the internal layout amended to create a larger 1 bedroom flat at ground floor, rather than the originally proposed 2 bedroom.

13.20 It is therefore considered that the development would not have a detrimental impact on the Conservation Area, and the will preserve the character of the Conservation Area as all external features will be retained and there will be no external alterations.

Highways Issues

13.21 Concerns have been raised by the Councils Traffic and Transportation section with regard to the accessibility of the property in terms of the lack of transport links and the potential for it to encourage vehicular use. However, a previous application has been approved at 102 Grange Road for the conversion of a dwelling to four flats, which can be argued is further from the town centre than the application property and therefore occupiers of 78 Grange Road in theory will be more likely to walk into town. Additional evidence has been put forward by the applicant's agent suggesting that there is a regular bus route 50 metres away between Thomville Road and Mulgrave Road. A bus stop is located approximately ten properties away from 78 Grange Road, on Grange Road, which has a bus service running at approximately 1 per hour. It is therefore considered that an objection of such grounds could not be sustained.

13.22 Concerns were also raised by the Councils Traffic and Transportation section in relation to the apparent lack of parking provision with the development which will potentially exacerbate on-street parking problems in the area. However, Policy Hsg7 states that parking requirements may be relaxed in instances where proposals for the conversion of dwellings into self contained flats, where there is either public

parking nearby or public transport links. Again, given the previous approval for 102 Grange Road, it is felt that an objection in this instance could not be sustained.

13.23 In relation to the concerns raised regarding refuse, the scheme has been amended to incorporate refuse storage to the rear as collection is only from the rear in the part of Grange Road in question. Additionally, the proposed internal layout of the property has been amended to incorporate access to the rear for refuse storage for all 4 of the proposed flats.

Conclusions

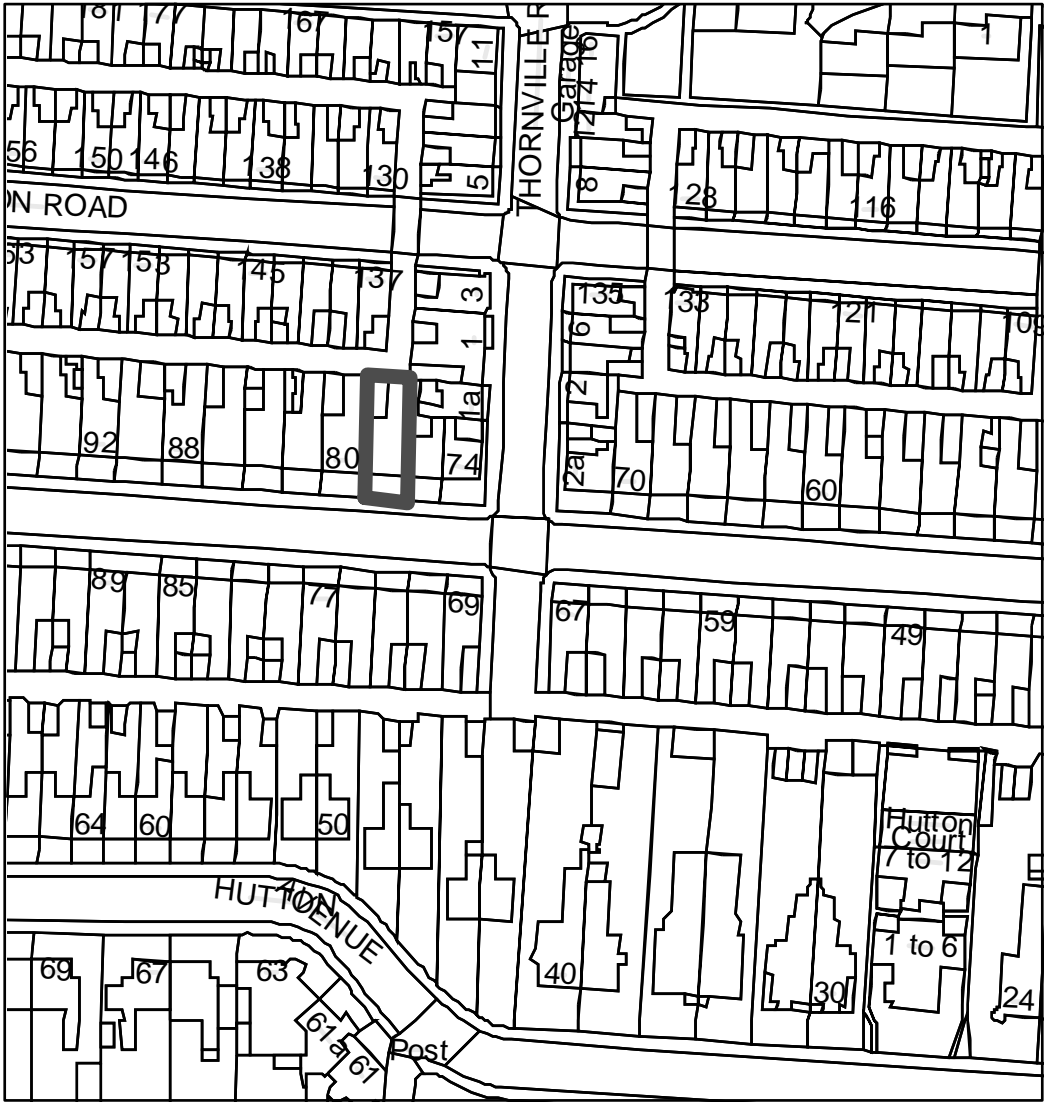
13.24 In conclusion, it is considered that the proposed development would not have an adverse impact on the character of the surrounding area, unduly impact on the amenity of neighbouring properties, have an impact on the character of the Grange Conservation Area, and result in highway safety issues in terms of parking provision.

13.25 With regard to the policies identified in the Hartlepool Local Plan (2006) as above, and with consideration of the impact of the development on the character of the surrounding area, amenity of neighbours, character of the Grange Conservation Area and on highway safety, the proposed development is considered satisfactory and therefore recommended for approval subject to the conditions as set out below.

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 1569/2 (Rev B) received on 02 02 09, and plan(s) no(s) 1569/4 (Rev B) received on 05 02 09 unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.

78 GRANGE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0698	REV

No: 14
Number: H/2009/0025
Applicant: Hartlepool & North Tees PCT
Agent: S J R Architects Suite 101 The Innovation Centre
Venture Court Queens Meadow Business Park
HARTLEPOOL TS25 5TG
Date valid: 13/01/2009
Development: Siting of a temporary doctors surgery with associated car parking
Location: LAND NEXT TO 370 CATCOTE ROAD HARTLEPOOL
HARTLEPOOL

Background

14.1 This is one of two applications submitted by the Hartlepool and North Tees Primary Health Trust for the siting of a temporary doctors surgery at the Fens Shopping Parade.

14.2 The two applications are 2 options to provide the required accommodation. The applications follow a recent planning approval (H/2008/0570) for the change of use of 424-426 Catcote Road (on the shopping parade) to a permanent GP Surgery (see below).

14.3 The applicant has given the following information as background to this application:

Our NHS Our Future, and the Darzi *Interim NHS Next Stage Review* (NSR) emphasised the need to develop care outside of hospitals and in particular prioritised improvements in access to GP led primary care services. There was a commitment to establish at least 150 GP led health centres as well as 100 new GP practices in areas of greatest need and so Hartlepool PCT is tasked to develop 1 health centre and 2 additional GP practices.

Procurements have been taking place over the last year to ensure that services commence on 1st April 2009. This has always been a very challenging timescale.

A 13 week consultation process completed on 4 August 2008 was designed to ensure that the proposals are reflective of local need and views and opinions have been collected from a number of stakeholders including the local population, Practice Based Commissioning groups, GP practices, feedback from prior consultations and a range of departments and individuals across both the PCT and local authority.

The outcome of the consultations led to the recommendation to site one of the GP practices in the Fens Ward. A shop unit within the Local Centre was identified and planning permission for change of use was granted.

Unfortunately due to unforeseen circumstances the unit has not been made available for lease to the PCT.

As the funding relating to the establishment of the new practice is closely related to the delivery of services from 1st April 2009 it was essential that another solution was identified in the short term. The application to site the modular buildings on the hard standing will allow time for a permanent solution to be identified. We are working closely with the managing agents for the shopping centre and have established relations with the Fens Residents group and local councillors as well as the Local Authority Business Development Team and are hoping to identify a permanent solution within the area of the Shopping Centre.

At this stage we are asking for permission for up to 2 years to give us an achievable timescale in which to identify and act on that solution.

The Application and Site

14.4 The site to which this application relates is an area of grassed public open space to the north of the Fens Shopping Parade adjacent to 370 Stockton Road and 63 Innes Road.

14.5 The plans indicate the provision of a building made up of 6m x 2.4m temporary accommodation units to create a building of approximately 204m² to create the following:-

- 3 Consultation Rooms
- Reception
- Waiting Area
- General Office
- Nurse Treatment Room
- Utility
- Kitchen
- Disabled W.C
- Unisex W.C.
- Cleaners Store
- General Store

14.6 The proposed plans indicate the provision of a car park 8 parking spaces (inc 2 disabled) and a secure cycle store with associated landscaping.

14.7 The applicant has done a consultation exercise consisting of a public display of the plans at the Fens Public House on the two schemes and a presentation to the Fens Residents Association.

Publicity

14.8 The application has been advertised by way of neighbour letters (38) and 2 site notices. To date, there have been no letters of objection or comments received.

14.9 The period for publicity does not expire until after the meeting. Any objections or comments received before the meeting will be brought to the attention of members and set out in a subsequent update report where practical.

Consultations

14.10 The following consultation replies are awaited:

Head of Public Protection – Informally no objections final comments awaited

Head of Property Services – Informally no objections final comments awaited

Northumbrian Water – Comments awaited

Traffic and Transportation –Comments awaited

Planning Policy

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

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

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

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

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

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

Planning Considerations

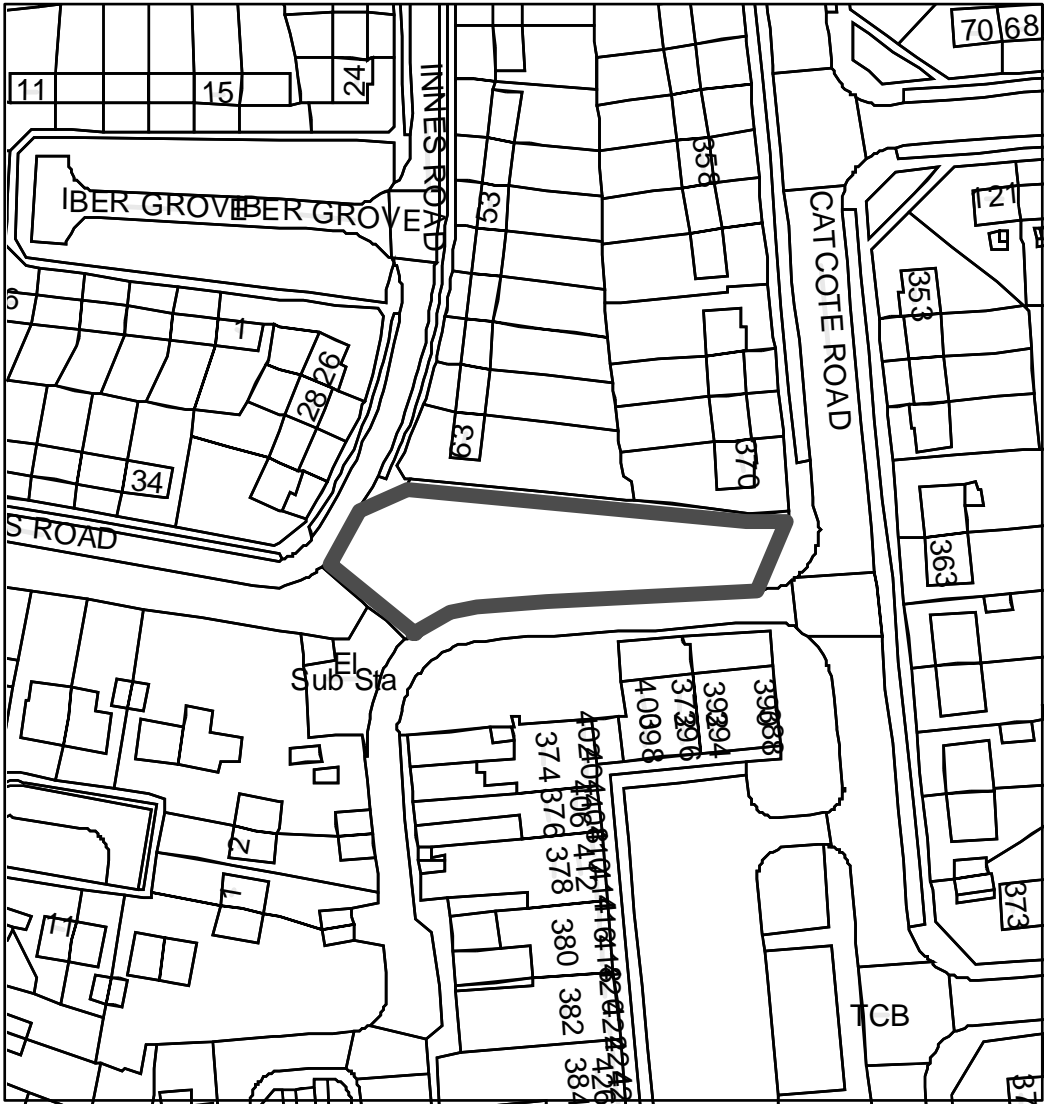
14.12 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular the principle of the development, visual amenity, residential amenity and the effect upon highway safety.

14.13 As the period of publicity has not expired and consultation response from statutory consultees is awaited on both applications, a full update report with recommendation will need to be created.

14.14 It is considered necessary to bring this application to the attention of Members as soon as practical given both the nature of the application the time constraints associated with the funding for the scheme.

RECOMMENDATION – Update to follow.

370 CATCOTE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0025	REV

No: 15
Number: H/2008/0711
Applicant: Whitbread Group PLC
Agent: Cliff Walsingham & Co Mrs Christine Roberts Brandon
 House King Street Knutsford WA16 6DX
Date valid: 11/12/2008
Development: Erection of a 54 bed floating hotel extension to existing hotel
Location: PREMIER INN HOTEL MARITIME AVENUE
 HARTLEPOOL HARTLEPOOL

The Application and Site

15.1 The application site is within Jackson Dock in Hartlepool Marina, the site also includes a quay which comprises the existing Premier Inn Hotel, the Old West Quay Brewers Fayre public house/restaurant and car parking spaces. Residential developments lies to the south of the marina, to the west the Maritime Experience, to the north and east several moorings.

15.2 The application proposes a floating hotel extension to provide 54 additional bedrooms; restaurant, reception and other facilities are located in the existing hotel and would not be included within the extension. The design of the extension reflects a maritime location and a deck is proposed around the floating hotel.

15.3 The proposed extension would typically float 0.6metres above the water line to deck level, but varies with the level of the water in the Marina; the building is sited 0.6metres away from the quay side and is 16metres from the existing hotel. Access to the building from the quay will be provided primarily by a pedestrian ramp which would be able to accommodate the varying heights; a variable height platform lift would also provide access from the quay.

15.4 The car parking for the existing hotel and restaurant is to the rear of the existing buildings, no additional parking is proposed.

Publicity

15.5 The application has been advertised by way of neighbour letters (27), site notice and press notice. To date, there have been 2 letters of no objection and 7 letters of objection 2 from the same objectors.

15.6 The concerns raised are:

1. the Trincomalee Trust is opposed to any development of the marina site that encroaches on the amenities for water sports within the Jackson Basin and detracts from the visual impact of the Historic Quay and in particular HMS Trincomalee.
2. the floating hotel would spoil the marina and views from our home

3. it will be of no advantage to Hartlepool tourism.
4. the Planning Committee recently decided to keep the bandstand as part of a condition of development by Monk's properties to maintain a local feature park.
5. people live on the Marina for 'nice views' not to have there views destroyed by developers.
6. to allow this application would destroy and be a waste of the money the Council has spent on tourism.
7. the floating hotel is immediately adjacent to the area allocated for sail training; this could become a problem for users of the Marina.
8. this part of the Marina has become a focal point for water based displays during events such as the Marina Festival providing entertainment for the people of Hartlepool and attracting tourists to the town, a floating hotel would detract from this and be out of keeping with the rest of the development.
9. the proposal is intended to occupy a significant section of the only sheltered water sports area in the Town.
10. it will inevitably reduce what is limited amenity, the whole of which appears on our lease for use and access for water sports.
11. safety considerations.
12. the plans show boats being moored alongside the hotel and this will increase the risks to the area.
13. there will be an increase pollution risk and risk from sewerage and water as it is piped from the facility.
14. concerns about hazards arising from the building and construction process, these may be both physical and structure.
15. there seems to be several substantial areas of under developed land nearby, we do not understand why it would be necessary to take up what it a really limited resource when this is the case.
16. will have an effect on the Tall Ships event by cutting the useable space.
17. loss of water space.
18. it will end up sending more vessels to neighbouring havens and diluting the potential impact from this event.
19. loss of a safe leisure route and training amenity.
20. Jackson Basin is an unencumbered sheet of sheltered and protect water acting as the only 'stage' for performance within the Marina.
21. the sheer scale of the proposed development protrudes in a significant way into the free circulation of craft in Jackson Basin, being obstructive and resulting in loss of amenity, potential danger to sail training activities and restricting water-based activities.
22. precedent.
23. the dock walls and graving dock should be listed as items of historic significance to the town.
24. will be counter productive to the core maritime environment and will result in a very significant loss of amenity and profile to the town.
25. does not like the idea of looking out of objector's window onto the back of a hotel where all the rubbish will be.
26. spoil view of the marina and doesn't think we need a hotel.
27. why not use the empty retail at Jacksons Wharf.
28. flats are being built but no-one wants them – it's a waste of money.

Copy letters E

The period for publicity has expired.

Consultations

15.7 The following consultation replies have been received:

Public Protection – no objection.

Engineering Consultancy – no objection but recommends consultation with Northumbrian Water.

Adult and Community Services – the proposal is a positive development with the potential for more people to stay in the area, who could make good use of and enjoy the facilities provided.

Traffic and Transportation – the development will not have major impact on the existing parking situation. There are no major highway implications with this application.

Cleveland Police – comments regarding secured by design

Northumbrian Water – no objection subject to a condition requiring the final details for a foul and surface water scheme to be submitted for consideration.

Tees Valley Regeneration – comments relating to the need to ensure that consideration is given to the impact that this hotel extension may have on the future requirements for a hotel at Victoria Harbour. However it is recognised by TVR that the difference in grade of hotel to be provided and timescales for delivery should have minimal impact on viability of a hotel at Victoria Harbour.

One North East – welcomes the proposal and, subject to the satisfactory resolution of any environmental issues, has no objection to the development.

Natural England – no objection and commends the developers on the rigorous environmental assessment of the scheme they provided.

Environment Agency – awaiting comments

Planning Policy

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

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

merits taking account of GEP1.

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.

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

To9: Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

Planning Considerations

15.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties, affect on the marina, ecology, risk of flooding and highway safety.

Policy

15.10 The site is located within the Marina Tourism Development Areas and is protected by virtue of Policy TO1: Tourism Development in the Marina, which encourages tourist related facilities but also seeks to protect the areas of water within the Marina for development. There is clearly a balance to be struck here about the loss of water space and it is considered that the development of a floating hotel extension in this location would not compromise the marina and would enhance the facilities currently offered by Hartlepool. The area of water directly affected is limited in this case.

15.11 One North East has no objection to the proposal and has confirmed that the proposal aligns with the *North East England Study – An Investment Action Plan* and accords with the events like the Tall Ships.

Affect on the Marina and surrounding area

15.12 There are residential properties to the south of the proposed extension. The proposed floating hotel would have an affect in terms of views across the marina, however it is considered that the design is innovative and unique and given the distance between the proposal and neighbouring residents it is considered the proposal would not have a significant adverse affect in terms of visual amenity.

15.13 In terms of the affect on the marina regarding activities currently enjoyed by a variety of bodies, the Council's Adult and Community Services Team have assessed the proposal and consider that these could still occur and they support this proposal as an innovative project and a clear indication of positive economic investment.

15.14 In respect of the Hartlepool Maritime experience the Adult and Community Services team consider that the proposal is sufficiently far away and does not have a detrimental impact on the tourist attraction, nor any foreseen major events.

15.15 The agent has provided an e-mail from the Director of Hartlepool Marina who is in support of the application as he considers the development to be attractive and imaginative and would have no negative effect on the operation of the marina.

Ecology

15.16 An Ecological survey has been submitted with the application which has been assessed by the Council's Ecologist. The site of the application is outside any designated nature conservation sites. The closest designated sites are West Harbour & Middleton Beach SNCI and the 'Bird Island' in West Harbour, which is designated as part of the Teesmouth and Cleveland Coast SPA. This proposal is of a small enough scale and far enough away from these sites that the Council's Ecologist does not envisage that it would have any effect on them. Although not designated for nature conservation, Jackson Dock and the Marina are used by numbers of diving birds. However it is considered that unlikely that this development

will have a significant adverse effect on them as it is relatively small in relation to the size of Jackson Dock.

Flood Risk

15.17 A flood risk assessment has been submitted and is being considered by the Environment Agency. As comments are awaited an update will follow.

Highways

15.18 The agent has supplied a parking survey and a Transport Assessment with the application which the Council's Traffic and Transportation Team have assessed. It is considered that the development will not have major impact on the existing parking situation. There are no major highway implications with this application.

Conclusion

15.19 It is considered that the proposed development is appropriate and would enhance the Marina. There is a presumption towards an approval of this application subject to no objection from the Environment Agency. It is anticipated that the outstanding issues will be resolved in advance of the Committee. A final recommendation will follow.

RECOMMENDATION – UPDATE TO FOLLOW

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY		
<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 12/2/09
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0711	REV

No: 16
Number: H/2009/0003
Applicant: Mr M MATHARU STOCKTON ROAD HARTLEPOOL
TS25 1HA
Agent: S J R Architects Suite 101 The Innovation Centre
Venture Court Queens Meadow Business Park
HARTLEPOOL TS25 5TG
Date valid: 07/01/2009
Development: Outline application for the erection of a 49 bed care home
with associated parking (amended resubmitted scheme)
Location: 301 HOLMEWOOD NURSING HOME STOCKTON
ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

16.1 The application site is located on Stockton Road and comprises the current care home known as Holmewood. The site is set in a 0.6 acre site on the east side of Stockton Road. The current home can accommodate 20 residents in single rooms; the agent has stated that this low number with the unsuitability of the current building for further alteration and adaptation will necessitate closure of the home.

16.2 There have been 2 recent outline applications associated with the proposal to demolish the existing care home and rebuild:

16.3 **H/2007/0761** comprised an application for a 68 bed residential care home. This was withdrawn by the agent as there were concerns from the case officer regarding the scale and design of the proposal and no bat survey had been submitted.

16.4 **H/2008/0530** comprised an application for a 52 bed care home. This was withdrawn by the agent as there were concerns from the case officer regarding the scale and design of the proposal.

16.5 The current application proposes the demolition of the existing building and the erection of a 49 bedroom care home, which is shown to be 3 storey at the front then 2 storey at the rear. However these details are illustrative as the application is in outline with all matters reserved for later approval.

Publicity

16.6 The application has been advertised by way of neighbour letters (18), site notice and press notice. To date, there have been 9 letters of objection.

The concerns raised are:

1. traffic congestion and parking not changed from previous scheme
2. Stockton Road is a busy road
3. parking problems

4. size of development brings the building past the building line and is not in keeping with the character of the area
5. affect the value of property
6. unsympathetic
7. the size of the proposed building is outrageously large for a residential area
8. would appear oppressive as it looks like a factory or prison
9. it will be intrusive and give rise to unacceptable degree of overshadowing and overlooking which will have an adverse effect on the living conditions of neighbouring properties
10. would contravene the local plan which is to protect the effect on the amenities of the occupiers of adjoining properties i.e. general disturbance, loss of privacy, visual intrusion, dust, smell and vibration
11. it would have a devastating effect on the traffic flow in Stockton Road
12. the proposal would increase the number of residents but reduce the number of parking spaces
13. significant increase in noise level from staff, vehicles, visitors and the general working environment of a busy large care home given the close proximity of the design to neighbouring private homes
14. trees are to be removed yet the applicant states all existing mature trees would be retained
15. not in keeping with the character and style of the existing buildings in the area, it will be too large
16. the development will increase the traffic activity in the area which will have a detrimental effect both environmentally and noise wise
17. the rear of this large building will only be some 10 metres from the side of my house. It will affect our privacy
18. will adversely affect the amount of daylight and sunlight in the rooms on the adjoining side of our house
19. problems with blocked drains, increased demands will lead to more frequent blockages
20. too big
21. unnecessary
22. parking proposed inadequate
23. construction dirt and noise
24. obstruction of view/light into objectors home
25. invasion of privacy
26. noise, traffic and pollution during building
27. does not feel that proprietors maintain grounds to high enough standards at present and this problem will be escalated
28. overpowering
29. changing the use from a small residential home to a very large commercial business
30. overbearing and threatening to adjacent properties
31. what do we need another care home
32. what happens if the business fails, like Tanfield Nursing home will this development be converted into flats?
33. blot on the landscape
34. block out light

Copy Letters F

The period for publicity has expired.

Consultations

16.7 The following consultation replies have been received:

Traffic and Transportation – no objection
Public Protection – no objection
Adult and Community Services - awaiting comments
Engineering Consultancy – awaiting comments
Northumbrian Water – no objection subject to condition.
Police – comments regarding secured by design

Planning Policy

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

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

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

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

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

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

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

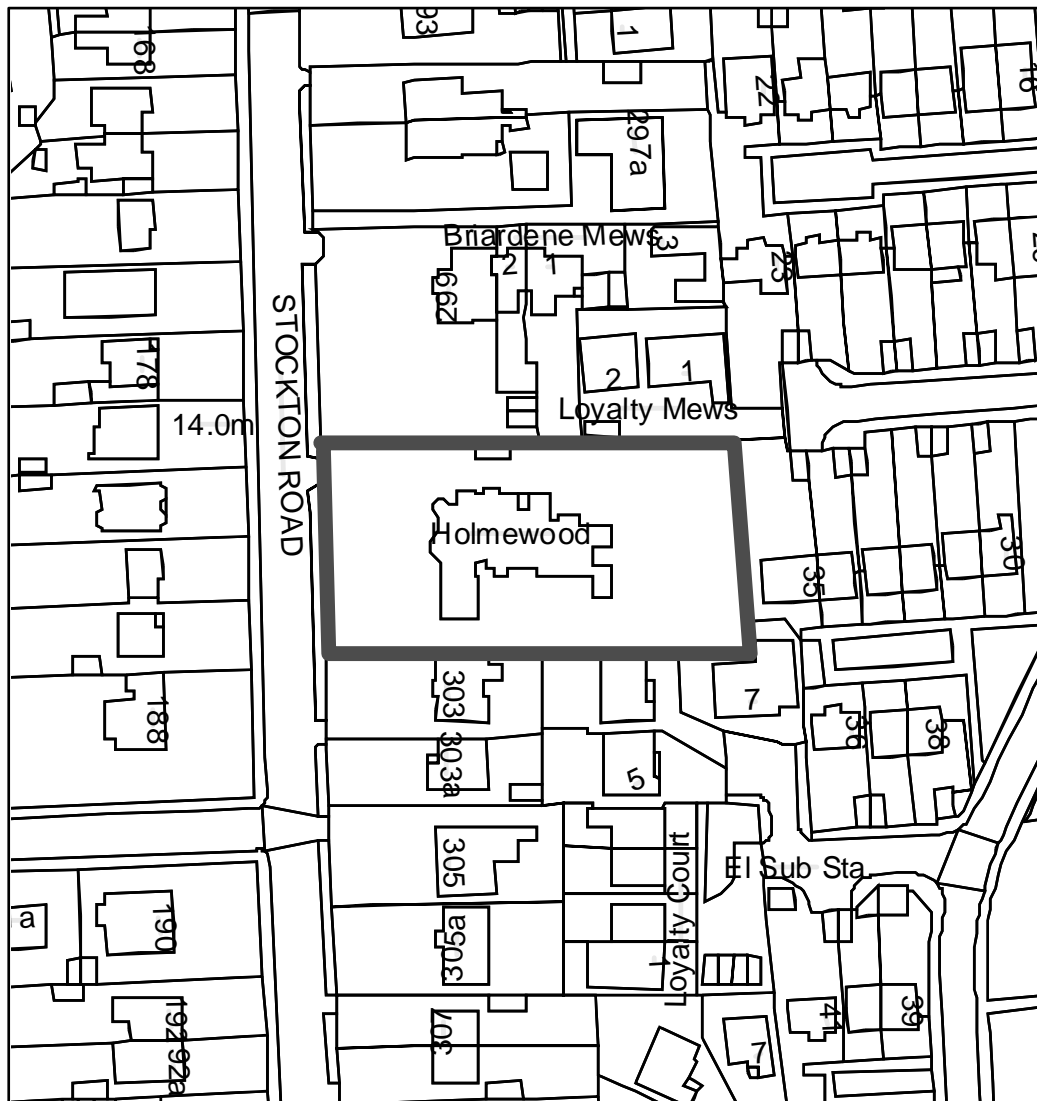
PU9: States that community-based uses will be permitted in residential areas subject to amenity, accessibility, car parking and servicing considerations.

Planning Considerations

16.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance, appearance, overshadowing and privacy, the appearance of the development in the streetscene in general. Highway safety issues also need to be considered.

16.10 The application is being assessed by the Council's Adult and Community Services Team, and it is anticipated that a response will be received prior to the Planning Committee. Further, discussions are continuing about the scheme. It is therefore anticipated that a detailed recommendation will follow in an update report.

RECOMMENDATION – UPDATE TO FOLLOW

301 STOCKTON ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0003	REV

UPDATE

No: 1
Number: H/2008/0495
Applicant: Chase Property Developments
Agent: Savills Mr T Adey Fountain Court 68 Fountain Street
Manchester M2 2FE
Date valid: 03/10/2008
Development: Application to allow additional floorspace to vary the size
of units and extend the range of goods that can be sold
Location: TEESBAY RETAIL PARK BRENDA ROAD
HARTLEPOOL HARTLEPOOL

This application appears on the main agenda at item 1.

The recommendation was left open as further information was awaited from the applicant. This information has recently been received and passed to the Authority's retail consultant for consideration. The comments of the retail consultant are awaited.

RECOMMENDATION – Members will be updated at the meeting.

UPDATE REPORT

No: 4
Number: H/2008/0531
Applicant: Mr MATT MATHARU STATION LANE HARTLEPOOL
 TS25 1BG
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 08/09/2008
Development: Outline application for the erection of a 30 bed residential
 care home with associated car parking
Location: 34 STATION LANE HARTLEPOOL HARTLEPOOL

4.1 The original committee report did not detail that amended plans had been received and were out to further consultation with the surrounding residents. Since the writing of the report an e-mail of objection (copy attached) has been received in relation to the amended plans which cites the following reasons:

1. the proposed new building is far too high and is completely out of keeping with the area.
2. concerns that the objector will lose all natural sunlight from midday onwards, due to the height of the rear of the building which is much higher than the existing building.
3. yet another of Seaton Carew's original buildings will be lost forever, further undermining the history and appeal of the area.
4. precedent.
5. no reason why the existing building cannot be renovated to bring it up to the current care requirements.

4.2 A response has been received from the Adult and Community Services Team, who consider that they can see the benefit of replacing an outdated home with one that meets modern standards. However they do not feel the second floor lends itself to being able to ensure people's needs can be met or observations easily carried out. It is likely that the number of staff on duty at any one time will mean it will be difficult to cover all 3 floors at a time.

4.3 The Adult and Community Services team also have concerns in terms of the access to and from the rear of the building which seems very tight, they wonder if egress in case of an evacuation from the rear of the property for people in wheelchairs was acceptable. In terms of Building Regulations the means of escape would be acceptable.

4.4 The committee report was written having regard to the amended plans. Further the original report stated that the application was for outline approval with all matters reserved for future condition. This was incorrect as the applicant seeks approval for access, appearance, layout and scale, with only landscaping as a reserved matter.

4.5 The reasoning in the original committee report is still relevant and it is considered that the proposed development is unacceptable particularly by virtue of the adverse affect on the living conditions of nearby residents, therefore refusal is recommended.

RECOMMENDATION – REFUSE for the following reason:

1. It is considered that a care home of the scale proposed would appear overbearing and detrimental to the amenities of the occupiers of neighbouring properties in terms of visual intrusion, dominance, overlooking and loss of outlook, contrary to Policies GEP1 and Hsg12 of the adopted Hartlepool Local Plan 2006.

Application Reference No. : H/2008/0531
Site Address: 34 STATION LANE HARTLEPOOL TS25 1BG HARTLEPOOL Comments
by: Paul King
From:

5
Bolton Grove
Seaton Carew
Hartlepool

TS25 1BD

Phone:

Email: Submission: Objection

Comments: I object most strongly to this planning application on the grounds that the proposed new building is far too high and is completely out of keeping with the area, which is mainly mature residential housing. I am concerned that we will lose all our natural sunlight from midday onwards, also due to the height of the rear of the building which is much higher than the existing building.

I am also concerned that yet another of Seaton Carew's original buildings will be lost forever, further undermining the history and appeal of the area.

I hope, if this application is approved, this does not set a precedent for a future policy of demolish and rebuild for Seaton Carew. I see no reason why the existing building cannot be renovated to bring it up to current care home requirements.

P King.

UPDATE REPORT

No: 5
Number: H/2009/0013
Applicant: Hartlepool Primary Care Trust Harbour Walk The Marina
 Hartlepool TS24 0UX
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 08/01/2009
Development: Incorporation of doctors surgery and provision of car
 parking (AMENDED DESCRIPTION)
Location: HARTFIELDS MANOR MIDDLE WARREN
 HARTLEPOOL

5.1 Since the writing of the committee report the Council's Engineering Consultancy Team has confirmed that there are no objections to the proposal subject to final details of the drainage systems for the car park to be first agreed with the Local Planning Authority. This can be controlled via planning condition.

5.2 As indicated in the original committee report it is considered that the incorporation of a doctor's surgery into the Hartfield's development would be complimentary and a benefit to the area in terms of facilities offered.

5.3 The dedication of 21 car parking spaces within the proposed car park is considered sufficient for the operation of the doctor's surgery based on a maximum of 3 doctors operating within the surgery. It is also considered that the 41 car parking spaces remaining are adequate for visitors to the Neighbourhood Park and Greenwedge once they are fully developed. The legal agreement referred to in the original committee report would need a deed of variation regarding the dedication of 21 car parking spaces to be associated with the doctor's surgery within the proposed Neighbourhood Park car park.

RECOMMENDATION – APPROVE subject to a variation of the legal agreement for Middle Warren to allow 21 spaces within the Neighbourhood Park car park to be dedicated for the doctor's surgery use and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Notwithstanding the submitted details, and before the car park hereby approved is brought into use, the car park shall be laid out and drained in accordance with revised details, to be first submitted for the consideration and approval of the Local Planning Authority. Thereafter the car park shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

- In the interests of highway safety / to ensure the car park is drained in a satisfactory manner.
3. No more than 3 doctors shall work at the hereby approved doctors surgery at any one time.
To ensure the surgery does not operate in a way which would lead to excessive parking demands which would be detrimental to the amenities of the surrounding area.
 4. For the avoidance of doubt 21 car parking spaces within the hereby approved car park shall be allocated and retained for use by the doctor's surgery. The delineation of these car parking spaces shall be in accordance with a scheme first to be agreed in writing by the Local Planning Authority as soon as a second doctor commences work at the surgery. Thereafter the approved scheme shall be implemented and retained for the lifetime of the doctor's surgery, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the surgery does not operate in a way which would lead to excessive parking demands which would be detrimental to the amenities of the surrounding area.
 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 completion of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
 7. Final details for the proposed pedestrian access ramp, including handrails shall be submitted to and agree in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of visual amenity and to ensure access for all.
 8. The hereby approved car park shall be implemented prior to the operation of the doctors surgery unless otherwise agreed in writing by the LPA.
To ensure the surgery does not operate in a way which would lead to excessive parking demands which would be detrimental to the amenities of the surrounding area.

UPDATE REPORT

No: 6
Number: H/2009/0008
Applicant: Joseph Rowntree Foundation
Agent: Billingham George & Partners Waterloo House
 Teesdale South Thornaby Stockton On Tees TS17 6SA
Date valid: 08/01/2009
Development: Provision of temporary car park for 33 cars
Location: LAND ADJACENT HARTFIELDS MANOR
 HARTLEPOOL

6.1 Since the writing of the report the Council's Engineering Consultancy Team has confirmed there are no objections to the provision of the temporary car park.

6.2 As indicated in the original report it is considered that the proposed development is appropriate for the site on a temporary basis, therefore approval is recommended.

RECOMMENDATION – Approve subject to the following conditions:

1. The use hereby approved shall be discontinued and the land restored to its former condition on or before 25 August 2009 or when any part of the land is required for provision of play equipment, associated works or related landscaping for the proposed Neighbourhood Park on this site, whichever is sooner, unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.
The use is not considered suitable as a permanent use of the land.
2. Unless otherwise agreed in writing by the Local Planning Authority, the car park hereby approved shall not be brought into use until a revised layout for the parking of vehicles has been submitted for the consideration and approval of the Local Planning Authority and thereafter the revised layout has been implemented in accordance with the approved details.
In the interests of highway safety.

UPDATE REPORT

No: 9
Number: H/2008/0721
Applicant: Mr Bell HUTTON AVENUE HARTLEPOOL TS26 9PN
Agent: Mr Bell 36 HUTTON AVENUE HARTLEPOOL TS26 9PN
Date valid: 22/12/2008
Development: Conversion to bed and breakfast guest house (10 beds)
Location: 36 HUTTON AVENUE HARTLEPOOL HARTLEPOOL

9.1 Since the original report was created an additional 2 letters of objection have been received to bring the total to 30. The reasons for objection in the additional letters are :-

- The noise and nighttime custom
- It is going to affect the quality of life and fear for objectors children
- As the household has 6 vehicles parking is a problem
- The use will increase the number of vehicles in an already congested residential street.
- It is opposite a residential care home which is very busy at peak times.
- More bed-sit accommodation is not in keeping.

9.2 It is noted that the existing hard standing to the front of the dwelling is in a state of disrepair and that all original means of enclosure to the front boundary have been removed. Discussions have been undertaken with the applicant regarding the potential for the partial re-instatement of brick boundary walling to the front to both enhance the character of the conservation area and protect the tree to the front of the property which is covered by a Tree Protection Order. The applicant has indicated verbally that he would have no objection to such a requirement, written confirmation is required. The Council's Conservation and Arboricultural Officer's have raised no objection to this.

9.3 It is acknowledged that the applicant, if granted planning permission for the proposed use, would be able to erect an advertisement upon the premises under the Town and Country Planning (Control of Advertisements) Regulations 2007. As the premises is located within a designated conservation area it is considered necessary in this instance to restrict the erection of advertisements upon the premises without the prior advertisement consent of the Local Planning Authority. This matter can not be controlled through the imposition of a planning condition and instead this matter can only be dealt through a unilateral undertaking. Discussions are continuing about this.

9.3 As indicated in the original report, on balance it is considered that the proposed development, subject to appropriate conditions, is unlikely to have a significant detrimental effect upon the character of the street scene, the amenity of the residents of the surrounding residential properties and highway safety. It is therefore for the reasons discussed and subject to the following planning conditions and a legal agreement precluding the provision of advertisements upon the premises

without the prior consent of the Local Planning Authority that the application is recommended for approval.

RECOMMENDATION – Approve subject to the following planning conditions and a unilateral undertaking to enable control of any advertising on the premises:-

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

To clarify the period for which the permission is valid.

2) The premises shall be used as a bed and breakfast establishment only and for no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

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

3) Food or drink provided at the premises shall only be for the consumption of guests residing at the premises and not for general members of the public.

In the interests of the amenities of the occupants of neighbouring properties and the character of the conservation area.

4) No more than 10 guest rooms shall to be provided in the bed and breakfast hereby permitted at any one time.

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

5) The use hereby approved shall not commence until a scheme for the parking of vehicles visiting the site including details of proposed surfacing, carriage crossing details and method of construction has been submitted for the consideration and approval of the Local Planning Authority.

In the interests of highway safety.

6) Before the use hereby approved commences the approved car parking scheme and associated carriage crossing(s) shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.

7) Prior to the commencement of the use of the premises as a bed and breakfast establishment a scheme for a boundary treatment (brick wall) to the front of the property including details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Once approved the scheme shall be implemented before the use comes into operation and shall be retained as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the character of the conservation area and the health and appearance of the preserved tree.

8) There shall be a member of staff on site at all times when the property is in use as bed and breakfast establishment.

In the interests of the amenity of neighbouring properties.

9) Prior to the commencement of the use hereby approved investigations shall be undertaken upon the party wall to establish whether measures are required to further limit the break out of noise through the party wall with 34 Hutton Avenue. If so, a scheme to further limit noise breakout shall be submitted to and approved in writing by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interest of the amenity of the occupiers of 34 Hutton Avenue.

UPDATE

No:	10
Number:	H/2008/0494
Applicant:	Mr Allan Henderson
Agent:	England & Lyle Morton House Morton Road DARLINGTON DL1 4PT
Date valid:	14/08/2008
Development:	Erection of a two-storey boat showroom and restaurant
Location:	SLAKE TERRACE HARTLEPOOL

10.1 This application appears on the main agenda at item 10.

10.2 The recommendation was left open as a number of issues were outstanding.

Consultations

10.3 The following additional consultation replies have been received:

Engineering Consultancy: From a structural viewpoint we have no objections to the proposal conditional upon the investigation work detailed being undertaken and the opportunity being given to ourselves to view the investigatory work as it is being carried out.

The drainage details submitted contain a topographic survey and a foul design for the system. However, at the meeting on the 16-12-2008 with Colin Cook of the JNP Group it was confirmed that the physical CCTV survey of the foul system was still required, as had been previously requested. This survey is required to ascertain any physical defects, or other poor workmanship such as hogging or sagging of pipes, or displaced joints, poor benching etc. As such it should be confirmed to the applicant that this CCTV survey is still required. The foul design appears to confirm that in theoretical terms the existing foul system is barely adequate for the development. It identifies pipes which are bordering on being at substandard gradients and design flow velocities which could be the root cause of the recurring blockage problems in the system overall. This reinforces the argument for conducting a CCTV survey. Indeed there are pipes identified with totally substandard gradients, but these are secondary to the pipe runs serving the development, but nevertheless could be indirectly affecting the main system. Because of the above I have serious reservations about the practical adequacy of the foul system and would wish to reserve final judgement until a CCTV survey is provided and examined.

I welcome the statement in the letter that 5.5m clearance will be provided for access. However, it should be noted that drawing 1120-111 rev B submitted at the same time appears to be slightly at variance with the statement, since the clearance zone radius point is on the outside corner of the flood wall, not the inside. I assume the drawing can be corrected to agree with the statement.

Traffic & Transportation: Further comments awaited.

Economic Development: From a tourism perspective, I have no reasons for objection to the application. The proposal could enhance the visitor offer and bring in new visitors to the town with the showroom being an attraction in itself and provide a different mix to what is currently on offer at within the marina development.

Planning Considerations

10.4 The main issues are considered to be policy, design/siting, impact on the adjacent occupiers; contamination; parking/access; flooding/drainage; coastal walkway; sea wall and lock maintenance and harbour and boatlift access.

POLICY

10.5 It is considered that these uses are appropriate to the locality and the development is acceptable in policy terms. The Local Authority has an aspiration to develop a coastal walkway and part of the route crosses the site. It can be accommodated within the existing proposals and the applicant's agent has indicated that his client may be prepared to gift this land to the council. Any transfer of land, or rights of access over land, would need to be secured through a legal agreement. In determining the appeal should the Inspector be minded to approve the application that he/she will need to take view on this matter. It is proposed to draw this matter to the Inspectors attention.

DESIGN/SITING

10.6 The proposed design is for a modern mono-pitched building incorporating brick and render walls, a metal deck roof and large areas of glazing. It is prominently sited close to the lock gates and the seaward entrance of the Marina which provides something of a focus to visitors. Concerns have been raised in relation to the visual impact of the development.

10.7 The proposed modern building represents a contrast to the buildings in the immediate vicinity in design terms however in the wider context of the Marina it is evident that the buildings are predominantly modern and exhibit a variety of designs and materials. The area is not conservation area and nor are any of the nearby buildings listed. Given the above the proposed design is considered acceptable in this location.

10.8 The building will add to the development in this part of the Marina and reduce its openness. However it will to a degree be located to the rear of the lock house. It is also the case that the area is currently in use as a boat storage area which already compromises its openness to a degree. In addition a 5m separation will be retained to the lock and dock walls and the applicant has indicated a willingness to accommodate public access, by accommodating the coastal walkway, on the seaward side of the building.

10.9 In terms of its design and siting, strictly in terms of its impact on the visual amenity of the area, the proposal is therefore on balance considered acceptable. However in other respects, particularly the relationship with adjacent occupiers, see below, the siting and design are problematic.

IMPACT ON THE ADJACENT OCCUPIERS

10.10 In terms of the relationship with Abdiel house while this buildings has many windows in the side and rear elevation from which the building would be visible, these views would be oblique and the building would not directly oppose the windows. The proposed two storey building at some 6.6m is not unduly high and is located some 16m south east of Abdiel House. It is clear that Abdiel House is oriented with its main commercial frontage facing in the opposite direction to the building. Given the above it is not considered that the building would unduly affect the amenity of the occupiers of Abdiel House in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

10.11 In terms of the relationship with the buildings to the south, Neptune House, on the opposite side of the lock given the separation distances of some 36m, it is not considered that the proposed development would unduly affect the occupiers of this building in terms of loss of light, privacy, outlook or in terms of any overbearing affect.

10.12 In relation to the relationship with the adjacent building, the Harbour Masters building and existing boat sales office, the proposed building will be located close to the east gable of this building. This gable is blank at ground floor but has first floor windows facing the site in close proximity some 0.5 to 1m distant. The proposed building will have a blank wall immediately opposing this window and given the minimal separation distance the building will dominate the outlook of any occupiers of the first floor accommodation severely affecting the existing outlook and light and the relationship appears therefore to be unacceptable. In determining the appeal clearly the Inspector will need to take view on whether this proposed relationship is acceptable.

10.13 In general terms, the site is located in a mixed use area which includes restaurants, public houses and residential apartments. Public Protection have not objected to the proposal. Given the ability to impose relevant conditions it is not considered therefore that the amenity of any residents in terms of noise smells or general disturbance will be unduly affected by the development.

CONTAMINATION

10.14 Our Engineering Consultancy have advised that in the event that the application were approved they would require their standard condition dealing with the identification and remediation of any contaminated land.

10.15 The Environment Agency have objected to the proposal on the grounds that the applicant has not submitted sufficient information in order to allow them to demonstrate the risk of pollution to controlled waters is acceptable. The applicant requested that this matter be conditioned and this was put to the Agency. They have

advised however that current government guidance contained in PPS23 advises a precautionary approach whereby any risks to controlled waters must be assessed and possible remediation explored before approval is granted. The Agency have therefore sustained their objection and an impasse has therefore been reached. In determining the appeal the Inspector will need to take view on this matter.

PARKING/ACCESS

10.16 The application shows vehicular access accommodated from Middleton Road via the existing access to the rear of the adjacent premises on Navigation Point. It is apparent that this access which crosses an enclosed yard is the service access for the businesses on Navigation Point and serves the boat yard in this area. The access is also gated. There are several apparent problems with this arrangement. The access also serves the service area for the businesses on Navigation Point and the boatyard and there are potential safety issues if customers are also using the access with service vehicles manoeuvring. The access is also gated and it is understood that the gates are periodically closed. Notwithstanding the safety issues if the gates were left open to allow customer access this would potential leave the rear of the adjacent premises accessible and therefore vulnerable to crime if for example the restaurant was open at night. Conversely if the gates were closed the car parking areas would not be accessible via this route. Then final comments of Traffic & Transportation are awaited however it is considered that the proposed access arrangements need further consideration.

10.17 Notwithstanding the concerns in relation to the proposed access arrangements outlined above. Traffic & Transportation and objectors have raised concerns in relation to the parking provision. The proposed layout plans show fifteen parking spaces accommodated within the site, however two of these spaces are located immediately on top of the others and are not therefore independently accessible. Traffic & Transportation have advised that the development would require 34 parking spaces, setting aside the two spaces which are not independently accessible this means that there is a shortfall of 21 spaces.

10.18 Traffic & Transportation consider that the area is relatively poorly served by Public Transport with the nearest bus service operating 1 km from the site. The applicant has submitted a parking survey completed in connection with an earlier proposal which suggests that there is spare parking capacity in the existing main car parks at Navigation Point which the development could utilise. However Traffic & Transportation take the view that car park at Navigation Point is reaching, or is at, its capacity and that the development, the restaurant in particular, would exacerbate the existing parking problems and could result in inconsiderate parking to the detriment of highway safety.

10.19 In conclusion, subject to the final comments of our Traffic & Transportation section, it is considered that the proposed parking and access arrangements are unacceptable.

FLOODING

10.20 The site lies within an area at high risk of flooding from tidal sources. The applicant has completed a Flood Risk assessment in support of the application which concludes that the finished floor levels should be set no lower than 4.885m AOD and advises that comprehensive flood warning and evacuation procedures will be agreed with the Local Planning Authority. It is considered that any flood risk issues could therefore be dealt with through appropriate conditions on site levels.

DRAINAGE

10.21 The existing system has failed on several occasions and consequently sewage has flooded parts of the Marina. Concerns have therefore rightly been raised in relation to the adequacy of the existing drainage system to accommodate the additional flows from the site. The information provided by the applicant has been examined by our Engineering Consultancy who have concluded that it appears that the system is barely adequate to cope with existing flows. The Engineering Consultancy have advised that they have serious reservations about the practical adequacy of the foul system but would wish to reserve final judgement until a CCTV survey is provided and examined. However the applicant has appealed on the grounds of non determination and in light of this the matter cannot be further progressed at this time. It is considered at this time however that the applicant has failed to demonstrate a satisfactory means of disposal for sewage/effluent. In determining the appeal the Inspector will need to take view on this matter.

SEA WALL & LOCK

10.22 Given the developments proximity to the sea wall and lock concerns have been raised in relation to the effect of the development on the foundations of the sea wall and in relation to access to these structures for maintenance.

10.23 In relation to the impact on the sea wall the applicant has submitted structural calculations and these have been assessed by our Engineering Consultancy. They have responded that they have no objections to the proposal on the grounds of its potential impact on the sea wall subject to appropriate conditions requiring further investigations.

10.24 In relation to the access to the sea wall lock the applicant has advised that a 5.5m wide clear zone will be accommodated to allow for access to the sea wall and this is acceptable to our Engineering Consultancy. This requirement could be conditioned.

10.25 In relation to access to the lock this is a matter for the operator of the Marina.

10.26 In determining the appeal clearly the Inspector will need to take view on whether the proposal is acceptable in relation to these issues.

HARBOUR/ BOAT LIFT ACCESS

10.27 Concerns have been raised that the siting of the building will affect navigation of the dock. In particular it will obstruct a leading light located on, and visibility from, the Lock Masters Office. The applicant maintains that the building has been sited so

as to account for these matters. However this is essentially a matter for the operator of the Marina. In determining the appeal clearly the Inspector will need to take view on whether the proposed building will affect navigation.

10.28 In relation to the boatlift access the applicant has provided swept paths which indicate access for the boat lift can be accommodated. However again this is essential a matter for the operator of Marina. In determining the appeal clearly the Inspector will need to take view on whether the proposed building will affect access to the boatlift.

Conclusion

10.29 The applicant has appealed to the Secretary of State on the grounds that the application has not been determined within the statutory period this Authority cannot therefore now determine the application. However the Authority needs to take a view as to what its decision would have been had it been free to determine the application.

10.30 In light of the issues raised above it is not considered that the current proposal can be supported.

RECOMMENDATION : That authority be delegated to officers to fight the appeal. That subject to the final comments from Traffic Engineers the Secretary of State be advised that the Local Planning Authority is would have been minded to refuse the application had it been free to determine it for the following reasons.

- i) Given know concerns in relation to the adequacy of the existing drainage system serving the area the applicant has failed to demonstrate that there is a satisfactory means for the disposal of foul sewage/effluent arising from the development.
- ii) The development does not accommodate adequate parking and it is considered that it would exacerbate existing parking problems and could result in inconsiderate parking to the detriment of highway safety.
- iii) The building would have a detrimental impact on the amenity of the occupiers of the adjacent building by reason of loss of light, outlook and over dominance.
- iv) The applicant has not submitted sufficient information in order to demonstrate the risk of pollution to controlled waters is acceptable contrary to PPS23.

Update Report

No: 11
Number: H/2009/0024
Applicant: Hartlepool & N Tees PCT
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 13/01/2009
Development: Siting of a temporary doctors surgery
Location: LAND NEXT TO 402 CATCOTE ROAD HARTLEPOOL
 HARTLEPOOL

11.1 Since the original report was prepared the final comments of the Council's Highway Engineers and the Head of Property Services have been received. For clarification no letters of objection have been received as a result of the neighbour consultation exercise, however the period for comments has not expired at the time of writing this update report but it will expire before the meeting. Any letters of objections or comments received will be tabled accordingly.

Planning Considerations

11.2 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular the principle of the development, visual amenity, residential amenity and the effect upon highway safety.

Principle of Development

11.3 The site to which this application relates is allocated as part of the Fens Local Centre covered by policy Com 5 (Local Centres) of the Hartlepool Local Plan. The Policy states that proposals for shops local services and food and drink premises including uses such as health centres and consulting rooms (D1 use class) are acceptable providing there is no significant adverse effect on the amenities of the occupiers of the adjoining or neighbouring properties or on the highway network. The policy also requires that the scale, function, character and appearance of the area is maintained.

11.4 As the proposed use is in accordance with the scope of the policy the principal of the development is considered acceptable. In terms of the effect of the scale, function, character and appearance of the Local Centre it is considered that given the discreet siting of the unit and the nature of the proposed use it is unlikely that the development would have a significant adverse effect.

11.5 Considerations relating to the effect upon the highway network and the occupants of neighbouring properties are discussed in detail below.

Visual Amenity

11.6 It is important to note that the proposed structure is only for a temporary period in light of significant issues faced by the PCT in acquiring a permanent surgery in the locality. It is acknowledged that the proposed temporary structures are functional in terms of external appearance but they are widely used to provide temporary accommodation. Given the proposed discrete location to the surrounding main road and main frontage of the shopping parade and the single storey scale of the development it is considered unlikely that the proposed development would appear unduly large or incongruous of the streetscene.

11.7 It is acknowledged that such structures have a limited lifespan in terms of the materials used and as such this proposal would be unsuitable for permanent retention.

Highway Safety

11.8 The Council's Engineer has discussed the proposal in detail with the applicant who has indicated that initially there will be only one doctor at the surgery and any increase in the number of the doctors will depend upon the number of patients that will register with the surgery.

11.9 The Officer has raised concerns regarding the car park serving the shopping parade being busy at peak times, however as this appears to be at lunch times and the surgery is likely to be least busy at the point it is considered unlikely that it will have a major impact upon parking congestion. The officer has indicated that if a second doctor is required at the surgery then the land opposite (next to 370 Catcote Road) could be utilised as a car park. Clearly this would be subject to a separate planning consent. The number of doctors practicing at the surgery at any one time can be controlled by way of planning condition.

11.10 The Head of Traffic and Transportation has indicated that additional Traffic Regulation Order (TRO) on the access/service road which leads to the rear of the shopping parade to prevent patients parking on it and thus preventing deliveries to the shop units. The requirement of the TRO can be controlled through the imposition of a planning condition.

11.11 It is noted that the proposed site is in close proximity to public transport links and has good pedestrian and cycle links in the immediate locality.

Residential Amenity

11.12 As the structure will be located facing the blank gable ends of the two legs of the shopping parade and it will be located at least 35m from the nearest surrounding residential properties apart from the residential units upon the first floor, which will not directly overlook it. Given the proposed physical relationships it is considered unlikely that the proposed development would lead to a detrimental effect upon the occupants of the surrounding residential properties.

Other Matters

11.13 Members may be aware that the shopping parade suffers from a number of incidents of anti social behaviour. Cleveland Police's Burglary and Architectural Liaison Officer has indicated that the proposed surgery may be at risk of burglary and criminal damage and as such has recommended a number of security measures to be incorporated into the design of the structures to prevent such issues occurring. Such details can and will be agreed by way of planning condition.

11.14 Given that the unit will be in very close proximity to the external stairwell serving the first floor residential properties it is considered necessary, and has in fact been offered by the applicant, to install security measures upon the stairwell to prevent access to the roof of the surgery etc. The Council's Community Safety Officer has also commented on the security of the unit and in turn the stairwell and has requested that the provision of CCTV cameras be investigated. Such details will be required and controlled by way of a planning condition.

11.15 Northumbrian Water Ltd have been consulted upon the application and have determined that the proposed structure will be built over a public sewer and as such diversion or relocation of the apparatus may be required at the applicants full cost. They have suggested a planning condition requiring a detailed scheme for the build to avoid building over the sewer which has been reproduced below. The applicant is currently in direct discussions with Northumbrian Water Ltd regarding this issue.

Conclusion

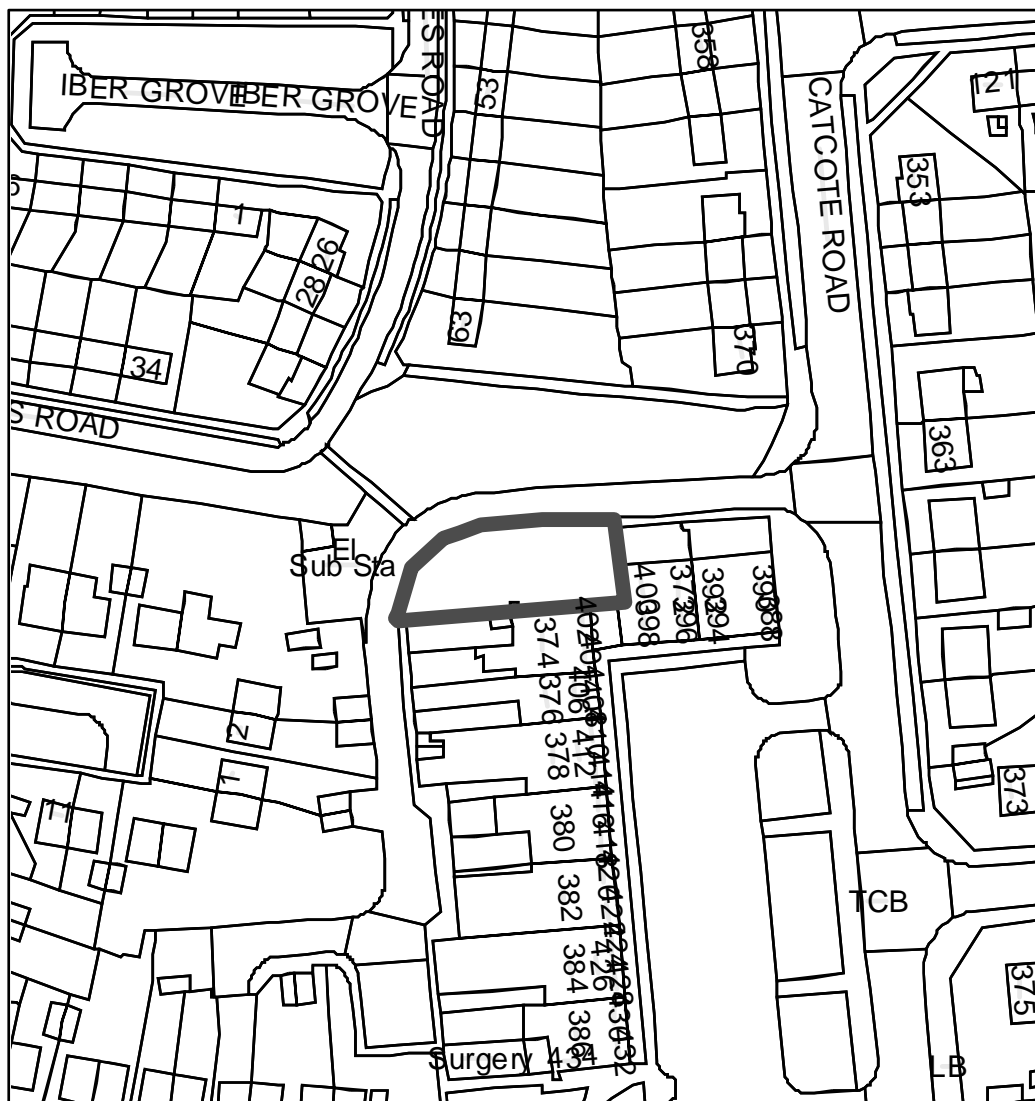
11.16 In conclusion it is considered that the proposed use is acceptable in this location and conforms to the policies and proposals held within the Hartlepool Local Plan. However the proposed structure is not considered suitable for permanent retention given the proposed construction materials and external appearance. As the applicant has only applied for a temporary consent the proposal is considered acceptable.

11.17 It is for the reasons discussed above and subject to the conditions set out below that the application is recommended for approval.

RECOMMENDATION – APPROVE subject to the conditions below:-

- 1 The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
- 2 The building hereby approved shall be removed from the site and the land restored to its former condition on or before 1 April 2011 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.
The building is not considered suitable for permanent retention on the site.

- 3 Unless otherwise agreed in writing by the Local Planning Authority no more than 1 Doctor shall be practising in the temporary GP surgery hereby approved at any one time.
In the interests of highway safety.
- 4 Prior to the commencement of the development hereby approved a scheme of security measures including CCTV camera provision for the building hereby approved and the adjacent stairwell marked blue on the approved plan shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being brought into use 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 the security of employees, patients and assets.
- 5 The premises shall be used as a doctors surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
- 6 Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.
To ensure the access is safe and suitable for all people, including people with disabilities.
- 7 Unless otherwise agreed in writing by the LPA the doctors surgery shall not be brought into use unless a Traffic Regulation Order along the service road serving the shopping parade to prevent the parking of vehicles by persons visiting the surgery has been implemented
In the interests of highway safety.
- 8 Details of all external finishing materials including external colour schemes 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.
- 9 Unless otherwise agreed in writing by the Local Planning Authority development shall not commence until a scheme for the redesign of the proposal to avoid building over the public sewer in this location has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
A public sewer crosses the site and is shown built over on the application.
- 10 The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
- 11 No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.

402 CATCOTE ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0024	REV

Update Report

No: 14
Number: H/2009/0025
Applicant: Hartlepool & North Tees PCT
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 13/01/2009
Development: Siting of a temporary doctors surgery with associated car parking
Location: LAND NEXT TO 370 CATCOTE ROAD HARTLEPOOL
 HARTLEPOOL

14.1 Since the original report was created responses from the Head of Property Services and Northumbrian Water Ltd have been received. Both confirm no objection to the proposal. In addition there have been no letters of objection received as a result of the neighbour consultation exercise, however the period for comments has not expired at the time of writing this update report but it will expire before the meeting. Any letters or comments or objection received before the meeting will be brought to the attention of the members accordingly.

14.2 Although the final comments of the Head of Traffic and Transportation and Public Protection are awaited they have both informally indicated they have no objections subject to appropriate planning conditions.

14.3 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular the principle of the development, visual amenity, residential amenity and the effect upon highway safety.

Principle of Development

14.4 The site upon which the proposed development is to be sited is an area of grassed open space and as such policy GN6 (Protection of Incidental Open Space) is particularly relevant. The policy seeks to resist the loss of areas of incidental open space unless, for the purposes of this application, *'a proposed development has special locational requirements and there is no other appropriate site in the vicinity'*.

14.5 It has been established that there is a requirement for the provision of a GP Surgery in this locality. The PCT have explored a number of options to secure existing units on the Fens Shops and, as indicated in the original report, submitted a proposal for the same use on an area of hard standing directly to the south of this site (H/2008/0024 which is the preferred option at the moment). The application has failed to secure an existing unit to date and there is no certainty that the other site considered on this agenda will be forthcoming. In light of these endeavours and the urgency to provide doctors accommodation it is considered that the loss of the incidental open space in this location, for a temporary period is acceptable.

Visual Amenity

14.6 It is important to note that the proposed structure is only for a temporary period in light of significant issues faced by the PCT in acquiring a permanent surgery in the locality. It is acknowledged that the proposed temporary structures are functional in terms of external appearance. This structure will be visible from the surrounding highways. It is considered that as it is single storey and has a flat roof, in addition to the proposed landscaping, it is unlikely that it will appear unduly large or incongruous upon the street scene.

14.7 It is acknowledged that such structures have a limited lifespan in terms of the materials used, as such it is not considered that the building would be suitable for permanent retention.

Highway Safety

14.8 The proposed plans indicate the provision of a car park next the temporary building which will make provision for 8 parking spaces including 2 disabled and cycle parking stands.

14.9 Whilst the final comments of the Head of Traffic and Transportation are awaited it is considered that subject to appropriate conditions it is unlikely that the proposed use would have a detrimental effect upon highway safety and parking congestion in the locality.

14.10 The site has good public transport and pedestrian and cycle links in the immediate locality which link to other routes throughout the town.

Residential Amenity.

14.11 It must be acknowledged that the proposed structure is in close proximity to surrounding residential properties, in particular 63 Innes Road. The proposed building has been orientated so that the proposed windows face east and west onto the remaining grassed open space, with access doors only in the north and south elevations. It is considered that separation distances associated with the proposed windows and the windows of the surrounding properties are acceptable and unlikely to lead to detrimental overlooking issues. The exact positioning of windows can and will be controlled through planning condition to avoid any detrimental overlooking issues.

14.12 The proposed structure is to be of a single storey design with flat roof and its physical relationship with the neighbouring properties is such that it is considered very unlikely that it will lead to detrimental overshadowing or outlook issues upon the living conditions of the occupants of the surrounding residential properties.

14.13 Given the close proximity to residential properties it is considered prudent to impose a planning condition restricting the hours of operation to those considered reasonable by the Head of Public Protection to avoid any detrimental noise and disturbance issues upon residents.

Other matters

14.14 Members may be aware that the shopping parade has suffered from a number of incidents of anti social behaviour. Cleveland Police's Burglary and Architectural Liaison Officer has indicated that the proposed surgery may be at risk from burglary and criminal damage and as such has recommended a number of security measure to be incorporated in to the design of the structures to prevent such issues occurring. Such details can and will be agreed by way of planning condition.

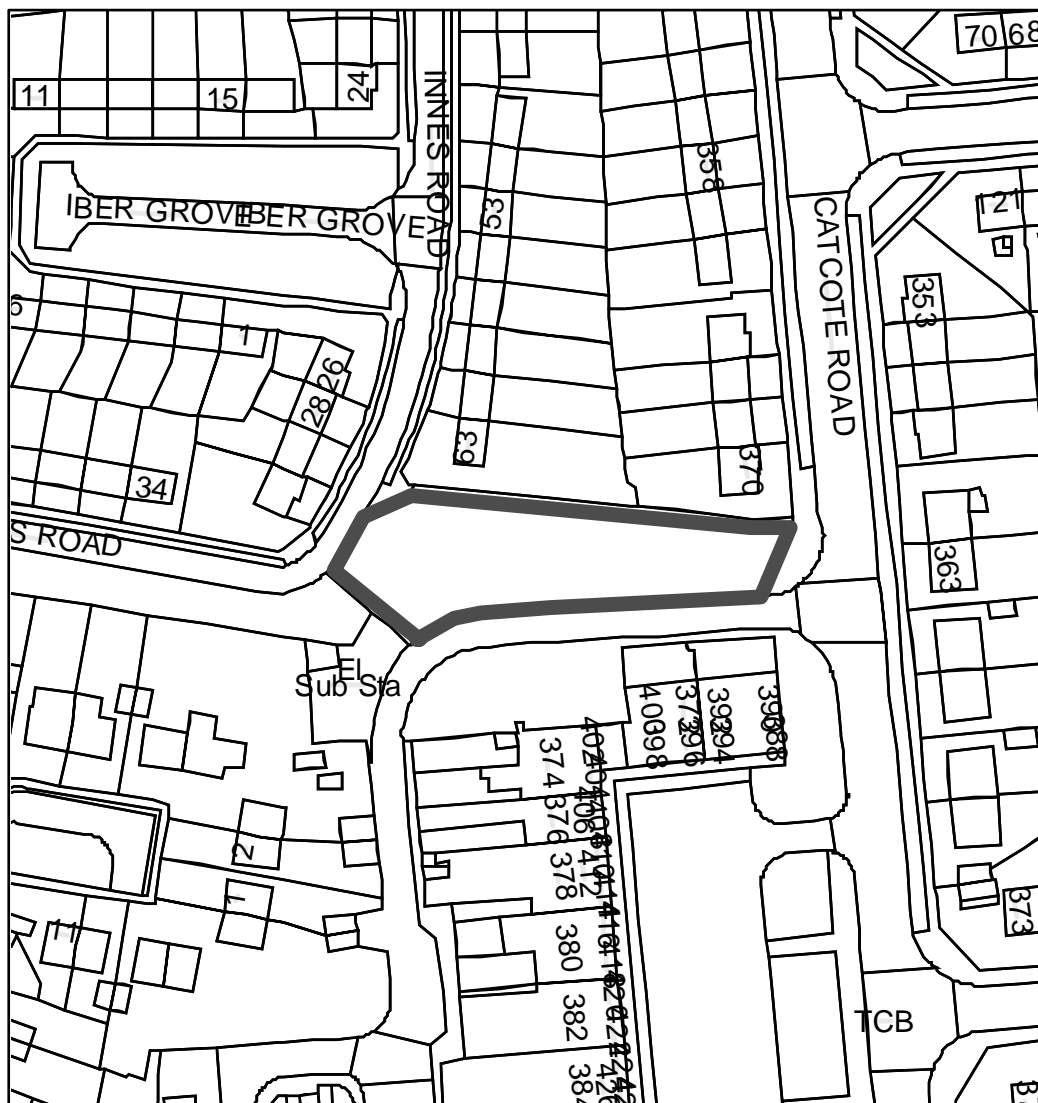
Conclusion

In conclusion it is considered that the PCT have demonstrated and used best endeavours to establish a GP surgery in this locality. In light of this it is considered that the use of an area of grassed open space for a temporary period is acceptable in these circumstances subject to appropriate planning conditions.

As the final responses of the Head of Traffic and Transportation and Public Protection area awaited it is not considered appropriate to create a comprehensive list of planning conditions at this stage. Instead, it is requested that the final decision is delegated to the Development Control Manager in consultation with the Chair of the Planning Committee. Technically as a departure and because the land is council owned this application will have to be advertised as such and referred to GONE

Recommendation:- Minded to Approve subject to appropriate conditions and no objections from outstanding publicity and GONE, but the final decision be delegated to the Development Control Manager in consultation with the Chair of the Committee.

370 CATCOTE ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 12/2/09
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2009/0025	REV

UPDATE REPORT

No: 15
Number: H/2008/0711
Applicant: Whitbread Group PLC
Agent: Cliff Walsingham & Co Mrs Christine Roberts Brandon
 House King Street Knutsford WA16 6DX
Date valid: 11/12/2008
Development: Erection of a 54 bed floating hotel extension to existing hotel
Location: PREMIER INN HOTEL MARITIME AVENUE
 HARTLEPOOL HARTLEPOOL

15.1 The proposal is considered to be a positive addition to the tourism economy, and the design is considered to be innovative and unique. A response is still awaited from the Environment Agency regarding this development, however subject to no objection it is recommended that the proposal is approved.

RECOMMENDATION – Minded to APPROVE subject to the following conditions and no objection from the Environment Agency, however final decision delegated to the Development Control Manager in consultation with the Chair of the Committee

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.
Thereafter the development shall be carried out in accordance with the approved details.
To ensure that foul and surface water are adequately dealt with.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 11th December 2008, 27th and 29th January 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
5. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development.
6. The development shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with

the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interest of crime prevention.

7. Notwithstanding the approved plans life belts shall be provided in locations to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the life belts shall be provided in accordance with the approved details and retained by the operators of the hotel for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interest of public safety.

UPDATE REPORT

No: 16
Number: H/2009/0003
Applicant: Mr M MATHARU STOCKTON ROAD HARTLEPOOL
 TS25 1HA
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 07/01/2009
Development: Outline application for the erection of a 49 bed care home
 with associated parking (amended resubmitted scheme)
Location: HOLMEWOOD NURSING HOME 301 STOCKTON
 ROAD HARTLEPOOL

16.1 Whilst the application is for outline consent the details submitted regarding the access, appearance, layout and scale are for approval at this stage, the original committee report stated that all matters are reserved for future consideration.

16.2 Adult and Community Services have confirmed they have no objections and that the new development will meet the relevant standards for a care home.

16.3 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan and in particular the impact of the proposals upon neighbouring properties, in terms of outlook, dominance, appearance, overshadowing and privacy and the appearance of the development in the streetscene in general. Highway safety issues also need to be considered.

Local Plan

16.4 The site is within the limits to development where the type of development proposed would be acceptable in principle.

Residential Amenity

16.4 The site comprises a predominantly 2 storey care home, with some single storey extensions to the rear and is sited on a large plot within a residential area. There is a large tarmaced area to the rear of the existing site which provides significant separation from the surrounding residential properties. The site is surrounded by a mix of houses and bungalows.

16.5 The proposed building is 2/3 storeys in height, broadly in an "I" shape. The front elevation details 3 storeys dropping to 2 storey closer to the neighbouring residential properties and is within the approximate building line of the properties fronting Stockton Road. Behind the front elevation is a 2 storey link which is centred in the site and provides a degree of separation from the neighbouring residential properties. This element is approximately 10.7m and 12.2m away from the boundary

of the neighbouring residential gardens. This centred elevation links to a further 2 storey element at the rear of the site which is 4.8m from the side elevation of a neighbouring house and 18.5m from the rear of neighbouring bungalows.

16.6 While the proposed building is significantly larger than the existing building and some of the proposed bedroom windows will face onto neighbouring residential properties and gardens, it is considered that the separation distances involved are sufficient in this instance.

16.7 Amenity space for residents is provided.

Impact on Street Scene

16.8 Stockton Road is made up of a variety of styles in terms of designs of properties. Given the mix of styles of properties in the area it is considered that a new building could be accommodated satisfactorily and that it would not be out of keeping with the streetscene.

Landscaping

16.9 An Arboricultural Assessment has been submitted with the application which has been assessed by the Council's Landscape Team. It is proposed to remove 8 trees. 5 trees would be lost to allow the access road to be constructed fronting Stockton Road and a further 3 trees lost along the southern boundary due to conflict with the proposed buildings footprint. The Council's Arboricultural Officer considers these trees to be only fair in terms of their condition and that proposed new planting will offset their loss. Details can be controlled via condition.

Highway Implications

16.10 The applicant has shown 14 spaces which based on the information provided would exceed the parking requirement for this development (12 spaces). The applicant is proposing 2 new accesses onto Stockton Road. Details can be controlled via planning condition.

16.11 The Head of Traffic and Transportation have raised no objection to the scheme.

Other Issues

16.12 The Council's Engineering Consultancy Team have advised that a section 80 notice is required for the demolition of this building.

16.13 Cleveland Police have provided general comments regarding crime prevention measures which should be included within the development. Should the application be approved a condition would be required to incorporate these measures.

Conclusion

Although the building is large on balance the proposed development is considered to be acceptable.

RECOMMENDATION – APPROVE – subject to the following conditions;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the landscaping of the site (herein after called the "reserved matter") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 6th and 7th January 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. For the avoidance of doubt the method statement attached to the bat survey report received on the 7th January 2009 shall be adhered to during the demolition of Holmewood, unless otherwise agreed in writing by the Local Planning Authority.
For the protection of bats
5. 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.
6. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
7. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of crime prevention

8. Notwithstanding the submitted plans a scheme for refuse and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of visual amenity and to promote sustainable forms of transport.
9. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
10. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development
11. All planting, seeding or turfing comprised in the finally 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.
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. 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.

Report of: Assistant Director (Planning & Economic Development)

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

1. PURPOSE OF REPORT


- 1.1 To advise Members of a planning appeal decision

2. THE APPEAL

- 2.1 A planning appeal was lodged against the refusal of Hartlepool Borough Council for the retention of an internally illuminated free-standing display unit at this site.
- 2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. A copy of the decision letter is attached with this report.

3. RECOMMENDATION

- 3.1 Members note the decision

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 5 January 2009</p> <p style="text-align: center;">by Bern Hellier BA (Hons) MRTPI</p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p> <p>☎ 0117 372 6372 email:enquiries@pina.gov.uk</p> <p>Decision date: 21 JANUARY 2009</p>

Appeal Ref: APP/H0724/H/08/1203350**A19 Services (Northbound), Elwick, Hartlepool, TS27 3HH**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Primesight Ltd against the decision of Hartlepool Borough Council.
- The application Ref H/2008/0276, dated 30 April 2008, was refused by notice dated 1 July 2008.
- The advertisement proposed is a double sided internally illuminated free standing display unit.

Decision

1. I allow the appeal, and grant consent for the display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The display unit hereby granted consent shall only be illuminated during the opening hours of the associated A19 Services (Northbound) filling station.

Main issues

2. I consider there are two main issues. They are the effects of the display on the character and appearance of the area and on highway safety.

Reasons

3. The filling station and cafe together with a similar facility on the opposite side of the A19 dual carriageway is a commercial enclave in what is otherwise open countryside. The proposed display measures overall about 2.5 metres high and 1.3 metres wide. It is already in position on the grass verge set at right angles to the road and between it and the forecourt at the southern end of the site. Other advertising associated with the filling station includes an illuminated tower sign, lettering and a logo on the forecourt canopy fascia and information signage on the pumps and cafe. There is also an advertisement hoarding at each end of the site frontage.
4. The display adds to this clutter of signs. However it is viewed against the pumps, sales building and cafe and is visually subordinate to these features. During daylight hours when it is non-illuminated and at night when the filling station is well lit the display has no impact on the rural area outside the confines of the existing development. However when the filling station is

Appeal Decision APP/H0724/H/08/1203350

closed the illumination is likely to be considerably more intrusive. This could be resolved by a condition restricting illumination to periods when the filling station is open. Subject to this I conclude that the display does not have a significant adverse effect on the character and appearance of the area.

5. In relation to highway safety the display is unlikely to distract drivers on the main road because it appears and is interpreted as part of the overall commercial environment of the filling station. It is more obvious to drivers pulling off the road into the forecourt or into the cafe parking area. By this time they are travelling slowly in a one-way system and are able to assimilate the content of the display without undue risk. I find therefore that the display does not have a materially adverse effect on highway safety.
6. The Highways Agency objects to the proposal because it is generally opposed to any form of advertising sign in close proximity to trunk roads. It refers to advice in Appendix B to the Annex to Circular 03/2007 that all advertisements are intended to attract the attention of road users and consequently present a potential road safety hazard. However, this advice goes on to say, amongst other things, that there are less likely to be road safety problems if the advertisement is a normal poster panel as is the case here.
7. Policy GEPS of the Hartlepool Local Plan 2006 only permits advertisements where they do not detract from the amenity of the area, do not introduce obtrusive features and do not reduce highway safety. I am satisfied that, in this instance, the requirements of the policy are met.
8. For the reasons given above I conclude that the proposed display is not detrimental to the interests of amenity and public safety and does not conflict with the Local Plan.

Bern Hellier

INSPECTOR

Report of: Assistant Director (Planning and Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. Officer monitoring noted a landscaping scheme had not been implemented in accordance with a condition attached to an existing planning consent for a retail development on Belle Vue way.
2. Officer monitoring noted planning conditions had not been discharged attached to an existing consent for a recycling centre in Coniston Road.
3. A neighbour complaint regarding a business operating from home in Fernwood Avenue.
4. An investigation has commenced following concerns about a car dismantling business operating from an industrial area in Sandgate Industrial Estate.
5. A neighbour complaint regarding a business operating from home in Manor Close, Elwick.
6. Officer monitoring of Building Control commencement data recorded the installation of a new shop front in Clavering Road.
7. A neighbour complaint regarding activities altering the profile of land by excavation on a holiday park in Easington Road.

2. RECOMMENDATION

2.1 Members note this report.

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

Subject: ABLE UK LTD, TERRC FACILITY, TEES ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 Members will recall that 4 applications were approved for a variety of works and uses at the Terrc Site in Graythorp by the Council on 13 November 2007. This included ship dismantling. The permissions were subject to a number of conditions and a S106 agreement. Similar applications were also subsequently approved by the Secretary of State on 7 May 2008 following a public inquiry.
- 1.2 Since then officers and the Council's consultant advisor's Scott Wilson have been liaising with the developer about the discharge of the conditions and the terms of the s106 agreement. This is ongoing. Information is to be provided by Scott Wilson and it is intended to provide an update before the meeting.

RECOMMENDATION – Update to follow.

UPDATE

Report of: Assistant Director (Planning & Economic Development)

Subject: ABLE UK LTD

1. PURPOSE OF REPORT

- 1.1 I have attached a copy of a report presented to Committee at its meeting on 1 October 2008 outlining progress at the Able site and details of the monitoring regime there, for background information. This update is primarily concerned with ongoing monitoring.
- 1.2 Since October, Scott Wilson have continued their monitoring role in relation to the Marad contract. Attached for information is the major part of their quarterly report for the period September to November 2008. A report for December 2008 to 10 February 2009 is anticipated before the meeting and will be tabled then. Overall Scott Wilson Ltd were satisfied that for the earlier period “dismantling carried out to date has involved no activities that result in a breach of the agreed environmental protection measures or that were assessed to have a significant risk of causing significant environmental pollution or damage”. A full copy of the report will be placed in the Member's Room.
- 1.3 In addition to the monitoring of the Marad contract Scott Wilson have been employed to carry out two periods of extensive monitoring on site in relation to dredging and piling and their effects on birds on the neighbour SPA site. This was because one of the conditions of the ship dismantling permission precludes these and other activities two hours either side of low tide (condition 13a). Monitoring was part of what was effectively a relaxation of the condition (technically a derogation of the condition) which allowed dredging and piling during the restricted period under the closest scrutiny. This approach was agreed with Natural England. The monitoring was undertaken by ornithologists who were present at all low water periods over December and January, including over Christmas and New Year.
- 1.4 In summary Scott Wilson conclude that “...the majority of Able UK dredging and piling activities did not cause a disturbance. On the one occasion where there was a major disturbance Able UK immediately ceased all piling activities” A copy of the monitoring report will be provided in the Members Room.
- 1.5 Finally Members should note that the Breach of Condition Notice in relation to earlier acknowledged breaches of condition 13a, prior to the derogation exercise, will be served shortly.

RECOMMENDATION – Members note the contents of this report and further updates on monitoring of the Marad contract be provided as appropriate.

Report of: Assistant Director (Planning & Economic Development)

Subject: ABLE UK LTD TERRC FACILITY, TEES ROAD, HARTLEPOOL

UPDATE

1. As indicated in the earlier report officers and the Council's consultant advisors Scott Wilson have been liaising with the developer about the discharge of conditions and the terms of the S106 agreement in effect at the Terrc site.

2. In relation to this Scott Wilson have indicated in summary:

“Firstly, it is worth discounting those conditions which are standard and / or are rolling requirements for which the submission of details is not required from Able UK. Those conditions are: 1, 2, 4, 5, 8, 9, 10, 17, 18, 23, 25, 26, 27, 30, 31 and 33.

There are also numerous conditions where Able UK are required to submit details but are not required to do so until a specific timing is reached, for example, prior to the construction of buildings, prior to the external decommissioning of ships, prior to the metal shear being brought into operation and prior to any development relating to the refurbishment of the dock floor. Those conditions are: 3, 3, 12, 14, 20, 22, 24 and 29.

The remaining conditions have either been discharged / part discharged, or the Council is assessing details submitted pursuant to those conditions and / or are under discussion with Able UK.

In its role as Environmental Inspector, Scott Wilson Ltd is fully aware of the the type and extent of works presently being undertaken on the TERRC site. Bearing this in mind, we can conclude that all current works are being carried out in compliance with the conditions and Section 106 Agreement imposed upon the above planning permissions.”

3. Scott Wilson have a further monitoring role at the site in relation to the Marad contract. In respect of this Scott Wilson advise as follows:

“Scott Wilson Ltd has undertaken the role of Environmental Inspector, pursuant to Part 5.5 of the Section 106 Agreement in relation to planning applications HFUL/2007543, HFUL/2007544 and HFUL/2007545. The remit of Scott Wilson Ltd is to observe the dismantling operations at the

site, ensuring due care and attention is given to the surrounding physical environment. Scott Wilson Ltd are also reviewing environmental monitoring records.

The current inspection regime involves Scott Wilson Ltd undertaking random inspections at irregular intervals. These visits can be announced or unannounced. The current inspection regime is approximately one visit per week. Scott Wilson Ltd considers that this frequency of inspection is sufficient during the current works, and reflects the low level of activity at the site. Current dismantling activities are limited to the stripping of asbestos containing materials, and their on-ship temporary storage.

Able UK currently contract an independent asbestos specialist, Franks Portlock Consulting Limited. Franks Portlock is UKAS accredited for Asbestos Inspection and Asbestos Testing and have commenced thorough testing of the infrastructure and make-up of each MARAD ship berthed at the TEERC Facility, and air monitoring around the site. Following test results, a report is provided to Able UK detailing the location and type of asbestos contained within each compartment of the ship. The asbestos removal process is then commenced under the supervision of Franks Portlock using method statements and approved working practices, which are subject to inspection by the Health and Safety Executive. The information and reports provided by Franks Portlock is reviewed by Scott Wilson as part of their Inspector Role to ensure it is accurate, and adheres to agreed working practices. Both Scott Wilson and Franks Portlock aim to integrate monitoring and reporting to ensure due care is given to the surrounding physical environment.

Both the Health and Safety Executive and Environment Agency also visit the site regularly, to ensure national guidelines are adhered to while dealing with asbestos and constructing required infrastructure. Scott Wilson Ltd intend to co-ordinate their next visit with the Health and Safety Executive to confirm details of the inspection regime with respect to their particular roles regarding asbestos.

During recent visits Scott Wilson Ltd have inspected the internal stripping of, and subsequent management procedures for, asbestos contained within the ships infrastructure which is ongoing under the advice and close supervision of asbestos specialist, Franks Portlock. These visits have also entailed inspection of associated paperwork and written procedures. To date, Scott Wilson Ltd report that they have identified no significant concerns relating to the procedures, record keeping and activities associated with the asbestos removal and general site operations.

Once dismantling activity increases at the site and external dismantling commences, the inspection scope will increase accordingly. Inspections will monitor reports of local water quality, storage, handling and removal of both recyclable materials and waste at the site, site drainage and storage of water, methods of deconstruction of each ship, noise and air emissions, integrity of the cofferdam and ensure overall that Able UK adhere to the

methods and working practices as outlined and in the approved planning application and Environmental Statement”

4. In addition to the above Able have advised of the other monitoring regimes in operation on the site. These include external audits under relevant quality assurance codes eg ISO's, client monitoring, a number of other consultants in addition to Frank Portlock and Scott Wilson and monitoring by other regulators. With regard to the latter they have indicated the following.

- 1 Environment Agency (EA) inspections to ensure Waste Management Licence compliance.
- 2 Environment Agency (EA) inspections to ensure discharge consents compliance.
- 3 Environment Agency (EA) inspections to ensure Trans Frontier Shipment compliance.

To fulfil the above the EA carry out inspections on a monthly frequency. The inspections are based on either a formulated plan, targeted auditing or routine visits (unannounced). The inspections may be undertaken in a short visit or more prolonged (1 or 2 days) if the inspection is a detailed targeted assessment.

The inspections cover permitted activities, infrastructure, general management, emissions, records, maintenance and resources.

- 4 Health and Safety Executive (HSE) sample inspections for asbestos specific works and all work in general.
- 5 Health & Safety Executive (HSE) sample inspections for asbestos import exemption permits oversight.

To fulfil the above the HSE undertake sample inspections. The frequency is for around 6 inspections per year, the timing of which depends on the phasing of the works being undertaken.

The HSE may enter asbestos enclosures, they check work areas, resources, documents and records.

5. **Recommendation** – Members note the report.



Hartlepool Borough Council

MARAD Contract

Environmental Inspection Report 1st Quarter

November 2008

Hartlepool Borough Council
MARAD Contract Environmental Inspection Report – 1st Quarter

Revision Schedule

MARAD Contract Environmental Inspection Report - 1st Quarter
November 2008

D115634

Rev	Date	Details	Prepared by	Reviewed by	Approved by
01	November 2008	Final	Adrian Milton Principal Environmental Specialist	Matthew Smedley Principal Planner	Neil Stephenson Technical Director

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Hartlepool Borough Council
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1. Completed Visit Proformas

1 Introduction

- 1.1 Scott Wilson has been appointed by Hartlepool Borough Council to provide planning and environmental advice with respect to the TERRC (Teesside Environmental Reclamation & Recycling Centre) development and operation.
- 1.2 Under the Section 106 agreement for the development the site operator (Able UK) is required to establish the TERRC Ecological Advisory Group (TEAG) to provide information and advice with respect to ecological issues relating to the project.
- 1.3 Furthermore, paragraph 5.5, of Schedule 2 of s106 agreement states that:

"During the period of dismantling the ships comprised in the MARAD contract the Council may appoint an environmental inspector (or inspectors to a single person full time equivalent) for the purpose of monitoring the ship dismantling. The Developer shall pay the reasonable employment costs of the environmental inspector, afford him daily access to the Site in accordance with arrangements agreed in consultation between the Council and the Developer and supply all such information as he shall reasonably request (including the opportunity to meet with the Environmental Manager), PROVIDED ALWAYS that before being supplied with information that is commercially confidential the auditor shall first have signed an appropriate confidentiality agreement in respect of such confidential information and whilst at TERRC shall comply with the health and safety requirements of the Developer;"
- 1.4 Hartlepool Borough Council has appointed Scott Wilson to fulfil the role of Environmental Inspector for the purpose of monitoring the dismantling of the MARAD ships. The environmental inspector is independent of Able UK and Hartlepool Borough Council. This is independent role which supplements the formal regulator inspections of, for example the Environment Agency and the Health and Safety Executive. Furthermore, Able UK's asbestos removal activities are monitored by an independent specialist contractor (Franks Portlock Consulting Limited).
- 1.5 This report is the first quarterly inspection report and provides details of the inspection methodology, observations from inspections completed to date and recommendations for future inspections. It highlights any environmental issues identified or addressed during the course of the first quarter, and any remedial actions or agreements made with to these issues by either Able UK or Hartlepool Borough Council.

2 Inspection Methodology

- 2.1 With the agreement of Hartlepool Borough Council and Able UK the nominated Environmental Inspector has carried-out a number of site visits commensurate with the levels of environmental risks associated with the ongoing works. These visits have included both pre-announced and unannounced visits.
- 2.2 Each visit followed the general programme set-out below:
- general update from MARAD project manager on the progress and status of ship dismantling;
 - review of environmental monitoring reports/data completed by Able UK and their contractors since the last inspection;
 - visual inspection of areas around MARAD ships; and
 - visual inspection of asbestos removal activities on-ship.
- 2.3 During each visit a site inspection proforma was completed and the findings agreed and signed by both the inspector and the MARAD project manager. Completed proformas are attached as Appendix A. It should be noted that amendments to the proforma have been made during the inspection period to ensure it is appropriate for purpose.
- 2.4 Due to confidentiality agreement with the MARAD ship owners no photographic record is generally collected. However, if photographs were required then they could be taken by an Able UK representative and special dispensation sought for their release. This is the only restriction on the inspections, with free and open access available to all areas of the MARAD dismantling operations.
- 2.5 At the time of reporting a total of seven inspection visits have been completed. These were undertaken on:
- Friday 05 Sept 08;
 - Tuesday 09 Sept 08;
 - Wednesday 01 Oct 08;
 - Friday 17 Oct 08;
 - Thursday 06 Nov 08;
 - Friday 14 Nov 08; and
 - Wednesday 26 Nov 08.
- 2.6 Observations made during the visits have been classified using a traffic light system. The following 'classes of observation' have been used.

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- **GENERAL:** Routine site observation. No corrective action(s) needed;
- **NOTABLE:** Observation with potential environmental impacts; however risks associated with observations are not immediately significant and/or corrective actions can be (and have agreed to be) quickly implemented; and
- **CRITICAL:** Observation has immediate and/or major environmental risks. Urgent/immediate corrective action required, which may affect site operations or cannot be quickly implemented.

2.7 One inspection visit has been undertaken in conjunction with representatives of the Environment Agency to confirm respective responsibilities. Further joint inspections are likely when site activities change and the levels of environmental risk increase.

Environmental Inspection Report (D1)

November 2008

3 Observations and Corrective Actions

- 3.1 During the reporting period, site activities carried out by Able UK under the MARAD contract have primarily focused on the stripping of asbestos from within ships. All stripped asbestos has been stored on-ship in accordance with the agreed method statements.
- 3.2 The following **GENERAL** observations have been made during the site visits.
- The site is generally tidy.
 - Potentially contaminative materials, notably including oils, are stored in appropriate containment facilities.
 - Environmental monitoring results collected by Franks Portlock Consulting Limited show asbestos containment procedures employed during stripping activities are effective.
 - Asbestos training records, individual worker exposure monitoring, area inspection records and other asbestos strip documentation was found to be in order (HSE inspection of asbestos management procedures have also been carried-out with no apparent problems being identified).
- 3.3 The following **NOTABLE** observations have been made during site visits:
- The oil containment boom around the MARAD ships was weighed-down with accumulated plant and animal biomass and this would have allowed oils, if released, to escape the contained area. (Note: this had also been identified by the Environment Agency).
 - A steel oil containment bund formally used for a temporary generator and associated oil tank was noted to be half full of oily water. This represented a potential source of oil pollution if heavy rains result in the filling and overtopping of the bund.
- 3.4 Both of these issues have been addressed. The boom has been cleaned and accumulated biomass removed such that the boom now floats in an appropriate position to be effective in containing oil spillages. The bund has been drained of oily water and was being removed during the most recent site visit.
- 3.5 No **CRITICAL** observations have been made during the site visits undertaken during the reporting period.

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4 Conclusions and Recommendations

Conclusions

- 4.1 No CRITICAL environmental issues have been identified during the current reporting period.
- 4.2 Two NOTABLE observations have been made and these have both been addressed by site management.
- 4.3 Overall, Scott Wilson is satisfied that during the inspections of the MARAD ships dismantling carried out to date that no activities were identified that either breach the agreed environmental protection measures or that were assessed to have a significant risk of causing significant environmental pollution or damage.

Recommendations

- 4.4 Environmental inspection visits should continue at a frequency commensurate with the levels of environmental risks associated with ongoing dismantling activities. The inspection visits should also continue on a random basis, and include a proportion of both announced and unannounced visits.

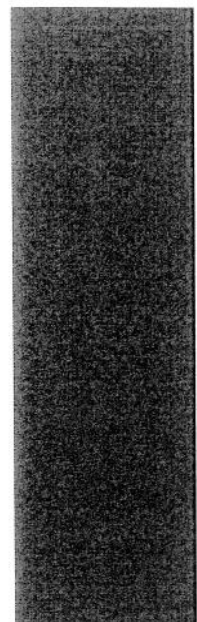


Hartlepool Borough Council

Environmental Inspection Report – 2nd Quarter

MARAD Contract

February 2009



Prepared for:



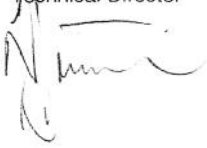


HARTLEPOOL
BOROUGH COUNCIL

Revision Schedule

MARAD Contract Environmental Inspection Report – 2nd Quarter February 2009

D115634

Rev	Date	Details	Prepared by	Reviewed by	Approved by
02	February 2009	Final issue	Adrian Milton Principal Environmental Specialist 	Matthew Smedley Principal Planner 	Neil Stephenson Technical Director 

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Appendix

1. Completed Visit Proformas

1 Introduction

- 1.1 Scott Wilson has been appointed by Hartlepool Borough Council to provide planning and environmental advice with respect to the development and operation of the Teesside Environmental Reclamation & Recycling Centre (TERRC).
- 1.2 Under the Section 106 agreement for the development the site operator (Able UK) is required to establish the TERRC Ecological Advisory Group (TEAG) to provide information and advice with respect to ecological issues relating to the project.
- 1.3 Furthermore, paragraph 5.5, of Schedule 2 of s106 agreement states that:

"During the period of dismantling the ships comprised in the MARAD contract the Council may appoint an environmental inspector (or inspectors to a single person full time equivalent) for the purpose of monitoring the ship dismantling. The Developer shall pay the reasonable employment costs of the environmental inspector, afford him daily access to the Site in accordance with arrangements agreed in consultation between the Council and the Developer and supply all such information as he shall reasonably request (including the opportunity to meet with the Environmental Manager), PROVIDED ALWAYS that before being supplied with information that is commercially confidential the auditor shall first have signed an appropriate confidentiality agreement in respect of such confidential information and whilst at TERRC shall comply with the health and safety requirements of the Developer;"

- 1.4 Hartlepool Borough Council has appointed Scott Wilson Ltd to fulfil the role of Environmental Inspector for the purpose of monitoring the dismantling of the MARAD ships. The Environmental Inspector is independent of Able UK and Hartlepool Borough Council and supplements the formal regulator inspections of, for example, the Environment Agency and the Health and Safety Executive. Furthermore, Able UK's asbestos removal activities are monitored by an independent specialist contractor (Franks Portlock Consulting Limited).
- 1.5 This report is the second quarterly inspection report and provides details of the inspection methodology, observations from inspections completed during the second quarter and recommendations for future inspections. It highlights any environmental issues identified or addressed during the course of the second quarter, and any remedial actions or agreements made with regard to these issues by either Able UK or Hartlepool Borough Council.

2 Inspection Methodology

- 2.1 With the agreement of Hartlepool Borough Council and Able UK the nominated Environmental Inspector has carried-out a number of site visits commensurate with the level of environmental risks associated with the ongoing works. These visits have included both pre-announced and unannounced visits.
- 2.2 Each visit followed the general programme set-out below:
- general update from MARAD project manager on the progress and status of ship dismantling;
 - review of environmental monitoring reports/data completed by Able UK and their contractors since the last inspection;
 - visual inspection of areas around MARAD ships; and
 - visual inspection of asbestos removal activities on-ship.
- 2.3 During each visit a site inspection proforma was completed and the findings agreed and signed by both the inspector and the MARAD project manager. Completed proformas are attached as Appendix A. It should be noted that amendments to the proforma have been made during the inspection period to ensure it is appropriate for purpose.
- 2.4 Due to a confidentiality agreement with the MADAD ship owners no photographic record is generally collected. However, if required, photographs can be taken by an Able UK representative and special dispensation sought for their release. This is the only restriction on the inspections, with free and open access available to all areas of the MARAD dismantling operations. This restriction does not compromise the efficiency of the inspections since if significant environmental concerns were identified then a photographic record could be collected and held until approval for release is obtained from the MARAD owners.
- 2.5 During this reporting period a total of five inspection visits have been completed. These were undertaken on:
- Thursday 04 Dec 08 (unannounced);
 - Friday 09 Jan 09 (announced);
 - Friday 16 Jan 09 (unannounced);
 - Wednesday 28 Jan 09(unannounced); and
 - Tuesday 10 Feb 09 (announced).
- 2.6 It should be noted that this monitoring period includes the cessation of decommissioning works over the Christmas holiday period and a cancelled inspection due to the extreme weather condition experienced in early February.

3 Observations and Corrective Actions

- 3.1 During the reporting period, site activities carried-out by Able UK under the MARAD contract have primarily focused on the stripping of asbestos from within ships. All stripped asbestos has been stored on-ship in accordance with the agreed method statements.
- 3.2 The following **GENERAL** observations have been made during the site visits.
- The site is generally tidy.
 - Potentially contaminative materials, notably including oils, are stored in appropriate containment facilities.
 - Environmental monitoring results collected by Franks Portlock Consulting Limited show asbestos containment procedures employed during stripping activities are effective.
 - Asbestos training records, individual worker exposure monitoring, area inspection records and other asbestos strip documentation was found to be in order (HSE inspection of asbestos management procedures have also been carried-out with no apparent problems being identified).
 - The oil containment boom around the MARAD ships was not in position during some visits towards the end of this reporting period. It was removed to allow repositioning of the MARAD ships within the basin prior to the arrival of the Clemenceau aircraft carrier. During the most recent visit (undertaken after arrival of the Clemenceau) the boom had been reinstated and positioned along the entrance to the basin. This is considered to be an improvement to the previous arrangement since the boom no longer abuts the hulls of ships. Removal and replacement of the boom in this manner to allow vessel entry is in full accord with the Environment Agency's Waste Management Licence for the site.
- 3.3 No **NOTABLE** or **CRITICAL** observations have been made during the site visits undertaken during the reporting period.

- 2.7 Observations made during the visits have been classified using a traffic light system. The following "classes of observation" have been used.
- **GENERAL:** Routine site observation. No corrective action(s) needed;
 - **NOTABLE:** Observation with potential environmental impacts; however risks associated with observations are not immediately significant and/or corrective actions can be (and have agreed to be) quickly implemented; and
 - **CRITICAL:** Observation has immediate and/or major environmental risks. Urgent/immediate corrective action required, which may affect site operations or cannot be quickly implemented.
- 2.8 One inspection visit has been undertaken in conjunction with representatives of the Environment Agency to confirm respective responsibilities. Further joint inspections are likely when site activities and the levels of environmental risk increase change.

4 Conclusions and Recommendations

Conclusions

- 4.1 No **CRITICAL** or **NOTABLE** environmental issues have been identified during the current reporting period. Overall, Scott Wilson Ltd is satisfied that, on the basis of the inspections of the MARAD ships, dismantling carried-out to date has involved no activities that results in a breach of the agreed environmental protection measures or that were assessed to have a significant risk of causing significant environmental pollution or damage.

Recommendations

- 4.2 Environmental inspection visits should continue at a frequency commensurate with the levels of environmental risks associated with ongoing dismantling activities. The inspection visits should also continue on a random basis, and include a proportion of both announced and unannounced visits.

Appendix 1 Completed Site Inspection Proformas

Report of: Assistant Director (Planning & Economic Development)

Subject: SEATON MEADOWS LANDFILL SITE

1 PURPOSE OF REPORT

- 1.1 The position at the Seaton Meadows landfill site has been the subject of ongoing reports to the Committee.
- 1.2 Discussion are continuing with the developer and it is anticipated that an update will be provided before the meeting.

2 RECOMMENDATION

- 2.1 Update to follow.

Report of: Assistant Director (Planning & Economic Development)

Subject: SEATON MEADOWS LANDFILL SITE

1. PURPOSE OF REPORT

- 1.1 There has been a recent change of personnel at the Seaton Meadows site. Ian Fenny, the main company representative who has attended the Planning Committee in the past, no longer works for the company.
- 1.2 In light of this, and to ensure continuing progress to resolve outstanding issues, a meeting is proposed with the company on 24th February 2009. The new Special Project Director, Andrew Jaques, has indicated that he will attend the Planning Committee the following day. The progress meeting will look at the various issues that have been of concern to Members, officers and residents;
1. Overtipping
 2. Fires
 3. Mud on the highway
 4. Litter
 5. Flooding/ the Stell
- 1.3 At present, and subject to confirmation at the meeting on 24th February, it is understood that more recently overtipped waste in the cell 7 area is currently being removed, as the company indicated, the issue of fires is subject to ongoing discussions, a new 300m haul road is being provided within the site in a further attempt to reduce mud getting on the highway, litter issues are subject to ongoing discussions and work on the Stell is progressing. Liaison with the council to reinstate highway drainage in conjunction with the Stell works is continuing and appears to be making good progress.
- 1.4 Clearly a more detailed position will emerge following the meeting on 24 February and Members will be updated at the committee meeting the following day.

Report of: Assistant Director (Planning & Economic Development)

Subject: TESCO, BURN ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To consider a report on the safety of the new left turn slip road from Burn Road to the A689.

2. BACKGROUND

- 2.1 At the meeting of the Planning Committee on 17 December 2008 when the plans for the relocation of the petrol filling station at the Tesco site were considered, Members expressed concern about the safety of the new left turn lane from Burn Road onto the A689.

A safety report has been commissioned on this from outside consultants and it is anticipated that this will be available before the meeting.

3. RECOMMENDATION

- 3.1 Update to follow

Report of: Assistant Director (Planning & Economic Development)

Subject: TESCO, BURN ROAD, HARTLEPOOL

1. UPDATE

- 1.1 A Stage 3 Post Completion Safety Audit was carried out by White Young Green Consulting on the filter lane on Saturday 31 January and Wednesday 4 February 2009. The report stated;

“The left filter lane from Burn Road onto the A689 provides an obtuse angle at the give way, rather than an acute angle requiring drivers to look over their shoulders. Visibility to the right for vehicles joining the A689 is also partially hampered by the presence of pedestrian guardrail. Both factors require drivers to exercise an additional, but not excessive, degree of caution when emerging from the filter lane.”

- 1.2 The recommendation in the report is;

“Observe performance over the first 6 months of operation in order to determine if the layout requires any ‘fine tuning’.”

- 1.3 A full copy of the Audit report will be made available in the Members Room. The Engineering Consultancy commenting on the Audit acknowledge that drivers need to exercise additional but not an excessive degree of caution. The guardrail used is the high-visibility, staggered-infill type and also has a visibility gap at the top approximately at drivers’ eye height in order to maximise vision through the guardrail. The angle of approach of the filter lane is largely governed by the desire to provide a pedestrian refuge and the usual requirement to minimise land-take. Provision of the refuge means that pedestrians only have to cross a maximum of two lanes on the eastbound leg of Burn Road instead of three as would be the case without the refuge. The angle of approach is also limited by the presence of underground services. A full length merging lane was considered but could not be provided as the feature is not recommended by current design standards for this class of highway. The recommendation to monitor operation will be carried out as this is standard procedure for major road improvements and an update report will be provided.

RECOMMENDATION – Members note the contents of the report and that a further report be provided after the 6 month monitoring period.