

PLEASE NOTE START TIME

PLANNING COMMITTEE AGENDA



Wednesday 22 April 2009

at 10.00 am

**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 25 March 2009.

4. ITEMS REQUIRING DECISION

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

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|----|-------------|--|
| 1. | H/2009/0102 | St Hild's C of E School, King Oswy Drive |
| 2. | H/2009/143 | 18 Greenbank Court |
| 3. | H/2009/0017 | Pinero Grove |
| 4. | H/2009/0111 | The Headland Gate |
| 5. | H/2009/0068 | The Annexe, Wharton Terrace |
| 6. | H/2008/0625 | 25 Viscount Close |
| 7. | H/2008/0495 | Teesbay |

4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*

4.3 Enforcement Appeal Ref App/H0724/C/08/2079750: Joanna Mary Louise Bellerby, Springfold, Field House Farm, Dalton Piercy – *Assistant Director (Planning and Economic Development)*

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- 4.4 Enforcement Appeal Ref App/H0724/C/09/2099992: Gloria Annette Young, 31 Ventnor Avenue – *Assistant Director (Planning and Economic Development)*
- 4.5 Employment Land Review - *The Director of Regeneration and Planning Services*

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

6. **FOR INFORMATION**

Next Scheduled Meeting – Wednesday 20 May 2009 in the Civic Centre at 10.00 am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 20 May 2009 at 9.00am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25 March 2009

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Stephen Allison, Shaun Cook, Mary Fleet, Bob Flintoff, Pauline Laffey, Geoff Lilley, George Morris, Robbie Payne, Carl Richardson and Edna Wright.

Officers: Richard Teece, Development Control Manager
Mike Blair, Traffic and Transportation Manager
Paul Mitchinson, Highways Manager
Adrian Hurst, Principal Environmental Health Officer
Chris Pipe, Principal Planning Officer
Angela Hunter, Principal Democratic Services Officer

145. Apologies for Absence

Apologies for absence were received from Councillors Stan Kaiser, Michelle Plant, Chris Simmons and Lilian Sutheran.

146. Declarations of interest by Members

Councillor Shaun Cook declared a prejudicial interest in minute 148 – H/2009/0003 and indicated he would leave the meeting during the debate and decision making on this item.

147. Items for consideration at next meeting

- (i) The Development Control Manager informed Members that additional information had recently been received in relation to H/2008/0495 – Teesbay Retail Park, Brenda Road and to enable the full consideration of this information, this item was withdrawn from the agenda.
- (ii) The Chair suggested that due to the significant degree of interest shown in item H/2009/0102 – St Hild's C of E School, King Oswy Drive, this item be deferred to enable a site visit to be undertaken.
- (iii) The Development Control Manager informed Members that a resubmitted application had been received in relation to item H/2009/0006 – 18 Greenbank Court, which was refused at the last

meeting of the Planning Committee. The applicant suggested that a site visit be undertaken to enable Members to consider the separations distances as they were only marginally below the guidelines. The Development Control Manager clarified that this re-submitted application was to be judged as a new application.

Decision

- (a) That site visits be arranged to leave the Civic Centre at 9.00am on 22 April 2009 prior to the Planning Committee at 10.00am to:
 - (i) St Hild's C of E School, King Oswy Drive
 - (ii) 18 Greenbank Court
- (b) Members noted that H/2008/0495 Teesbay Retail Park, Brenda Road was withdrawn from the agenda and would be submitted to the next meeting of the Planning Committee.

148. Confirmation of the Minutes

- (i) Minutes of the meeting held on 18 December 2008 – confirmed.
- (ii) Minutes of the meeting held on 25 February 2009 – confirmed subject to the following amendment:

H/2009/0013 – Hartfields Manor, Middle Warren – That Members were minded to approve the application, however delegated authority be given to the Development Control manager to amend conditions.

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

Number: H/2009/0003

Applicant: Mr M MATHARU
STOCKTON ROAD, HARTLEPOOL

Agent: S J R Architects, Suite 101, The Innovation Centre,
Venture Court, Queens Meadow Business Park,
HARTLEPOOL

Date received: 07/01/2009

Development: Outline application for the erection of a 49 bed care home with associated parking (amended resubmitted scheme)

Representations: Councillor Shaun Cook (Ward Councillor), Mr D

Johnson (agent) and Mrs Mason (objector) were in attendance and addressed the Committee accordingly.

Location: HOLMEWOOD NURSING HOME, 301 STOCKTON ROAD, HARTLEPOOL

Decision: **Minded to APPROVE but a final decision was delegated to the Development Control Manager**

Councillor Shaun Cook left the meeting prior to general debate and took no part in the decision making due to his earlier declaration of interest.

Councillors Stephen Akers-Belcher and Carl Richardson voted against this application and wished their vote to be recorded.

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the landscaping of the site (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. 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.

The Committee considered representations in relation to this matter.

Councillor Shaun Cook returned to the meeting.

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|-------------------------|--|
| Number: | H/2008/0703 |
| Applicant: | Aldi Stores |
| Agent: | Turley Associates, Ms Lydia Sadler, 33 Park Lane, Leeds |
| Date received: | 07/01/2009 |
| Development: | Erection of food store with associated access, car parking and landscaping |
| Representations: | Mr S Plumb (agent), Ms N Morris (resident supporting the application) and Mr C Hall (objector) were in attendance and addressed the Committee accordingly. |
| Location: | LAND WEST OF CLARK STREET AND NORTH OF BURBANK STREET, HARTLEPOOL |
| Decision: | Minded to APPROVE but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee following consultation with Engineers, representatives of the neighbouring school and residential area, Ward Councillors and the applicant about traffic calming measures |

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 plans and details submitted on 5th December 2008 as amended in respect to the site layout by the drawing AL(0)10 PL1A received at the Local Planning Authority by email on 12th March 2009 (except boundary treatments), in respect to external finishes by the

drawing AL(2)261K received at the Local Planning Authority by email on 12th March 2009 and in relation to boundary treatments by the drawing AL(98)001A received at the Local Planning Authority by email on 19th March 2009, unless otherwise agreed in writing by the Local Planning Authority

For the avoidance of doubt.

3. The foodstore shall not be open to the public outside the following times, 09:00 to 20:00 on school days and, 08:00 to 20:00 on non school days.

In the interest of highway safety and amenity

4. Notwithstanding any details submitted or shown on approved plans details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

5. Unless otherwise agreed in writing with the Local Planning Authority the boundary enclosures shall be in accordance with the details shown on drawing number AL(98)001A received at the Local Planning Authority on 19th March 2009. The approved enclosures shall be provided prior to the store being brought into use.

In the interests of visual amenity.

6. Unless otherwise agreed in writing by the Local Planning Authority no service vehicle deliveries to, or collections from, the foodstore shall take place between the hours of 0830 and 09:00 and 15:00 to 15:30 on any school day. All service vehicles delivering to/collecting from the site shall turn left onto Clark Street when leaving the site and notices advising this shall be displayed on the site at all times in accordance with details to be first agreed in writing by the Local Planning Authority. In order to ensure that deliveries/collections avoid peak periods of activity at the School, in the interest of highway safety.

7. No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:- A. Initial Conceptual Model The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. B. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval

in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: - human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - adjoining land, - groundwaters and surface waters, -ecological systems, -archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. C. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. D. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. E. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D. F. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the

effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

8. Notwithstanding the details submitted 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.
9. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
10. 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 crime prevention and security.
11. Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the disposal of surface water has been submitted to and approved by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.
To ensure that the discharge of surface water from the site does not increase the risk of flooding from the sewers in accordance with PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.
12. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority before the foodstore development is commenced details of the proposed surfacing of the car parking and manoeuvring areas and bicycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved car and bicycle parking scheme shall be

- provided in accordance with the approved details prior to the food store being brought into use. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
13. Unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use the kerb of the bus stop on Burbank Street shall be raised in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
In order to encourage the use of alternative travel modes to the motor car and in the interests of highway safety.
 14. No direct vehicular access from the site onto the A689 shall take place at any time and notices advising this shall be displayed on the site at all times in accordance with details to be first agreed in writing by the Local Planning Authority
In the interests of highway safety.
 15. Notwithstanding the details submitted unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use a pedestrian crossing point over the A689, including fencing, shall be provided in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
In order to encourage the use of alternative travel modes to the motor car in the interests of highway safety and the character and appearance of the Conservation Area.
 16. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be brought into use until a "prohibition of waiting order" has been implemented on Clark Street and Burbank Street in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
 17. Notwithstanding the submitted details unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use the footpaths along Burbank Street and Clark Street shall be improved in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
In order to encourage the use of alternative travel modes to the motor car and in the interests of highway safety.
 18. Unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use the existing advertising hoardings on the western side of the site shall be removed.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2009/0033

Applicant: Mr L Nicholls
The Front, Seaton Carew, Hartlepool

Agent: Business Interiors Group, 73 Church Street,
HARTLEPOOL

Date received: 16/01/2009

Development: Change of use and alterations to provide restaurant

Location: 15 -18 THE FRONT, SEATON CAREW,
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 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. Thereafter any subsequent changes to the approved arrangements shall be submitted to and approved in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
3. The premises shall be used only as a restaurant as defined by Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended 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.
4. No deliveries shall be taken at the premises outside the hours of 07:00 to 11:00 each day.
In the interests of highway safety.
5. The premises shall only be open to the public between the hours of 08:00 and 24:00.
In the interests of the amenities of the occupants of neighbouring properties.
6. Prior to the commencement of development large scale details of the proposed rear doors shall be submitted to and approved in writing by the Local Planning Authority. The doors shall thereafter be installed in accordance with the details so approved.
For the avoidance of doubt.
7. This approval does not include the approval of the alterations to the buildings on the west side of the courtyard shown on the approved plan.
For the avoidance of doubt.
8. The external dining area/rear courtyard area shall not be open to the public, or used as an amenity area, after 21:00 on any day. The proposed rear door giving access to the area shall remain closed after 21:00 hours on any day.

- In the interests of the amenities of the occupants of neighbouring properties.
9. No music shall be played in, or be piped/relayed to, the external dining area/ rear courtyard.
In the interests of the amenities of the occupants of neighbouring properties.
 10. The use hereby approved shall not 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.
 11. Sound insulation condition required as follows
Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise to housing to the rear. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.

Number: H/2008/0577

Applicant: Mr R Atwal

Agent: HC Designs, 206 North Road, Darlington

Date received: 24/09/2008

Development: Provision of a rear first floor balcony

Location: 2 DELAMERE, BILLINGHAM

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 05E, 06E, 09E, 14A and 15A received on 25th February 2009, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.
2. Prior to the balcony being brought into use the screen wall shown on the approved plans shall be erected and shall be retained at all times for the lifetime of the development. The screen wall shall be 1.8m in

height measured from the finished floor level of the balcony. It shall not be altered without the prior written consent of the Local Planning Authority.

To prevent overlooking

3. 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.

Number: H/2009/0017

Applicant: Housing Hartlepool, Stranton, Hartlepool

Agent: Hartlepool Housing, Greenbank, Stranton, Hartlepool

Date received: 08/01/2009

Development: Provision of communal bin storage areas

Location: 2-12, 9-19, 21-31 LEWIS GROVE, 58-80 (EVENS), 193-203 (ODDS) MACAULAY ROAD 2-48 (EVENS) PINERO GROVE, 18-40 (EVENS) SINCLAIR ROAD HARTLEPOOL

Decision: **Deferred for additional information**

Number: H/2008/0625

Applicant: Mr Hall, Viscount Close, Hartlepool

Agent: Anglian Home Improvements, Conservatories Division, PO Box 65, NORWICH

Date received: 17/10/2008

Development: Erection of a rear conservatory

Location: 25 VISCOUNT CLOSE, HARTLEPOOL

Decision: **Deferred for detailed information about mitigation measures and a programme of works such information to be provided for consideration at the next meeting of the Committee**

150. **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.

Clarification was sought by Member on the issue of parking a caravan outside a residential property. The Development Control Manager indicated that under normal circumstances, planning permission was not required as it was a similar situation to parking a car or small boat. However, the Council's Legal Advisor commented that there was a question as to whether this issue was a planning matter or would be covered by a restrictive covenant on the property.

Decision

That the report be noted.

151. Appeals by Mr M Fletcher, 38/40 Egerton Road, Hartlepool, TS26 0BW APP/HO724/A/08/2081827
(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 retention of a dormer bungalow with attached garage. The appeal was decided by a hearing and dismissed by the Planning Inspectorate. A copy of the decision letter was appended to the report.

Decision

That the decision was noted.

152. Appeals by Mr Adel Atfi, Site at 132 Oxford Road, Hartlepool, TS25 5RH APP/H0724/A/09/2099083
(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 variation of condition 2 of planning permission H/2006/0839 to allow opening on a Sunday between the hours of 10.00am to 11.00pm. The appeal was to be decided by written representations and authority was sought for officers to contest the appeal.

A Member sought reassurance that all comments raised at the meeting where the application was refused in relation to anti-social behaviour be included within the case submitted to the planning inspectorate. The Development Control Manager indicated that the reasons for refusal would be considered and individuals who raised concerns in relation to

the application may be contacted.

Decision

That authority was given to officers to contest the appeal.

- 153. Appeal Ref: APP/H0724/A/09/2097541/WF H/2008/0692 Retention of railings to garage roof (retrospective) 90 Hart Lane, Hartlepool, TS26 0JN**
(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 retention of railings to a garage roof forming a patio area at 90 Hart Lane, Hartlepool, TS26 0JN. The appeal was to be decided by written representations and authority was sought for officers to contest the appeal.

Decision

That authority was given to officers to contest the appeal.

- 154. Planning Code of Practice** (Chief Solicitor)

A report was submitted which sought the views of the Committee to the adoption, by the Council of a Planning Code of Practice. A draft of the Code was attached by way of Appendix. The Chairman informed Members that a number of concerns and issues identified for inclusion were raised during discussions about the draft Code at the Planning pre-agenda. In view of these concerns and issues, it was suggested that a Planning Working Group, open to the whole membership of the Planning Committee be arranged to discuss the Code in more detail, prior to submission to Standards Committee, Constitution Working Group, Constitution Committee and Council.. The Council's Legal Advisor confirmed that a further draft of the Code would be circulated to Members for their consideration prior to attendance at the Working Group.

A Member suggested that Planning Codes of Practice in operation at other local authorities be examined and considered for comparative purposes.

Decision

That a meeting of a Planning Working Group open to the whole membership of the Planning Committee be scheduled at the earliest opportunity to examine the draft Planning Code of Practice.

155. Any other items which the Chairman considers are urgent

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

Minute 156 - Ombudsman's Complaint – Development at The Green, Seaton Carew

156. Ombudsman's Complaint – Development at The Green, Seaton Carew (*Assistant Director (Planning and Economic Development)*)

The Development Control Manager advised Members of the results of an investigation by the Ombudsman into a complaint of maladministration which suggested that inadequate notification of the above application had been undertaken and that the Local Planning Authority did not keep residents up to date with the application. The investigation had been terminated and a decision of "No/insufficient evidence of maladministration" was recorded for this case.

Decision

Members noted the decision.

The meeting concluded at 12.25 pm.

CHAIR

No: 1
Number: H/2009/0102
Applicant: Headland Development Trust Northgate Hartlepool
 TS24 0JT
Agent: SJD Architects Ltd Hampdon Hopuse Falcon Court
 Westland Way Preston Farm Business Park Stockton on
 Tees TS18 3TS
Date valid: 26/02/2009
Development: Erection of a new performing arts centre with associated
 car parking and landscaping
Location: ST HILDS C OF E SCHOOL KING OSWY DRIVE
 HARTLEPOOL HARTLEPOOL

Background

1.1 This application was reported to the March meeting of the Planning Committee when it was deferred to allow members to visit the site.

The Application and Site

1.2 The site to which the application relates is land adjacent to and within St Hild's C of E School on King Oswy Drive. The application site measures approximately 4700 square metres. The total area covered by the proposed buildings is approximately 750 square metres.

1.3 The site is bounded to the west by residential properties which front onto Tempest Road, to the south by playing fields, to the east by car parking associated with the school and to the north by King Oswy Drive.

1.4 The application seeks consent for the erection of a new performing arts centre (New Life Centre) with associated car parking within the site for 41 vehicles, 2 of which will be allocated for people with disabilities. The application also makes provision for a landscaping scheme.

1.5 The New Life Centre would comprise a two storey building for use by the local communities. The building would comprise the following:

- An information Computer Technology (ICT) suite;
- Drama and dance studios
- Café and social facilities
- Media and TV studio
- An entrance gateway and landscaped areas from King Owsy Drive

1.6 The building has a broadly L-shape design incorporating a mixture of one and two storeys. The focal point of the building will be the entrance which will be predominantly glazed. The proposed building will be constructed using materials which will give the building a modern appearance (aluminium, brick, timber and

render). Also proposed is a biomass generator, which provides a more environmentally friendly heating option and a bin store.

1.7 The site at present is currently laid to grass. However it was previously the site for a sports hall as part of the Henry Smith secondary school. There is currently a steel container and a micro wind turbine on site, as part of the St Hild's school's eco-project for which planning permission was recently granted (H/2008/0382). Clearly if the development proceeds this project will have to be relocated.

1.8 Along with the associated plans and elevations this application has been accompanied by a Design and Access Statement, Transport Assessment incorporating a Travel Plan statement, a Planning Policy statement and a copy of a Sustainability Assessment. Plans will be displayed at the meeting.

Publicity

1.9 The application has been advertised by way of neighbour letters (23), site notice (1) and press advert. Thirty six letters of objection, two letter of no objection and one letter from the diocese have been received.

1.10 The objectors raise the following concerns:

1. Location of proposed development
2. Noise associated with development
3. Obscure view
4. Loss of light
5. Proximity to houses
6. Hours of opening
7. Litter
8. Attraction of youths/anti-social behaviour.
9. Unduly large for plot
10. Large scale of building.
11. Crime & antisocial behaviour design has nooks and crannies for burglars etc.
12. Previous sports hall attracted antisocial behaviour.
13. Loss of mature trees.
14. Increased traffic/parking adding to existing problems.
15. Disruption of peace.
16. Loss of ecogarden
17. Glorified youth club
18. Community that won funding (Headland) will not have easy access.
19. Whilst approve of project, the development has little or no consideration for residents and the detrimental affect it will have on them.
20. Light pollution
21. There are better sites for the proposal not close to houses.
22. Loss of privacy.
23. Already 3 schools on King Oswy Drive is this not overkill.
24. The building may be extended in future.
25. Disturbance from the car park.

1.11 The letters of no objection include a letter from the school.

1.12 The letter from the diocese raises no objections but ask for clarification as to how access for pupils to the facility will be obtained from the car park and how access to the field will be achieved when the centre is not open.

Copy letters **C**

1.13 The period for publicity has expired.

Consultations

1.14 The following consultation replies have been received:

Northumbrian Water – No objections

Head of Public Protection – I have no objections in principal to this application.

I do however have serious concerns about the alcoves to the rear of the building and the area of land between the building and the neighbouring housing. In my opinion neither the alcoves or this area of land should be accessible to the students due to the close proximity to the rear gardens of the neighbouring residential properties and the potential nuisance that this will cause to the residents.

The Gillies biomass generator identified in the supporting information is an exempted appliance under the provisions of the Clean Air Act for use in a smoke control area. If an alternative biomass generator is to be used then it must be covered by a smoke control (exempted fireplace) order for use within a smoke control area.

The biomass generator and the bin store look too close to the rear of the neighbouring residential properties and should be relocated away from these properties and their rear gardens.

Head of Property Services - Awaiting Response

Engineering Consultancy - Awaiting Response

Community Services - Awaiting Response

Neighbourhood Services - Awaiting Response

Sport England – No objections.

Clerk to the Headland Parish Council - Awaiting Response

Traffic and Transportation - The proposed development is located off King Oswy Drive, which has very good transport links to the town centre and the north. It is also on the Sustrans main cycle route with a segregated cycle path. The proposed vehicular access would be through the existing St Hild's school vehicular access from King Oswy Drive this is acceptable

King Oswy Drive and its junctions with West View Road and Easington Road has sufficient capacity to cope with this development and the increase in vehicular movements

However there are concerns regarding the parking during the day. The school existing parking is at capacity. A number of surveys have been carried out during the day and it was noted that there little or no parking available within the school car park. It is considered that the proposed car park would not be able to accommodate all vehicles and parking would spill out onto the surrounding highway network.

I would recommend that the car park is increased in order to accommodate a further 10 vehicles. A review of the existing parking restrictions on the surrounding highway network should be undertaken and any changes required would be funded by the Developer.

The position of the cycle shelter should be located in front of the main pedestrian entrance to reduce the fear of crime. The details of the cycle shelter will be required this can be conditioned.

Children's Services - Awaiting Response

Cleveland Police - The proposed development is located in the Hart ward of Hartlepool near to the boundary with Brus Ward. Although Hart Ward has lower than average rates of crime and disorder the close proximity to Brus ward which suffers higher than average rates of crime and disorder will increase the risk of potential of incidents of crime and disorder. The typical security issues for these types of developments are theft and criminal damage during construction, burglary of the premises, criminal damage to the premises, theft and theft from visitors and staff vehicles and anti social behaviour. I would recommend that these security issues are taken into account in the design and management of the development. I would recommend that this development complies with the principles of Secured by Design which will help reduce incidents of crime and disorder if the following recommendations are implemented there is no reason why this development should not reach Secured by Design accreditation. Makes various recommendation in relation to security arrangements including boundary treatments (suggests a 2.0m high fence), defensive/crime conscious planting, that vehicular/pedestrian entrances are locked and access to the building controlled, car parking and cycle storage, should comply with the Park Mark Safer Parking Principles CCTV, lighting, building design and layout, windows, doors and bin stores, secure areas for high value equipment and alarms.

Planning Policy

1.15 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.

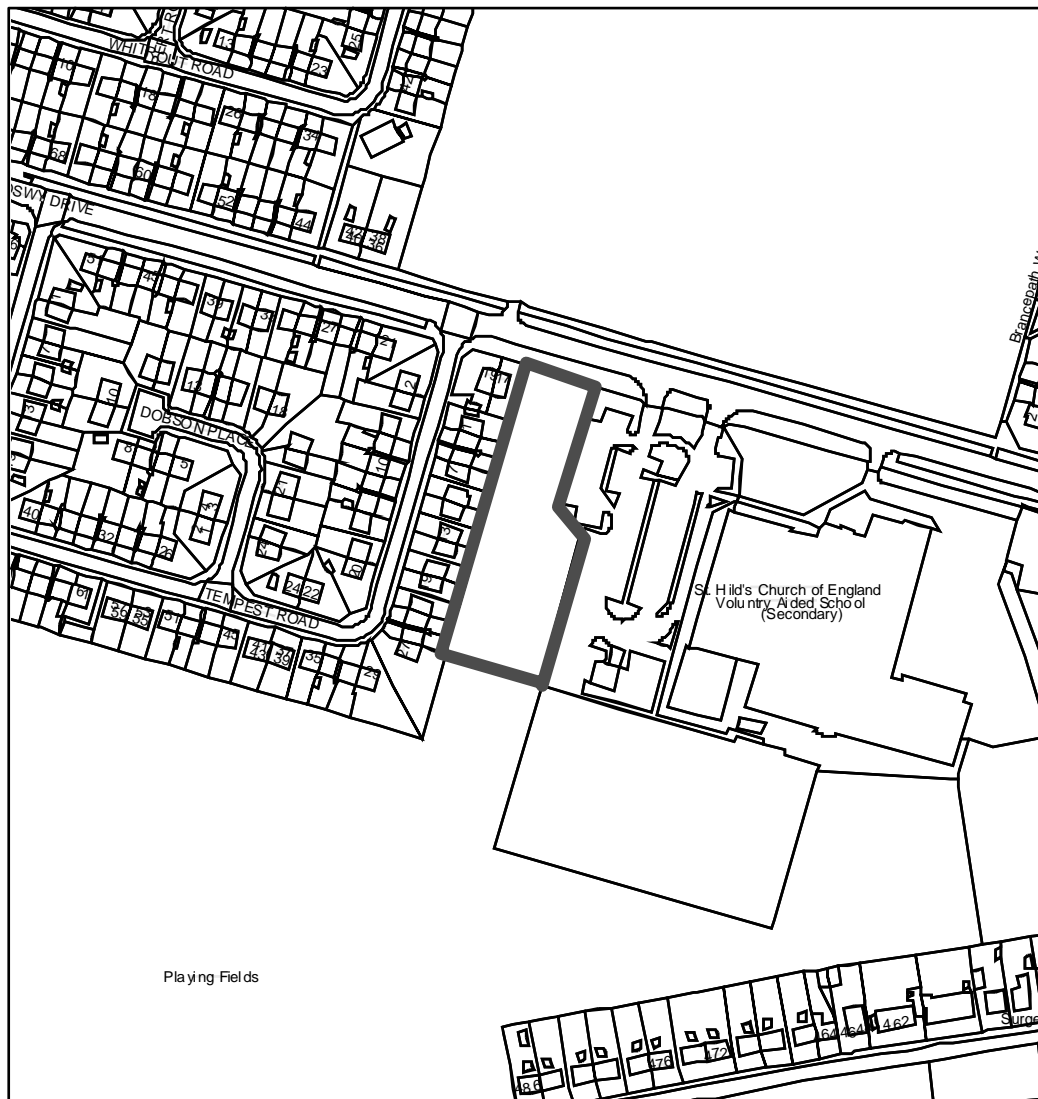
GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

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

Planning Considerations

1.16 This is a major application with a number of consultations still outstanding. A number of issues have also arisen and discussions with the applicant are ongoing. Members will be provided with an update before the meeting.

RECOMMENDATION – UPDATE to follow

St Hild's School

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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 11/03/2009 |
| | SCALE 1:2000 | |
| Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT | DRG.NO H/2009/0102 | REV |

No: 2
Number: H/2009/0143
Applicant: Mr Philip Hunter GREENBANK COURT HARTLEPOOL TS24 0HH
Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL TS26 0SR
Date valid: 20/03/2009
Development: Erection of a first floor bedroom and en-suite extension over garage (resubmitted application)
Location: 18 GREENBANK COURT HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 This is a resubmitted application received for 18 Greenbank Court, the previous application was presented to the Planning Committee on the 25 February 2009. The application was refused and subsequently an appeal has been submitted to the Planning Inspectorate. This application is submitted in an attempt to avoid the need for an appeal.

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

2.3 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.

2.4 The application seeks the erection of a first floor bedroom extension with ensuite and walk-in robes above an existing garage.

2.5 It has been agreed that the Committee will carry out a site visit prior to the meeting to determine this second application.

Publicity

2.6 The application has been advertised by way of a neighbour letters (6). To date there has been 1 letter of objection.

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
- 10) The distance will be less than 20 meters

The period for publicity has expired

Copy letters D

Planning Policy

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

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

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

Planning Considerations

2.8 The main planning considerations in this instance remain 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.

2.9 Current Council guidelines allow first floor extensions providing they do not dominate the house and/or are not unduly intrusive in the street scene. These also identify minimum separation distances of 20m where principal elevations face one another.

2.10 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.

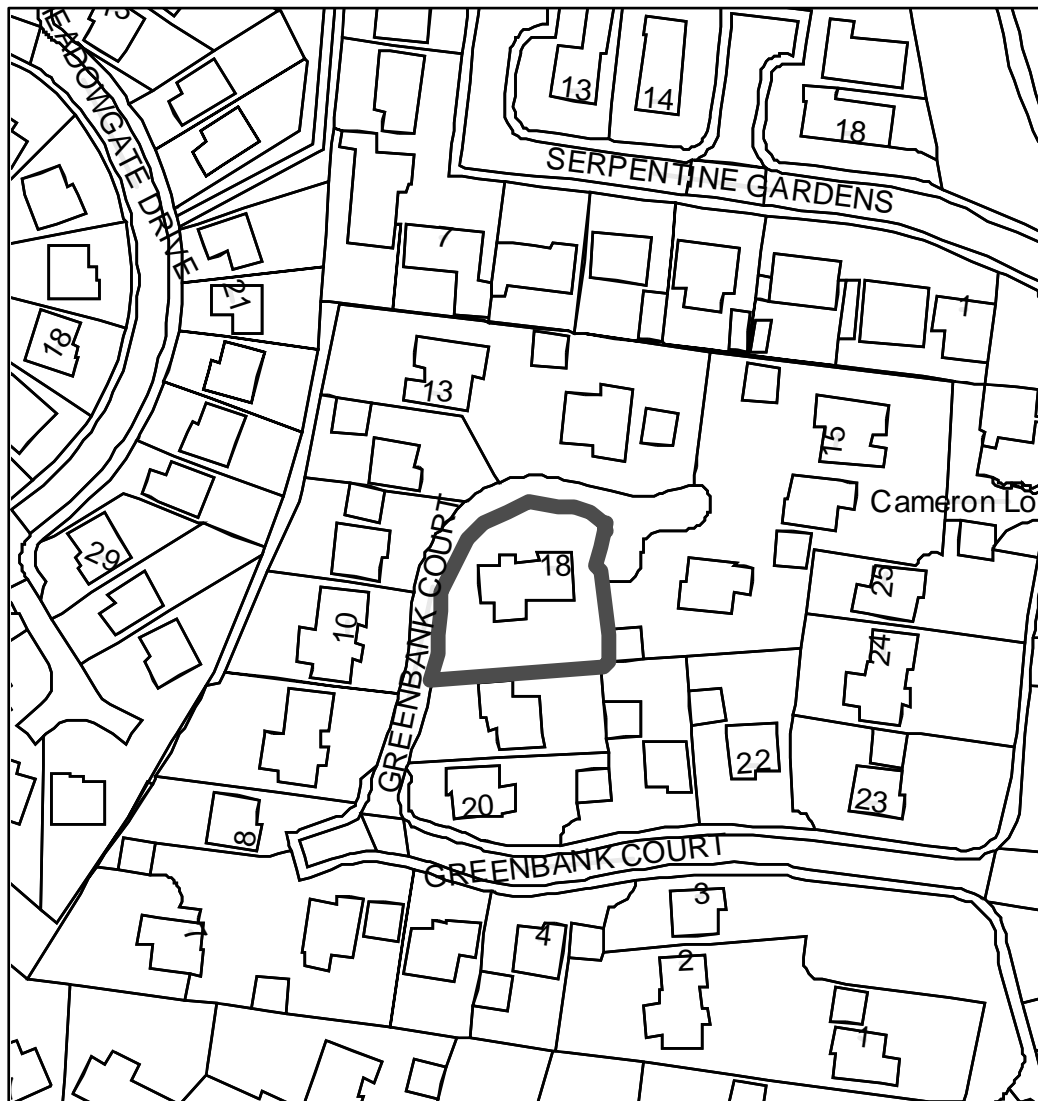
2.11 Although this is not strictly in line with current guidelines it is felt that an objection could not be sustained in this instance given the distances involved and the fact that the windows will be slightly off-set. Further recent changes in the permitted development rules have introduced new considerations in relation to separation distances which will need further consideration. So, for example back to back distances as low as 14 metres are now deemed to be acceptable. On balance therefore the relationship in this case is considered satisfactory.

2.12 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.

2.13 It is for the above reasons that the application is again recommended for approval.

RECOMMENDATION -

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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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 03/04/2009 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2009/0143 | REV |

No: 3
Number: H/2009/0017
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Hartlepool Housing Greenbank Stranton Hartlepool TS24 7QS
Date valid: 08/01/2009
Development: Provision of communal bin storage areas
Location: 2-12, 9-19, 21-31 LEWIS GROVE, 58-80 (EVENS), 193-203 (ODDS) MACAULAY ROAD 2-48 (EVENS) PINERO GROVE, 18-40 (EVENS) SINCLAIR ROAD HARTLEPOOL

Background

3.1 The application was deferred by Members at the previous committee meeting so further information could be collected relating to concerns over anti-social behaviour, the siting of the bin stores and potential crime implications.

3.2 The original report in so far as it relates to the application and site, relevant planning history, publicity and the relevant policies, is reproduced below.

3.3 Further information is awaited from the applicant regarding the concerns outlined at the previous meeting and therefore a comprehensive update report will follow.

The Application and Site

3.4 The application site consists of a number of two-storey block buildings comprising self-contained flats with communal areas. The properties are located on Lewis Grove, Macaulay Road, Pinero Grove and Sinclair Road within the Rift House area of Hartlepool.

3.5 The properties on Pinero Grove benefit from a small amount of communal open space towards the front of the blocks, bounded by 0.75m walls abutting the footpath. There are terraced properties opposite the block with bungalows facing the eastern gable of the properties. The application proposes the siting of bin stores on both the northern and southern elevations of the block.

3.6 The properties on Sinclair Road again benefit from minimal external communal space to the front, and face onto two-storey terraced properties opposite the block on Sinclair Road.

3.7 There are two blocks on Macaulay Road included as part of this application, with no. 58-80 (evens) facing the gable elevations of the single storey properties (no. 29 and no. 233) on Sinclair Road opposite. No. 193-203 (odds) Macaulay Road face onto the gable end of no. 2 Scott Grove.

3.8 The properties on Lewis Grove with no. 2-12 (evens) are set back substantially from the highway with significant distance between the other properties on Lewis Grove. No. 9-31 (odds) adjoins the aforementioned properties on Sinclair Road and face onto the semi-detached properties on Lewis Grove (1-7 odds), with the area between characterised by open space and mature trees.

3.9 The application seeks consent for the siting of six bin stores set on a concrete base to the front elevation of each block of flats. The stores will measure 1.4m in height, 0.67m in width and 0.85m in depth. The bin stores will be secured by dead lock with individual keys. It is indicated that at present, refuse is being sited within the communal areas causing health and safety issues.

3.10 The proposed bin stores are of a similar design and size to those proposed within various Housing Hartlepool upgrade schemes recently approved at 19-26 Danby Grove (H/2009/0055) and 26-40 Drayton Road, 1-8 Nash Grove and 2-16 Homer Grove (H/2009/0037).

Publicity

3.11 The application has been advertised by way of neighbour letters (34). To date, there has been 1 non-objection and 3 letters of objection.

3.12 The concerns raised are:

- i) Noise disturbance to neighbouring properties and existing occupiers;
- ii) Excessive odour pollution;
- iii) Concerns with excess waste being dumped;
- iv) Rubbish should be kept to the rear;
- v) Don't want to be looking at dust bins and the mess they cause;
- vi) Layout and siting is inappropriate and unsympathetic to the appearance of local environment;
- vii) Storage area, by reason of its size and siting is an un-neighbourly form of development and would have an adverse impact;
- viii) Storage area would be out of keeping with the design and character of the existing properties, would have an adverse effect on the visual amenity;
- ix) The storage area is out of keeping with the area.

The period for publicity has expired.

Consultations

3.13 The following consultation replies have been received:

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

Public Protection – No objections.

Planning Policy

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

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

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

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

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

3.15 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan Policies (2006), in particular the impact of the proposals on the amenity of neighbouring properties, the impact on the character of the street scene, and the impact on highway safety.

Impact on Amenity of Neighbouring Properties

3.16 It is considered that the layout and siting of the bin stores is appropriate in this instance. The bin stores are modest in size and would not unduly affect the amenity of the surrounding area. The proposals will contribute towards negating issues of health and safety and are unlikely to have an adverse impact on neighbouring residents.

3.17 With regard to the properties in Pinero Grove, it is considered that there is appropriate separation distance (between 16-22m) between the proposed location of the bin stores and the neighbouring properties which is occupied by curtilage and highway.

3.18 The properties on Sinclair Road are approximately 22m from the terraced properties opposite also on Sinclair Road. It is therefore considered that there is sufficient distance between the proposed bin stores and the neighbouring properties on Sinclair Road.

3.19 The proposed bin storage areas on Macaulay Road face onto the gable ends of properties on Sindair Road (no.29), Macaulay Road (no.233) and Scott Grove (no.2). It is therefore considered that the proposed bin storage areas are unlikely to have an impact on the amenity of neighbouring properties.

3.20 The properties at no. 2 to 12 (evens) Lewis Grove have a significant separation distance of approximately, 32m, facing the gable ends of the properties on Masefield Road and are therefore considered to have little impact on the amenity of neighbouring properties.

3.21 The properties at no. 9-31 (odds) Lewis Grove have a separation distance of approximately 20m between the properties opposite on Lewis Grove. There is also an area of open space characterised by a large mature tree to the centre. It is therefore considered that there is sufficient separation distance and screening to negate any impact of the proposed bin stores on the amenity of the neighbouring properties.

Impact on Street Scene

3.22 The bin stores are of a size and design as to appear subservient to the flats, and are unlikely to impact on the character of the street scene. The stores are proposed to tie-in with the previous external alterations undertaken to the front of the properties. It is therefore considered the bin stores are appropriate in this instance and would not appear incongruous or unduly affect the character of the street scene.

Highways

3.23 The Council's Traffic and Transportation section have indicated that there are no highway implications associated with this application. It is therefore considered that the proposals will not have a detrimental impact on highway safety.

Other Issues

3.24 In relation to the concerns raised by neighbours regarding noise, it is considered that the use of the bin stores would not unduly increase existing noise levels. It is considered that the noise levels would not be unduly different from noise levels associated with residential properties of such a nature. With regard to concerns over odour, it is considered that the proposal would not result in excessive odours to the detriment of neighbouring residents. The Council's Public Protection section has raised no objections to the proposals.

3.25 The risk of excessive dumping of waste can be controlled and dealt with by the Council's Waste Management section. With regard to the preferred siting of waste to the rear, as the applicant has indicated, the waste is to be stored as indicated to facilitate the collection of waste which is from the front of the properties and in addition to negate potential health and safety issues.

RECOMMENDATION – The further information relating to anti-social behaviour, the siting of the bin stores and potential crime implications is awaited and an update report will follow.

Pinero Grove, Macaulay Road, Sinclair Road and Lewis Grove



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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 12/03/2009 |
| | SCALE 1:1500 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2009/0017 | REV |

No: 4
Number: H/2009/0111
Applicant: Mr Brian Elder Usworth Business Park Hartlepool TS25 1PD
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 09/03/2009
Development: Demolition of public house and erection of 4 retail units with 4 self-contained flats above and associated car parking
Location: THE HEADLAND GATE NORTHGATE HARTLEPOOL

The Application and Site

4.1 The application site is located at the junction of Northgate and Durham Street at the entrance to the Hartlepool Headland. The property, which has occupied the site for many years and has been in use as a public house and restaurant, has now been vacant for more than a year.

4.2 The building, which faces directly onto the north docks/quayside, is surrounded by a mixture of houses and flats to the north and east. Northgate shops lie a few metres to the north west.

4.3 The proposal involves the demolition of the existing building and the erection of a mixed use development comprising 4 separate retail units on the ground floor with 4, 2 bedroomed flats above.

4.4 The new building, which faces north west, towards the junction of Durham Street and Northgate, is sited on a similar footprint to the existing building. Twelve parking spaces have been provided, 5 accessed from Durham Street and 7 from Northgate. The building is of a modern design incorporating a central, curved glass feature window together with glazed canopies to the front of the shops and an exposed steel structure at floor and window head levels. The upper floor is formed in red brick panels with a 'butterfly' roof with aluminium wing profile and cedar boarded, infill to window head level. Some landscaping has been provided within the scheme.

Publicity

4.4 The application has been advertised by way of neighbour letters (36) and by site notice.

2 letters of objection have been received. The objections/comments include:-

- a) The site is very important – any redevelopment should be appropriate and suitable.

- b) have serious reservations regarding the retail units due to current economic climate.
- c) already vacant retail units in nearby shopping parade.
- d) consideration should be given to the Council occupying the non-residential part of the development or for Tall Ships Race.
- e) additional flats should be considered.
- f) too many empty retail units in area.
- g) plans are not in keeping with surrounding area and architecturally will look an eyesore.

Copy letter (B)

The period for publicity expires after the meeting (23.4.09).

Consultations

4.5 The following consultation replies have been received:

Northumbrian Water – awaited

Eng Consultancy – awaited

Public Protection – No objection subject to the provision of acoustic fencing and restricted hours for deliveries and opening times

Traffic & Transport – No objections subject to the provision of highway improvements outlined in report

Tees Archaeology – No objections. Recommends a historic building survey prior to demolition. This would take the form of a written and photographic study

Headland PC – awaited

Headland CAG - awaited

Planning Policy

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

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

Com16: Aims to strengthen tourism and established economic activities to increase local employment and prosperity for this area, widen the mix of housing and conserve the environmental heritage of the Headland. Proposals for small scale retail, office and workshops, leisure and educational uses and housing developments

of an appropriate scale and complementing the historic and cultural character of the area will be approved in identified mixed use areas at Middlegate, Nun Street and the Manor House site subject to criteria set out in the policy.

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.

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

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

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

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

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

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

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

densities.

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

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

Planning Considerations

4.7 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the development on neighbouring properties and the surrounding area in terms of amenity and on highway safety.

Principle of development

4.8 As the development site is located within a mixed use urban area close to Northgate Local Centre Shopping Parade, the principle of re-development is considered to be both acceptable and appropriate.

Siting and Design

4.9 In terms of siting, the new building has a similar footprint to that of the existing building and similar relationships to neighbouring residential properties ie flats on Northgate and Durham Street.

4.10 The two storey building is of a distinctive design using a mixture of materials – red brick, cedar boards, glass and aluminium. The surrounding area comprises a mixture modern flats, houses and shops with the Hartlepool Docks area to the south. The application site is not within or close to the Headland Conservation Area and the building is not listed. A small amount of landscaping has been incorporated into the scheme. In view of this, the new development is considered to be acceptable in terms of both siting and design and is unlikely to have a detrimental effect on neighbouring properties or the street scene in general.

Highway Safety/Parking

4.11 Whilst no objections have been raised by the Highway Engineer regarding parking, servicing or access, suggestions have been made to improve pedestrian access to the application site. This will include directional road markings i.e. look left, look right, at existing pedestrian crossing points together with works to the western end of the bus lay by on Durham Street in order to create a new crossing point opposite the existing one on the south side of Durham Street. Improvements to the road surface of the existing lay by and footpaths on the south side of Durham Street have also been requested.

4.12 Public Protection has advised that deliveries to the units should be restricted in terms of timing to prevent any detrimental effects in terms of noise and disturbance to existing residential properties and occupants of the new flats.

Relationship to the surrounding area

4.13 As previously mentioned, the new development is sited in a similar position (footprint) to the existing public house with similar relationships to adjacent properties. In view of this the Head of Public Protection is satisfied with the proposal subject to restricted delivery times of 7am to 8pm and the provision of acoustic fencing where practical. Opening hours to the shops are also to be restricted to 7am to 11pm.

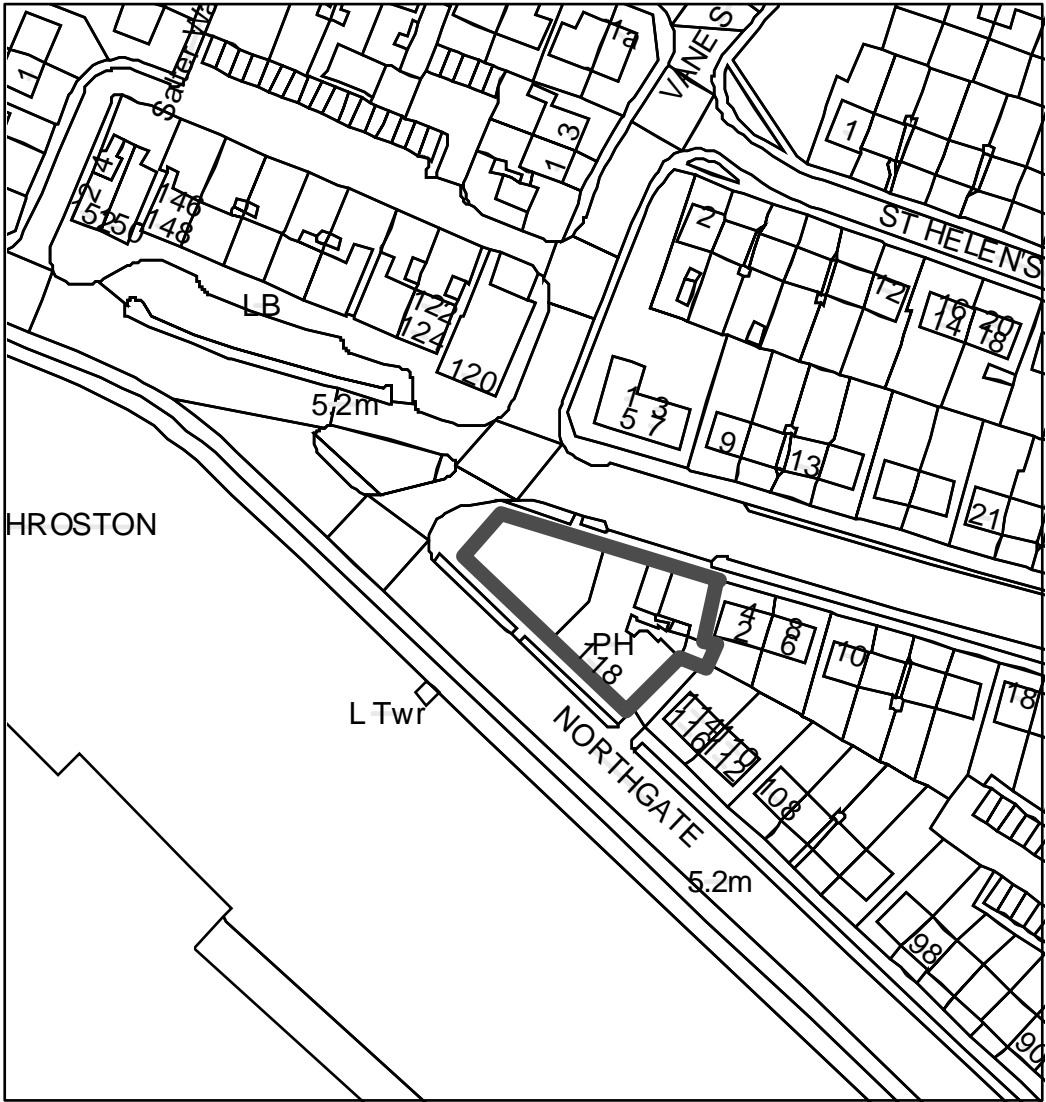
4.14 Whilst it is acknowledged that there are a number of vacant retail properties in the area and throughout the town in general this would not be a material planning consideration. The provision of these new retail units could offer additional choice in the area.

Conclusion

4.15 It is considered that the redevelopment of this site would be beneficial to the area in terms of the provision of a good quality mixed use development in a prominent position at the gateway to the Hartlepool Headland. However as some consultation replies are outstanding an update report will follow.

RECOMMENDATION – UPDATE to follow

Headland Gate



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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 03/04/2009 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT | DRG.NO H/2009/0111 | REV |

No: 5
Number: H/2009/0068
Applicant: Mr J PULLMAN
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 18/02/2009
Development: Alterations, erection of a two-storey rear extension and
 adaption of roofspace to provide additional rooms for
 training and youth facilities
Location: THE ANNEXE WHARTON TERRACE HARTLEPOOL

The Application and Site

5.1 The site to which the application relates is large mid terraced building located to the north side of Wharton Terrace, within a predominately residential area. The annex serves the local community.

5.2 The building was originally part of the former Brougham School, which is now known as the Brougham Enterprise Centre. The building is within walking distance of the bus routes on Raby Road, Milbank Road and Brougham Terrace.

5.3 The proposal seeks to provide a two storey rear extension and adaption of roofspace to provide additional rooms for training and youth facilities. It also provides information advice and help for the work link which is an outreach foundation that helps local residents preparing CV's, help in locating jobs etc. There is also provision of a lift to enable disabled access to all floors. The plans indicate solar panels to be fitted to the front roof elevation with velux windows to the rear.

Publicity

5.4 The application has been advertised by way of neighbour letters (9) and a site notice. To date there has been 1 letter of objection and 2 letters of support.

The concerns raised are:

Cars parking across my driveway

Currently back yard used as smoking area, the proposal will lead to smokers in the back alley or at the entrance which will result in litter issues

Object to centre being used as a youth centre

Large waste bin left in back street, anybody leaving their bin out gets fined

Unruly behaviour from youths have had window put through.

The period for publicity has expired.

Consultations

5.5 The following consultation replies have been received:

Head of Public Protection and Housing: No objection

Northumbrian Water: No objection

Head of Traffic & Transportations: Points out there is limited on street parking available in Wharton Terrace and there is a concern there could be parking congestion in the surrounding street. He is carrying out survey work to establish the current position.

Anti-Social Behaviour Unit: Two reports of anti social behaviour in the street, but not connected with the annexe. The neighbourhood police sergeant who covers this area is not aware of any complaints here.

Planning Policy

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

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

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

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

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

Planning Considerations

5.7 The main planning issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact of the proposal on the amenities of occupants of neighbouring properties, the street scene generally, highway safety and parking related issues.

It is proposed to demolish an existing single storey toilet block to accommodate the proposed two storey rear extension. The new structure is to be built within the footprint of the existing 2 rear yards and the toilet block.

5.8 The extension is to project from the rear of the existing building to the boundary with the rear lane serving Wharton Terrace and Parton Street. The rear lane is controlled by way of security gates positioned on Parton Street. The proposal also includes the provision of a store for the large trade waste bin which will enable this to be removed from the back lane.

5.9 The existing roof is to be removed and replaced increasing the height approximately 1m, this is to accommodate additional rooms. There is also a provision of solar panels to the front elevation and velux windows on the rear, the final numbers and position can be controlled by condition. Given the position of the building it is not considered detrimental to the street scene or the neighbouring properties with the increase in height.

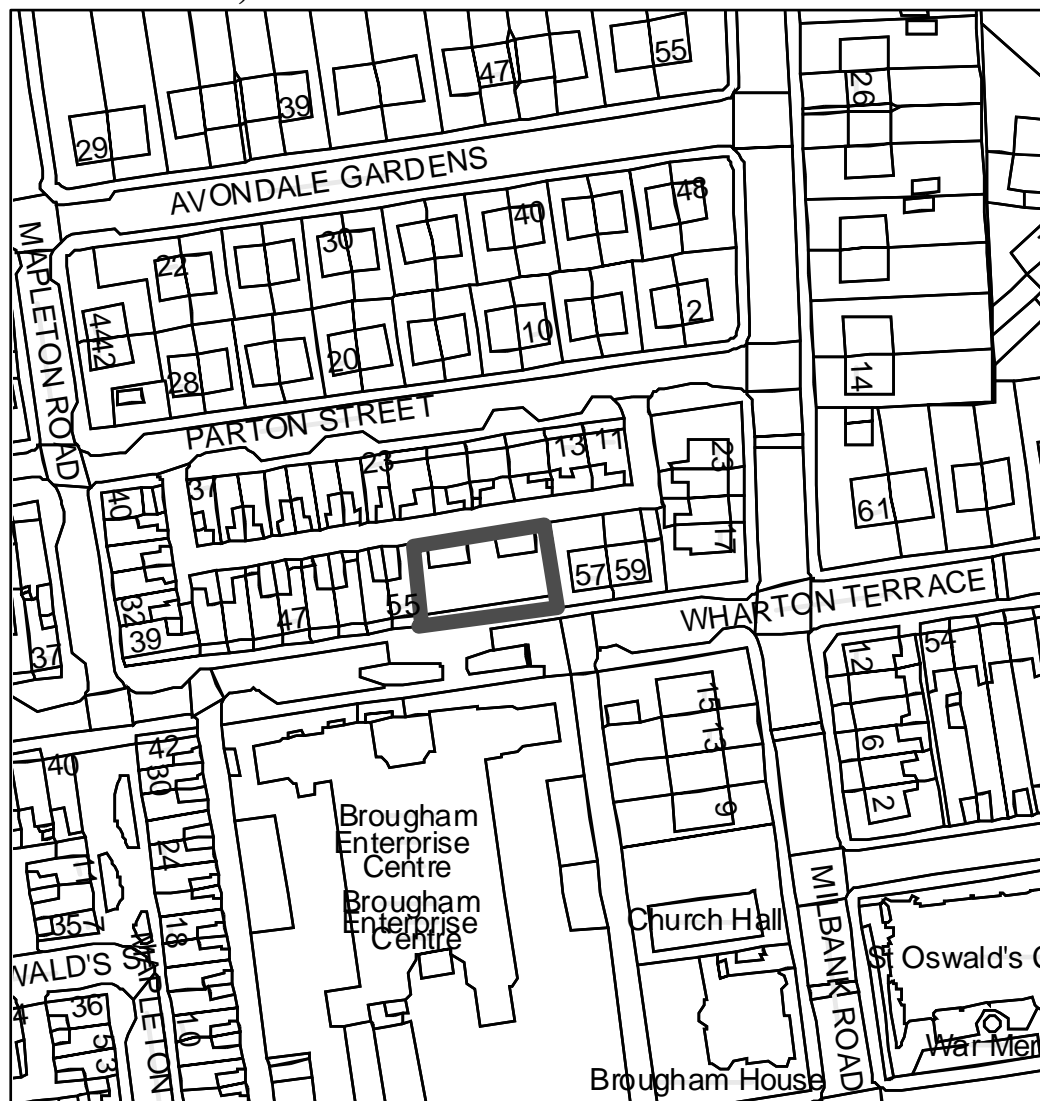
5.10 There are windows shown in the rear elevation these are to be obscured to prevent any over looking issues that may arise from the properties on Parton Street, there are also external grilles for added security.

5.11 There are concerns raised, with regard to anti-social behaviour connected with the annexe. Having spoken to the anti-social behaviour team it has been confirmed that although two incidents have been reported in the area these were not connected with the annexe. Enquiries have also been made by them to the neighbourhood police sergeant who monitors the area and he is not aware of any complaints being received.

5.11 Concerns have been raised about both the increase in staffing levels and visitors attending the annexe and the effect it could have on the existing parking. Engineers are carrying out survey work to access the situation. This information should be available for the meeting.

5.12 Clarification is also awaited with regard to hours of operation. This is anticipated prior to the Committee and an updated report covering this and the parking issues will follow.

Recommendation: Update to follow.

The Annexe, Wharton Terrace

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 11/03/2009 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2009/0068 | REV |

No: 6
Number: H/2008/0625
Applicant: Mr . HALL VISCOUNT CLOSE TS24 0UN
Agent: Anglian Home Improvements Conservatories Division PO
 Box 65 NORWICH NE6 6EJ
Date valid: 17/10/2008
Development: Erection of a rear conservatory
Location: 25 VISCOUNT CLOSE HARTLEPOOL HARTLEPOOL

Background

6.1 The application was deferred at the last committee meeting so further detailed information could be submitted relating to mitigation measures and a suitable programme of works.

6.2 The original report in so far as it relates to the application and site, publicity and planning considerations, is reproduced below.

6.3. The further information is awaited from the applicant's agent. Discussions are being held between the Local Planning Authorities Engineering Consultancy Section and the applicant's agent to discuss the most appropriate resolution. A comprehensive update report will follow.

The Application and Site

6.4 The site to which this application relates is a detached property with gardens to the front and rear in Viscount Close, a predominantly residential area. The properties on the estate are all protected from gas ingress, associated with the sites former use, by way of a hydrocarbon resistant organic vapour barrier (gas membrane) installed in the foundations.

6.5 The application seeks retrospective permission for the erection of a conservatory to the rear of the property. The conservatory projects 2.9m from the rear of the main dwellinghouse at a width of 4.9m. The roof measures 2.1m at the eaves with a maximum height of approximately 3.4m.

Publicity

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

The period for publicity has expired.

Consultations

6.7 The following consultation replies have been received:

Engineering Consultancy - The original properties are protected from TPH vapours by the installation of a hydrocarbon resistant organic vapour barrier (Visqueen GX Membrane) and a passive ventilation layer below the foundations consisting of a 300mm thick granular vapour blanket and 100mm diameter slotted gas drains at 2m centres. The drawings provided in the application do not mention this protection system and it is imperative that the extension should be provided with the same degree of protection. The installation of these measures should be carried out by a suitably experienced contractor and verified by a suitably experienced and independent person who shall confirm the suitability of the granular blanket and jointing, lapping, installation and integrity of the membrane. A suitably worded planning condition is required to cover this.

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.

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

6.9 The main issue for consideration when assessing this application is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan. The scale and design of the proposal is considered appropriate and it is not considered that the development unduly affects the amenity of neighbouring properties. The development is in accord with the guidance held within the aforementioned Local Plan.

6.10 The application has been brought before Planning Committee as the conservatory has been erected without the benefit of a relevant permission. The conservatory was in situ upon the officer's site visit (12/11/08). The Local Planning Authorities (LPA's) Engineering Consultancy Section has stated that the conservatory should be/have been fitted with a gas membrane within its foundations. Such membranes once fitted act as a method of preventing the ingress of potentially harmful gasses into the development and associated home.

6.11 Should the conservatory have been constructed without the benefit of a suitable membrane or the membranes installation was not appropriate this raises severe

health and safety concerns for the occupants of the dwellinghouse and the surrounding properties. Members were advised that there are concerns about this.

6.12 The Local Planning Authority is awaiting further information from the agent to enable Members to finally consider this proposal.

RECOMMENDATION –Update report to follow.

25 Viscount Close



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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 12/03/2009 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT | DRG.NO H/2008/0625 | REV |

No: 7
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

7.1 This application was considered at the March meeting when it was deferred as matters were outstanding.

The Application and Site

7.2 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 15,000 square metres of floorspace (including the bowling facility). 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.

7.3 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.

7.4 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 metres 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.

7.5 Instead four new planning conditions were proposed. One limiting floor space for the sale of food to 8,851sq metres other than ancillary café, confectionary, hot snacks or meals or any other food which may be agreed by the Local Planning

Authority . A further proposed condition limits the amount of D2 leisure floorspace to 2,498 square metres. (It is understood this relates to the existing Bowling facility). A third condition seeks to restrict 5,350 square metres or twenty percent of the gross floorspace which ever is greater to the sale of DIY, home improvement goods, electrical and gas goods, garden materials and goods, furniture/soft furnishings and floor coverings and automotive and cycle products. A fourth condition restricts the total amount of retail floorspace to 26,336 sq m. A proposal seeking flexibility to allow three of the units to be occupied by Class A3 (Restaurant & Café) operators has subsequently been withdrawn.

7.6 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 some 26-27,000 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.

7.7 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.

7.8 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.

Relevant Planning History

7.9 The planning history of the site is complex.

7.10 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).

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

7.12 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 .

7.13 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).

7.14 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).

7.15 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).

7.16 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.

7.17 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.

7.18 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.

7.19 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

7.20 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.

7.21 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

7.22 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.

7.23 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

7.24 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 sqm 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 E

Consultations

7.25 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

7.26 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.

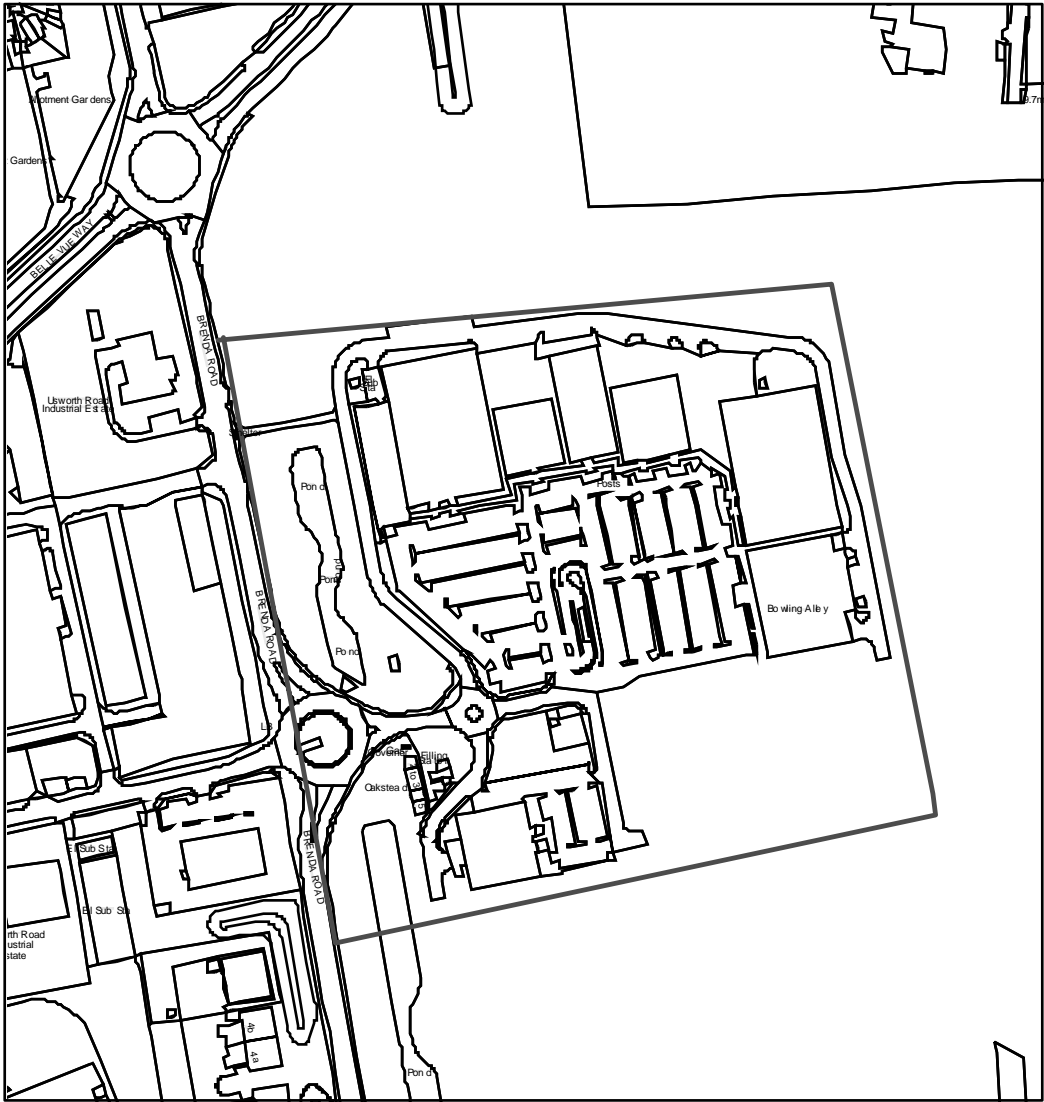
PLANNING CONSIDERATIONS

7.28 The main planning considerations are at this time considered to be 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.

7.29 A draft final report has been prepared and consultations on its content are outstanding particularly with the Council's retail advisor. It is anticipated it will be finalised shortly and will be provided to members as an update report.

RECOMMENDATION – UPDATE to follow

TEESBAY RETAIL PARK



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| 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/2008/0495 | REV |

No: 1
Number: H/2009/0102
Applicant: Headland Development Trust Northgate Hartlepool
TS24 0JT
Agent: SJD Architects Ltd Hampdon Hopuse Falcon Court
Westland Way Preston Farm Business Park Stockton on
Tees TS18 3TS
Date valid: 26/02/2009
Development: Erection of a new performing arts centre with associated
car parking and landscaping
Location: ST HILDS C OF E SCHOOL KING OSWY DRIVE
HARTLEPOOL HARTLEPOOL

1.1 This application appears on the main agenda at item 1.

1.2 The recommendation was left open as a number of issues had arisen and discussions with the applicant were ongoing. These discussions have since progressed.

ADDITIONAL CONSULTATION RESPONSES

Head of Property Services : No objections.

Engineering Consultancy: No objections but suggests condition to require detailed ground investigations.

Public Protection: Considers latest amendments to be satisfactory (including relocation of bin store and bio mass generator)

PLANNING CONSIDERATIONS

1.3 The main planning considerations are considered to be policy, design/siting/appearance, impact on the amenity of the neighbouring properties, highways, trees and crime & disorder.

POLICY

1.4 The site is located on part of an existing school site and it is considered that in principle such a community facility is acceptable in this location.

DESIGN/SITING/APPEARANCE

1.5 The design proposed is a modern and bold design which will be constructed in a range of modern materials. The site is not within a Conservation Area, or in the vicinity of a listed building, and a state of the art modern building is considered appropriate in this location. The building will rise essentially to two storeys and its

mass has been broken up into a series of smaller blocks connected together by a central building spine. The site is adjacent to the modern school building and relatively modern housing which also rises to two storeys and the scale of the buildings in this context is considered appropriate. The main pedestrian entrance will be toward the front of the site with car parking to the rear to create a relatively active frontage onto King Oswy Drive which is considered appropriate. The site is relatively narrow and the building has been sited as far to the east as possible in order to achieve the maximum separation distances to the adjacent residential properties. It will stand adjacent to the car parking area of the main school, and will be set in its own landscaped grounds, and in this wider context it is not considered that it will appear unduly cramped. In terms of its design, siting and appearance the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

1.6 The site is bounded by a number of residential properties to the west, most of these properties face the site with their main rear elevation and a number of them have had small rear extensions or conservatories which face the site. The exception is 17 King Oswy Drive which is gable ended onto the site. As this has a slightly different relationship with the site relevant aspects of the relationship of this property to the development will be discussed separately.

1.7 A number of objections have been received from the occupiers of the neighbouring properties and these are summarised in the main report. In terms of the impact of the development on their amenity the main concerns raised are loss of light, view privacy, outlook, issues relating to over dominance, light pollution, noise and disturbance. Issues raised surrounding crime and disorder are discussed separately below, whilst members will be aware the loss of a view is not a material planning consideration.

1.8 In bringing forward the proposal in order to limit any impact on the amenity of the residential neighbours the applicant has sited the building as far as possible towards the eastern part of the site, he has also set the building down to the lowest part of the site, limited windows on the elevations facing the neighbours incorporating oriel style windows where necessary. Following discussions he has further removed buttress features to the rear elevation to reduce the mass of the building, confirmed that the first floor rear windows which serve a corridor will be obscure glazed, resited the bin store and biomass generator and confirmed there will be a landscape buffer between the car park the building and the gardens of the houses.

1.9 The proposed building will rise to two storeys and at some 60m in overall length north to south has a substantial presence. However it is located on a school site where one should expect to find buildings of this scale. The applicant has sited the building as far as possible towards the eastern part of the site and the mass of the building, as it approaches the neighbours, has also been broken up into a series of smaller blocks connected together by a central building spine. The building has also been set down to the lower part of the site. The central building spine at 8.6m high is the highest part but will be located some 28 to 29m from the main rear elevations of the houses on Tempest Road opposite and some 20m from their garden boundaries. The two storey gables of the three smaller blocks which approach the houses on

Tempest Road, are some 7.8m high, and are located some 21m, 21m and 16.6m from the main rear elevations of these residential properties and some 11m, 11m and 9.5m from the garden boundaries respectively. Given the design and siting of the building, the levels and the separation distances involved it is not considered that the development would unduly affect the amenity of the occupiers of the dwellings on Tempest Road in terms of loss of outlook or issues of overdominance.

1.10 In terms of loss of light it is possible that there may be some loss of light to the neighbouring residential properties on Tempest Road particularly in the earlier parts of the day, and especially in winter, however given the design and siting of the building, the levels and the separation distances involved it is not considered that the development would unduly affect these properties in terms of loss of light.

1.11 In terms of loss of privacy the windows in the elevation facing the residential properties to the west are limited. The only windows directly facing the residential properties serve corridors and the applicant has agreed that in the case of first floor windows these will be obscure glazed. Elsewhere oriel style windows are proposed which will face due north and so not allow for any substantive overlooking of the neighbouring properties. Ground floor windows facing the residential neighbours where proposed will be screened by existing or proposed endlosures.

1.12 In terms of 17 King Oswy Drive, whilst many of the above considerations apply this neighbour has a slightly different relationship to the site than the neighbours on Tempest Road as it faces the site with its gable. It is clear that when this property was originally built its main outlook would have been north/south. However the occupiers have in recent years extended and altered their property adding rear and side extensions. The side extension consists of a first floor extension with a blank gable with a car port below. The sides of the carport are open save for a grille with archways allowing limited light to, and views from, the side windows in the gable of house. These windows serve an inner lounge/dining area and a hall, whilst a kitchen window enjoys limited light/views between carport and garage. The resident has raised concerns in relation to loss of light and privacy. Whilst the side windows provide useful additional light it is clear that views from and light to these windows are already severely restricted by the applicant's own side extension and garage. Given the existing situation it is not considered that the proposed development would unduly affect the neighbour's existing situation and it is not considered that this neighbour will be unduly affected in terms of loss of light, outlook, privacy or in terms of any issues relating to overdominance.

1.13 Turning to the use of the development objections have also been raised that the development will cause noise and general disturbance to the nearby residents. The building will provide a community facility and is located on an existing school site which serves a similar community function, indeed it is intended that the school will also use the facility. The applicant has indicated that the facility will operate until 9.00pm and so the use will not extend to late in the evening. It is also the case that the entrance to the facility and the car park is located to the east side of the building/site away from the neighbouring residential properties. It is not considered therefore that any nearby residents will be unduly disturbed by comings and goings associated with the development. Concerns have been raised in relation to noise however the building has been designed with minimal openings facing the residential

properties which would limit any potential for noise breakout and a condition requiring details of noise insulation and ventilation measures can be imposed. Concerns have also been raised in relation to the use of the landscaped buffer behind the building and the rear small squares. (This issue will be returned to below). The applicant has confirmed however that these areas will be fenced off and that there will be no general access to these areas beyond occasional access for maintenance and this can be conditioned. It is not considered therefore that the proper use of the facility will unduly affect the amenity of the occupiers of neighbouring properties.

1.14 An objection has also been received that the development will cause light pollution. As previously discussed the building has been designed to minimise window openings facing neighbours and access to the rear of the building will be restricted. It is proposed nonetheless to impose a condition requiring the approval of any external lighting on the building so that any light pollution to neighbouring properties is limited

1.15 In order to address concerns by Public Protection in relation to the location of the bin store and biomass generator these have been moved towards the east side of the site away from nearby neighbours the views of Public Protection have been sought on this amendment.

HIGHWAYS

1.16 Objections have been received on highway grounds at the additional traffic and parking problems that the development might attract. Traffic & Transportation have confirmed that the road to the site are adequate to accommodate the development but asked that the applicant consider extending the car park by an additional ten spaces and review existing parking restrictions on the highway network to ascertain whether any additional controls would be required. They have also asked that the position of the cycle parking area be reconsidered and the applicant has amended its position. The applicant's Transport Consultant however considers that parking provision within the site is adequate as peak weekday usage of the facility will occur after the school is closed when the school car park could accommodate any overspill. He also points out that day time use is likely to be by schools and colleges who would tend to arrive by coach and that the school is located on a main bus route. Notwithstanding this an amended plan showing how some additional parking can be provided has recently been submitted. The further comments of Traffic and Transportation have been requested and will be reported to the meeting.

TREES

1.17 At the northern end of the site are a number of mature (Poplars) and semi mature trees and objections have been raised to the loss of the trees. The applicants proposals are not precisely clear as to what trees will be retained. Our Arboriculturalist has indicated that poplars are short lived and are being phased out on school sites. It is unlikely that all of the poplar trees can be retained but he has no objections to their removal. Replacement planting can be accommodated within the site. A landscaping condition could be imposed requiring planting and replacement tree planting as appropriate.

CRIME & ANTI-SOCIAL BEHAVIOUR

1.18 A number of objections have been received that the facility will encourage or facilitate crime and antisocial behaviour. It has previously been concluded that the proper use of the facility should not unduly affect the amenity of neighbours. However given neighbours previous experiences with a large sports hall building, and the criminal and antisocial behaviour it attracted, there are understandable concerns that the development might attract or facilitate similar episodes of crime and antisocial behaviour. A particular concern was the area to the rear of the building and the small squares. The applicant has confirmed that 2.1m high fences will be erected at either end of the building to restrict access to the rear further he is proposing to further limit access to the squares by fencing those off within the site. Furthermore he has confirmed that CCTV, designed so as to not intrude on the privacy of the adjacent neighbours, will be provided on site and that its coverage would extend to this area of the building. The comments of Cleveland Police have been passed onto the applicant who has indicated that he would be willing to accept general conditions covering security measures and enclosures. In discharging the condition determining further consultation with Cleveland Police on the range of measures proposed would be sought. Given the condition and the measures already proposed by the applicant it is considered that the development would potentially increase the security of the neighbours.

OTHER MATTERS

1.19 Objectors have raised concerns that the development will require the removal of the school's eco-project which was previously located on the site. Whilst detailed discussion have not taken place, it is considered that there is potential to relocate this small project elsewhere on the school site.

1.20 Objectors have asked that other sites be considered. The application however has been brought forward by the applicant on this site and it is the merits of the application before then that members must consider.

RECOMMENDATION : - subject to satisfactory comments from Traffic & Transportation approval is likely to be recommended subject to appropriate conditions. However a final recommendation will be tabled at the meeting.

No: 3
Number: H/2009/0017
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Hartlepool Housing Greenbank Stranton Hartlepool TS24 7QS
Date valid: 08/01/2009
Development: Provision of communal bin storage areas
Location: 2-12, 9-19, 21-31 LEWIS GROVE, 58-80 (EVENS), 193-203 (ODDS) MACAULAY ROAD 2-48 (EVENS) PINERO GROVE, 18-40 (EVENS) SINCLAIR ROAD HARTLEPOOL

3.1 This application appears on the main agenda as item 3.

3.2 The recommendation was left open to allow the applicant to put forward a response to the concerns raised by members at the previous meeting.

3.3 Since the original report was created, further information has been received from the applicant in response to members concerns.

3.4 The applicant has indicated that the proposed siting of the bin stores to the front of the properties is due to health and safety issues with the current position of the bin stores. It is indicated that at present, residents of the flats are required to move the bins through the communal area and required to negotiate steps from the front to the rear. The applicant has indicated that this includes those with disabilities and it is considered that the current setup is unsuitable for residents. The applicant has indicated that in instances where residents have difficulties with the movement of the bins, they are often left within the communal areas which subsequently poses potential health and safety concerns.

3.5 The applicant has also indicated that the proposed bin stores are to be constructed of a fibre glass composite which will not be prone to rust and they also benefit from a textured finish which is considered to discourage graffiti.

3.6 Similar bin stores to those proposed have been included in a number of Housing Hartlepool schemes for the upgrade of flat blocks which have received approval with no objections from neighbours. By way of example, an application was approved (H/2008/0490) at 22-33 Grainger Street, Hartlepool for the provision of bin stores. Those bin stores which have been provided are of a similar size and design to those proposed in this application. The applicant has indicated that there have been no complaints received and no issues have arisen in relation to the stores. This is endorsed by the Burglary and Architectural Liaison Officer and he has raised no objections to the proposal.

RECOMMENDATION – APPROVE subject to the conditions set out below:

- 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.

Pinero Grove, Macaulay Road, Sinclair Road and Lewis Grove



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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 12/03/2009 |
| | SCALE 1:1500 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2009/0017 | REV |

No: 4
Number: H/2009/0111
Applicant: Mr Brian Elder Usworth Business Park Hartlepool TS25 1PD
Agent: S J R Architects Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park HARTLEPOOL TS25 5TG
Date valid: 09/03/2009
Development: Demolition of public house and erection of 4 retail units with 4 self-contained flats above and associated car parking
Location: THE HEADLAND GATE NORTHGATE HARTLEPOOL

4.1 Since the original report was produced a number of additional responses have been received as follows:

Northumbrian Water – No objection, however the applicant should note that there is a major sewer nearby and deep foundations will be required.

Tees Archaeology – No objections. Recommends a historic building survey prior to demolition. This would take the form of a written and photographic study

Headland PC – Objects on the ground that additional retail units are not needed. No more flats should be built on the Headland. The style of the building is too modernistic and out of character. May cause traffic problems

In addition two letters of no objection have been received.

4.2 Most of the additional comments/objections have already been considered in the original report.

4.3 The objection raised by the Headland Parish Council regarding the provision of more flats on the Headland would be difficult to sustain as there are flats adjacent and opposite the site. The new flats which have the benefit of parking spaces are fairly spacious and with two bedrooms could appeal to small families.

4.4 In the light of the above and the earlier report Approval is recommended.

RECOMMENDATION – APPROVE subject to the following conditions:

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

- the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The retail units shall only be open to the public between the hours of 7am to 11pm daily.
In the interests of the amenities of the occupants of neighbouring properties.
 4. 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.
 5. Details of all walls, fences and other means of boundary enclosure including an acoustic barrier between the site and the adjacent residential properties at 114/116 Northgate and 2/4 Durham Street shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The development shall therefore be carried out in accordance with the approved details. The acoustic fence shall be provided before the first unit is occupied and thereafter it shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interest of visual amenity and the amenities of the occupants of neighbouring properties.
 6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
 7. Unless otherwise agreed in writing with the Local Planning Authority the floorspace of the units shall remain as shown on the approved drawing SJR/08.76 02 rec 27.2.09 and there shall be no amalgamation of floor space associated with any of the units.
In the interests of maintaining satisfactory parking provision within the site and in order to protect the vitality of the nearby local centre.
 8. Provision for cycle parking shall be made within the site in accordance with details to be previously agreed by the Local Planning Authority.
In order to promote access to the site by means other than the private car.
 9. Final siting and design details of any refrigeration and air conditioning units proposed for the retail units shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development.
Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties.
 10. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of

contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority. To ensure that any site contamination is addressed.

11. Notwithstanding the submitted plans a scheme for the final details and locations for external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.
12. Servicing of the retail units hereby approved shall be restricted to between 7am and 8pm daily from both car parking areas and the former backlane adjacent to 114/116 Northgate.
In the interests of the amenities of the occupants of neighbouring properties.
13. The proposed window(s) facing 114/116 shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking.
14. Final details of works to re-instate the former back lane between the new development and 114/116 Northgate shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. This shall include details of how the public house delivery hatch is to be removed and in-filled. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
15. No development shall take place until the applicant or their agents or successors in title, has secured the implementation of a programme of building recording and analysis in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority.
As the building is of historic significance the specified record is required to mitigate impact.

16. No development shall take place until further details of the new access, including existing and proposed ground levels, onto Durham Street have been submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
17. Unless otherwise agreed in writing the development shall not commence until:
 - 1) a scheme for the provision of directional road markings at existing crossing points on Durham Street has first been submitted to and agreed in writing by the Local Planning Authority.
 - 2) A scheme for works to the existing bus layby to the north of Durham Street has first been submitted to and approved in writing by the Local Planning Authority.
 - 3) a scheme for improvements to the existing layby on the south side of Durham Street has first been submitted to and agreed in writing by the Local Planning Authority.The development shall not thereafter be brought into use until all of the above works have been implemented, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.

No: 5
Number: H/2009/0068
Applicant: Mr J PULLMAN
Agent: S J R Architects Suite 101 The Innovation Centre
 Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 18/02/2009
Development: Alterations, erection of a two-storey rear extension and
 adaption of roofspace to provide additional rooms for
 training and youth facilities
Location: THE ANNEXE WHARTON TERRACE HARTLEPOOL

5.1 This application appears on the main agenda at item 5.

5.2 The recommendation was left open in order to obtain clarification of the hours of operation for the annexe, and for Engineers to carry out survey work with regard to the increase on staffing levels and visitors attending the annexe and the effect it could have on the existing parking.

5.3 The hours of operation have been clarified and are listed below:-

The existing hours are:-

Monday 9 – 5
 Tuesday 9 – 5
 Wednesday 9 – 5 then 5.30 – 9 (youth club)
 Thursday 9 – 5 then 5.30 – 9 (youth club)
 Friday 9 – 1

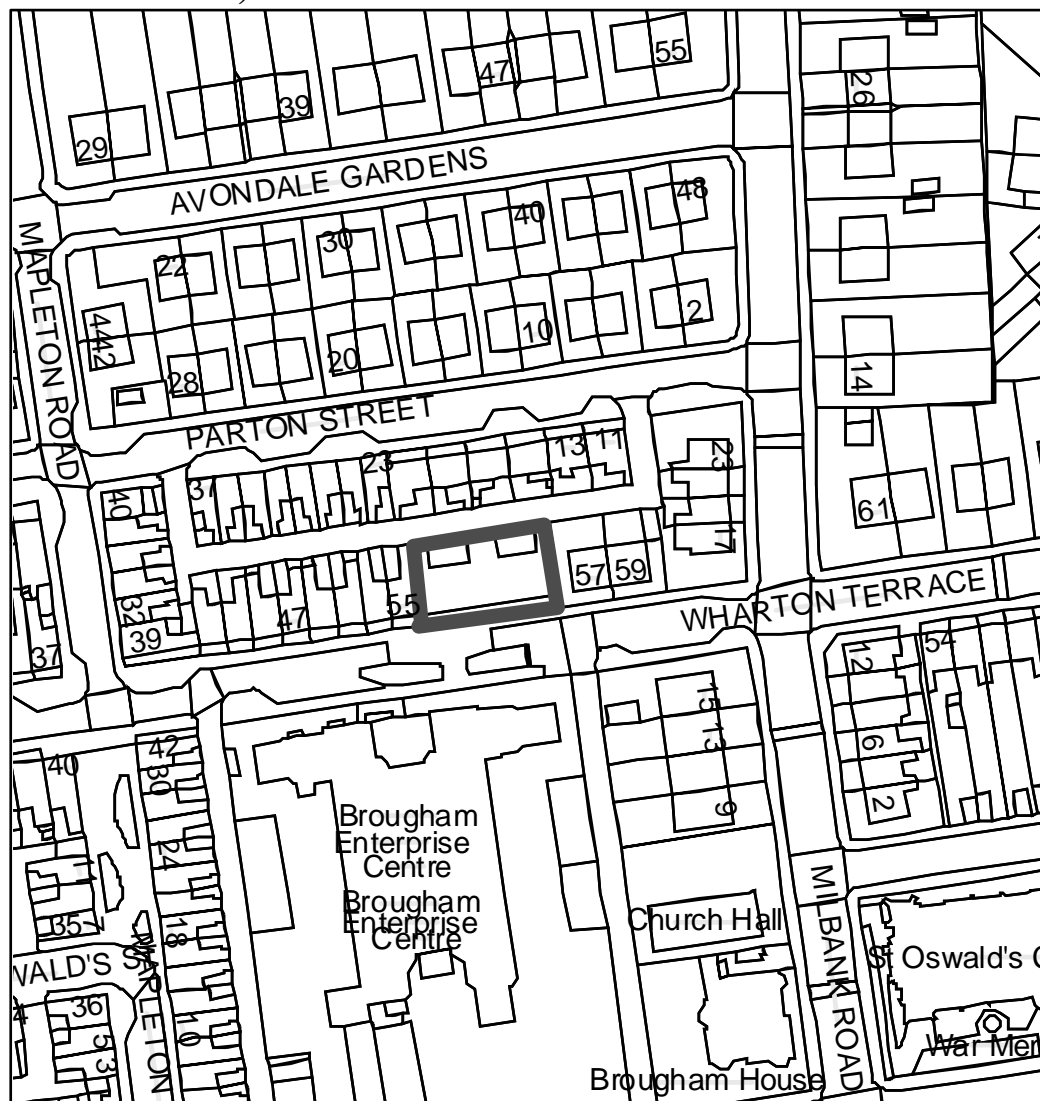
5.4 It is proposed to increase the hours of operation on a Friday and introduce opening on a Saturday.

5.5 There is some flexibility with the opening hours at present when the centre has requests stay open to allow various courses to run. The annexe is used by the local community and offers a variety of services it has a long established use. The annexe is attached to residential properties within a terrace and it is therefore considered prudent to attach an hours condition if permission were to be granted.

The survey results regarding parking issues are expected prior to the Planning Committee. An update and final recommendation will be given at the meeting.

RECOMMENDATION - to be tabled at the meeting

The Annexe, Wharton Terrace



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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 11/03/2009 |
| | SCALE 1:1000 | |
| Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT | DRG.NO H/2009/0068 | REV |

No: 6
Number: H/2008/0625
Applicant: Mr . HALL VISCOUNT CLOSE TS24 0UN
Agent: Anglian Home Improvements Conservatories Division PO
Box 65 NORWICH NE6 6EJ
Date valid: 17/10/2008
Development: Erection of a rear conservatory
Location: 25 VISCOUNT CLOSE HARTLEPOOL HARTLEPOOL

6.1 This application appears on the main agenda as item 6.

6.2 The application was deferred at the last committee meeting so further detailed information could be submitted relating to mitigation measures and a suitable programme of works.

6.3 Since the previous meeting the applicant's agent has been informed that it is unlikely the existing conservatory could be modified to meet the necessary requirements as advised by the Engineering Consultancy Section.

6.4 The applicant's agent has confirmed that the company are in the process of preparing a rectification programme for the removal of the existing conservatory in order to install the appropriate gas protection measures. The programme of works is expected prior to the meeting. An update will be provided at the meeting.

RECOMMENDATION – The details of a rectification programme is awaited and an update will be provided at the meeting.

No: 7
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

7.1 This application was considered at the March meeting when it was deferred as matters were outstanding.

The Application and Site

7.2 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 15,000 square metres of floorspace (including the bowling facility). 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.

7.3 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.

7.4 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 metres 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.

7.5 Instead four new planning conditions were proposed. One would limit floor space for the sale of food to 8,851sq metres other than ancillary café, confectionery, hot snacks or meals or any other food which may be agreed by the Local Planning

Authority. A further proposed condition limits the amount of D2 leisure floorspace to 2,498 square metres. (It is understood this relates to the existing Bowling facility). A third condition seeks to restrict 5,350 square metres or twenty percent of the gross floorspace whichever is greater to the sale of DIY, home improvement goods, electrical and gas goods, garden materials and goods, furniture/soft furnishings and floor coverings and automotive and cycle products. A fourth condition restricts the total amount of retail floorspace to 26,336 sq m. A proposal seeking flexibility to allow three of the units to be occupied by Class A3 (Restaurant & Café) operators has subsequently been withdrawn.

7.6 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 some 26-27,000 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. Six 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.

7.7 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.

7.8 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.

Relevant Planning History

7.9 The planning history of the site is complex.

7.10 In summary, outline permission was originally granted for a retail development within the Enterprise Zone regime of the 1980's. Thereafter numerous applications for revisions have sought to stimulate interest from retail operators to locate at the site but have repeatedly raised issues about potential impact on the town centre's viability and vitality.

7.11 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 confectionery, 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).

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

7.13 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 .

7.14 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).

7.15 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).

7.16 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).

7.17 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.

7.18 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 retail 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.

7.19 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.

7.20 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

7.21 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.

7.22 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

7.23 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.

7.24 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

7.25 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 food 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 E

Consultations

7.26 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 the Local Planning Authority.

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

7.27 Planning Policy Statement 6 outlines the policy approach for planning of town centre uses with particular regard to retail development. It states that development should be focussed in town centres and discourages out of centre shopping.

7.28 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

7.29 The main planning considerations are considered to be 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.

POLICY

7.30 Government policy in relation to town centres and town centre uses such as retailing is set out in Planning Policy Statement 6: Planning for Town Centres. The Government's key objective for town centres is to promote their vitality and viability by planning for the growth and development of existing centres and by promoting and enhancing such centres and encouraging a wide range of services in a good environment, accessible to all.

7.31 The site is an out of centre retail park and is not located within a designated town or local centre and proposals for retail development need therefore to be carefully assessed. In accordance with PPS6 the applicant is required to establish that there is a need for the development, the scale is acceptable, that there is no sequentially preferable site available, that the development will not have an unacceptable impact on the vitality and viability of the town centre and nearby local centres and the site is accessible.

7.32 In line with PPS6 Policy Com 8 of the Hartlepool Local Plan 2006 advises that the preferred locations for shopping development are in sequential order of preference :

- Within Hartlepool Town Centre
- Edge of centre sites
- The out of centre Victoria harbour regeneration area
- Other out centre locations accessible by a choice of means of transport and which offer significant regeneration benefits.

7.33 The application site, an out of centre site is therefore fourth in the hierarchy of preference and requires consideration of its accessibility and regeneration implications.

7.34 Again in line with PPS6 policy Com8 also requires proposals for retail development located outside the primary shopping area, in the town centre, to demonstrate there is a need for the development, that the scale is appropriate and that a sequential approach has been followed.

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

- there is a need for the development
- the scale is appropriate
- there are no sequentially preferable sites available.
- that there will be little impact on the town centre from the proposed development.
- the site is sustainable and accessible.
- it would contribute to investment in the town, employment and regeneration.

7.36 The Council's retail adviser however has examined the case presented by the applicant and expressed extreme concern over the very high level of flexibility sought by the applicant in this out of centre location. She considers the proposals would result in a fundamental change to the nature of retailing at the Park, and its ability to accommodate open A1 retailers including smaller retailers, which would be harmful to the prospects of attracting investment for new development and retailers to the town centre. She considers that the need for the development has not been demonstrated, that the applicant has failed to demonstrate that there are no sequentially preferable sites available and that there will be no adverse impact on the town centre or any existing centre as a result of the development. She points out for example that there are a number of sequentially preferable sites available in the Town Centre which the applicant has dismissed for reasons which are not considered robust. It is understood for example that there are currently 30 vacant units in Middleton Grange Shopping Centre amounting to some 7367 sqm of vacant floorspace (March 2009). These include the relatively large unit recently vacated by Woolworths. There are also the units at Park Tower where 1,200 sq m of floorspace remains vacant. Finally our Retail Advisor raises concerns that the development would be likely to have an adverse impact on investor and retailer confidence in the town centre, which is the priority for new retail development to the further detriment of the vitality and viability of the town centre.

7.37 It is clearly the applicant's intention to achieve flexible permissions which would result in a development which would be attractive to a wide range of retailers including smaller retailers, bulky goods and general retailers. Notwithstanding the control which would be afforded by the conditions suggested by the applicant any permission allowed on the basis sought by the applicant would allow a degree of flexibility in retail terms which potentially could significantly affect the vitality and viability of the town centre and other centres. Whilst the applicant maintains he is primarily targeting retailers who would not, or do not, want to locate in Hartlepool Town Centre such a development would clearly potentially provide an attractive alternative to the town centre for retailers seeking to locate, or relocate, in Hartlepool. Retailers who might otherwise locate in the town centre may choose to locate at Tees Bay and similarly existing town centre retailers may choose to relocate to Tees Bay. The traders at the Park would also potential take trade from the town centre traders. A permission here would set a precedent making similar proposals on other sites more difficult to resist. These scenarios could clearly have a significant impact on the vitality and viability of the town centre which might be exacerbated by a subsequent fall in confidence in the town centre and a spiralling down turn in investment. The physical regeneration and employment benefits are acknowledged but the potential harm to the Town Centre arising from the development significantly outweighs the benefits and our retail consultant concludes that "for potential short term gains, the proposals would be likely to be harmful to the long term viability of the town centre, which must be the Council's priority for investment".

7.38 The applicant has suggested that by implementing the extant permissions (H/2005/5921) and (H/FUL/0101/04) and taking advantage of existing permitted development rights to subdivide units and insert small mezzanine floors he could contrive to achieve a similar "fall back" position in retail floor space terms to that

proposed in the current application. This is an argument the applicant has suggested that he will advance at appeal and which is a material consideration. Whilst the “fall back” scenario has not been clearly set out it could for example involve the relocation of B&Q to the new “bulky goods” extension which has been permitted on the other side of the park (H/2005/5921), the subdivision of existing units and the insertion of mezzanines.

7.39 Legal advice on the scope of permitted development rights is still awaited, however setting this aside, given the lack of specific details as to how it could be achieved, the limitations of existing permissions (which mean that some of the existing units are restricted from selling food and any unrestricted retailing would be spread over a number of units rather than consolidated), the limitations of permitted development rights and the logistical/organisational/contractual challenges the “fall back” position would appear to present, it is not clear that this “fall back” position could be satisfactorily achieved. At the moment for example the units where unrestricted or convenience retailing could be undertaken, if the relevant extant permission were implemented (H/FUL/0101/04), are split between three different units. The advice of our retail consultant is that this situation is a very different proposition in retail terms to that which could result from the consolidation of the unrestricted floorspace in a single unit, which could attract a major retailer, if the current application were permitted. She advises therefore that limited weight should be attached to any argument that a strong “fall back” position exists. The fact that the applicant has sought to pursue the current application rather than initiate a process which he maintains would achieve a similar outcome is again perhaps indicative of the problems with this “fall back” position.

7.40 In conclusion in policy terms the proposal is not considered acceptable.

HIGHWAYS

7.41 The site is an existing retail park and the permission seeks to vary an existing outline approval and conditions on existing permissions.

7.42 Traffic & Transportation have advised that they have no objections to the proposal but that car parking and cycle parking details should be conditioned. They have also advised that the legal agreement completed in connection with application H/2005/5921 which this application seeks in part to vary should continue to apply to this application. This legal agreement required a developer contribution for a cycle link and secured a travel plan.

7.43 In highway terms subject to conditions and appropriate legal agreements the proposal is considered acceptable.

FLOODING

7.44 The site lies within Flood Zone 1 which is a designation indicating a low risk of flooding and this has been confirmed by the applicant's own Flood Risk Assessment.

7.45 No objections have been raised on flood risk grounds by our Engineering Consultancy or the Environment Agency. The latter have requested a condition requiring the approval of the details of surface water drainage.

7.46 It is considered that appropriate conditions could be imposed were members minded to approve the application and therefore in flood risk terms the proposal is considered acceptable.

IMPACT ON THE AMENITY OF NEIGHBOURS

7.47 The site is an existing retail park with no nearby residential neighbours, similarly commercial neighbours are remote. It is not considered that the proposed development would affect the existing amenity of any residential or commercial neighbours.

CONSERVATION ISSUES

7.48 It is not considered that the proposal represents a risk to designated sites and there is only a limited possibility of damage and disturbance being caused to protected species, in this case breeding birds. Natural England and our own Ecologist have raised no objections to the proposal.

7.49 Our Ecologist has nonetheless asked that any detailed development take account of the pond along Brenda Road, the belt of semi mature trees and allow for additional tree planting. It is considered that appropriate conditions could be imposed to safeguard and enhance any biodiversity interests on the site were members minded to approve the application.

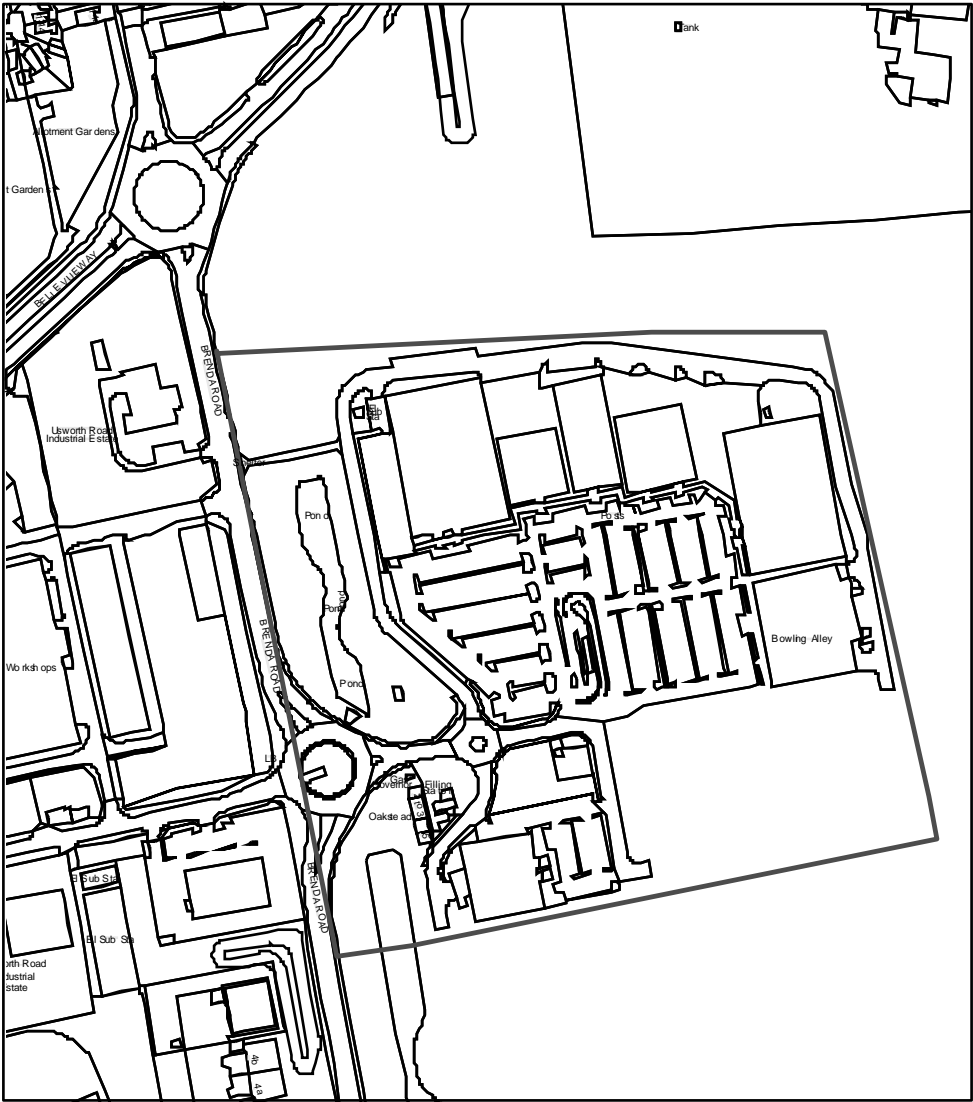
CONCLUSION

7.50 In terms of retail policy the applicant has failed to demonstrate that there is a need for the development, that there are no more suitable or viable sites within or on the edge of the town centre and that there will be no adverse impact on the town centre or any existing centre. The proposed development would potentially result in a fundamental change to the Retail Park and its ability to accommodate open A1 retailers harmful to the prospects of attracting new development and retailers to the town centre. In many cases opportunities for retail development of the form and scale which the applicant would seek to accommodate exist in the town centre. The proposal is therefore contrary to the sequential test and would result in a development which has potential to attract traders to the site at the expense of the town centre. In attracting a wider range of retailers the development would also have potential to draw trade from the town centre. Finally our Retail Advisor raises concerns that the development would therefore be likely to have an adverse impact on investor and retailer confidence in the town centre to its further detriment. In addition it is considered that the proposal would set a precedent for cumulative development which would further impact detrimentally on the vitality and viability of Hartlepool Town Centre. In conclusion a permission here may revitalise the fortunes of Teesbay Retail Park but potentially could have a significantly detrimental impact on the vitality and viability of the Town Centre in already uncertain economic times. The proposal cannot therefore be supported.

RECOMMENDATION- REFUSE for the following reasons:

1. The application proposals fail to demonstrate quantative or qualitative need for the development in accordance with Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
2. The application proposals fail to demonstrate compliance with the Sequential test in accordance with the Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
3. The application proposals fail to demonstrate that the development will not have a detrimental impact on the vitality and viability of Hartlepool town centre contrary to Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.
4. The application would be likely to have an adverse impact on investor and retailer confidence in the Town Centre, which is the priority for new retail development and the refurbishment of existing retail properties and would therefore be detrimental to the vitality and viability of the town centre contrary to Policies Com7, Com8 and Com9 of the Hartlepool Local Plan 2006 and the requirements of PPS6.

Teesbay Retail Park



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 11/11/08 |
| | SCALE 1:3,000 | |
| Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT | DRG.NO H/2008/0495 | REV |

From: Denise Ogden
Sent: 20 April 2009 13:37
To: Jason Whitfield
Cc: Colin Ogden
Subject: RE: H/2009/0017 - Provision of Communal Bin Storage Areas

Many thanks for getting back to me, if you receive any future applications the officer who should be consulted is Colin Ogden, Waste Management Manager.

cheers

Denise Ogden
Head of Neighbourhood Management
Neighbourhood Services Department
Civic Centre
Hartlepool TS24 8AY
Email: denise.ogden@hartlepool.gov.uk

Tel: (01429) 523201

From: Jason Whitfield
Sent: 20 April 2009 12:05
To: Denise Ogden
Subject: H/2009/0017 - Provision of Communal Bin Storage Areas

Denise,

Further to earlier telephone conversation, apologies for the oversight on our part in not consulting you formally on the above application. As discussed, indications from Housing Hartlepool are that the blue box and white bag are to be stored internally. As discussed, I note that you are happy with the proposed scheme providing it is carried out as per those arrangements.

If you have any queries please do not hesitate to contact me.

Kind Regards,

Jason Whitfield
Planning Officer

Regeneration & Planning Services
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT
T: (01429) 523 253
F: (01429) 523 599

Housing Hartlepool
Greenbank
Stranton
Hartlepool
TS24 7QS

Tel: (01429) 525252 / 525253
Fax: (01429) 525222



Improving Homes Improving Neighbourhoods

Our Ref: HH/PEC

Your Ref: H/2009/0111

Contact: Philip Cowan – Ext: 5218

16 April 2009

LINDA WRIGHT

Regeneration & Planning services
Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Dear Linda

**The Headland Gate, Northgate, Hartlepool
Demolition of public house and erection of 4 retail units with 4 self-contained flats above
and associated car parking**

I refer to your letter of 3 April 2009 in respect of the above planning application.

We own 8 retail units on the adjacent shopping parade (nos 128-152 Northgate). Whilst we have no formal objection to the proposal we would like to express our concerns over the sustainability of these 4 retail units given the trading difficulties that have been faced by our own tenants. These units are extremely difficult to let to anything other than hot food take-away businesses and our tenants generally find it very hard to generate sufficient turnover to sustain their rent obligations.

If you wish to discuss these comments in further detail please do not hesitate to contact me.

Kind regards

Yours sincerely

**PHILIP COWAN
PROPERTY MANAGER**

| | |
|---|---------|
| DEPT. OF REGENERATION & PLANNING BRYAN HANSON HOUSE, HANSON SQUARE | |
| 16 APR 2009 | |
| HANDED TO | REPLY |
| | FILE No |

| |
|----------------|
| SCANNED |
| 20 APR 2009 |



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. An investigation has commenced following neighbour concerns regarding the conversion of the first floor into holiday flat at a residential property in Cliff Terrace.
2. Officer monitoring recorded the display of an advertisement on the gable wall of a commercial property in Stockton Road.
3. An investigation has commenced following a neighbouring allotment holders concerns about the erection of a large building on an allotment in Blakelock Road.
4. Officer monitoring recorded the installation of UPVC windows in a property in Gladstone Street. The property is protected by an Article 4 Direction and lies in the Headland Conservation Area.
5. A neighbour complaint regarding earthworks undertaken in the rear garden of a residential property in Greenbank Court.
6. A neighbour complaint regarding a failure to comply with an opening hours condition attached to the existing planning consent for a takeaway in Murray Street.
7. An investigation has commenced following a neighbour complaint regarding bin stores positioned not in accordance with the approved plan for an apartment development in Admiral Way.
8. An investigation has commenced following concerns regarding the placing of site cabins on land in Chesterton Road. They are certainly associated with an ongoing approved bungalow development.
9. Officer monitoring recorded concerns regarding failure to implement a landscaping scheme in Loyalty Road.
10. A neighbour complaint regarding the erection of a high boundary fence in the rear garden of a community building in Kilmarnock Road.

11. An investigation has commenced following concerns regarding the residential occupation of holiday chalets in breach of a condition attached to the existing planning consent in Dalton Piercy.
12. An investigation has commenced following concerns about non – residents visiting a licensed clubhouse on a caravan park in Dalton Piercy.
13. Officer monitoring recorded the erection of unauthorised outbuildings on farm land in Coast Road.
14. An investigation has commenced following concerns regarding the erection of an advertisement banner anchored to street furniture in Church Square.
15. An investigation has commenced following neighbour concerns regarding a scrap business operating from a residential property in Ivanhoe Crescent.
16. A neighbour complaint regarding the removal of a protected hedge in Nightingale Close.
17. Officer monitoring recorded the display of a sign without advertisement consent on land linked to a licensed premises in Middle Warren.
18. A complaint regarding a waste transfer station operating without the benefit of planning permission in Usworth Road.
19. An investigation has commenced following a competitor's concerns about a takeaway operating without the benefit of planning permission in Church Square.
20. An investigation has commenced following an anonymous complaint regarding the display of an advert without the benefit of advertisement consent in Seaton Carew.
21. Officer monitoring recorded an untidy residential property currently undergoing renovation building work in Conway Walk.
22. An investigation has commenced following neighbour concerns regarding an untidy residential/commercial site in Dalton Piercy.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning and Economic Development)


Subject: ENFORCEMENT APPEAL REF
APP/H0724/C/08/2079750:
JOANNA MARY LOUISE BELLERBY,
SPRINGFOLD, FIELD HOUSE FARM, DALTON
PIERCY

1. PURPOSE OF REPORT

- 1.1 To advise members that the above enforcement appeal has been determined by the Planning Inspectorate following a Public Inquiry. The appeal was dismissed.
- 1.2 A copy of the Inspectors decision is set out below.

2. RECOMMENDATION

- 2.1 That Members note the decision.



Appeal Decision

Inquiry held on 3 March 2009
Site visit made on 4 March 2009

by J D Waldron MCD BAArch Architect

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

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

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

Decision date:
25 March 2009

Appeal Ref: APP/H0724/C/08/2079750

Springfold, Field House Farm, Dalton Piercy TS27 3HY.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Joanna Mary Louise Bellerby against an enforcement notice issued by Hartlepool Borough Council.
 - The Council's reference is 2008/00006.
 - The notice was issued on 3 June 2008.
 - The breach of planning control as alleged in the notice is **Without planning permission the unauthorised use of an office building within a building as a dwellinghouse with ancillary office.**
 - The requirements of the notice are:
 - (a) **Cease the unauthorised use of that part of Springfold used as a dwellinghouse with an ancillary office.**
 - (b) **Remove all fixtures, fittings and furniture associated with the residential use of the premises from the site.**
 - The period for compliance with the requirements is 4 months from the date on which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

1. The evidence was taken on oath.
2. The policy referred to in the enforcement notice should clearly be Rur12 and not Rur13. The notice needs to be corrected which can be done without injustice to either party and within the powers available to me. The appeal is determined accordingly.
3. Adopting the convention used at the inquiry, the **office building** is referred to as the "brick building" and the **building** within which it is erected is referred to as the "barn".

Background

4. Springfold has been used for a fencing business under the terms of the conditional planning permission granted in 1998 for the manufacture and storage of fencing products. A planning permission granted in 2003 included the brick building. It is about 7.4m by about 10.5m. The approved plan shows rooms accessed from a central passage, namely Canteen, Kitchen, Toilet/showers, Dry storage and two rooms described as Office.
 5. The brick building was built in 2003-4. It accords generally with the approved plan except mainly that (a) the Canteen and the Kitchen comprise one room (b) a bath has been provided instead of showers (c) two additional doors have
-

Appeal Decision: APP/H0724/C/08/2079750

- been provided into the brick building from the barn (d) a narrow spiral stair has been provided from Dry storage to a first-floor.
6. At the time of the site visit the Kitchen/Canteen included an Aga, kitchen units, table and chairs. One of the offices included easy chairs, TV, upright piano, bureau and table with computer equipment. The other office included 4 filing cabinets, shelving, wardrobe, upright piano, and some valuable tools connected with the fencing business including drill bits and laser level. A boiler and washing machine were installed in the Dry storage room. The first floor is used as a bedroom and for the storage of generally domestic furniture. It has a maximum headroom under the joists of about 1.80m (5 feet 11 inches) at one end. The headroom reduces to about 1.50m (4 feet 11 inches) behind a double bed on the floor, and continues to reduce further, but this lower part is little used.
 7. The brick building is at the east side of the barn. The main access into the barn is directly from a farm track along the west side. Vehicles park inside the barn and can pass through the barn to outside parking and storage areas on the east side connected with the fencing business. The barn contains materials, tools, plant and equipment connected with the fencing business.
 8. The appellant and her husband used to live in a caravan for which planning permission was granted in 1998 for a temporary period expiring in 2001. The caravan had been sited within the barn and was dismantled and removed in 2004.

Appeal on ground (d)

9. The appellant relies on the 4-year tolerance for "Use as a single dwellinghouse" at section 171(B)2 of the 1990 Act. Its meaning is clarified at paragraph 2.81 of Circular 10/97: **Where a single, self-contained set of premises comprises a unit of occupation, which can be regarded as a separate "planning unit" from any other part of a building containing them: are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse; and are used as a dwelling, whether permanently or temporarily, by a single person or more than one person living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwellinghouse for the purposes of the Act.**
10. Given the reference to **separate "planning unit"** in paragraph 2.81, I pointed out at the start of the inquiry the need to determine the relevant planning unit and its use in planning terms.
11. Mrs Bellerby gave evidence first. After cross-examination and re-examination, she answered my questions as follows. Her husband has been involved with the fencing business at Springfold since the mid-1990s and, since then, an average of about 10 people have been employed in the business. Nobody has been employed primarily in a clerical capacity. They come to Springfold in the morning. Some work is undertaken at Springfold. As required, workers go out to the various sites where fencing is being erected, taking necessary materials, tools, plant and equipment. The workers use the kitchen for taking breaks, eating food, having drinks, and getting warm in cold weather. They use the toilet, which is the only one at Springfold. The paperwork for the fencing

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business is kept in the brick building, a door leading directly from the barn into the room containing the filing cabinets. In the evening her husband uses the room with the computer to undertake paperwork connected with the business.

12. It seems to me that since being erected in 2003-4, the brick building has been used to provide facilities for the fencing business, as envisaged when the planning permission was granted in 2003. It has also been used for residential purposes by the appellant and her husband. The only part that appears to have been used solely for residential purposes is the first-floor. Apart from that, there is no physical or functional separation between the two uses, neither of which seems to be ancillary or incidental to the other.
13. I conclude, as a matter of fact and degree, that when the enforcement notice was issued, the brick building was in mixed use in planning terms, for residential purposes and use for the purposes of the fencing business. It could not be described as a **single, self-contained set of premises comprising a unit of occupation, which can be regarded as a separate "planning unit" from any other part of a building containing them.** It is thus not in Use as a **single dwellinghouse** within the meaning of section 171(B)2, and thus not subject to the 4-year rule.
14. Mixed use is subject to the 10-year rule at section 171(B)3, as pointed out at the inquiry. On this basis an appeal could clearly not succeed on ground (d). The brick building was not erected until 2003-4. Indeed the siting of the caravan for residential purposes was, itself, not unlawful until 2001, well within the 10-year period. The appeal fails on ground (d).

The enforcement notice

15. Paragraph 2.10 of Circular 10/97 points out that if the enforcement notice does not specify all the uses taking place on a planning unit in a mixed use case, an Inspector will correct the notice **to reflect the actual situation on the land as it was when the notice was issued, before dealing with any "deemed planning application" on that basis.**
16. The powers at section 176(1) extend to making significant changes to the terms of a notice to provide an accurate description of the alleged breach of planning control when the notice was issued, providing that it can be done without injustice to either party.
17. An enforcement notice does not have to be directed at a whole planning unit, nor does it need to identify it. Thus, in this case, there is no need to expand the area enforced against. Only a lawful use needs to be imported into the allegation. There has thus been no need for the parties to make representations on the planning merits of the lawful use under ground (a) and the deemed application. There is no need for the requirements to be extended. There are no implications in respect of section 173(11).
18. The appellant was aware of the use of the brick building. My conclusion about its mixed use in planning terms can be no surprise.
19. I raised the issue of the relevant planning unit, and its use, early in the inquiry at which both sides were legally represented. My questioning of Mrs Bellerby on the use of the brick building was at a relatively early stage of the inquiry. As

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the Council indicated at the inquiry, if the enforcement notice were to be quashed, a further notice could be issued alleging the mixed use. A further appeal could involve a re-run of grounds (a), (f) and (g), adding cost. In all the circumstances I consider that the notice can be corrected in respect of the mixed use of the brick building without injustice to either party and within the powers available to me. The ground (a) appeal and the deemed application are addressed accordingly.

Appeal on ground (a) and the deemed application for planning permission

20. The development plan is the Regional Spatial Strategy issued in 2008 and the Hartlepool Local Plan adopted in 2006. National, regional and local planning policy presumes against the creation of new dwellings in the countryside without good reason. Paragraph 15.34 of the Local Plan points out that sufficient land has been allocated within the limits to development and in the villages, to accommodate anticipated housing needs. Under Policy Rur12, isolated new dwellings will not be permitted in the open countryside unless 4 criteria are met. Relevant here, is that the dwelling is essential for the efficient functioning of an approved use which is economically viable.
21. The fencing use is approved. Mrs Bellerby owns the property. She has worked as a librarian. The business is run by Mowcar Construction, with Mr Bellerby as an employee. However no documentary evidence has been provided about Mowcar Construction, and no written representations have been received from them in support of the appellant's case. In this context I am not persuaded that the business is economically viable. Nor am I persuaded that a dwelling is essential because of occasional out-of-hours working, as put forward. Materials, tools, plant and equipment can be collected out-of-hours just the same as they are collected during the working day. I am not persuaded that a dwelling is essential so that Mrs Bellerby can provide on-site support for out-of-hours working, as put forward.
22. I am not persuaded that a dwelling is essential for the protection of the materials, tools, plant and equipment on site from theft. No evidence has been provided why normal security measures, including the kind of security measures provided by Mowcar Construction themselves, would be inadequate. Moreover national policy in PPS7 points out that the criteria and principles in respect of new permanent agricultural dwellings should be applied in cases such as this, pointing out that protection from theft is not, by itself, sufficient to justify a dwelling.
23. The retention of the residential component of the mixed use is contrary to relevant and up-to-date policy in the development plan. No material considerations indicate that planning permission should be granted. The objections could not be overcome by the imposition of conditions. The appeal fails on ground (a). Planning permission will not be granted on the deemed application.

Appeal on ground (f)

24. Part of the mixed use has been for lawful purposes. The requirement should be to cease the residential use of the brick building and remove from the site any items associated solely with the residential use. Any additional requirement

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would be excessive. The appeal on ground (f) succeeds insofar as the enforcement notice is varied accordingly.

Appeal on ground (g)

25. The appellant will need to find another home after living at Springfield for some years. It seems to me that six months would be a reasonable period in the circumstances. The appeal succeeds on ground (g) insofar as the notice is varied accordingly.

FORMAL DECISION

26. I determine the appeal as follows:

- (a) I correct the enforcement notice at paragraph 3 by the deletion of the text under the heading and the substitution therefor:
Without planning permission the unauthorised use of a brick building within a barn at Springfield, Field House Farm, Dalton Piercy TS27 3HY for mixed residential use and use for the manufacture and storage of fencing products.
- (b) I correct the enforcement notice by the deletion of **Policy Rur13** and the substitution therefor **Policy Rur12**.
- (c) I vary the enforcement notice at paragraph 5 by the deletion of the text under the heading and the substitution therefor:
Cease the use of the brick building within a barn at Springfield, Field House Farm, Dalton Piercy TS27 3HY for residential use and remove from the site all items associated solely with the residential use.
- (d) I vary the enforcement notice at paragraph 6 by the deletion of "**4 months**" and the substitution therefor "**6 months**".
- (e) Subject thereto I dismiss the appeal, uphold the enforcement notice as corrected and varied, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

J Waldron

Inspector

Appeal Decision: APP/H0724/C/08/2079750

APPEARANCES

For the appellant

Mr Richard Merritt, Consultant with Messrs Shirtcliffe & Reston, Solicitors, 1 Finkle Street, Thirsk. Instructed by Messrs Prism Planning.

He called:

| | |
|--------------------|--|
| Mrs J M L Bellerby | The appellant. |
| Mr P Reed | Petersbrooke Riding Stables, Dalton Piercy. |
| Mr S G Barker | BSc(Hons) MRTPI DMS: Prism Planning, 1ST Floor, Morton House, Morton Road, Darlington DL1 4PT. |
| Mr M Gill | 17 Durham Street, Hartlepool. |
| Mr L Veart | 33 Ridlington Way, Hartlepool. |

For the Council

Mr John Hunter of Counsel: instructed by the Borough Solicitor.

He called:

| | |
|--------------|---|
| Mr R Newlove | LLB DipTP MRTPI: Scott Wilson, Victoria House, 159 Albert Road, Middlesbrough TS21 2PX. |
| Mr R Teese | DipTP MRTPI: Hartlepool Borough Council. |
| Mr P Burgen | Hartlepool Borough Council. |

DOCUMENTS

- A Statement of Common Ground.
- B Appendices A-L to the proof of evidence of Mr Barker.
- C Documents RT1-RT27 to the proof of evidence of Mr Newlove.
- D Colour photograph of the appellant standing by the Aga.
- E Extract: *Gravesham BC v SSE and Another (1984) 47 P & CR 142*.
- F Extract: *Sage v SSE and Another [2003] UKHL 22*.
- G Text of Local Plan policies.
- H Letter received at the Inquiry from Ian & Julie Fewster.

Report of: Assistant Director (Planning and Economic Development)

Subject: ENFORCEMENT APPEAL REF
APP/H0724/C/09/2099992:
GLORIA ANNETTE YOUNG, 31 VENTNOR
AVENUE

1. PURPOSE OF REPORT

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

2. THE APPEAL

- 2.1 An enforcement appeal had been lodged against an enforcement notice issued by Hartlepool Borough Council in relation to the erection of a 5.5 metre (18') high front boundary fence at 31 Ventnor Avenue.
- 2.1 The appeal is to be determined by hearing procedure and authority is therefore requested to contest the appeal.

3. RECOMMENDATION

- 3.1 Authority be given to contest the appeal.

Report of: The Director of Regeneration and Planning Services

Subject: EMPLOYMENT LAND REVIEW

1. PURPOSE OF REPORT

- 1.1 To inform Members of the main findings of the recently completed Employment Land Review for the Borough and the proposed way forward regarding the study's recommendations. The Document is to be used as an evidence base to inform the Core Strategy and other relevant Development Plan Documents (DPDs).
- 1.2 To seek Members' approval to use the Employment Land Review (ELR) document as material consideration in the determination of planning applications relating to employment land.

2. INTRODUCTION

- 2.1 As part of the new planning legislation and guidance Local Authorities are required to undertake an Employment Land Review Study to provide a robust evidence base for the production of formal planning policy documents such as the new Core Strategy which will eventually replace the Local Plan.
- 2.2 This work has been done by Nathaniel Lichfield & Partners (NLP) and Storeys: ssp on behalf of Hartlepool Borough Council.
- 2.3 The Employment Land Review has assessed the main employment sites within Hartlepool according to specific categories including:
 - General employment sites,
 - Sites retained for specific uses including Port Related uses
 - Key Employments sites serving a wider area than just Hartlepool.
- 2.4 In summary the main aims of the study were to:
 - Consider the Borough's future employment land and premises requirements by developing and testing a number of economic growth scenarios;
 - Review the current supply of employment land in Hartlepool in both quantitative and qualitative terms; and
 - Draw the preceding analysis together to identify any surpluses or deficiencies in the provision of employment land.
- 2.5 The study methodology was based upon Government guidance and good practice from comparable studies undertaken elsewhere. The study was

prepared following a wide range of consultation involving one to one direct discussions, a workshop involving a number of landowners, developers, businesses, agents and support agencies and also a Business Survey sent out to 200 local companies.

3. CONTEXT

- 3.1 A key aim of regional and local policy is to increase levels of economic growth by increasing business start-up rates and the business stock, attracting more high value businesses. Within Hartlepool strategic sites such as Wynyard and Queens Meadow will underpin future economic growth in the Borough through the provision of modern, high quality business premises, whilst significant intervention is planned to improve the quality of sites and premises in the Southern Business Zone. Ensuring the provision of an adequate supply of employment land (in terms of quantity, range and quality) is critical to our continuing economic regeneration. Conversely the retention of too much employment land may prevent alternative development coming forward.
- 3.2 The report highlights the need to secure a sufficient amount of employment land to be available to meet medium and longer term needs by balancing of the various types and quality of employment land to meet business needs and regeneration aspirations and plans.

4. STUDY RESULTS AND RECOMMENDATIONS

- 4.1 The report identifies and assesses 54 available employment sites within Hartlepool, equating to a net site area of 372 hectares. These comprise:
- 29 hectares of land restricted for port-related uses;
 - 185 hectares of land at Key Employment Locations at Wynyard Business Park and North Burn Electronics Park; and
 - 158 hectares of general employment land.
- 4.2 The report recommends that Hartlepool should be planning to meet demand for employment land of between 2 - 3 hectares per annum, taking account of past performance and a range of factors influencing future demand levels. .
- 4.3 Future demand of 2-3 ha per annum is expected to be driven by:
- The spin-off benefits from projected growth in the process and offshore industries;
 - The 'trickle down' effect from key employment locations such as Wynyard and North Burn; and
 - Planned improvements to the Southern Business Zone
- 4.4 The demand projections identify a requirement for between 50 -75 hectares in Hartlepool over a 25 year period. Given that 54 available employment sites with total net area of over 372 hectares (including Wynyard & North Burn) has been assessed by this Employment Land Review, the Borough has a clear oversupply in quantitative terms.

- 4.5 However, as set out in Regional Spatial Strategy (2008), a significant proportion of this stock should be considered in isolation and not subject to the 25 year requirement. Based upon findings of research and site appraisals, the report recommends that the following can be discounted from the supply of general employment land as shown on Plans 1 & 2 attached:
- 12.89 ha to be restricted for chemical and steel industries;
 - 29.31ha to be restricted for port-related uses; and
 - 185.06ha at Key Employment Locations.
- 4.6 It is considered that land available at Wynyard should be considered out-with the Borough's 25 year portfolio of general employment land because the sites are of regional significance and serve a market that extends far beyond Hartlepool, owing to their scale and influence. With the omission of the above sites this would leave Hartlepool with 146 hectares of general employment land. Based upon a projected requirement of between 50 -75 hectares over the 25 year period, this still represents a significant oversupply.
- 4.7 The Employment Land Review therefore recommends the de-allocation of the following sites (totalling 46.37ha) as indicated on Plan 3 attached:
- Parts of Oakesway
 - Mixed use regeneration site at the Headland (adjacent to the Manor House)
 - East of Stranton (Anchor Mills)
 - Parts of Tees Bay Retail Park
 - Brenda Road East, Southerm Part
 - Golden Flatts
 - Parts of Graythorp
 - Century Park (Former RHM Site)
- 4.8 The resulting supply position will leave the Borough with about 99 hectares of general employment land. This total still exceeds the upper end of the demand projections (75 hectares), thereby providing a degree of flexibility and choice. None of the allocated sites readily lend themselves to alternative uses which might justify further de-allocations as employment sites. The main employment locations available for development are shown on Plan 4. Some other large sites are not shown as these are retained for owners' own longer term expansion and are therefore not available for release for general employment purposes.
- 4.9 Policies and proposals for the de-allocated sites will be prepared as part of the work on the Core Strategy and its subsequent documents.
- 5. THE WAY FORWARD**
- 5.1 The findings of the Employment Land Review will inform the Local Development Framework including the Hartlepool Core Strategy and should

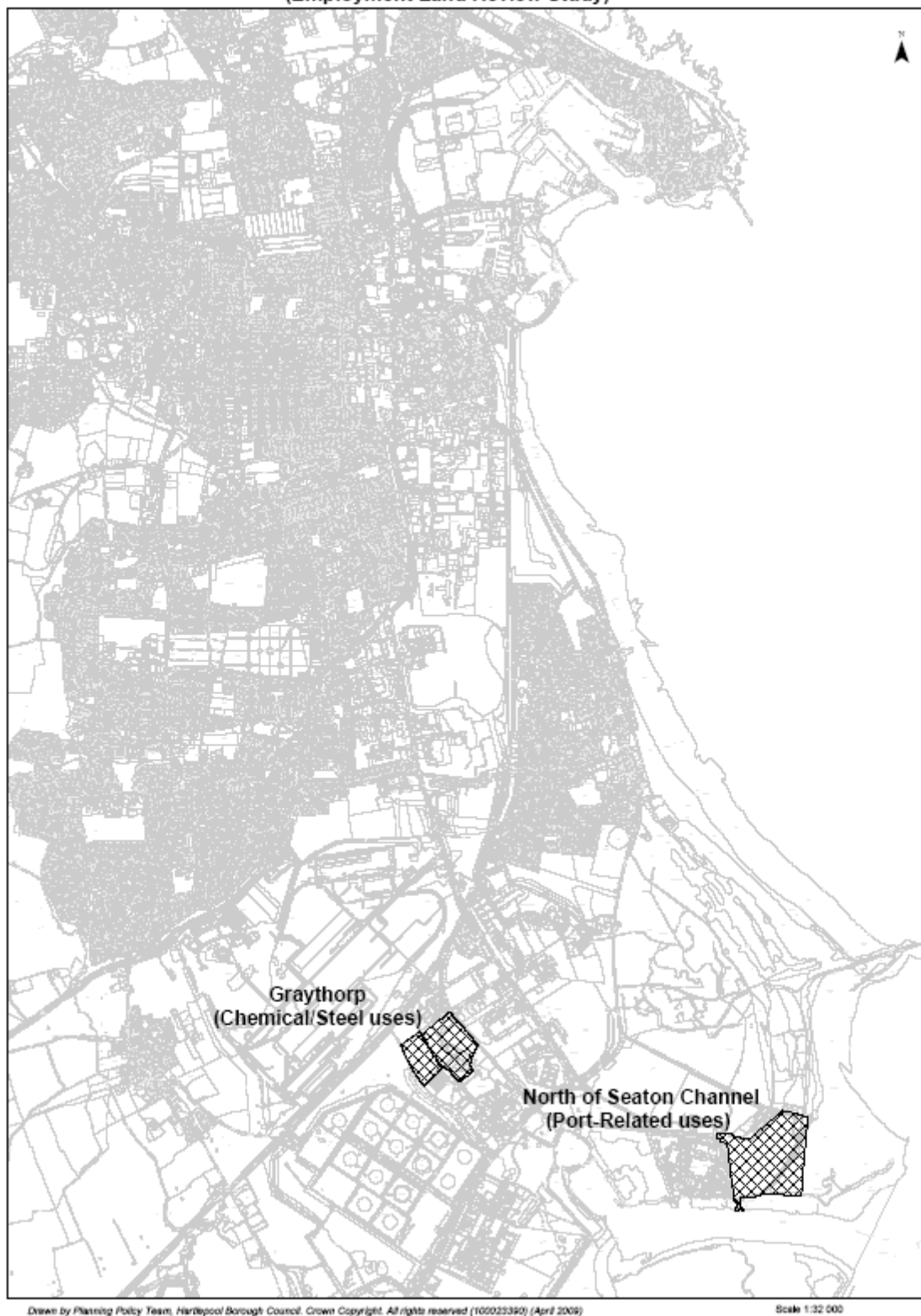
be a material consideration in determining planning applications for employment use as well as alternative uses on employment land.

- 5.2 A report was made to Cabinet at its meeting on 20 April 2009 to seek members' views on the use of the Employment Land Review as a material consideration in determining applications for planning permission. An update on the Cabinet's decision will be made at the meeting.
- 5.3 A copy of the Employment Land Review has been placed in the Members' Room.

6. DECISION REQUIRED

- 6.1 That, subject to the recommendations of the Cabinet on 20 April 2009, Members agree that the Employment Land Review recommendations be used as material consideration in the determination of planning applications relating to employment land.
- 6.2 That Members note that the Employment and Review will be used as an evidence base to inform the Core Strategy and other relevant Development Plan Documents (DPDs).

**Plan 1: Restricted Employment Sites
(Employment Land Review Study)**



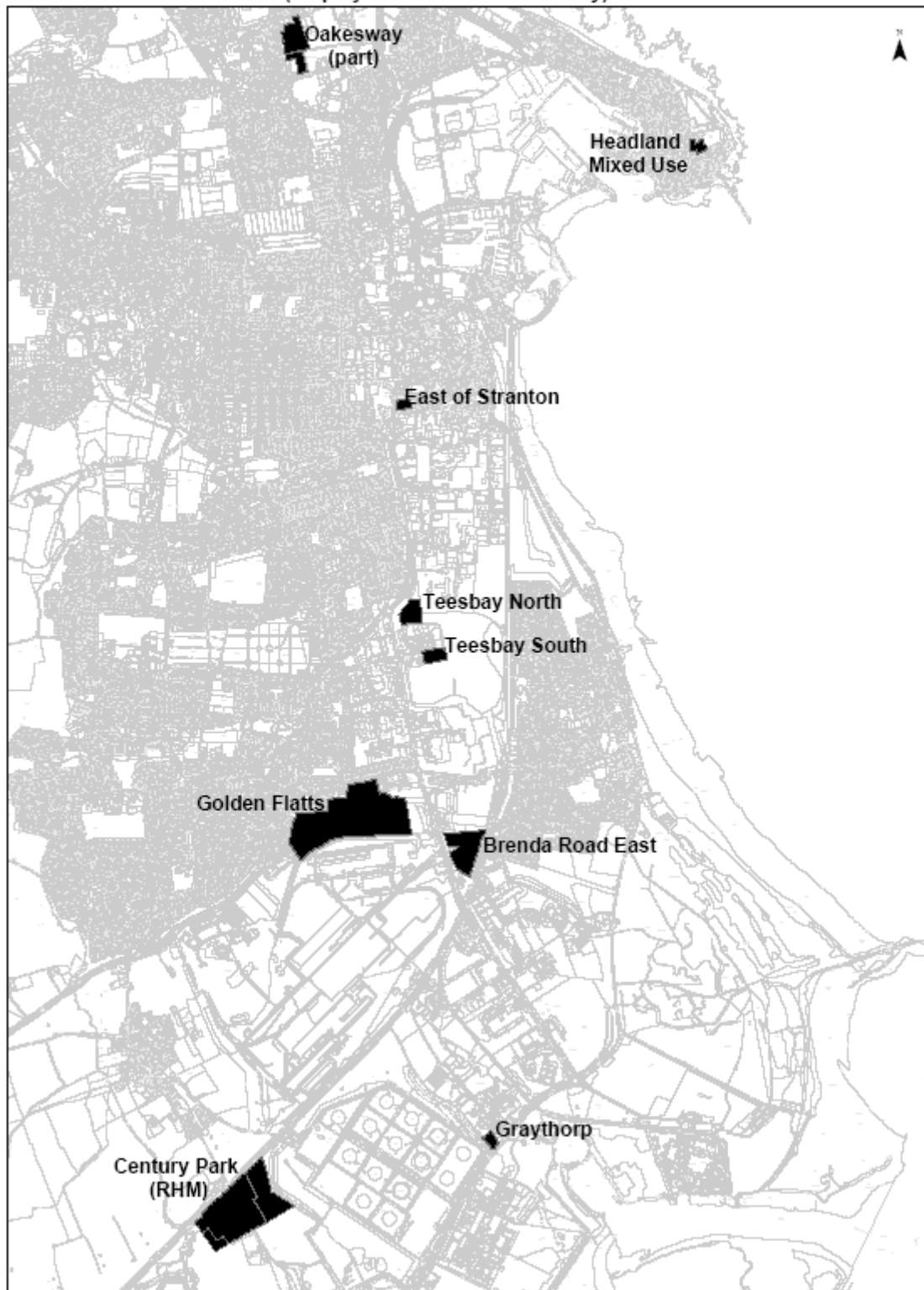
**Plan 2: Key Employment Locations
(Employment Land Review Study)**



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Scale 1:50 000

**Plan 3: Suggested Deallocations
(Employment Land Review Study)**



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