

PLANNING COMMITTEE AGENDA



Wednesday 12th August 2009

at 10.00 am

**in the Council Chamber
Civic Centre, Hartlepool**

MEMBERS OF PLANNING COMMITTEE:

Councillors Allison, R W Cook, S Cook, Cranney, Fleet, Griffin, Laffey, G Lilley, London, J Marshall, McKenna, Morris, Plant, Richardson, Wallace and Wright.

1. **APOLOGIES FOR ABSENCE**

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

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 15th July 2009

4. **ITEMS REQUIRING DECISION**

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

1. H/2009/0278 3 Hart Lane
2. H/2009/0331 St Hilds
3. H/2009/0321 Baker Petrolite
4. H/2009/0384 66 Murray Street
5. H/2009/0340 Macauley Road

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

4.3 Erection of a Two-Storey Boat Showroom and restaurant at Slake Terrace – *Assistant Director (Planning and Economic Development)*

- 4.4 Appeal Ref APP/H0724/A/09/2105084:H/2009/0102 Erection of a new Performing Arts Centre with Associated Car Parking and Landscaping. St Hilda's C of E School, King Oswy Drive, Hartlepool TS24 9PB – *Assistant Director (Planning and Economic Development)*
- 4.5 Monitoring of the Marad Contract, Able UK Ltd, Graythorp – *Assistant Director (Planning and Economic Development)*
- 4.6 Conservation Area Partnership Schemes in Conservation Areas – *Assistant Director (Planning and Economic Development)*
- 5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
- 6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

EXEMPT ITEMS

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

7. EXEMPT ITEMS REQUIRING DECISION

- 7.1 Complaint files to be closed – *Assistant Director (Planning and Economic Development)* (Para 6)
- 7.2 Unauthorised Works to Properties in Conservation Areas – *Assistant Director (Planning and Economic Development)* (Para 6)

8. ANY OTHER EXEMPT ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

9. FOR INFORMATION

Next Scheduled Meeting – Wednesday 9th September 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, 9th September at 9.00am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15 July 2009

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Allison, Kevin Cranney, Mary Fleet, Pauline Laffey, Geoff Lilley, Frances London, John Marshall, Chris McKenna, George Morris, Michelle Plant, Carl Richardson and Edna Wright

Officers: Richard Teece, Development Control Manager
Jason Whitfield, Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Paul Mitchinson, Highways Services Manager
Richard Smith, Solicitor
Denise Wimpenny, Principal Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Shaun Cook and Sheila Griffin.

2. Declarations of interest by Members

None.

3. Confirmation of the minutes of the meeting held on 17 June 2009

Confirmed.

4. Planning applications (*Assistant Director (Planning and Economic Development)*)

Number: H/2009/0195

Applicant: Mr Ashley Hornsey
EGERTON ROAD HARTLEPOOL

Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL

Date received: 23/04/2009

Development: Erection of a double garage/hallway/cloakroom extension to front to enable conversion of existing garage to gymnasium

Location: 32 EGERTON ROAD HARTLEPOOL

Decision: Deferred for further information about the structural stability of a retaining wall close to the proposed extension

Number: H/2009/0219

Applicant: Mr S Bates
DALTON PIERCY ROAD HARTLEPOOL

Agent: Mr S Bates PIERCY FARM DALTON PIERCY ROAD
HARTLEPOOL

Date received: 03/06/2009

Development: Provision of internal access road to farm building and stables (retrospective)

Representations: The applicant was present at the meeting

Location: PIERCY FARM DALTON PIERCY ROAD
HARTLEPOOL

Decision: **Minded to APPROVE but subject to no substantially different concerns from Dalton Piercy Parish Council a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee**

Number: H/2009/0284

Applicant: Mr Michael Allen
Sandgate Industrial Estate Hartlepool

Agent: Malcolm Arnold 2 Siskin Close HARTLEPOOL

Date received: 03/06/2009

Development: Outline application for the erection of a two storey dwelling to former garden area□

Location: 15 BURWELL WALK HARTLEPOOL

Decision: Outline planning permission approved

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 layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. The dwellinghouse hereby approved shall not exceed 2 storeys in height.
In the interest of the visual amenity of the occupiers of surrounding residential properties.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. Before the development hereby approved is commenced, the dwelling(s) shall be pegged out on site and its/their exact location agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.

8. 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.
9. 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.

Number: H/2008/0155

Applicant: Sycamore Prop Developments
Underhill Road Cleadon Sunderland

Agent: Blackett Hart & Pratt Eldon Chambers 23 The Quayside
Newcastle Upon Tyne

Date received: 23/12/2008

Development: Application to release a S52 agreement limiting development at this site following approval of an application to remove condition 2 attached to application EZ3/7/HO/577/83 to allow general industrial use (B2 use) on 29 October 2008

Location: ADJACENT STADIUM (FORMERLY EASTMANS)
BRENDA ROAD HARTLEPOOL

Decision: **Members resolved that the legal agreement is no longer required**

Number: H/2009/0211

Applicant: Mr R Brown
TYNEBROOKE AVENUE HARTLEPOOL

Agent: Mr R Brown 8 TYNEBROOKE AVENUE
HARTLEPOOL

Date received: 29/04/2009

Development: Erection of a detached garage

Location: 8 TYNEBROOKE AVENUE HARTLEPOOL

Decision: **Minded to APPROVE subject to further consideration about hazardous substances/outside storage but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee**

Number: H/2009/0243

Applicant: Mr Michael Heuck
Heron Frozen Foods Ltd Walcott Street Hessle Road HULL

Agent: Derek Morris Architects Malt Kiln Road Lincoln

Date received: 29/05/2009

Development: The erection of 5 air conditioning and remote chiller compressors onto the flat roof to the rear of the property (retrospective)

Location: 424 CATCOTE ROAD HARTLEPOOL

Decision: **Minded to APPROVE but a final decision was delegated to the Development Control Manager. Members indicated that a noise limit of 44dBA should be imposed**

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

The Development Control Manager drew Members attention to twenty three ongoing issues, which were being investigated.

A lengthy discussion ensued in relation to the current complaints which included a number of queries regarding covenant consent, to which the Development Control Manager and Council's Solicitor provided advice and clarification.

Decision

The report was noted.

6. 59 Egerton Road, Erection of a Two Storey Utility, Games Room and Bedroom/En-Suite Extension to Front and a Detached Garage to Side (H/2009/0151)
(*Assistant Director (Planning and Economic Development)*)

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a two storey utility, games room and bedroom/ensuite extension to front and a detached garage to side. The appeal was to be decided on written

representations and authority was therefore requested to contest the appeal.

Decision

That authority be granted to officers to contest the appeal.

7. The Headland Gate Northgate – Demolition of Public House and Erection of Four Retail Units with Four Self-Contained Flats Above and Associated Car Parking (H/2009/0111) (Assistant Director (Planning and Economic Development))

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the redevelopment of the Headland Gate Public House/restaurant site. The appeal was to be decided on written representations and authority was therefore requested to contest the appeal.

Decision

That authority be granted to officers to contest the appeal.

8. Appeal by Mr Arthur Bell – 36 Hutton Avenue (Assistant Director (Planning and Economic Development))

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the conversion to a bed and breakfast guest house (10 beds) at 36 Hutton Avenue, Hartlepool. The appeal was to be decided on written representations and authority was therefore requested to contest the appeal.

Decision

That authority be granted to officers to contest the appeal.

9. Appeal by Craig Wilkinson Site at Land Adjacent to Kiddicare Day Nursery, Warrior Drive, Seaton Carew, Hartlepool (H/2009/0154)(Assistant Director (Planning and Economic Development))

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a detached dwelling with double garage (resubmitted amended application) The appeal was to be decided on written representations and authority was therefore requested to contest the appeal.

Decision

That authority be granted to officers to contest the appeal.

- 10. Appeal Ref: APP/HO724/A/09/2106524/NWFH/2009/0082 – Change of Use to Car Valeting Centre Garage Site, 234 Stockton Road, Hartlepool, TS25 5DE** *(Assistant Director (Planning and Economic Development))*

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for a change of use to a car valeting centre at 234 Stockton Road, Hartlepool. The appeal was to be decided on written representations and authority was therefore requested to contest the appeal.

In response to a Member's request for clarification, the Development Control Manager advised that the purpose of submitting reports of this type was to seek authority to contest the appeal and it was also an opportunity exceptionally for Members to reflect on their previous decision and consider whether applicants should be encouraged to resubmit applications on a without prejudice basis.

A lengthy discussion ensued on the feasibility of the appeals being successful, costs incurred by the authority, success rates from previous appeals as well as proposed training for Planning Members. Following discussion regarding Government targets on appeals as well as Hartlepool's current performance, the Committee requested that annual return figures be submitted to the Planning Committee for discussion.

Decision

That authority be granted to officers to contest the appeal.

- 11. Appeal Ref: APP/HO724/A/09/2106703/NWFH/2009/0171 – Installation of a New Shop Front including Alterations to provide separate access to First Floor Flat Allsorts, 33 The Front Seaton Carew** *(Assistant Director (Planning and Economic Development))*

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the installation of a new shop front including alterations to provide separate access to first floor flat at 33 The Front, Seaton Carew. The appeal was to be decided on written representations and authority was therefore requested to contest the appeal.

Decision

That authority be granted to officers to contest the appeal.

12. Appeal by Mike Young Site at Land at St Hilds Church of England School, King Oswy Drive, Hartlepool

(Assistant Director (Planning and Economic Development))

Members were advised that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the erection of a new performing arts centre with associated car parking and landscaping at St Hilds School, Hartlepool. Members were advised that following distribution of the agenda documentation this appeal had been withdrawn.

Decision

That withdrawal of this appeal, be noted.

13. Appeal Ref: APP/H0724/A/09/2097541/WFH/ 2008/ 0692 – Retention of Railings to Garage Roof (Retrospective) – 90 Hart Lane, Hartlepool

(Assistant Director (Planning and Economic Development))

Members were advised that this appeal had been determined by the Planning Inspectorate by way of the written representations procedure. The appeal was dismissed and a copy of the Inspector's decision was attached.

Decision

That the decision of the Planning Inspectorate, be noted.

14. Any Other Items which the Chair considers are Urgent

None

15. Local Government (Access to Information) (Variation Order) 2006

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

Local Government (Access to Information)(Variation) Order 2006

Minute 16 – Complaint Files to be Closed (Para 6 - namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

- 16. Complaint Files to be Closed** - *Assistant Director (Planning and Economic Development)*) (Para 6 - namely information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment).

Members approval was sought to close two outstanding complaints files, details of which were set out in the exempt section of the minutes.

Decision

That the case files referred to above be closed and that no further action be taken.

- 17. Any Other Exempt Items which the Chairman Considers are Urgent**

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

Minute 18– Hart Quarry, Hart Lane (Para 5 - namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) (Para 6 – information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment).

Minute 19– Enforcement Action – Youngs Recycling Group Ltd, Land at Graythorp Industrial Estate, Graythorp, Hartlepool (Para 5 - namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) (Para 6 – information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment).

- 18. Any Other Business - Hart Quarry, Hart Lane, Hartlepool** (*Assistant Director (Planning and Economic Development)*) (Para 5 - namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) (Para 6 – information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment).

Members were updated on the current position with regard to outstanding matters in relation to mineral extraction operations at Hart Lane Quarry, Hart Lane, details of which were included within the exempt section of the minutes.

Decision

Members noted the current position.

- 19. Any Other Business – Enforcement Action – Youngs Recycling Group Limited, Land at Graythorp Industrial Estate, Graythorp, Hartlepool** (*Assistant Director (Planning and Economic Development)*) (Para 5 - namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) (Para 6 – information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment).

Members were referred to background to the proposed enforcement action, details of which were set out in the exempt section of minutes.

Decision

The decision is set out in the exempt section of the minutes.

- 20. Date and Time of Next Meeting**

Wednesday 12 August 2009 – 10.00 am

The meeting concluded at 12.05 pm.

CHAIRMAN

No: 1
Number: H/2009/0278
Applicant: Miss R Adams Raby Road Hartlepool TS24 8HG
Agent: Miss R Adams 297 Raby Road Hartlepool TS24 8HG
Date valid: 26/05/2009
Development: Change of use from car parts shop to pet grooming parlour
Location: 3 HART LANE HARTLEPOOL

The Application and Site

1.1 The application site is a terraced commercial property situated within row of units on Hart Lane, adjacent to the junction with Raby Road. The property is located adjacent to a funeral director and a computer/electrical shop. The property is currently occupied by a motor parts shop.

1.2 The application seeks consent for a change of use to a pet grooming parlour.

Publicity

1.3 The application has been advertised by way of neighbour letters (2) and site notice. To date, there have been 3 objections.

1.4 The concerns raised are:

- i) Restriction of traffic flow and obstruction of public highway;
 - ii) Noise and disturbance to the nearby cemetery;
 - iii) Effect of noise levels on funeral parlour;
 - iv) Inappropriate and disrespectful use adjacent to funeral parlour.
 - v) Use will affect trade of existing dog grooming business nearby;
 - vi) Existing established dog grooming salon nearby;
- Copy Letters C

The period for publicity has expired.

Consultations

1.5 The following consultation replies have been received:

Traffic and Transportation – The proposal is located close to a busy signalised junction and there are concerns that customers may park close to the junction to use the shop. However, it would be difficult to sustain an objection on highways grounds due its location as there is a car park to the rear of the shopping parade and the property has previously been used as a car parts shop.

Public Protection - No objection.

Economic Development – Support the application.

Planning Policy

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

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

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

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.

Planning Considerations

1.7 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies, specifically in terms of the impact of the proposal on the amenity of neighbouring uses, the character of the surrounding area and the impact on highway safety.

Affect on Neighbours

1.8 It is considered in this instance that the proposed use is unlikely to significantly affect the amenity of the neighbouring uses in terms of noise and disturbance. Whilst it is acknowledged that there are elements of noise associated with the proposed use, the Council's Head of Public Protection has raised no objections to the proposal. In terms of the specific concerns over the impact on the adjoining funeral directors and nearby cemetery, it is considered that the proposed use would not unduly affect the amenity of those uses through noise and disturbance. Whilst it is acknowledged that those uses are sensitive in nature, it is not considered that the proposed dog grooming use would result in noise levels which would unduly disturb the activities of those uses. It is considered appropriate in this instance, however, to restrict the opening hours of the proposed use to control any potential impacts on the adjacent properties at unsociable hours through the overnight keeping of dogs. Any issues arising over noise or disturbance from the proposed use can be dealt with through the Council's statutory Environmental Health controls.

Character of the Area

1.9 As the property has previously been in a commercial use and adjoins commercial properties, it is considered unlikely that proposed use would have a significant detrimental effect upon the existing character of the property and in turn the locality. It is considered that the proposed use is acceptable as it is bringing a vacant commercial unit back into use and the Council's Economic Development section has supported the proposal in that respect.

Highway Safety

1.10 In terms of highway safety, the Council's Traffic and Transportation section have indicated that there are concerns over customers of the shop potentially parking close to the signalised junction at Hart Lane/Raby Road. However, it is considered in this instance that a refusal on those grounds would be difficult to sustain given that the existing use of the premises would also attract customers by car and additionally there is the availability of car parking to the rear of the premises.

Other Issues

1.11 Concerns raised regarding the potential threat of the proposed use on existing premises are not material planning considerations and can not be given regard in the determination of a planning application.

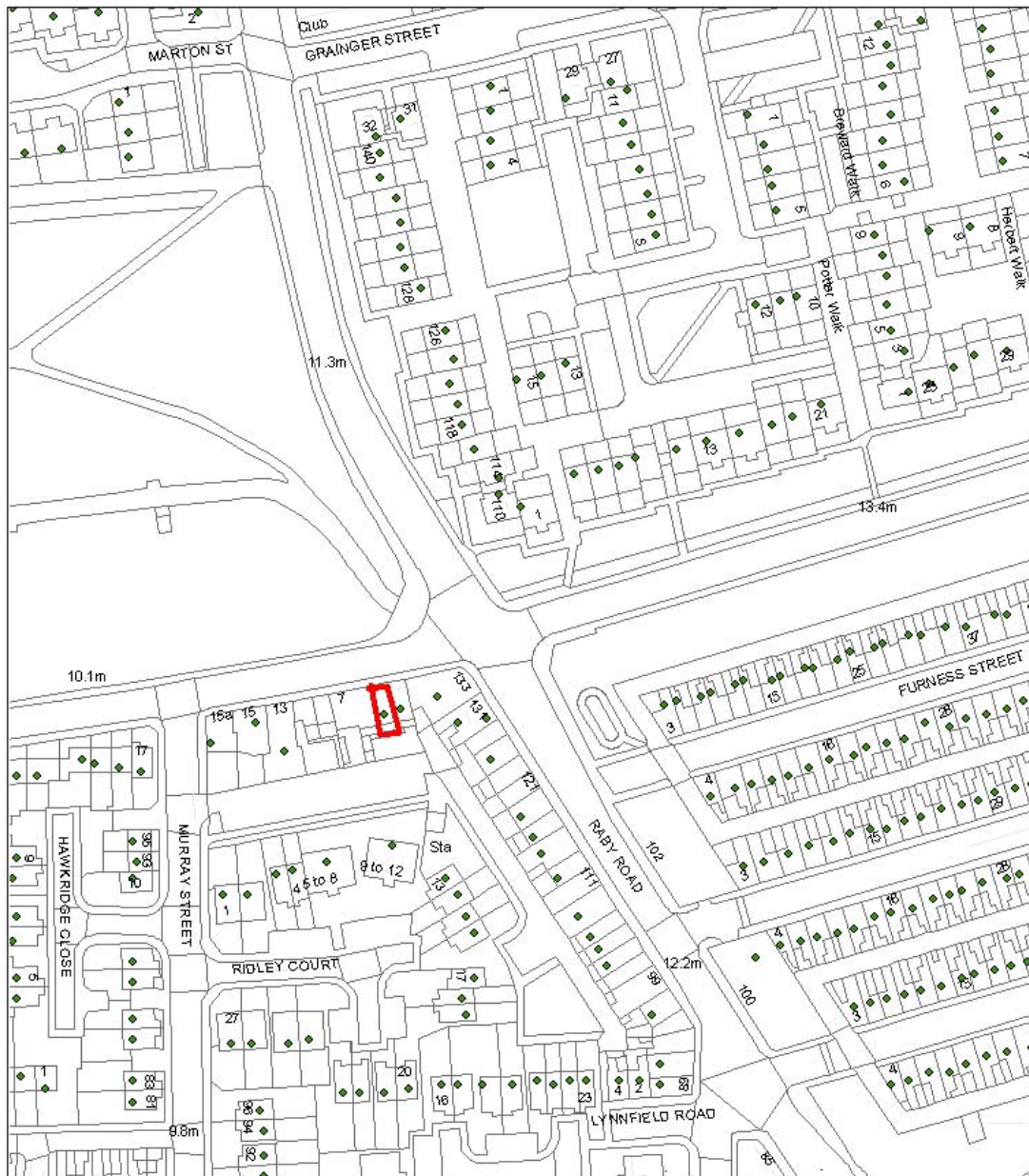
Conclusions

1.12 With regard to the relevant Hartlepool Local Plan (2006) policies as set out above, and in light of the relevant planning considerations as discussed, the application is considered acceptable and is therefore recommended for approval subject to the conditions as set out below.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 9.00 and 17.00 Mondays to Saturdays inclusive and at no time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. No dogs shall be kept on the premises overnight.
In the interests of the amenities of the occupants of neighbouring properties.

3 Hart Lane



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1250

Date :

Drg No: H/2009/0278

Drawn: JT

No: 2
Number: H/2009/0331
Applicant: Mr Paul Briggs Civic Centre Victoria Road Hartlepool
TS24 8AY
Agent: GWK Chartered Architects Ms Charlotte Henry 1st Floor
Cathedral Buildings Dean Street Newcastle Upon Tyne
Date valid: 15/06/2009
Development: Erection of a new classroom unit for learning including
community use (revised application)
Location: ST HILDS C OF E SCHOOL KING OSWY DRIVE
HARTLEPOOL

Background

2.1 The Planning Committee resolved that it was minded to approve a similar proposal for a Space to Learn classroom on the 25th February 2009 in approximately the same location, under ref: H/2009/0035 but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee. An approval was issued on the 11th March 2009.

2.2 Due to a recent fire safety audit at St. Hild's School which incorporated the previously approved Space to Learn proposal, it became apparent that there were some key fire safety issues which needed to be addressed. In addition the previously approved physical link to the building from the school itself via a glazed structure has been abandoned. The scheme has been revised to rotate the building approximately 90 degrees to King Oswy Drive. It is proposed to provide a new pedestrian access onto King Oswy Drive which would also incorporate access ramps and a ramped access from St. John Vianney Primary School to the east of the building. Plans will be displayed at the meeting.

The Application and Site

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

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

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

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

Publicity

2.7 The application has been advertised by way of neighbour letters (146), site notice and press notice. Although the previous application did not attract any objections, this application has to date, attracted 16 letters of no objection and 3 letters of objection.

The concerns raised are:

1. The area is becoming a joke, already agreed to other extensions, eco garden etc.
2. Lots of traffic parking in front of neighbouring homes, can't get into our drives.
3. Unruly children throwing rubbish in neighbouring gardens its bad enough now with the school children.
4. Unsociable behaviour by youths in area
5. Unsociable hours

Copy Letters A

The period for publicity has expired.

Consultations

2.8 The following consultation replies have been received:

Public Protection – No objection

Property Services – No comment

Engineering Consultancy – No objection, a desk top study and preliminary Site Investigation have been carried out which identified no contamination over the development footprint.

Traffic and Transportation – At present the car park for the school is nearly at capacity with staff parking. The applicant is not providing any additional parking, however the school is located on King Oswy Drive which has very good transport links it would therefore be very difficult to sustain an objection. The extra staff travelling to and from work would have an insignificant impact on the surrounding highway network.

Northumbrian Water – no objection

Planning Policy

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

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

the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

Planning Considerations

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

Policy

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

Effect on the surrounding area

2.12 The building is proposed to be situated on a tarmac area in the north-east corner of St. Hild's school site. The building is proposed to be single storey approximately 6metres in height. Given the location of the building it would be prominent to users of King Oswy Drive, however it is considered that the siting and scale are appropriate for the use and character of the area.

2.13 There is a small store building located within the area proposed to site the Space to Learn building, it is proposed that this would be demolished to accommodate the new building.

2.14 The design of the building is unique both externally and internally and has been specifically designed to allow flexibility of use with direct involvement with both staff and pupils. The buildings north façade faces onto King Oswy Drive and although simple in design it is considered striking in appearance. The north elevation is a simple uninterrupted façade with no fenestration, the main entrance is located on this façade.

2.15 The south façade links Space to Learn directly to outside areas via floor to ceiling glazed folding walls. Concealed roller shutters will allow the glazed elevation to be protected over night.

2.16 The new design will not include photovoltaic panels and solar water heating panels as previously approved, however the new design incorporates a sedum planted roof and on its west elevation floor to ceiling height rotating fins which will provide shading and cooling and increase the security of the building.

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

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

2.19 The applicant had prior to the submission of the previously approved scheme undertaken community involvement in the form of 2 public consultation events and letters sent out to over 600 households in the local area. Despite the canvassing only 2 members of the public attended and no feedback was received.

Highways

2.20 Public access into the building is via a new pedestrian access from King Oswy Drive.

2.21 Space to Learn will accommodate 4 full time support staff. No alterations are proposed to the car parking arrangements as it is considered that the additional staff would utilise existing spaces. The previously approved application for Space to Learn proposed the same staff numbers and no increase in car parking spaces.

2.22 Although the car park for the school is reaching capacity with staff parking, the school is located on King Oswy Drive which has very good transport links it would therefore be very difficult to sustain an objection. It is considered by the Council's Traffic and Transportation Team that the extra staff travelling to and from work would have an insignificant impact on the surrounding highway network and therefore there are no objections to the proposal.

Conclusion

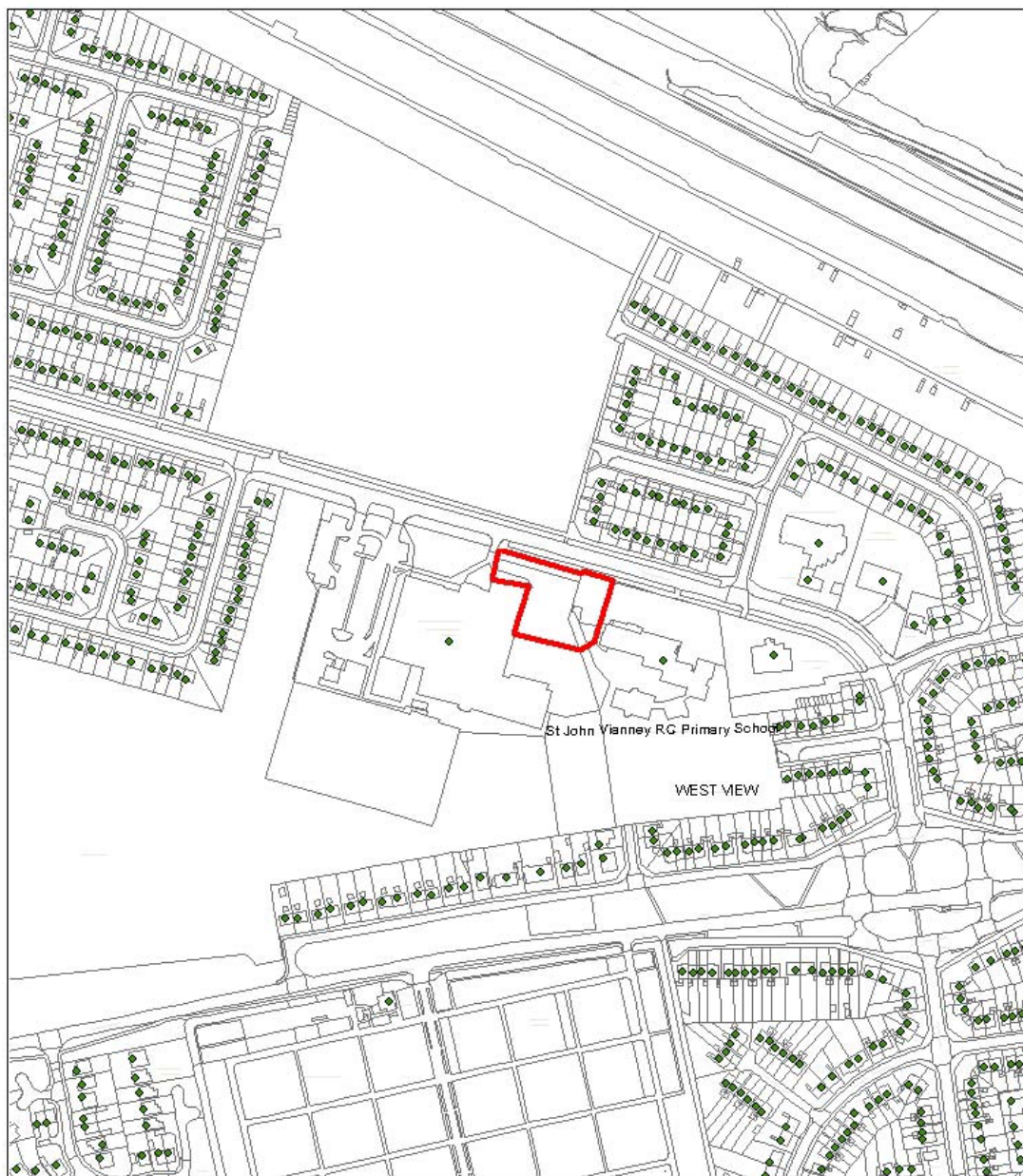
2.23 It is considered that the proposed development is appropriate for the site, and accords with the policies and proposals contained within the adopted Hartlepool Local Plan.

RECOMMENDATION – Approve subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 15th June and 13th July 2009, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
4. Details of the new pedestrian links from the application site to 1) King Oswy Drive and 2) St. John Vianney RC Primary School shall be submitted to and approved by the Local Planning Authority before the development hereby approved is operational. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
5. Details of the proposed roller shutters shall be submitted to and approved by the Local Planning Authority before development commences, thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.



St Hilds - New Classroom



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:3000

Date :

Drg No: H/2009/0331

Drawn: JT

No: 3
Number: H/2009/0321
Applicant: Baker Hughes Brenda Road Hartlepool TS25 2BQ
Agent: Baker Hughes Tekchem Works Tofts Farm Industrial Estate West Brenda Road Hartlepool TS25 2BQ
Date valid: 23/06/2009
Development: Hazardous Substances Consent for the storage of additional quantities of ethylene and propylene oxide
Location: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL

The Application and Site

3.1 The application site is an existing long established chemical plant located at the western end of the Tofts Farm West Industrial Estate. The site is bounded to the north and east by railway lines, which separate the site from the surrounding industrial development at Tofts Farm West and Graythorp Industrial Estate to the south.

3.2 Hazardous Substances Consent is sought for the storage of additional quantities of ethylene and propylene oxide. It is understood that the need for additional ethylene oxide storage arises from the imminent closure of a local supplying company which means that in order to maintain production on site supplies must be drawn from further afield. The supplier wishes to provide bulk loads and additional storage is required to accommodate these deliveries whilst maintaining supplies for production. The additional propylene oxide storage is to take up latent storage capacity in the existing tanks whilst this additional quantity is not required at present future business plans predict it will be. It is proposed to increase the maximum quantity of propylene oxide stored on the site to 100 tonnes and the maximum amount of ethylene oxide to 70 tonnes.

Planning History

3.3 The site benefits from a number of extant permissions for Hazardous Substances Consent including consents to store lesser amounts of ethylene and propylene oxide. These consents include the following:

H/2006/0334 Application for hazardous substances consent to increase the quantity of 5 hazardous substances including propylene oxide and acrolein. Approved on 24th January 2007. This granted consent for the maximum amount of propylene oxide which could be stored on site at 80 tonnes.

H/HSC/0554/92 Application for deemed hazardous substances consent for the presence of ethylene and propylene oxide. This granted hazardous substances consent for the storage of 24 cubic metres (22 tonnes each) of ethylene and propylene oxide.

Publicity

3.4 The application has been advertised by way of neighbour letters (9), site notice and in the press. One response has been received raising no objections. The time period for representations expires after the meeting.

Consultations

3.5 The following consultation replies have been received:

The following consultation replies have been received or are awaited:

Head of Public Protection and Housing – Comments awaited.

Community Safety – We have spoken with the applicant who has fully outlines the Hazardous Chemicals licensing process and interaction/management of operations through Environment Agency. From the information provided we are satisfied that the general issues we raised at the One Stop Shop meeting (site security, incident response and access/road transport implications) are addressed and regulated with regular on-site inspection.

Environment Agency – No objection

Northumbrian Water - Comments awaited

Natural England - Comments awaited

Greatham Parish Council – Comments awaited.

Stockton Borough Council - Comments awaited

Health and Safety Executive – Comments awaited.

Cleveland Emergency Planning Officer – Comments awaited

Fire Brigade – Comments awaited

National Grid– No objection – Have concluded that the risk to their operational electricity and gas transmission network is negligible.

Transco – Comments awaited.

Network Rail – Comments awaited

Northern Gas Networks – Comments awaited

Planning Policy

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

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

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

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

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land. (Policy not saved after April 2009 but PPS 23 and Environmental Protection Act considerations are material).

Ind9: Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

PU2: States that industrial development on this site will be approved if surface water drainage is adequate. Sustainable drainage is encouraged. (Policy not saved but national guidance is material)

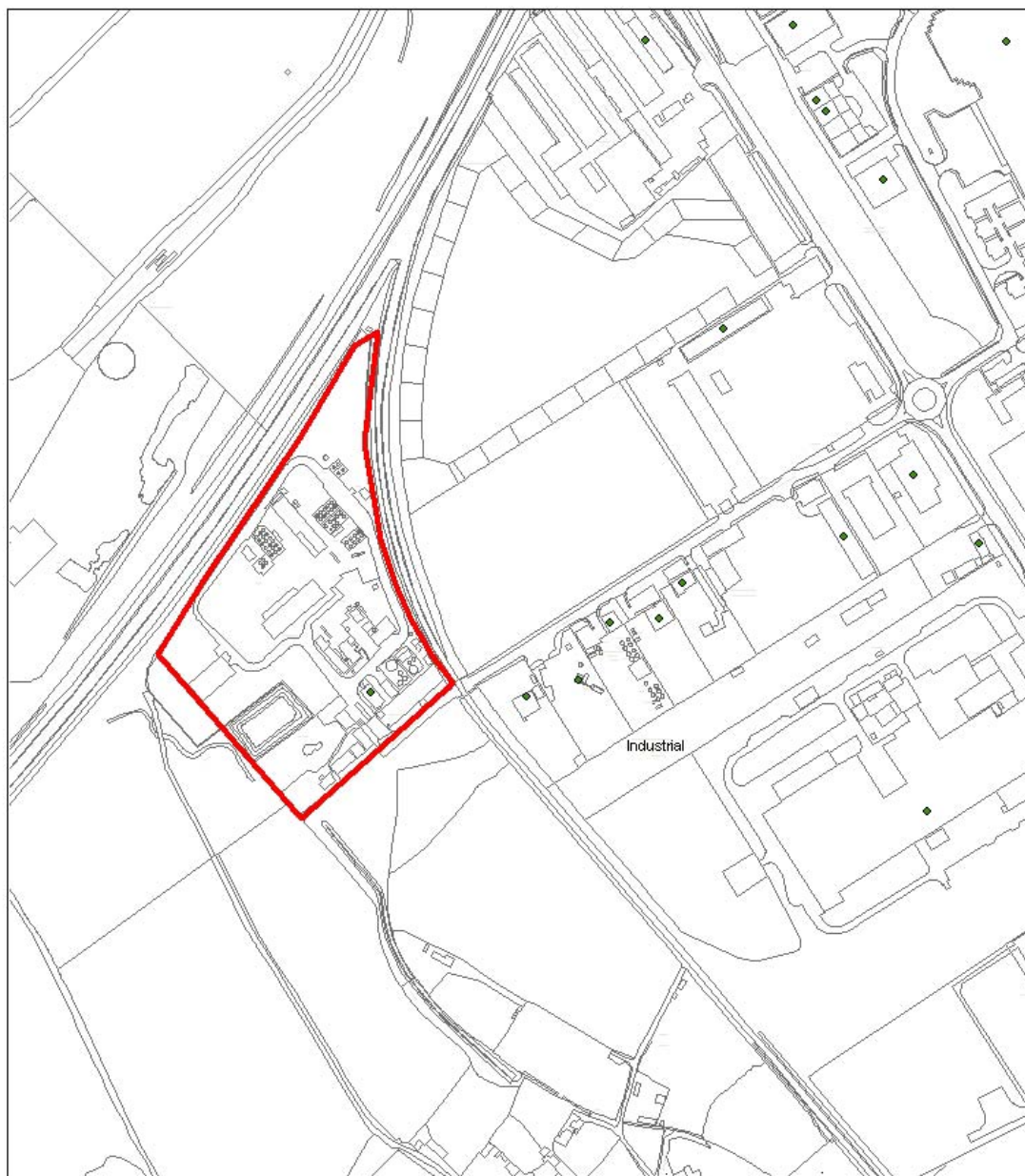
Planning Considerations

3.7 The main considerations relate to the suitability of the proposal in the context of the policies and proposals of the Hartlepool Local Plan and the potential impact of the development upon the health and safety of the occupants of nearby properties.

3.8 As a number of consultations are outstanding an update report will follow.

RECOMMENDATION – Update report to follow.

Baker Petrolite



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:3000

Date :

Drg No: H/2009/0321

Drawn: JT

No: 4
Number: H/2009/0384
Applicant: Mr D Haywood Murray Street HARTLEPOOL TS26 8RQ
Agent: Mr D Haywood 83 Murray Street HARTLEPOOL TS26 8RQ
Date valid: 14/07/2009
Development: Additional use to include provision of dog grooming service (retrospective application)
Location: 66 MURRAY STREET HARTLEPOOL

The Application and Site

4.1 The application site is located on the east side of Murray Street opposite the junction with Sandringham Road. The property is currently in use as a pet supplies shop which offers dog grooming services. Whilst in the commercial area of Murray Street, there are residential properties to the rear on Straker Street, to the north and opposite in Sandringham Road and Murray Street. The shop sits in a terrace of commercial properties including DIY shop, 2 hot food takeaways, a locksmith and West End Social Club. It would appear that there may be flats above.

4.2 The proposal involves the additional use of the property for dog grooming. An area for this purpose has already been formed to the rear of the shop and includes a grooming area of just less than 12 sq.m. with 2 tables and a separate holding area with 4 small foldable crates and fixed shower (21 sq.m.).

4.3 The business is currently operating between the hours of 9.00am and 5 pm Monday to Saturday and closed Sundays and Bank Holidays.

Publicity

4.4 The application has been advertised by way of neighbour letters (10) and site notice. 2 letters of no objection have been received to date.

The period for publicity has expires after the meeting (17.8.09).

Consultations

4.5 The following consultation replies have been received:

Head of Public Protection & Housing – No objections

Traffic & Transportation – Awaited but informally no objections.

Northumbrian Water – Awaited but informally no objections.

Planning Policy

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

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

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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

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

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

Planning Considerations

4.7 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 and the impact of the proposal on the surrounding area, the amenities of neighbouring properties and on highway safety.

4.8 The property is an existing shop located within the commercial area of Murray Street where this type of ancillary use is considered to be appropriate at the scale indicated. Provided that the dog grooming service is restricted to the areas shown on the submitted plans and confined to the existing operating hours, there should be no significant impact on neighbouring properties in terms of noise and disturbance. The use can be conditioned to prevent upper floors or the back yard being used for these purposes and the keeping of dogs overnight on the premises.

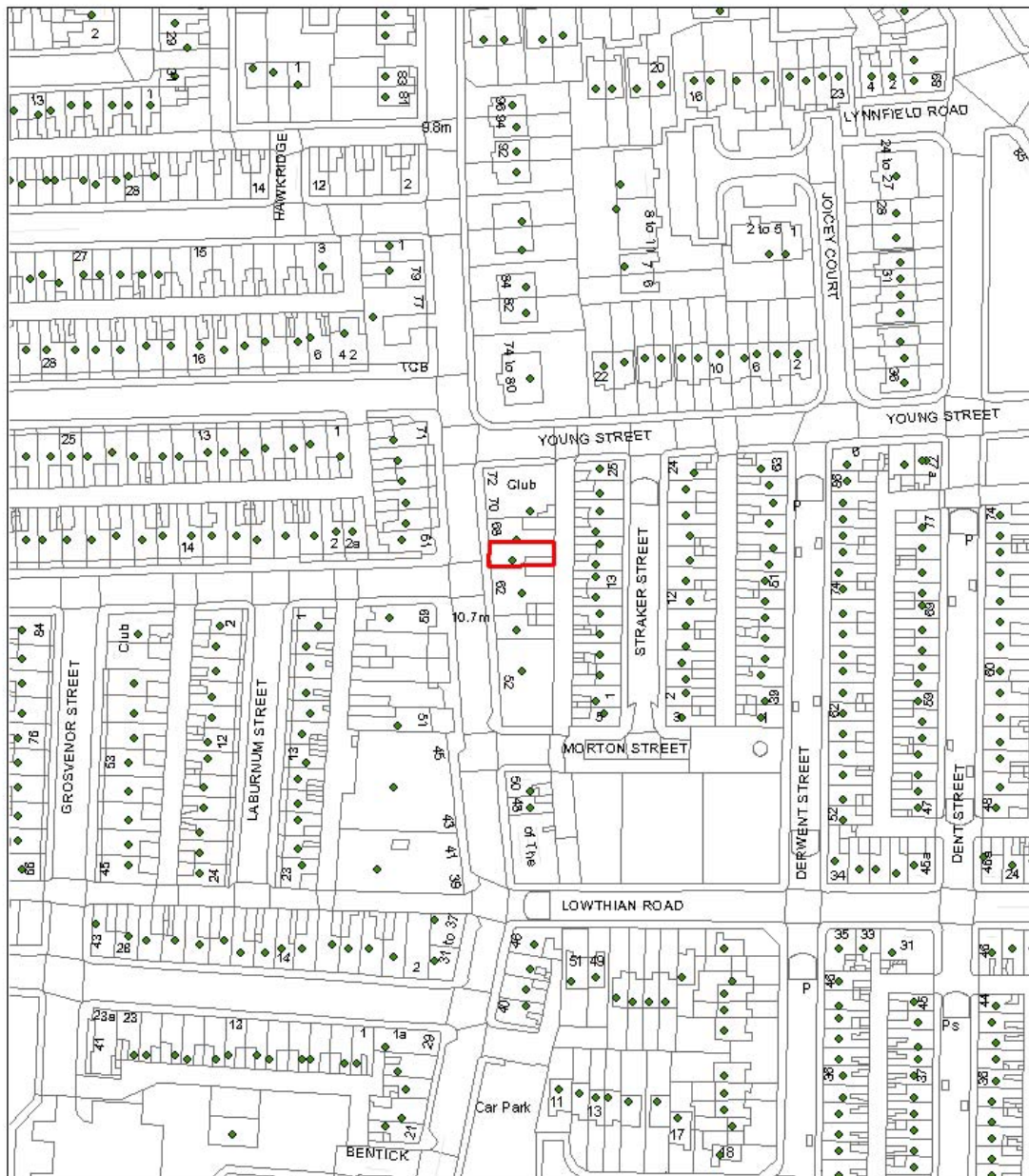
4.9 The property is already a pet supplies shop in the Murray Street local centre where there is lay by parking immediately to the front and a small car park close by. The final views of the highway engineers are however awaited.

4.10 No objections have been received from the Head of Public and Housing.

4.11 Given that some consultations and publicity are outstanding an update will be provided before the meeting.

RECOMMENDATION – Update to follow

66 Murray Street



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HARTLEPOOL BOROUGH COUNCIL

Scale: 1:1250

Date :

Department of Regeneration and planning

Drg No: H/2009/0384

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Drawn: JT

No: 5
Number: H/2009/0340
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Hartlepool Housing Greenbank Stranton Hartlepool TS24 7QS
Date valid: 23/06/2009
Development: Provision of external communal bin storage areas (resubmitted application)
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

The Application and Site

5.1 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.

5.2 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.

5.3 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.

5.4 There are two blocks on Macaulay Road included as part of this application, with 58-80 (evens) facing the gable elevations of the single storey properties (29 and 233) on Sinclair Road opposite. 193-203 (odds) Macaulay Road face onto the gable end of 2 Scott Grove.

5.5 The properties on Lewis Grove with 2-12 (evens) are set back substantially from the highway with significant distance between the other properties on Lewis Grove. 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.

5.6 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.

5.7 The application is a re-submission of a previously refused scheme (H/2009/0017) which was refused on grounds that the bin stores would appear intrusive and out of keeping to the detriment of visual amenity, and they would encourage youths to congregate to the detriment of the well being of the occupiers of the flats and surrounding properties.

5.8 It was previously indicated that that residents of the flats are currently required to move the bins through the communal area and subsequently negotiate steps from the front to the rear. The applicant also 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 health and safety concerns.

5.9 It is indicated that the proposed bin stores are to be constructed of a fibre glass composite which will not be prone to rust, offers fire protection and high strength protection and they also benefit from a textured finish which is considered to discourage graffiti.

5.10 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). A recent scheme for similar bin stores was approved at Planning Committee on 17 June 2009 at 219-233 (odds) Owton Manor Lane (H/2009/1086).

Publicity

5.11 The application has been advertised by way of neighbour letters (70) and site notices. To date, there have been 8 objections.

5.12 The concerns raised are:

- i) Smell
- ii) Value of property
- iii) Visual impact
- iv) Traffic into Lewis Grove already a problem
- v) Not in keeping with the area
- vi) Eyesore
- vii) Attract vermin
- viii) Health hazard
- ix) Noise with opening and closing of stores
- x) Why can't bins be kept to the rear?
- xi) Noise and disturbance
- xii) Bins left in the street in hot weather will create smells and maggots
- xiii) Visual amenity
- xiv) Bins are never emptied
- xv) Bins are used for dog litter
- xvi) Layout and siting is inappropriate and unsympathetic to appearance
- xvii) Proposals are not a neighbourly form of development
- xviii) overbearing impact

- xix) out of keeping with design and character of the properties

The period for publicity has expired.

Consultations

5.13 The following consultation replies have been received:

Traffic and Transportation – Comments awaited.

Estates – No objections.

Neighbourhood Services – Comments awaited.

Public Protection – Comments awaited.

Planning Policy

5.14 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

5.15 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, in particular the impact of the proposals on the amenity of neighbouring properties, the impact on the character of the street scene, the impact on highway safety and the potential for crime and anti-social behaviour.

Amenity of Neighbouring Properties

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

5.17 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.

5.18 Proposed bin storage areas on Macaulay Road face onto the gable ends of properties on Sinclair Road (29), Macaulay Road (233) and Scott Grove (2).

5.19 The properties at 2 to 12 (evens) Lewis Grove have a significant separation distance of approximately, 32m, facing the gable ends of the properties on Masfield Road.

5.20 The properties at 193 – 203 (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.

5.21 It is considered therefore that the proposed bin stores are unlikely to effect neighbouring properties in terms of overlooking, dominance and/or poor outlook.

5.22 With regard to the impact of the proposals on neighbouring properties in terms of noise and disturbance and smells, the comments of the Council's Head of Public Protection are awaited, and it is envisaged that these will be discussed in an update report to follow.

Character of Street Scene

5.23 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 and are proposed to be sited against the front elevations of the properties. It is considered that sufficient communal space will remain to the front of the properties and that the bin stores are of a size and design as not to appear incongruous or unduly affect the character of the street scene.

Crime and Anti-Social Behaviour

5.24 In terms of previous concerns raised regarding the potential for the proposed bin stores to act as an aid to crime and anti social behaviour, discussions with the Burglary and Architectural Liaison Officer at the Police previously indicated that he was not aware of any problems having been reported to the police in relation to the existing bin stores in place at Grainger Street. Discussions with Housing Hartlepool indicate that there has been no experience of anti-social behaviour or criminal damage, and only one isolated incident of graffiti which was rectified immediately. The Officer has previously indicated that secure communal bin storage is

recommended to prevent the misuse of wheelie bins. Additionally, the areas where the bin stores are to be sited are offered natural surveillance by virtue of the surrounding properties and highway. It is considered therefore that the bin stores are unlikely to give rise to issues of crime and antisocial behaviour.

Outstanding Issues

5.28. The comments of the Council's Public Protection, Traffic and Transportation and Waste Management sections are awaited and it is envisaged that these will be discussed, along with the relevant planning considerations, in an update report to follow.

RECOMMENDATION -Update report to follow

Bins Stores



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:1250

Date :

Drg No: H/2009/0340

Drawn: JT

UPDATE

No: 3
Number: H/2009/0321
Applicant: Baker Hughes Brenda Road Hartlepool TS25 2BQ
Agent: Baker Hughes Tekchem Works Tofts Farm Industrial Estate West Brenda Road Hartlepool TS25 2BQ
Date valid: 23/06/2009
Development: Hazardous Substances Consent for the storage of additional quantities of ethylene and propylene oxide
Location: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL HARTLEPOOL

UPDATE

This application appears on the main agenda at item 3.

The recommendation was left open as a number of consultation responses were outstanding.

Additional Consultation Responses

The following additional consultation responses have been received.

Head Of Public Protection : I would have no objections to this application. The site is a top tier COMAH site and is permitted under the provisions of the Environmental Permitting Regulations both of which are regulated by the Environment Agency and the HSE.

Greatham Parish Council – The parish council remain concerned about the number and variety of hazardous substances in the southern part of Hartlepool/tees mouth- we rely and trust on all legal and safety requirements being rigorously enforced.

Stockton Borough Council - Stockton Borough Council raises no concerns, subject to a favourable response being received from the Health and Safety Executive, and subject to the proposal not effecting the consultation distances within Seal Sands.

Network Rail –Network Rail have no observations to make.

Natural England : Based on the information provided, Natural England advises that it is unlikely that the application for Hazardous Substances Consent will have any significant effect on the Teesmouth & Cleveland Coast SPA, or the Seaton Dunes & Common SSSI. Natural England has no further comment to make regarding this application.

RECOMMENDATION

A number of consultation responses are still outstanding. Members will be updated at the meeting.

UPDATE

No: 4
Number: H/2009/0384
Applicant: Mr D Haywood Murray Street HARTLEPOOL TS26 8RQ
Agent: Mr D Haywood 83 Murray Street HARTLEPOOL TS26 8RQ
Date valid: 14/07/2009
Development: Additional use to include provision of dog grooming service (retrospective application)
Location: 66 MURRAY STREET HARTLEPOOL

This application appears on the main agenda at Item 4. The recommendation was left open as a number of consultation responses were outstanding.

Since the original report was written, a response has been received from the Council's Highway Engineer, who has no objections to the additional use for dog grooming. No additional comments or objections have been received as a result of publicity. In view of this and provided that there are no subsequent objections to the proposals from either members of the public or Northumbrian Water, approval is recommended subject to the appropriate conditions.

Recommendation – APPROVE subject to the following conditions.

1. Unless otherwise agreed in writing the dog grooming activities shall only operate between the hours of 9.00 and 17.00 Mondays to Saturdays and at no time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
2. No dogs shall be kept on the premises overnight.
In the interests of the amenities of the occupants of neighbouring properties.
3. Unless otherwise agreed in writing the dog grooming activities shall only be carried out in the areas indicated on the submitted plan and not in the back yard.
In the interests of the amenities of the occupants of nearby flats.

UPDATE

No: 5
Number: H/2009/0340
Applicant: Housing Hartlepool Stranton Hartlepool TS24 7QS
Agent: Hartlepool Housing Greenbank Stranton Hartlepool TS24 7QS
Date valid: 23/06/2009
Development: Provision of external communal bin storage areas (resubmitted application)
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

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

5.2 The recommendation was left open as a number of consultation responses were outstanding.

5.3 Since the original report was created, those responses have been received and are discussed below.

Additional Consultations

5.4 The following consultation replies have been received:

Head of Public Protection – no objections

Traffic and Transportation – no objections.

Neighbourhood Services - We can have problems with communal bin stores when residents use them as dumping areas rather than for bin storage only. These individual bin stores should not be a problem. Residents need to present bins at the kerbside for collection and put them back in the stores on the same day after they have been emptied.

Outstanding Issues

Amenity of Neighbouring Properties

5.5 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 it is considered that they would not unduly affect the amenity of the surrounding area. The proposals will contribute towards negating current issues of health and safety and are unlikely to have an adverse impact on neighbouring residents. It is considered that the bin stores are to be sited an adequate distance from the neighbouring properties (35m in some

cases) to negate any significant potential overlooking, dominance, and/or outlook issues.

5.6 In relation to the concerns raised by neighbours regarding noise, disturbance and odours, 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 typically 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. Any adverse concerns of increase noise, disturbance and odours in the future can be dealt with under the Council's statutory Environmental Health controls.

5.7 It is therefore considered that the proposals are acceptable in terms of their impact on the amenity of neighbouring properties.

Highway Safety

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

Other Issues

5.9 The risk of excessive dumping of waste can be controlled and dealt with by the Council's Waste Management section. With regard to the view that the waste should continue to be stored to the rear, as the applicant has indicated the proposal will facilitate the collection of waste which is from the front of the properties and in addition negate potential health and safety issues arising from the need for residents to move bins through the communal areas within the building. The Council's Waste Management Section has indicated that there are problems with communal bin storage areas being used for dumping rather than solely for the storage of bins. It is considered that the used of individual bin stores could contribute towards negating such issues.

Conclusions

5.10 It is considered the proposal is acceptable in relation to the relevant policies of the Hartlepool Local Plan (2006), and with regard to the impact of the proposals on the amenity of neighbouring properties, the impact on the surrounding area, the impact on highway safety, and the potential for crime and anti-social behaviour. The proposal is therefore recommended for approval.

RECOMMENDATION – APPROVE subject to the conditions set out below:

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

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 concerns regarding the erection of a brick building in the rear garden at a residential property in Arncliffe Gardens.
2. Officer monitoring recorded works to block pave a residential driveway in King Oswy Drive without the benefit of planning permission.
3. An investigation has commenced following neighbour concerns regarding the felling and lopping of protected trees and undergrowth maintenance work on a woodland in Elwick Road. The complainant also raised concerns regarding maintenance works carried out to an existing track through the woodland. The Council's Arboricultural Officer is involved and the owner has been contacted.
4. An investigation has commenced following neighbour concerns about the construction of a temporary car park on school grounds at Blakelock Road.
5. Officer monitoring recorded works carried out to create an additional unit inside a retail premises in Tower Street without the benefit of planning permission.
6. Officer monitoring recorded works carried out provide additional bed sit occupation in Hutton Avenue without the benefit of planning permission.
7. A neighbour complaint regarding the non - compliance with an external finishing materials condition attached to a planning consent for the construction of an extension to a residential property in Brierton Lane. The owner has agreed to change the materials to match the existing property.

8. Officer monitoring recorded the non – compliance with an external finishing materials condition attached to a planning consent for the construction of a dormer in Sandbanks Road.
9. An investigation has commenced following officers concerns regarding the untidy condition of a property and garden in Lancaster Road.
10. A neighbour complaint regarding the non – compliance with a planning condition where a new window side hung opening was required to be reversed to protect the neighbours privacy.
11. A neighbour complaint regarding approved building works encroaching onto their land in The Grove.
12. A neighbour complaint regarding the construction of timber decking in Nuthatch Close without the benefit of planning permission.
13. An investigation has commenced after officer monitoring noted the provision of a new external door to access a flat above a retail premises in Powlett Road.
14. An investigation has commenced following a Councillor's concerns regarding the untidy condition of a front garden in Eamont Gardens. It is considered the garden does not warrant Section 215 action, at this time.
15. A neighbour complaint regarding the erection of a school boundary fence in Clavering Road has been investigated. The fence benefits from 'permitted development rights' without the need to obtain planning permission.
16. An investigation has commenced following neighbours concerns regarding youths playing on open space land dedicated for landscaping as part of the overall Middle Warren housing development scheme. The builder will be contacted.
17. An anonymous complaint regarding the erection of a single storey rear extension not being built in accordance with 'permitted development rights' has been investigated. The extension as built accords with the guidance in question.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning and Economic Development)

Subject: ERECTION OF A TWO-STOREY BOAT SHOWROOM AND RESTAURANT AT SLAKE TERRACE

1. PURPOSE OF REPORT

- 1.1 To advise Members that the above appeal against non-determination has been determined by the planning inspectorate. The appeal has been dismissed.
- 1.2 The inspector stated that the new building would not relate well to the surrounding buildings or successfully contribute to the visual or functional coherence of this part of The Marina. There was concern that the development did not contribute to the provision of the coastal walkway nor reduce the existing confusion in the area created by existing uses. The development would also have a significant impact on the existing Harbour Master's building in terms of the loss of access and daylight.
- 1.3 Whilst parking and drainage issues were not considered to be reasons for dismissal, access to the site from Slake Terrace behind Navigation Point was 'utilitarian and ill-defined'.
- 1.4 With regard to the lack of provision of a preliminary risk assessment for contamination as requested by the Environment Agency, the Inspector stated that this added substantially to her concerns in respect of the main issues of character and appearance. The decision letter is attached.



Appeal Decision

Site visit made on 22 June 2009

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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@plins.gsi.gov.uk

Decision date:
17 July 2009

Appeal Ref: APP/H0724/A/09/2095067

The Boat Yard, The Marina, Hartlepool TS24 0RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Allan Henderson against Hartlepool Borough Council.
- The application Ref H/2008/0494, is dated 14 August 2008.
- The development proposed is a two storey building comprising a boat showroom at ground floor level and restaurant (use Class A3) at first floor level.

Decision: I dismiss the appeal.

Main issue

1. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

2. The appeal site is part of a boat storage area alongside the sea wall overlooking the (inner) West Harbour at Hartlepool. It is on the corner of the harbour wall, immediately beside the sea lock entrance to the Hartlepool Marina and in front of the Harbour Master's building. The proposal is for a two storey building to house a boat showroom at ground floor and a restaurant at first floor.
3. Policy Com 4 (10) of the *Hartlepool Local Plan, 2006*, (LP) allows for leisure related development such as this within the marina area, subject to the requirements of LP policy GEP1.

Character and appearance

4. LP policy GEP1 sets out general principles for all types of new development and lists matters that will be taken into account when determining planning applications. These include external appearance and the relationship with the surrounding area.
5. The primary industrial use of the harbour and docks declined during the 1970s and a regeneration initiative overseen by the Teeside Development Corporation has led to substantial redevelopment of the marina area over the last decade. Several separate schemes around the marina include both refurbished older buildings (the museum and nearby public house at the historic quay) and a new leisure building on its inland side, a new hotel and a substantial development of town houses and flats on the opposite side of the marina, a block of office space and restaurants on the opposite side of the sea lock to the

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appeal site and a long block of mixed commercial uses with flats above close to it. Many of the new buildings close to the appeal site and along the harbour frontage could be described as pastiche traditional, with terracotta pantile pitched roofs and banded brick and stone or artstone walls. The shop units facing across the carpark to the marina are fronted by a long traditional style arcade roof on decorative steel columns.

6. According to the *Design and Access Statement* (DAS), the objective of the proposal is to provide a high quality purpose built boat showroom and restaurant, which is intended to achieve a step change in the quality of development in the locality. This is a laudable aim – the government's PPS1¹ records that good design should contribute positively to making places better for people. The building design is described in the DAS as simple and elegant, an honest expression of the proposed use. LP policy To1 supports the provision of tourist facilities to complement attractions already in place and I have no doubt that the proposal would add positively to the range of facilities currently available.
7. The proposed building would be a large plain rectangular block in a modern idiom; part brick and render and part glass, with an almost flat mono-pitched metal clad roof sloping slightly up away from the Harbour Master's building, towards the seawall and harbour. Beneath a deep roof overhang, full height glazing would open onto a shallow glass-guarded balcony to the restaurant on both the sea lock side and partway around the corner on the seaward side of the building. Ground floor display windows on three sides of the boat sales area would face onto the sea lock, towards the marina and across the boat store area, along the sea wall.
8. As a stand alone building, if it were built of high quality materials with a thorough specification and careful detailing, the proposal could be an attractive modern facility. From within, it would take full advantage of the location and would provide customers with spectacular views out to sea. However, I am not convinced that it would relate well to the surrounding buildings in physical terms or successfully contribute to the visual or functional coherence of this part of the marina development as a whole. Although architecturally of its time, it would provide little local reference or visual indicator of its marine location and a building of this type could equally be found in many commercial developments around the country.
9. PPS1 states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. I am not satisfied, on the basis of the drawings and submissions before me, that the proposal would fulfill this aim. Apart from the few very small photographs of the surroundings and the boat hoist movement diagrams (provided in the DAS and appeal statement), very little context analysis, either as diagrams or drawings, has been submitted to show how the proposal would inter-relate in three dimensions with the buildings around it, or how it would connect functionally with the pedestrian and vehicle routes around the harbour and marina.
10. The site is identified in the DAS as occupying a prominent location adjacent to the main marina entry; this states that the main view of the site is from the

¹ PPS1 Planning Policy Statement 1: Delivering Sustainable Development

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North Sea and the area enclosed by the breakwater. Nevertheless there is little to illustrate this key view from the seaward approach or the effect of the proposal on it. The submitted elevations show only the approximate outline of the Harbour Master's building immediately adjacent. Other than this, there are no drawings or images to show the proposal in context alongside its surroundings, nor any analysis of the key views across the site into or out of the marina.

11. It seems to me that the proposal would sit awkwardly in front of the seaward end of the traditionally styled Harbour Master's building; it would be set parallel to the harbour wall but at an ad hoc angle to this building, with a significantly higher eaves and substantially greater bulk than it. In such extreme proximity, it would physically dominate and partly obscure this small but important existing building, which is key to the operation of the marina and harbour. It would all but hide the building physically from those on vessels approaching to enter the marina from the sea. This would harm the visual legibility of this part of the marina development for people visiting by sea or by land.
12. Furthermore, whilst the DAS recognises that the new development of shops nearby, which fronts the marina, effectively turns its back on the sea, it fails to acknowledge the visual importance of Abdeil House adjacent to the appeal site, which with its prominent decorative clock tower was clearly originally intended as a landmark building at this part of the harbour. Abdeil House lies between the shops and the Harbour Master's building with its principle elevation facing seaward. The proposed building would have little coherent physical relationship to it and by dominating the Harbour Master's building would fail to take the opportunity to create a legible grouping between this and Abdeil House or to enhance the existing pedestrian route from the car park area and shop promenade towards the sea lock and harbour front.
13. LP policy Rec 9 requires the development of a network of recreational routes linking areas of interest. These include, specifically, the provision of a coastal route. Whilst the proposed development cannot be expected to deliver this objective in its entirety, it should take the opportunity to contribute positively towards its fulfilment.
14. At present pedestrian routes around this part of the harbour are not clearly defined. At the rear of Abdeil House a covered café terrace draws people naturally round from the marina to the seafront area, but the way is partly blocked by the mobile boat hoist alongside the sea lock at the adjacent slipway into the marina. The stored boats clustered at the harbour front also partly obscure views out to sea and prevent any clear pedestrian route to it. Development of the appeal site could reduce this confusion and provide a focus as well as help with resolving a route to the harbour wall linked with the intended coastal route, space for which is indicated on the proposed plans within the appeal site.
15. However, the proposal would introduce a large building on the majority of the site, out of scale with its immediate neighbour that would block most of this potential route from the marina. It would leave only a very narrow tapering gap between the proposed building and the Harbour Master's building with the remainder of the site mostly taken up by parking and by the preserved route for the mobile boat hoist to nearby boat storage areas. Parked cars at this

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point would do little to enhance the quality of the spaces around these buildings or to encourage pedestrian links with the proposed coastal route.

16. Whilst the detail design of the proposed carparking could be subject to a condition there is little in the submissions to convince me that the spaces around the proposal have been considered as a whole or that the extent and quality of any hard landscaping proposed would be sufficient to secure a tangible enhancement in this part of the harbour-side development. The proposal would fail to take the opportunity to enhance the way these parts of the area function as public spaces.
17. Taken overall, I conclude that the proposal would harm the character and appearance of the surrounding area, contrary to local and national policy. Consequently I shall dismiss the appeal.

Other considerations

18. LP policy GE1 takes into account, amongst other things, the effect of development on the amenities of occupiers of nearby properties as well as the adequacy of infrastructure, including the provision of foul drainage. It also requires that development should, amongst other things, incorporate adequate access and servicing arrangements and car parking.

Outlook and daylight

19. The Harbour Master's building is a key operational control building for the harbour and marina, with an operational viewing room at first floor that has windows angled around three sides providing clear views of the marina, sea lock and seaward approach. Whilst the proposal would maintain the path of the navigational leading light, which is mounted on the Harbour Master's building balcony, in functional terms I have seen that the building would project in front of the seaward facing balcony and windows with a consequent substantial loss of visual supervision of the seaward approach to the marina. It would also be set close alongside the only windows to two small offices at the seaward end of the building, resulting in a significant loss of outlook and daylight for occupants of these office rooms.

Parking and access routes

20. Turning to the matter of parking provision, 15 spaces are proposed. The appellant's assessment, in accordance with the Council's Supplementary Note 2 *Design Requirements for Parking*, that a maximum of 33 spaces would be required (including staff parking) appears reasonable and accords closely with the Council's own assessment of 34. However, *Planning Policy Guidance Note 13 – Transport* (PPG13) establishes that reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices and further establishes that there should be no minimum standards of parking provision for development, other than the provision of parking for disabled people.
21. I note that whilst there is a regular local bus service available within the marina area, the nearest stop is a long walk from the site around the marina – a substantial deterrent to its use. Nevertheless, the large carpark immediately adjacent to the site, whilst not in public ownership, forms an integral part of the marina development and provides free public parking for up to 364 cars. It

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serves the adjacent shops, restaurants and other businesses. Whilst the Council states that this carpark is reaching its capacity at peak times, the appellant's own survey (carried out by a recognised consultant, at evening and weekend peak times in November 2007) shows spare capacity of between 34 - 135 spaces. It is not clear in which year the Highway Authority's own survey, supplied by the appellant was carried out; however, this further supports my observation during my site visit that around 10% of spaces were unused in the carpark. On this basis it is reasonable to expect that the 15 spaces proposed on site could be adequately supplemented by the public spaces close-by.

22. Vehicular access to the building would be along the service route behind the long block of commercial units and flats to the north of the appeal site, on its seaward side. At present this route is accessed from the public highway via a gated storage yard, leading to a narrow route constrained on one side by high security fencing, cluttered by large mobile waste bins and partly protruded into by ground mounted air-conditioning units behind the shops. The route passes by boats stored on the harbour front and via further gates and security fencing to the appeal site.
23. The appellant controls all of this land, but (other than a suggested condition requiring a traffic management scheme, to include removal of the gates and the provision of signage) there is no evidence in the submissions to demonstrate how the route could in practice be made available for use by customers seeking to reach the proposed facility, either by day or in the evening, in combination with preserving security to the rear of the commercial properties or for boats stored on the harbour side.
24. I have seen little to convince me that traffic on the route is frequent or that the proposal would lead to significant highway safety issues. Nevertheless, the appearance of this route is utilitarian and physically ill-defined. Without significant improvements it would be an unpleasant and confusing approach to the proposal and it is reasonable to expect that most members of the public approaching by car would choose to use the existing entrance to the main car park in front of the shops. This would negate the purpose of the proposed on-site parking and it adds to my concerns about the layout and design of the proposed parking and the legibility of routes to the appeal site, set out above in relation to the main issue.
25. A 5.5m clear zone is proposed around the lockside and harbour front. The Council has acknowledged that this would provide both adequate space for future repairs to the harbour wall and for implementation of a future coastal route walkway. Little evidence has been submitted to convince me that this would not also provide access to the sea lock to allow the installation of sectional dam gates for periodic maintenance. I note the lack of a legal agreement to secure public access to the zone for the coastal walkway. However, it would appear that this aspect could reasonably be ensured through a condition requiring a scheme to be submitted securing the route, this matter has not, therefore, affected my decision.

Drainage

26. There are ongoing problems with the private foul drainage system in the adjacent marina development. Several incidents of blockages since 2006 have caused foul water to flood onto the marina carpark area; these have mainly

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been cleared by the Council. The Council is understandably concerned that the proposed development would contribute to and may exacerbate this problem and has requested a CCTV survey of the drains up to the connection to the public sewer. Although the Council's Technical Services assessment of the appellant's drainage submissions is that poor gradients and flow rates in the system result in it operating currently at close to maximum capacity, these faults are acknowledged to occur in secondary runs only that are not affected by the appeal proposal.

27. According to the Council's Environmental Health officer, blockages have found to be contributed to by large amounts of grease and fat on each occasion. I am satisfied that the installation of an adequate grease trap and its maintenance could be ensured by condition and would prevent the appeal development adding significantly to current problems. I understand the Council's concern over the lack of a clear management strategy for future maintenance of this private system as a whole; however, it appears from the representations that the problems may result from a lack of grease traps or their adequate maintenance at existing premises, which is not a matter to be resolved in respect of this proposal.

Contaminated land

28. According to the Environment Agency, the appeal site is located on a major magnesium limestone aquifer, in close proximity to the coast. In respect of this proposal the agency has drawn attention to the potential for contamination of controlled waters resulting from the proposed development and requests the provision of a preliminary risk assessment (PRA) in accordance with PPS23² prior to any grant of planning permission. Although this objection may not have been raised in relation to a previous proposal for the appeal site, made in 2007, nevertheless, PPS23 establishes the precautionary principle for new development in relation to such matters and Annex 2³ clarifies the developer's responsibility for determining whether land is suitable for a particular development or can be made so through remediation by carrying out an adequate investigation to inform a risk assessment. The lack of a PRA in this case adds substantially to my concerns in respect of the main issue.

Conclusion

29. My adverse assessment in respect of the effect of the proposal on outlook, daylight, access and the lack of a PRA add weight to my main overriding conclusion in respect of the harm that would arise from proposal to the character and appearance of the area. This is not altered by my neutral assessments in relation to foul drainage and parking. For the reasons given above I conclude that the appeal should be dismissed.

Wenda Fabian

Inspector

² Planning Policy Statement 23: Planning and Pollution Control

³ PPS23 Annex 2: Development on Land Affected by Contamination

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL REF APP/H0724/A/09/2105084:
H/2009/0102 ERECTION OF A NEW PERFORMING
ARTS CENTRE WITH ASSOCIATED CAR PARKING
AND LANDSCAPING. ST HILDS C OF E SCHOOL,
KING OSWY DRIVE, HARTLEPOOL TS24 9PB

1. PURPOSE OF REPORT

- 1.1 The above planning appeal has been withdrawn and the case has been closed by the Planning Inspectorate.

2. RECOMMENDATION

- 2.1 That members note the withdrawal of the appeal.

Report of: Assistant Director (Planning and Economic Development)

Subject: MONITORING OF THE MARAD CONTRACT, ABLE UK LTD, GRAYTHORP

1. PURPOSE OF REPORT

- 1.1 To advise Members of the results of ongoing Environmental Inspections of the Marad contract at the Able UK site Graythorp.

2. BACKGROUND

- 2.1 As part of the permission for the Able ship dismantling operation there is a requirement that independent monitoring by an approved Environmental Inspector of the Marad contract related works takes place. Scott Wilson have fulfilled this Environmental Inspector role. In respect of this Scott Wilson advise as follows:

“Scott Wilson Ltd has undertaken the role of Environmental Inspector, pursuant to Part 5.5 of the Section 106 Agreement in relation to planning applications HFUL/2007543, HFUL/2007544 and HFUL/2007545. The remit of Scott Wilson Ltd is to observe the dismantling operations at the site, ensuring due care and attention is given to the surrounding physical environment. Scott Wilson Ltd are also reviewing environmental monitoring records.

- 2.2 The current inspection regime involves Scott Wilson Ltd undertaking random inspections at irregular intervals. These visits can be announced or unannounced. The current inspection regime is approximately one visit per week. Scott Wilson Ltd considers that this frequency of inspection is sufficient during the current works, and reflects the low level of activity at the site. Current dismantling activities are limited to the stripping of asbestos containing materials, their on-ship temporary storage and their removal to a licenced waste disposal facility.
- 2.3 Able UK currently contract an independent asbestos specialist, Franks Portlock Consulting Limited. Franks Portlock is UKAS accredited for Asbestos Inspection and Asbestos Testing and have continued to implement thorough testing of the infrastructure and make-up of each MARAD ship berthed at the TERRC Facility, personal monitoring of site staff and air monitoring around the site. Following testing, a report is provided to Able UK detailing the location and type of asbestos contained within each compartment of the ship. Results for personal and perimeter monitoring are also produced. The asbestos removal process is carried out under the supervision of Franks Portlock using method statements

and approved working practices, which are subject to inspection by the Health and Safety Executive. The information and reports provided by Franks Portlock is reviewed by Scott Wilson as part of their Inspector Role to ensure it is accurate, and adheres to agreed working practices. Both Scott Wilson and Franks Portlock aim to integrate monitoring and reporting to ensure due care is given to the surrounding physical environment.

- 2.4 Both the Health and Safety Executive and Environment Agency also visit the site regularly, to ensure national guidelines and agreed working practices are adhered to while dealing with asbestos and constructing required infrastructure.
- 2.5 During the first two quarters Scott Wilson Ltd reported that they had identified no significant concerns relating to the procedures, record keeping and activities associated with the asbestos removal and general site operations.
- 2.6 A copy of Scott Wilson's latest report for the 3rd quarter period late February to May 2009 is attached as an Appendix. The report concludes that no critical or notable environmental issues have been identified during this reporting period.
- 2.7 Once dismantling activity increases at the site and external dismantling commences, the inspection scope and frequency will increase accordingly. Inspections will review reports of local water quality, storage, handling and removal of both recyclable materials and waste at the site, site drainage and storage of water, methods of deconstruction of each ship, noise and air emissions, integrity of the cofferdam and ensure overall that Able UK adhere to the methods and working practices as outlined and in the approved planning application and Environmental Statement.

3. RECOMMENDATION

- 3.1 Members note this report.



Hartlepool Borough Council

Environmental Inspection Report – 3rd Quarter

MARAD Contract

June 2009



Prepared for:



Hartlepool Borough Council
MARAD Contract Environmental Inspection Report – 3rd Quarter

Revision Schedule

MARAD Contract Environmental Inspection Report – 3rd Quarter June 2009

D115634

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

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Scott Wilson
WESTONE
Wellington Street
Leeds
West Yorkshire
LS1 1BA

Tel 0113 2045000
Fax 0113 2045001

www.scottwilson.com

Hartlepool Borough Council
MARAD Contract Environmental Inspection Report – 3rd Quarter

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Appendix

- 1. Completed Visit Proformas

1 Introduction

- 1.1 Scott Wilson has been appointed by Hartlepool Borough Council to provide planning and environmental advice with respect to the development and operation of the Teesside Environmental Reclamation & Recycling Centre (TERRC).
- 1.2 Paragraph 5 of the Section 106 agreement for the development approved under planning permission HFUL/2007/543, HFUL/2007/544 and HFUL/2007/545 3 states that:
- "During the period of dismantling the ships comprised in the MARAD contract the Council may appoint an environmental inspector (or inspectors to a single person full time equivalent) for the purpose of monitoring the ship dismantling. The Developer shall pay the reasonable employment costs of the environmental inspector, afford him daily access to the Site in accordance with arrangements agreed in consultation between the Council and the Developer and supply all such information as he shall reasonably request (including the opportunity to meet with the Environmental Manager), PROVIDED ALWAYS that before being supplied with information that is commercially confidential the auditor shall first have signed an appropriate confidentiality agreement in respect of such confidential information and whilst at TERRC shall comply with the health and safety requirements of the Developer;"*
- 1.3 Hartlepool Borough Council has appointed Scott Wilson Ltd to fulfil the role of Environmental Inspector for the purpose of monitoring the dismantling of the MARAD ships. The Environmental Inspector is independent of Able UK and Hartlepool Borough Council and supplements the formal regulator inspections of, for example, the Environment Agency and the Health and Safety Executive. Furthermore, Able UK's asbestos removal activities are monitored by an independent specialist contractor (Franks Portlock Consulting Limited).
- 1.4 This report is the third quarterly inspection report and provides details of the inspection methodology, observations from inspections completed during the third quarter and recommendations for future inspections. It highlights any environmental issues identified or addressed during the course of the third quarter, and any remedial actions or agreements made with regard to these issues by either Able UK or Hartlepool Borough Council.

2 Inspection Methodology

- 2.1 With the agreement of Hartlepool Borough Council and Able UK the nominated Environmental Inspector has carried-out a number of site visits commensurate with the level of environmental risks associated with the ongoing works. These visits have included both pre-announced and unannounced visits.
- 2.2 Each visit followed the general programme set-out below:
- general update from MARAD project manager on the progress and status of ship dismantling;
 - review of environmental monitoring reports/data completed by Able UK and their contractors since the last inspection;
 - visual inspection of areas around MARAD ships; and
 - visual inspection of asbestos removal activities on-ship.
- 2.3 During each visit a site inspection proforma was completed and the findings agreed and signed by both the inspector and the MARAD project manager. Completed proformas are attached as Appendix A.
- 2.4 Due to a confidentiality agreement with the MARAD ship owners no photographic record is generally collected. However, if required, photographs can be taken by an Able UK representative and special dispensation sought for their release. This is the only restriction on the Inspections, with free and open access available to all areas of the MARAD dismantling operations. This restriction does not compromise the efficiency of the inspections since if significant environmental concerns were identified then a photographic record could be collected and held until approval for release is obtained from the MARAD owners.
- 2.5 During this reporting period a total of seven inspection visits have been completed. These were undertaken on:
- Wednesday 25 Feb 09 (announced);
 - Monday 02 Mar 09 (unannounced);
 - Wednesday 18 Mar 09 (unannounced);
 - Friday 27 Mar 09 (announced);
 - Friday 17 Apr 09 (unannounced);
 - Wednesday 06 May 09 (announced); and
 - Friday 29 May 09 (announced).
- 2.6 Observations made during the visits have been classified using a traffic light system. The following classes of observation have been used.

Hartlepool Borough Council
MARAD Contract Environmental Inspection Report – 3rd Quarter

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

2.7 No joint inspection visits have been undertaken during this third quarter with representatives of the Environment Agency and the HSE (Health and Safety Executive). However it is likely that when site activities and the levels of environmental risk begin to increase, joint visits will be arranged.

3 Observations and Corrective Actions

- 3.1 During the reporting period, site activities carried-out by Able UK under the MARAD contract have primarily focused on the stripping of asbestos from within ships. All stripped asbestos has been stored on-ship in accordance with the agreed method statements.
- 3.2 The following **GENERAL** observations have been made during the site visits.
- The site is generally clean and tidy.
 - Personal asbestos monitors for those involved in waste transfer activities were checked. All results were noted as low or less than the analytical detection limit.
 - Perimeter asbestos monitoring results checked. All results were noted as below the reportable airborne fibre concentration of 0.01 f/ml. This indicates that asbestos control measures are operating to the required limits.
 - Construction of the coffer dam is nearing completion at the end of the inspection period.
 - Asbestos removed from the MARAD ships has started. All asbestos noted during the visits has been double bagged with no evidence of splits and awaiting removal from ships. Additional perimeter monitoring at the site entrance has been carried-out during the transportation of the bagged asbestos from the site. No asbestos has been recorded above a recordable fibre concentration of 0.01f/ml. This, along with other data such as personnel monitors on site staff, indicates that asbestos control measures implemented during asbestos transfer are effective in containing asbestos.
 - The oil containment boom at the entrance to the basin was not in position during some visits in this reporting period. It was removed to allow for the arrival/departure of various vessels (e.g. the Tuxedo Royale). The same boom was replaced directly after the arrival of the new vessels. The removal and replacement of the boom in this manner to allow vessel entry is in full accord with the Environment Agency's Waste Management Licence for the site
 - Tidal changes have also had some affect on the positioning of the boom with changes in water levels altering the positioning of the boom. The boom has recently been moved to reduce the potential impacts associated with tidal movements.
 - There have been no notable differences between the findings of announced and unannounced inspections.
- 3.3 No **NOTABLE** or **CRITICAL** observations have been made during the site visits undertaken during the reporting period.

4 Conclusions and Recommendations

Conclusions

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

Recommendations

- 4.3 Environmental inspection visits should continue at a frequency commensurate with the levels of environmental risks associated with ongoing dismantling activities. The inspection visits should also continue on a random basis, and continue to include a proportion of both announced and unannounced visits.
- 4.4 The imminent closure of the coffer dam and therefore the dewatering of the dry dock and start of ship breaking will change the nature of the environmental risks associated with site operations. It is envisaged that the frequency of site inspections will increase in recognition of this change in circumstances.

Hartlepool Borough Council
MARAD Contract Environmental Inspection Report – 3rd Quarter

Appendix 1 Completed Site Inspection Proformas

Environmental Inspection Report (Q3)

June 2009



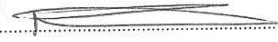
DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRAC		Date: 25/04/09 Time: 0930 (ANNOUNCED)
Location:	Comments:	Action:
SITE	GENERALLY CLEAN + Tidy.	NIL
MARAD SHIP	<p>ASBESTOS REMOVAL FROM SHIPS OULGOING VIA FRONT LOADING TELEHANDLER FROM SHIP TO SHIP (SINCE 13 FEB).</p> <p>PERSONNEL + PERIMETER + CRATE HOUSE MONITORING CONTINUED DURING REMOVAL + LOADING OF SHIP.</p> <p>BATHROOM TESTING DURING REMOVAL OF BAGS IN HOLDS.</p> <p>MONITORING RESULTS CHECKED.</p>	<p>NIL.</p> <p>NO FIBRES DETECTED IN AREA ^{IN} DATA AVAILABLE TO DATE.</p>
BEATH	Boat in position across BEATH	NIL


Inspector
Signed: [Signature]
Print: ADAM MILTON

Environmental Manager
Signed: [Signature]
Print: PAUL BARCLAY




DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRAC		Date: 02 MARCH
UNANNOUNCED VISIT		Time: 1200
Location:	Comments:	Action:
SITE	<p>BOOM INSPECTED. IN PLACE + FUNCTIONAL</p> <p>ASBESTOS IN BATES BAGS REMOVED FROM CRIP AND PLACED IN SKIPS</p> <p>OPERATOR'S FITTED WITH PPE. ASB. MONITORS</p>	<p>NIL</p> <p>NIL</p> <p>(INSPECT TO CHECK RESULTS AT NEXT VISIT)</p>


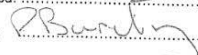
Inspector Signed: 
 Print: ADAM MASON

Environmental Manager Signed: 
 Print: S. MEANS

Scott

DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRC UNANNOUNCED VISIT		Date: 18 MAR 09 Time: 1000
Location:	Comments:	Action:
SITE OFFICE	EQUIPMENT CERTIFICATES FOR NEGATIVE PRESSURE UNITS CHECKED. ADDITIONAL UNITS ALSO ON HIRE TO MARAD/TERAL CERTIFICATES INSPECTED. LOOKS FOR IN-USE EQUIP. ON WASTE WASTE EQUIP. TO COLLECT FOR WHERE RESULTS/LOOTS ARE AWAITED. PERSONAL ASBESTOS MONITORS FOR THOSE INVOLVED IN WASTE TRANSFER (SM-ASKIP) CHECKED. ALSO GENERAL SHIP+SHORE BACKGROUND CHECKS	NIL. ALL RESULTS LESS THAN ANALYTICAL DETECTION LIMITS. NIL
SITE	BODIES INSPECTED ALL W/PILE & FUNCTIONAL GUTTER DAM PROPOSED SIGNIFICANTLY. SHIPS WITH DOUBLE BAGGED ASBESTOS AWAITING COLLECTION. BAGS IN GOOD CONDITIONS NO EVIDENCE OF SPLIT OR DAMAGED BAGS OR SCRAPED METAL ELEMENTS	NO ACTION. NO ACTION NO ACTION
DCU'S	FILE DAMAGED DCU'S OUT OF COMMISSION REPLACEMENT UNITS ON SITE.	NIL

Inspector
Signed: 
Print: ADRIAN MILNER

Environmental Manager
Signed: 
Print: 




DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRC ANNOUNCED VISIT		Date: 27 MARCH 09 Time: 1430
Location:	Comments:	Action:
DASH	Boom in GOOD ORDER,	NIL
SITE	GENERALLY CLEAN +5107	NIL
SHIPS	NO ASBESTOS WALKS OR BARS BUNG REMOVED DURING VISIT	NIL


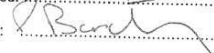
Inspector
Signed:
Print: ALAN MILTON

Environmental Manager
Signed:
Print: P. Bundy



DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRC UNANNOUNCED		Date: 17.04.09 Time: 1000
Location:	Comments:	Action:
SITE	SITE OVERVIEW. NO SIGNIFICANT OBSERVATIONS. BOOM IN POSITION AND OPERATIVE. NO EVIDENCE OF ANY POLLUTION/CONTAMINATION NOTED.	NO ACTIONS REQD.
OFFICE	INSPECTION OF VARIOUS ASBESTOS MONITORING RECORDS FOR LAST 4 WEEKS IN CLIPPING: - BACKGROUND AIR TESTS - PERSONAL MONITORS - BULK TESTING RESULTS	All results less or less than analytical detection limits. No actions required

Inspector:
Signed: 
Print: ADAM MILDEN

Environmental Manager:
Signed: 
Print: 



DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRC <i>ANNOUNCED</i>		Date: 060509 Time: 1130
Location:	Comments:	Action:
SITE:	GENERALLY CLEAN + Tidy NO ENVIRONMENTAL CONCERNS.	NIL.
DOCK	BOOM NOT IN PLACE. DUE TO IMMEDIATE ARRIVAL OF NERSEL FOR REFURBISHMENT.	NO ISSUES. BOOM TO BE REPLACED AFTER VESSEL ARRIVES.
OFFICE	PERIMETER ASBESTOS MONITORING RESULTS CHECKED FOR FIRST QUARTER, INCLUDING GATE HOUSE MONITORING DURING REMOVAL OF ASBESTOS FROM SITE. BACK READING FOR ASBESTOS OUTSIDE STOPPING AREAS FOR VARIOUS SECTIONS OF CANISTER AND CALCULATED.	ALL RESULTS BELOW REPORTABLE AIRBORNE FIBRE CONCENTRATION OF 0.01 F/m ³ . -AS- ABOVE-

Inspector
Signed: *[Signature]*
Print: ADRIAN MISTON

Environmental Manager
Signed: *[Signature]*
Print: PAUL BACCHAY



DAILY SITE ENVIRONMENTAL DIARY		
Project: TERRC ANNOUNCED.		Date: 21/05/09 Time: 1300
Location:	Comments:	Action:
DOCK	Beam across Dock but not forming full barrier.	SITE IMMEDIATELY TOOK CORRECTIVE ACTION.
OFFICE	PERIMETER ASBESTOS RESULTS INSPECTED	ALL RESULTS BELOW REPORTABLE AIRBORNE FIBRE CONCENTRATION.
SITE	FULL SITE TOUR. UNDERTAKEN, INCLUDING AREAS OUTSIDE STANDARD MARAD LIMIT.	NO OBSERVATIONS. SITE GENERALLY CLEAN & TIDY.

Inspector
Signed: *[Signature]*
Print: *ADAM MILDON*

Environmental Manager
Signed: *[Signature]*
Print: *S. Memon*

Report of: Assistant Director (Planning & Economic Development)

Subject: CONSERVATION AREA PARTNERSHIP SCHEMES IN CONSERVATION AREAS

1. PURPOSE OF REPORT

- 1.1 To provide information to the Committee on the recent correspondence from English Heritage regarding potential Partnership Schemes in Church Street and Stranton Conservation Areas.

2. BACKGROUND

- 2.1 A report was brought to the Regeneration and Liveability Portfolio Holder in March seeking authority to start the process of making an application to English Heritage for a grant of £300,000 under their Partnership Schemes in conservation areas to provide resources for building grants and funding for environmental works in Church Street and Stranton Conservation Areas.
- 2.2 Partnership Schemes in conservation areas are designed to target funding for the preservation and enhancement of conservation areas based on a partnership between English Heritage and a local authority. The Partnership Scheme could include investment from other public sources besides that from the Council. A scheme can make grants available to building owners to carry out eligible works and also undertake environmental improvements. Such schemes are aimed at conservation areas where the majority of properties are in retail and commercial use. Applications are by means of a three stage process which commenced in April 2009 and was due to finish in March 2010.
- 2.3 The expression of interest outlined a potential application for £300,000 of grant to be matched by public investment from the Council and if possible other public sources, with a total budget of £600,000.

3. ENGLISH HERITAGE RESPONSE

- 3.1 English Heritage considered the expressions of interest at an internal sifting meeting. They have provided feedback on the information submitted in the form of a letter in Appendix A.
- 3.2 In summary the letter provides positive feedback on the proposed scheme in Stranton noting that this would be a 'more concentrated

scheme' and this 'had the most potential'. It states that the Church Street scheme 'would cover a much larger area' and felt that for this to be considered the area 'would need to be tightened.'

- 3.3 The letter continues by stating that English Heritage felt that they could only 'support just one scheme within Hartlepool at one time'. Further to this concern is raised regarding the 'sustainability of any repair works and any public investment spent'. The letter observes that the new conservation policy, which was agreed on the 19th February of this year, means that 'any conservation investment made as part of an area grant scheme would be difficult to protect in the medium/long term'. This echoes concerns raised in previous letters to this committee on the 19th February when it was stated that 'If the management regime and policies of a Local Authority are counterproductive to the aims and objectives of a heritage grant scheme, we are obliged to consider the value of allocating public funds towards it'
- 3.4 The letter concludes by suggesting that the Council may wish to continue with a detailed application to the Partnership Scheme but notes that this would have to show how the 'Council would minimise the risk to any investment through a management regime for the conservation area'.

4 PROPOSED PARTNERSHIP SCHEME

- 4.1 Given the advice from English Heritage it is proposed that officers investigate further the potential for a partnership scheme in the Stranton Conservation Area.
- 4.2 Further to this to address the concerns of English Heritage in protecting any potential investment in the area it is proposed that a short appraisal and management plan for the area is produced. Along side this advice could be provided in the form of leaflets on new shopfronts, signage, development of upper floors and the streetscape to ensure that consistent guidance on the standards required is readily available to all. Consideration will also be given to introducing an area of special advert control. The intention would be to consult with owners of properties within the conservation area to gauge their reactions to the proposed scheme and the potential guidance on development within the area prior to progressing any application.
- 4.3 English Heritage has been contacted regarding the content of the letter and further guidance requested. This may necessitate a change of approach; however this will be brought back to the Committee if appropriate.
- 4.4 A report will be taken to the Community Safety and Housing Portfolio Holder meeting on the 14th August outlining the proposed Partnership

Scheme. This committee may wish to provide comments regarding the approach outlined above for the consideration of the Portfolio Holder.

5 FINANCIAL IMPLICATIONS

- 5.1 Should an application progress it would be in the form of a request for funding of approximately £180,000 over three years from English Heritage. This would need to be matched with funding from the Council or other public sources of investment. This would provide a total investment for the area of £360,000.

6 RECOMENDATION

- 6.1 That the committee notes the report and provides comments on the proposed approach by officers investigating the potential to pursue a Partnership Scheme application for the Stranton Conservation Area.

APPENDIX A



ENGLISH HERITAGE

NORTH EAST REGION

Mr Peter Graves
Conservation Officer
Dept of Regeneration & Planning
Hartlepool Borough Council
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Direct Dial: 0191 269 1232

Your ref: PG/pg/./2009

Our ref: PF6005/0002 & 3/0001

Date: 14 July 2009

Dear Peter

**PARTNERSHIP SCHEMES IN CONSERVATION AREAS APPLICATION
STRANTON AND CHURCH STREET**

Firstly I must apologise for the delay in writing to you following our internal grant sift meeting at which your applications were considered. I spoke to Sarah and passed on initial feedback but am now setting out our more detailed thoughts.

The applications were discussed at one of our grant sift meetings. We discussed both applications and felt that they could both work well and show potential.

Stranton: would be a more concentrated scheme looking mainly at the parade of shops – this could have a greater impact in this locality, particularly if the entire terrace could be restored.

Church Street: would cover a much larger area but is a key route through the town. We did feel however that the area which it covered would need to be tightened in order to increase the possible impact of any funding scheme. This proposal also included listed buildings which are outwith the conservation area boundary and therefore unfortunately ineligible for funding under a conservation area scheme.

We also felt that we could support just one scheme in Hartlepool at one time and felt that Stranton had the most potential in terms of the works required and the impact of a scheme.

Whilst it was agreed that both schemes have potential, there are serious concerns about the sustainability of any repair works and any public investment spent. We understand the Council's reasons for adopting its recently amended policy relating to replacement windows, however, this does mean that any conservation investment made as part of an area grant scheme would be difficult to protect in the medium/long term. As you are aware from the Headland Scheme, with any scheme, we do look to see that the partner Local Authority has strong conservation policies in place in order to protect the public investment made.

We have recently reviewed our Partnership Schemes in Conservation Areas grant pack and I will forward the link to the new pack to you shortly. The changes are fairly minimal but

BESSIE SURTEES HOUSE, 41-44 SANDHILL, NEWCASTLE UPON TYNE, NE1 3JF

Telephone: 0191 269 1200 Facsimile: 0191 261 1130

English Heritage operates an access to information policy



ENGLISH HERITAGE

they do offer more flexibility which is a very positive step (for example, the requirement for no more than 40% of funding to be targeted towards architectural reinstatement has been removed).

If you feel that you would still like to continue with a detailed application on this basis (and we can obviously be flexible on the submission dates), we would need to see how the Council would minimise the risk to any investment through a management regime for the conservation area.

If you have any queries regarding the above, please do not hesitate to contact me.

Yours sincerely

Catherine Dewar
Historic Areas Advisor
North East Region