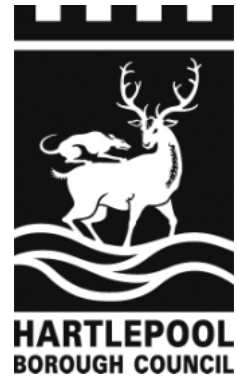


# PLANNING COMMITTEE AGENDA



**Wednesday 2 December 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 4 November 2009.

### 4. ITEMS REQUIRING DECISION

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

- |    |             |  |
|----|-------------|--|
| 1. | H/2009/0497 | Land off Merlin Way                            |
| 2. | H/2009/0472 | Wesley Chapel, Wesley Square                   |
| 3. | H/2009/0500 | Niramax, Thomlinson Road                       |
| 4. | H/2009/0544 | Unit 15, Atkinson Industrial Estate, Burn Road |
| 5. | H/2009/0596 | Shed E J D R Cable Systems Ltd, Greenland Road |

4.2 Town and Village Greens – *Chief Solicitor and Director of Regeneration and Neighbourhoods*

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

4.4 Grange Conservation Area Appraisal – *Assistant Director (Planning and Economic Development)*

- 4.5      Appeal Ref APP/H0724/A/09/2107182 Conversion to Bed and Breakfast  
Guest House (10 Beds) 36 Hutton Avenue

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

**8.    FOR INFORMATION**

Next Scheduled Meeting – Wednesday 6 January 2010 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, 6 January at 9.00am.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

4 November 2009

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

### **Present:**

Councillor: George Morris (In the Chair)

Councillors: Stephen Allison, Kevin Cranney, Mary Fleet, Sheila Griffin, Geoff Lilley, Frances London, John Marshall, Carl Richardson and Edna Wright.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor Pauline Laffey, Councillor Christopher Akers Belcher was in attendance as substitute for Councillor Shaun Cook, Councillor Stephen Akers-Belcher was in attendance as substitute for Councillor Rob Cook and Councillor John Coward was in attendance as substitute for Councillor Chris McKenna.

Officers: Stuart Green, Assistant Director, Regeneration and Neighbourhoods  
Peter Graves, Townscape Heritage Initiative Manager  
Adrian Hurst, Principal Environmental Health Officer  
Andrew Carter, Senior Planning Officer  
Richard Smith, Solicitor  
Richard Teece, Development Control Manager  
Chris Pipe, Principal Planning Officer  
Jane Tindall, Planning Officer  
Julian Heward, Public Relations Officer  
Angela Hunter, Principal Democratic Services Officer

### **68. Apologies for Absence**

Apologies for absence were received from Councillors Rob Cook, Shaun Cook, Pauline Laffey, Chris McKenna, Michelle Plant and Gladys Worthy.

### **69. Declarations of interest by Members**

Councillor Edna Wright declared a personal interest in minute 71 item H/2009/0497.

Councillor Mary Fleet declared a person and prejudicial interest in minute 71 item H/2009/0497 and indicated she would leave the meeting during its consideration.

## 70. Confirmation of the following minutes

(i) 7 October 2009 – confirmed subject to the following amendment:

Minute 54 – H/2009/0390 – It was confirmed that despite the referral to GONE this application was not a departure to the Local Plan.

Minute 54 – H/2005/0524 – Delegated authority for officers to negotiate conditions and reasons as part of the public inquiry process was approved.

(ii) 12 October 2009 – confirmed.

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

<b>Number:</b>	H/2009/0497
<b>Applicant:</b>	Bellway Homes (NE) Ltd, Peel House, Main Street, Ponteland
<b>Agent:</b>	Bellway Homes (NE) Ltd, Peel House, Main Street, Ponteland
<b>Date received:</b>	15/09/2009
<b>Development:</b>	Substitution of house types on 51 plots (1074A-1083A) including 50 for affordable housing
<b>Location:</b>	LAND OFF MERLIN WAY AREA 6/7 MIDDLE WARREN ADJACENT LOCAL CENTRE HARTLEPOOL
<b>Representations:</b>	Mr Paul Digby (objector) was in attendance and addressed the Committee.
<b>Decision:</b>	<b>During the debate this report was deferred to enable consultation to take place between the applicant, officers and local residents to see if the latter's concerns about the development can be addressed.</b>

The Committee considered representations in relation to this matter

<b>Number:</b>	H/2009/0500
<b>Applicant:</b>	Mr Kevin Wanless, Niramax, Longhill Industrial Estate, Thomlinson Road

**Agent:** Axis, Mrs Amanda Stobbs, Unit 11, Well House, Barns Bretton, Chester

**Date received:** 10/09/2009

**Development:** Upgrading and extension of existing waste management facilities

**Location:** NIRAMAX, THOMLINSON ROAD, HARTLEPOOL

**Decision:** **Deferred for additional technical information about the development.**

**Number:** H/2009/0542

**Applicant:** MR TOM WILSON, CHESTNUT STREET, DARLINGTON

**Agent:** Anthony Keith Architects Ltd, Mr D Cogdon, 19 Lansowne Terrace, Gosforth, Newcastle upon Tyne

**Date received:** 30/09/2009

**Development:** Alterations and erection of a part single and part two storey extensions to side and rear to provide day room and two new bedrooms and internal alterations to update en suite facilities to some existing bedrooms

**Location:** BRIAR COURT, 59 HUTTON AVENUE, HARTLEPOOL

**Representations:** Mr Wilson (applicant's representative) and Mr Bentham (objector) were in attendance and addressed the Committee.

**Decision:** **Planning Permission Refused**

### REASONS FOR REFUSAL

1. It is considered that the proposed extension by reason of its siting and design would appear unduly large and out of keeping to the detriment of the visual amenities of the area, the appearance of the building and the character and appearance of this part of the Grange Conservation Area contrary to policies GEP1, HE1 and Hsg12 of the Hartlepool Local Plan 2006.
2. It is considered that the proposed extension by reason of its size siting and design would appear overbearing and could lead to overlooking and loss of light to the neighbouring dwellinghouse 61 Hutton Avenue

to the detriment of the amenities of the occupiers of that dwellinghouse contrary to policies GEP1, HE1 and Hsg12 of the Hartlepool Local Plan 2006.

3. It is considered that the extension by reason of its siting and size close to the footpath between Hutton Avenue and Wilton Avenue, which adjoins the application site, would appear unduly large and imposing to users of the footpath and could as a consequence engender a fear of crime and deter people from using the footpath contrary to policy GEP3 of the Hartlepool Local Plan 2006.
4. It is considered that the proposed development would result in an increase in the number of residents in the home and consequent increase in the number of visitors to the site and this could lead to an increase in parking on the street, in an area already experiencing significant parking pressures and disturbance to nearby residents, to the detriment of highway safety and the free flow of traffic and the amenity and character of the area contrary to policies GEP1, HE1 and Hsg12 of the Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter

<b>Number:</b>	H/2009/0519
<b>Applicant:</b>	MR M FLETCHER, EGERTON ROAD, HARTLEPOOL
<b>Agent:</b>	MR M FLETCHER, GLENDOWER, EGERTON ROAD, HARTLEPOOL
<b>Date received:</b>	17/09/2009
<b>Development:</b>	Erection of a detached dormer bungalow (amended details received)
<b>Location:</b>	GLENDOWER, EGERTON ROAD, HARTLEPOOL
<b>Representations:</b>	Mr Fletcher (applicant) and Mr Moore (objector) were in attendance and addressed the Committee.
<b>Decision:</b>	<b>Minded to APPROVE subject to the conditions set out below and no adverse comments from the Cleveland Fire Authority, but the final decision was delegated to the Development Control Manager in consultation with the Chair of Planning Committee since publicity was still outstanding.</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17 09 09, and 21 10 09 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. The development of the acoustic fencing hereby approved shall have a height of not less than 2m from ground level, and shall be carried out strictly in accordance with the details received by the Local Planning Authority on 21 10 09, and shall thereafter be retained in accordance with those details for the lifetime of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
5. Details of all walls, fences and means of boundary enclosures (additional to the aforementioned acoustic fencing) shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
6. Notwithstanding the plans received, no development shall take place until a scheme for acoustic fencing and screening in relation to the shared boundary with 38 Egerton Road has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of the amenities of neighbouring occupiers.
7. No development shall take place until a comprehensive survey of all trees on the site, including their exact location, species and crown spread, including confirmation of the trees to be retained has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
To preserve the landscape features on the site in the interest of visual amenity.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried

out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s) on site.

9. No development shall take place until a detailed scheme of tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout of the planting, include a programme of the works to be undertaken, and thereafter be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

10. 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 adjacent residential properties.

11. 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) other than those expressly authorised by this permission 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 adjacent residential properties.

12. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the dwelling facing Glendower without the prior written consent of the Local Planning Authority.

To prevent overlooking.

13. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the dwelling facing 19 Conisdiffe Road without the prior written consent of the Local Planning Authority.

To prevent overlooking.

14. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business



shall be carried out therein.

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

15. 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. The developer shall give 24 hours prior notification of his/her intention to peg out the proposed building on the site for an officer site visit to be arranged to check the setting out.

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

16. The development hereby approved shall not commence until details of a domestic sprinkler system have been submitted to and approved in writing by the Local Planning Authority in consultation with the Cleveland Fire Authority and the Local Authority Building Control Section. Once approved in writing the sprinkler system shall be installed and remain operational through the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of health and safety.

The Committee considered representations in relation to this matter.

<b>Number:</b>	H/2009/0421
<b>Applicant:</b>	Mr D Rezai, York Road, Hartlepool
<b>Agent:</b>	Jackson Plan, Mr Ted Jackson, 7 Amble Close, HARTLEPOOL
<b>Date received:</b>	14/08/2009
<b>Development:</b>	Alterations, extension and part change of use to form licensed restaurant and hotel
<b>Location:</b>	91 YORK ROAD, HARTLEPOOL
<b>Representations:</b>	Mr Ted Jackson (agent) was in attendance and addressed the Committee.
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) R0104.4/1,6f,7f,8f,9f,10f,11f received on 9th October 2009, unless otherwise agreed in writing by the Local

# Planning Authority

For the avoidance of doubt.

3. The premises shall be used for a restaurant A3 and hotel C1 for no other purpose (including any other purpose in Class A1 or A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Unless otherwise agreed in writing with the Local Planning Authority the disposition of the hotel and restaurant use shall be in accordance with the approved drawings and shall be retained as such for the lifetime of the development.  
As shown on the approved plans and in order to allow the Local Planning Authority to consider the implications of any proposed changes to the disposition of the uses in the interest of the amenity of the nearby residents and highway safety.
5. Unless otherwise agreed in writing the site, the hotel and restaurant, shall be retained and used as a single planning unit.  
Given the interrelationship between the two the Local Planning Authority would wish to consider any changes that may result from their independent use.
6. No bar, or other licensed facilities, shall be provided other than as ancillary to the A3 restaurant use. For the avoidance of doubt no such facilities, whether ancillary or not, shall be provided within the hotel element of the development.  
In accordance with the approved plans and in the interests of the amenity of the occupiers of nearby residential properties.
7. 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.
8. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.  
In the interests of the amenities of the occupants of neighbouring properties.
9. The proposed first floor ensuite window(s) in the west elevation facing towards Barbara Mann Court shall be glazed with obscure glass which shall be installed before the hotel is occupied and shall thereafter be retained at all times while the window(s) exist(s).  
To prevent overlooking
10. The restaurant shall only be open to the public between the hours of 08:00 and 24:00 Mondays to Saturdays inclusive and between the hours of 12:00 and 24:00 on Sundays.  
In the interests of the amenities of the occupants of neighbouring properties.

11. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development details for ventilation filtration and fume extraction equipment to reduce cooking smells, shall be submitted to and approved in writing by the Local Planning Authority. All approved items shall thereafter be installed in accordance with a timetable agreed with the Local Planning Authority. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties. The proposals require alterations to the existing ventilation filtration and fume extraction equipment and this condition will ensure that the amended scheme is acceptable and provided in accordance with an agreed timetable.
12. Servicing of the premises shall take place from Alma Street.  
In the interests of highway safety.
13. Any amplified music arising within the premises shall not be audible outside the premises.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter

<b>Number:</b>	H/2009/0522
<b>Applicant:</b>	Mr Stephen Bell, Housing Hartlepool, Stranton, HARTLEPOOL
<b>Agent:</b>	Browne Smith Baker, LLP, Mr Guy Holmes, 11-12 Portland Terrace, Newcastle
<b>Date received:</b>	23/09/2009
<b>Development:</b>	Erection of 20 dwellings with associated parking, access and works
<b>Location:</b>	LAND AT CHARLES STREET/SURTEES STREET, HARTLEPOOL
<b>Representations:</b>	Mrs S Fawcett (applicant's representative) was in attendance and addressed the Committee.
<b>Decision:</b>	<b>Minded to APPROVE subject to no objections from the Environment Agency and the following conditions but a final decision was delegated to the Development Control Manager</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. 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.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
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), 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.
7. 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.
8. No development shall take place until further details of the means of enclosure between plot 8 and plots 11/12 have been submitted to and

approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety.

9. No development shall take place until further details of the new vehicular access onto Surtees Street have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety.

10. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 October 2009, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

11. No development shall take place until the following matters have been addressed

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.

B. Site Characterisation

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

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

This must be conducted in accordance with DEFRA and the

Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

**C. Submission of Remediation Scheme**

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

**D. Implementation of Approved Remediation Scheme**

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

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

**E. Reporting of Unexpected Contamination**

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

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

**F. Long Term Monitoring and Maintenance**

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

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

This must be conducted in accordance with DEFRA and the

Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that any site contamination is addressed.

12. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 October 2009, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

13. Unless otherwise agreed in writing by the Local Planning Authority, none of the houses hereby approved shall be occupied until the existing permit parking scheme on Surtees Street has been amended to take account of the development hereby approved.

In the interests of highway safety.

The Committee considered representations in relation to this matter.

<b>Number:</b>	H/2009/0521
<b>Applicant:</b>	Mr Stephen Bell, Housing Hartlepool, Stranton, HARTLEPOOL
<b>Agent:</b>	Browne Smith Baker, LLP, Mr Guy Holmes, 11-12 Portland Terrace, Newcastle
<b>Date received:</b>	22/09/2009
<b>Development:</b>	Erection of 25 dwellings including associated car parking, access and works (FURTHER AMENDED PLANS RECEIVED)
<b>Location:</b>	LAND AT SEATON LANE, HARTLEPOOL
<b>Decision:</b>	<b>Minded to APPROVE subject to the conditions set out below but the final decision was delegated to the Development Control Manager in consultation with the Chair of Planning Committee since publicity was outstanding.</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. 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.

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

In the interests of visual amenity.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

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), 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.

7. 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.

8. 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.

9. No development shall take place until final details of the new vehicular access onto Seaton Lane have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise



agreed in writing by the Local Planning Authority.  
In the interests of highway safety.

10. No development shall take place until the following matters have been addressed:

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination (which must include ground gas monitoring);

(ii) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a

validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 3 above.

#### 5. Long Term Monitoring and Maintenance

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

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

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. If as a result of the investigations required by condition above, landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

12. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning

Authority. Thereafter the development shall take place in accordance with the approved details.

To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

13. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, final details of the acoustic barrier to the southern boundary of the application site including bounding and landscaping between the industrial land shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details prior to the occupation of plots 10 to 16. Thereafter the acoustic barrier shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of proposed properties.
14. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Grey House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.  
The site is of archaeological interest.
15. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22 September 2009 and 29 October 2009 Drawing No: 09041/P/001 REV G, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
16. The development shall not commence until a scheme for the formal designation of a right turn lane entering the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the first dwelling unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
17. Prior to the commencement of the development hereby approved plots 10, 13, 14, 15, 17, 18, and 19 shall be provided with noise insulation measures, details of which shall be first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the development and the industrial area. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the building is adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property.
18. Prior to the commencement of works a method statement to minimise causing harm or disturbance to Great Crested Newts shall prepared by

a suitably qualified ecologist, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

The site is of ecological interest

19. A scheme for habitat creation including the creation of new waterbodies adjacent the nearby pond shall be submitted and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To ensure that should any Great Crested Newts be present, that the status of the local population would not be adversely affected.

20. The developer shall give two weeks written notice of a commencement of works to an ecologist nominated by the Local Planning Authority prior to development commencing and shall thereafter afford access at all reasonable times to the ecologist and shall allow him/her to observe the excavation and record items of interest. Should any Great Crested Newts be found, work should cease immediately and the approved translocation programme shall be instituted, unless otherwise agreed in writing with the Local Planning Authority.

The site is of ecological interest

21. For the avoidance of doubt unless otherwise agreed in writing by the Local Planning Authority any site clearance should be undertaken outwith the bird breeding season (March to August inc.) unless otherwise agreed in writing by the Local Planning Authority.

In the interests of nature conservation.

22. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

23. A scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority; thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

24. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be

submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. In the interests of crime prevention.

25. Notwithstanding the submitted details a scheme to incorporate pedestrian routes on the areas of open space fronting Seaton Lane, including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. In the interests of visual amenity.

<b>Number:</b>	H/2009/0195
<b>Applicant:</b>	Mr Ashley Hornsey, EGERTON ROAD, HARTLEPOOL
<b>Agent:</b>	Malcolm Arnold, 2 Siskin Close, HARTLEPOOL
<b>Date received:</b>	23/04/2009
<b>Development:</b>	Erection of a double garage/hallway/cloakroom extension to front to enable conversion of existing garage to gymnasium
<b>Location:</b>	32 EGERTON ROAD, HARTLEPOOL
<b>Decision:</b>	<b>Deferred for further information about the integrity of an adjoining retaining wall.</b>
<b>Number:</b>	H/2009/0527
<b>Applicant:</b>	Mr Ian George, Orange PCS, Almondsbury Park, Bradley Stocke, Bristol
<b>Agent:</b>	Harlequin North, Mr Christopher Mein, 14 Wemyss Cottage, Billy Row Green, Billy Row
<b>Date received:</b>	25/09/2009
<b>Development:</b>	To determine whether the prior approval of the Local Planning Authority is required to the siting and appearance of 11.79m high lamppost mast and antenna, equipment cabinet and meter pillar
<b>Location:</b>	MARLOWE ROAD/CATCOTE ROAD JUNCTION HARTLEPOOL
<b>Decision:</b>	<b>Prior approval required and granted.</b>

**Number:** H/2009/0179

**Applicant:** Mr T Lin Chen, OXFORD ROAD, HARTLEPOOL

**Agent:** Mr T Lin Chen, 143 OXFORD ROAD,  
HARTLEPOOL

**Date received:** 15/04/2009

**Development:** Variation of opening hours permitted under planning application H/2006/0502 to include Sunday and Bank Holiday opening and opening 5 p.m -12 midnight on Friday and Saturday on a permanent basis

**Location:** 143 OXFORD ROAD HARTLEPOOL

**Decision:** Planning Permission Approved

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 8.00 - 23.00 Mondays to Saturdays inclusive and 10.00 - 23.00 Sundays, Bank or Public Holidays, and at no other time.  
For the avoidance of doubt.
3. Unless otherwise agreed in writing by the Local Planning Authority within one month of the date of this permission, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the scheme shall be either installed or retained (if existing is considered acceptable) as such throughout the lifetime of the development. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.  
In the interests of the amenities of the occupants of neighbouring properties.

## **72. Appeal by Mr Brian Elder (Elder Monsen Ltd) at the Headland Gate, Northgate** *(Assistant Director (Planning and Economic Development))*

Members were informed that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the demolition of the existing public house and the erection of a two-storey unit with ground floor retail units and four first floor apartments with associated access and car parking.

The appeal was decided by written representations and was allowed by the Planning Inspectorate. A copy of the decision letter was attached by way of appendix.

### **Decision**

The decision was noted.

**73. Appeal ref APP/H0724/D/09/2110473 Erection of a replacement boundary enclosure and gates, West Allen, Elwick Road, Hartlepool, TS24 9PB** *(Assistant Director (Planning and Economic Development))*

Members were informed that a planning appeal had been lodged in relation to the erection of a replacement boundary wall and gates at West Allen, Elwick Road. The application was refused under delegated powers through the Chairman of the Planning Committee for reasons relating to highway safety.

The Inspector dismissed the appeal concluding that the proposal would harm highway safety. A copy of the decision letter was attached by way of appendix.

### **Decision**

The decision was noted.

**74. Appeal by Miss Elizabeth Robinson Appeal Ref: APP/H0724/D/09/2110475 Site at 153 Mowbray Road, Hartlepool, TS25 2NE** *(Assistant Director (Planning and Economic Development))*

Members were informed that an appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two-storey side extension and a single storey rear extension under scheme of delegation.

The appeal was decided by written representations and dismissed by the Planning Inspectorate insofar as it relates to the two-storey side extension. The Inspector allowed the appeal insofar as it relates to the rear single storey extension. A copy of the decision letter was attached by way of appendix.

## Decision

Members noted the decision.

### **75. Appeal Ref APP/H0724/A/09/2106524 H/2009/0082 Change of use to car valeting business garage site, 234 Stockton Road, Hartlepool, TS25 5DE** *(Assistant Director (Planning and Economic Development))*

Members were informed that the above appeal had been determined by the Planning Inspectorate by the written representations procedure.

The appeal was allowed subject to conditions and a copy of the decision letter was attached by way of appendix.

Members had reservations about the highway safety in this area but the Assistant Director confirmed that the Inspector had allowed the appeal and that the area would be monitored in accordance with the highway authority's powers and traffic regulations.

## Decision

The decision was noted.

### **76. Update on current complaints** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager drew Members' attention to 12 ongoing investigations.

## Decision

Members noted the report.

### **77. 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 78 – 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.)

Minute 79 – Enforcement Action - Tunstall Court, Grange Road – (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and 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.)

Minute 80 – Enforcement Action – 1 Lamberd Road - (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and 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.)

- 78. Complaints Files to be closed** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 (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 one outstanding complaint file in relation to a property in Hibernian Grove, details of which were set out in the exempt section of the minutes

### **Decision**

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

- 79. Enforcement Action – Tunstall Court, Grange Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and 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 on taking the recommended course of action in relation an unsecured empty building, namely Tunstall Court,

Grange Road. Details of which were set out in the exempt section of the minutes.

### **Decision**

Details were set out in the exempt section of the minutes.

- 80. Enforcement Action – 1 Lamberd Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006 (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and 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 on taking the recommended course of action in relation an unauthorised erection of a fence around the front and side of 1 Lamberd Road, an ex Council property. Details of which were set out in the exempt section of the minutes.

### **Decision**

Details were set out in the exempt section of the minutes.

The meeting concluded at 1.40 pm.

CHAIRMAN

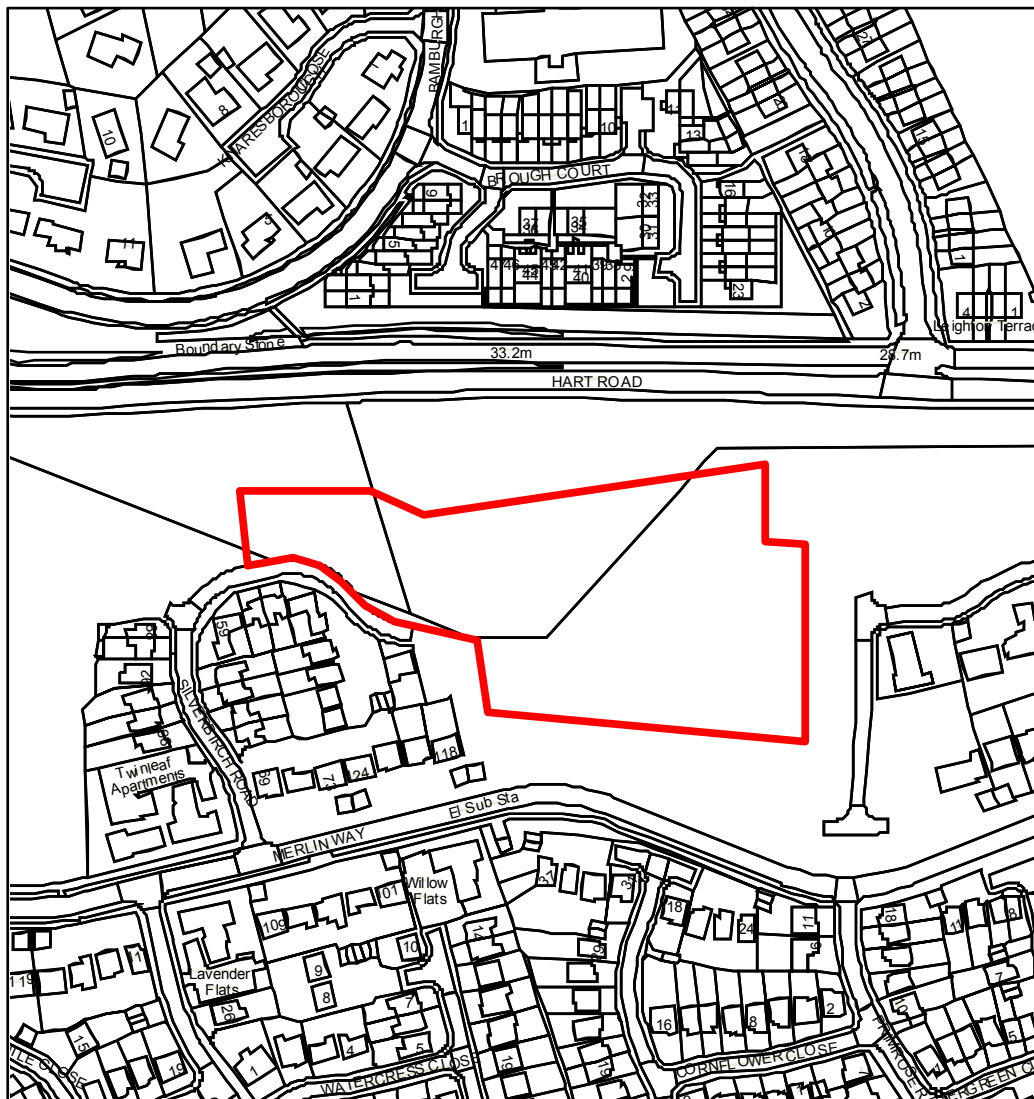
**No:** 1  
**Number:** H/2009/0497  
**Applicant:** Bellway Homes (NE) Ltd Peel House Main Street  
Ponteland Newcastle upon tyne NE20 9N  
**Agent:** Bellway Homes (NE) Ltd Peel House Main Street  
Ponteland NE20 9N  
**Date valid:** 15/09/2009  
**Development:** Substitution of house types on 51 plots (1074A-1083A)  
including 50 for affordable housing  
**Location:** LAND OFF MERLIN WAY AREA 6/7 MIDDLE WARREN  
ADJACENT LOCAL CENTRE HARTLEPOOL

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1.1 Members will recall that this application was deferred at the last meeting (4 November 2009) in order for further discussions/consultations to take place between the applicant, residents of Middle Warren/objectors and Hartlepool Borough Council to see if there was a way that residents concerns could be addressed.

1.2 The meeting took place on 17<sup>th</sup> November 2009 and a wide range of issues were discussed by representatives of all parties.

1.3 A note of the above mentioned meeting has been prepared and made available to all parties at the meeting for comment by Monday 23 November 2009. All parties are considering their position in the light of the meeting and a copy of the meeting notes and update will be provided before the next meeting of the Planning Committee.

**MERLIN WAY**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>20/10/2009</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0497</b>	REV

**No:** 2  
**Number:** H/2009/0472  
**Applicant:** Jomast Developments Limited Calverts Lane Bishop Street Stockton on Tees TS18 1SW  
**Agent:** Jomast Developments Limited Oriel House Calverts Lane Bishop Street TS18 1SW  
**Date valid:** 18/09/2009  
**Development:** Alterations and change of use of vacant nightclub to hotel and licensed bar/bistro/restaurant  
**Location:** WESLEY CHAPEL WESLEY SQUARE HARTLEPOOL

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### The Application and Site

2.1 The site to which this application relates is a detached Grade II listed building located in the Church Street Conservation Area at the junction of Victoria Road and Stockton Street. The immediate area is made up predominantly of commercial buildings. To the west of the site is Swainson Street. The main entrance to the Grand hotel, which is also listed, is located upon this street. To the east is Wesley Square with Stockton Street located just beyond. The Leadbitter Buildings, again listed are also located to the east of the application site. To the south is Victoria Road which abuts the Middleton Grange Shopping Centre. To the north/north east are a range of modern office buildings.

2.2 The listing describes the building as “Church, 1871-73, by Hill and Swan. Brick with stone dressings and sandstone ashlar facing to principal east front. Hipped slate roof. 2 storeys and basement. 5 bays to front....Later church hall adjoining to north west corner is not of interest”.

2.3 The basement of the building was until recently used as licensed premises, this use will remain. The ground and mezzanine floors of the adjoining former church hall have previously been used as a health club. The first and second floors of the Church have previously been used as a night club. The buildings to which this application relates are vacant.

2.4 The proposal will result in the change of use from a vacant night club and leisure club to a 36 bedroom hotel and a licensed restaurant. The use of the lower ground floor will remain unchanged as licensed premises. The majority of the alterations are internal; therefore the scale and massing of the buildings will be significantly unchanged.

2.5 The plans have been amended since the original submission to resolve some minor discrepancies, clarify details and to remove openings which had been proposed in the upper floor of the main building.

2.6 The internal alterations proposed include general modifications to take account of the proposed changes in use. The floor levels in the main building will be raised to eliminate the present variation in levels; this will include the covering of the

existing swimming pool. A new floor section will be constructed on the second floor of the main building to create a continuous floor level. Hotel bedrooms will be located on the upper floors. Internal alterations will be required for the provision of a passenger lift and a platform lift as well as the construction of staircases. The fire escape and accommodation staircases will also be rearranged.

2.7 Externally, the main entrance to the hotel will be from Swainson Street. A disabled access ramp is also proposed upon this elevation. Roof lights/windows are proposed to serve the upper floor bedrooms. The remaining external alterations involve the formations of doors/fire escapes and the bricking up/glazing of existing openings.

### Related Applications

2.8 Application H/2009/0583 - Listed Building Consent for Alterations and change of use of vacant nightclub to hotel and licensed bar/bistro/restaurant which is currently under consideration.

### Relevant Planning History

2.9 In November 1998 planning permission and listed building consent were granted to change the use of three retail units in the basement to a public house. (H/FUL/0570/98 & H/LBC/0571/98). A condition attached to the planning permission restricts the use of the public house to between 9.00am and midnight.

2.10 In September 1998 planning permission and listed building consent were granted to change the use of the three vacant retail units in the basement to a public house and hot food takeaway. (H/FUL/0408/98 & H/LBC/0409/98). Conditions attached to the permission restricted the use of the public house to between 9.00am and midnight and the takeaway to between 9.00am and 02.30am. These permissions were not implemented.

2.11 In September 1994 planning permission was granted for the extension and change of the use of the vacant church and church hall to provide a mixed retail leisure development. (H/FUL/0459/94) The proposal was for four retail units in the basement, a ground floor leisure club and a first and second floor nightclub.

2.12 In November 1991 and March 1992 planning permission and listed building consent respectively were granted for extensions and alterations and change of use of the vacant church and hall to provide a mixed office/retail/leisure development. (H/FUL/0506/91 & H/LBC/0507/91). The proposal was for four retail units in the basement, a ground and first floor mixed leisure use (to include any or all the following bar, leisure club, restaurant, night club), and a suite of offices in the north western wing. The planning permission was not implemented.

2.13 In May 1990 planning permission was granted for the use of the premises as a Christian Community Care Centre (H/FUL/127/90). The proposal included commercial, retail and restaurant facilities and assembly rooms. The permission was not implemented.

## Publicity

2.14 The application has been advertised by way of neighbour letters (4), site notice (x2) and newspaper advert. To date, there have been no responses received.

The period for publicity has expired.

## Consultations

2.15 The following consultation replies have been received:

**Traffic and Transportation** – Parking provision meets requirements for town centre area. Developer should provide a minimum 7 cycle parking spaces.

**Head of Public Protection** – I would have no objections to this application subject to extract ventilation conditions to the kitchens.

**Landscape, Planning and Conservation** – Further to the amended plans submitted recently. It is confirmed that there would be no objections in principle to the change of use of this property from a night club to a hotel.

Various works are required to facilitate this change of use. The works will require listed building consent and a number of issues are outstanding and still require further discussions.

Comments in relation to the listed building consent application will follow in due course.

**Economic Development** – We would support the above proposed application on the following grounds:

- It will bring an empty listed building back in to use
- Job creation opportunities
- Compliment the existing short stay accommodation offer to visitors/tourists

## Community Safety -

HBC operate a main frame CCTV camera located on the corner of Stockton St. and Victoria Rd (Wilkinsons store) which monitors the immediate area. However views of Wesley Square, which has proven to be problematic in the past, are severely hindered by existing trees.

Ideally we would wish to strengthen local coverage, and in particular of Wesley Square. That would best be served by sighting a CCTV camera in the immediate area of The Hartlepool Mail building – exact location to be agreed.

The cost of camera installation would be met by Hartlepool Borough Council. It is suggested that a part of the cost of camera monitoring and a proportion of ongoing maintenance and repair costs be borne by the applicant.

**Northumbrian Water** - Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make:

Condition - Development shall not commence until a detailed scheme for the accurate location, protection of and access to its apparatus during construction and afterwards of the development hereby approved has been submitted to and

approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason - Northumbrian Water's apparatus is located near to the development site. We require unrestricted access to this apparatus at all times and will not permit the erection of buildings or structures over or close to it. Any proposed crossing, landscaping, parking areas or tree planting must comply with the standard Northumbrian Water guidelines.

## Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

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.

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.



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

HE2: Encourages environmental improvements to enhance conservation areas.

HE3: States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

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

To11: Encourages and promotes development relating to business conferencing and tourism.

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

## **Planning Considerations**

2.17 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the adopted Hartlepool Local Plan outlined above and in particular the impact of the development on the amenity of the occupiers of nearby properties, design/impact on the character and appearance of the Listed Building/Conservation Area and highway safety.

### Principle of Development

2.18 The site lies within the town centre (Com1) in the main commercial area. Part of the building currently benefits from use as a nightclub. It is considered that in this instance, for the reasons discussed below and subject to planning conditions that the use of the buildings as a hotel and licensed bar/bistro/restaurant in this location is acceptable in principle.

### Character of Streetscene/Conservation Area

2.19 The application site is located within the designated Church Street Conservation Area. This application seeks consent for alterations and change of use.

2.20 Roof lights are proposed to serve the upper floor bedrooms. The floor levels within the building will be raised to facilitate the required roof heights needed for the

hotel bedrooms on the upper floors. The new and existing floors of the first and second floor of the main building and annex will be visible from the exterior of the building as the replacement windows will be clearly glazed in their majority. Several windows located on the first and second floor of the annex will be obscurely glazed as the rooms they serve will be bathrooms associated with hotel bedrooms. Several stairways will also be visible externally. The fine detailing here is still being discussed.

2.21 It is not considered that such installations/alterations would materially alter the character of the listed building given the scale and massing of the buildings. The works are considered relatively minor in scale. The building is in a relatively poor state of repair and it is considered its conversion to a hotel based on the alterations proposed will ultimately improve the appearance of the building.

2.22 Subject to the outstanding issue of fine detailing referred to above it is considered unlikely that the proposed installations/alterations would lead to a detrimental effect upon the external appearance and character of the listed building, streetscene and therefore the character of the Conservation Area. The external alterations are relatively minor and their sensitive design, which will be controlled through the listed building application, will have no adverse effect on the character of the listed building and the Conservation Area.

2.23 The Head of Landscape, Planning and Conservation has raised no objections to the proposed use. It is considered that the pending listed building application will clarify the finer details of the methods of construction and the materials proposed etc.

2.24 Planning conditions to agree the external appearance and final details of the extract ventilation to the kitchens and bathrooms can and will be controlled/agreed through a planning condition. Final details of the disabled access proposed upon the Swainson Street elevation will also be required.

2.25 The Council's Community Safety Officer has requested that the developer enters into an agreement to fund in part a CCTV camera and its maintenance to provide coverage of Wesley Square, which at present is limited. This is subject to ongoing discussions.

### Amenity

2.26 The Head of Public Protection has not objected to the use subject to appropriate conditions with regard to extract ventilation. With regard to this, the plans indicate that bathrooms extracts will be discharged through low profile slate coloured roof vents. The kitchen extracts will be discharged through an existing ventilation tunnel located on the roof of the annex.

2.27 It is considered necessary to attach a planning condition restricting the hours of opening for the existing and proposed licensed bar/bistro/restaurant. In addition a condition is recommended preventing the external areas of the site to be used for the purposes of drinking etc. It is considered the proposal would not result in significant issues of noise and disturbance, overlooking etc.

2.28 The proposals comply with planning policy, have no adverse effect on the character or appearance of the Conservation Area or the listed building and have no detrimental impact on the amenity of neighbouring premises.

2.29 There are no other material planning considerations which outweigh this consideration.

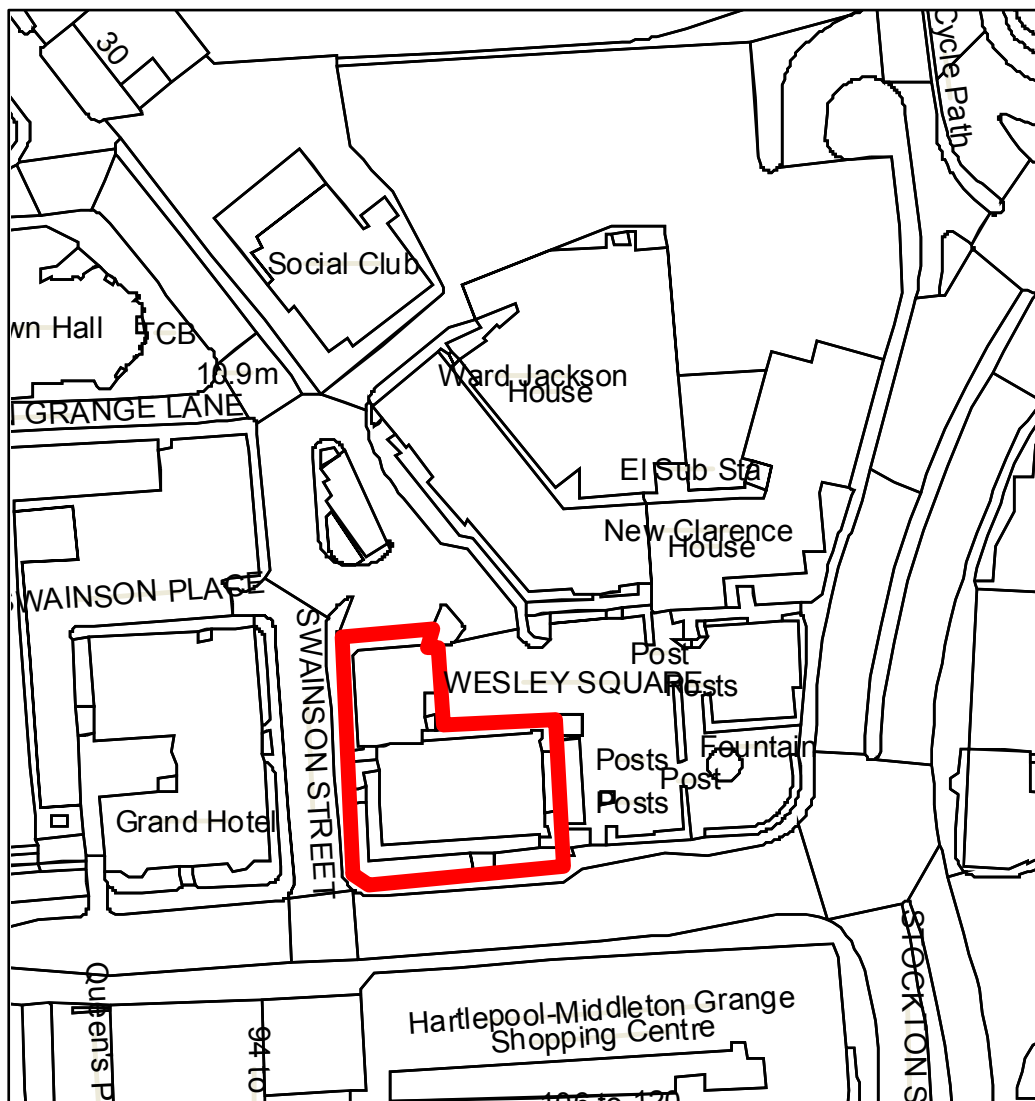
#### Highway Safety

2.30 The site is located in the town centre. The Council's Highways Section has not objected to the proposal but has indicated that the developer should provide a minimum of 7 cycle spaces. This can be controlled by way of a planning condition.

#### Conclusion

2.31 On balance it is considered that the proposed development, subject to appropriate conditions, is unlikely to have a significant detrimental effect upon the listed building, Conservation Area, character of the streetscene, the amenity of the neighbouring premises and highway safety. A number of detailed issues as indicated above are outstanding so an update will be provided before the meeting.

**RECOMMENDATION** – Update to follow

**WESLEY NIGHTCLUB**

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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0472</b>	REV

**No:** 3  
**Number:** H/2009/0500  
**Applicant:** Mr Kevin Wanless Longhill Industrial Estate Thomlinson Road Hartlepool TS25 1NS  
**Agent:** Axis Mrs Amanda Stobbs Unit 11 Well House Barns Bretton Chester CH4 0DH  
**Date valid:** 10/09/2009  
**Development:** Upgrading and extension of existing waste management facilities  
**Location:** NIRAMAX THOMLINSON ROAD HARTLEPOOL

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## Background

3.1 This application was deferred at the previous Committee meeting to allow the applicant to submit further details and clarification in relation to the proposals, specifically with regard to emissions. This information has now been received and re-advertised accordingly. Consultation is ongoing. The relevant information is incorporated in the report below.

## The Application and Site

3.2 The site to which this application relates is the former SWS landfill and waste site located on Thomlinson Road (now operated by Niramax), within the Longhill Industrial Estate - an area comprising a number of established industrial sites. The larger Niramax site comprises a landfill forming the eastern boundary of the site, adjacent to the railway line, sited opposite the properties of Harvester Close, and a waste transfer station and recycling facility. The western element of the application site in this instance relates to an existing large industrial building, the 'black sand shed', situated on the west of the site which is currently vacant. The adjacent landfill has been in operation since 1989 (application reference HCOU/0579/89) and was subsequently increased by virtue of a superseding permission in 1995 (CM/H/3/95). The life of the landfill was extended until 2018 in 2002 by virtue of application ref: HFUL/0144/01.

3.3 The waste transfer station element of the site has been in operation since 1981, as approved by application reference CH/705/81 which allowed for paper and metallic waste only. A Certificate of Lawful Use or Development was granted in 2002 for the use of the waste transfer station for the transferring and processing of non-hazardous commercial, industrial and construction waste including incidental quantities of putrescible waste. An additional waste transfer station adjacent to the existing received approval in 2002 (H/FUL/0412/01), allowing for the same waste types as that agreed under the LDC.

3.4 The existing 'black sand shed' which the application relates to is currently vacant, with a previous permission in 1981 for a change of use from former power station to industrial units.

3.5 Currently, it is indicated that approximately 2,500 tonnes of waste is received per week (approx 130,000 tonnes per annum). Existing waste streams incorporate non-hazardous commercial and industrial (C&I), construction and demolition (C&D) and inert soils and hardcore. Such waste types are permitted by virtue of the aforementioned LDC. Existing operations at the site comprise manual waste classification for the separation of recyclable materials with residual waste disposed of at the adjoining landfill.

3.6 It is indicated at present that:

- 1,000 – 1,500 tonnes of residual waste per week is disposed of at the landfill;
- 300 – 400 tonnes of ‘fines’ are disposed of at the landfill towards restoration;
- The estimated life of the landfill at the current operation rates is 18-24 months;
- The amount of recyclable materials separated and recycled is approximately 335 tonnes per week, with ferrous material approximately 10 – 20 tonnes per week and non-ferrous 5 – 10 tonnes per week.

3.7 The application seeks consent primarily for the installation and operation of a plant for gas conversion by thermal treatment of waste by pyrolysis/gasification to produce syngas which will fuel the generation of electricity. In addition, external alterations are proposed to facilitate the installation of the proposed plant.

3.8 Consent is also sought as part of the application for the receipt and process of Municipal Solid Waste (MSW) within the waste transfer station and the proposed plant.

3.9 Construction of the proposal is proposed in three phases. Firstly, phase 1 will constitute the installation of a high level conveyor (5m rising to 6.2m above ground level) between the existing reclamation shed (within the waste transfer station) and the black sand shed, followed by the installation of a waste classification plant within both the reclamation shed and the black sand shed. The first phase is essentially an upgrade of the existing waste classification in operation on the site.

3.10 Phase 2 will incorporate the installation of a briquette plant within the black sand shed. Phase 3 will incorporate the installation of the pyrolysis/gasification plant and electricity generation plant. Additionally, phase 3 would require the construction of a flare stack and exhaust stack to the south west elevation of the black sand shed. It is indicated that the stacks would have a maximum height of 25m.

3.11 In terms of operation, the proposed development aims to increase recycling of waste, reduce the volume of waste disposed at the landfill and recover energy from waste through the aforementioned thermal treatment process. The processes would comprise waste classification, waste compression and thermal treatment of waste.

#### Waste Classification

3.12 In the first instance, waste would be deposited within the existing reclamation shed and fed manually onto picking lines. Recyclable materials would be manually

separated, stored and transported off-site for re-processing. The remaining waste would be shredded and fed into the existing screening plant, which sorts the waste by size. Smaller waste (fines) is transferred to the adjacent landfill and used for restoration. It is indicated that the fines will not contain putrescible elements of waste. Larger waste is transferred to the black sand shed via the proposed enclosed high level conveyor.

3.13 Within the black sand shed the waste is further sorted based on density. Heavier waste is to be separated into ferrous (15-25 tonnes per week) and non-ferrous (10-15 tonnes per week), temporarily stored within the existing bays in the external storage yard before being transported off-site for processing. It is indicated there will be no open storage of putrescible elements. Residual waste is temporarily stored externally before being disposed of within the adjacent landfill. Light waste (less than 150kg/m<sup>3</sup>) is outputted and shredded to produce a refuse derived fuel (RDF) which is transported off-site for commercial sale. It is anticipated that the RDF will be taken off-site until the installation of the briquette plant is complete.

#### Waste Compression

3.14 The proposed briquette plant sole function is to densify the aforementioned flock by compressing the waste into cubes, producing 10 tonnes of briquettes per hour. The briquettes will be used on site as part of the thermal treatment of waste (rather than being transported off-site for commercial sale in the first instance) upon the installation of the pyrolysis/gasification plant.

#### Thermal Treatment of Waste

3.15 Pyrolysis involves the waste feedstock (briquettes) being fed into the plant via hoppers then inserted into the collecting/drying zone. Temperatures in the zone are controlled at a maximum of 200°C. The feedstock is then transferred and heated in ovens at temperatures up to 800°C, without oxygen. The waste is then heated at higher temperatures with oxygen to produce syngas, a process known as gasification. The syngas is to be fed into electricity generators which are proposed to produce 830kw electricity and 700kw thermal electricity, to be provided to the National Grid. It is indicated that enough electricity will be provided to power 20,000 homes within Hartlepool. It is indicated that the applicant is currently in discussions with National Grid with regard to the processes of electricity generation and it is envisaged that a sub-station will be provided within the site.

3.16 The process involves the emission of solids (ash) which is non-hazardous and disposed of in the adjoining landfill. It also produces residual water which is cleaned and treated. Air emissions involved are those produced via the proposed exhaust. This is discussed in more detail later. It is indicated that the proposed exhaust is to be fitted with a catalytic converter and subject to monitoring and sampling by the Environment Agency through the Environment Permitting process.

3.17 The processes of pyrolysis and gasification do not involve the incineration of waste. Incineration involves the combustion of unprepared waste, with sufficient quantity of oxygen and at temperatures in excess of 850°C. The waste is then converted into carbon dioxide and water. Non combustibles remain as bottom ash, containing residual carbon.

3.18 Pyrolysis is the thermal degradation of waste in the absence of oxygen, requiring an external heat source. Relatively low temperatures are used, between 300°C and 850°C. The results are a solid residue (char – a combination of non-combustible materials and carbon), and a synthetic gas (syngas), which is a mixture of gasses.

3.19 Gasification involves only partial oxidation of waste, meaning oxygen is added but not to the amount required for the waste to be completely oxidised and full combustion/incineration to occur. Temperatures are usually above 650°C. The main product from the process is syngas with residual ash, which contains a relatively low level of carbon.

3.20 Although not strictly incineration, all thermal treatment plants treating waste must comply with the Waste Incineration Directive (WID) (2000/76/EC) which sets the most stringent emission controls for any thermal processes within the European Union. The WID is implemented in the UK through the Waste Incineration (England and Wales) Regulations 2002. The key requirements contained within the WID for the operation of such a facility include specific safe levels for a number of emissions and requirements for bottom ash to have a total organic carbon compound of less than 3%. The WID sets maximum Emission Limit Values (ELVs) for discharges to water and air. The maximum permissible emissions are further defined in the requisite Environmental Permit, regulated and monitored by the Environment Agency.

3.21 In terms of solid emissions, residues from the process (char) comprise a combination of non-combustible materials and carbon (approx 30% of the originally tonnage). This may be used as a gasifier feedstock in the dual thermal treatment process. Residues from gasification (residual ash) are classified as non-hazardous material and will be disposed of at an appropriately licensed landfill. The Environmental Permit would prevent the release of residual ash into the atmosphere.

3.22 In terms of liquid emissions, any such residues would be subject to treatment on-site within a water treatment system to be located within the Black Sand Shed. Water discharges are subject to the controls of the WID and the conditions of the Environmental Permit. The maximum ELVs for discharges to water set out in the WID are:

- Suspended solids – 95% of samples 30mg/l, 100% of samples 45mg/l
- Mercury – 0.03 mg/l
- Cadmium – 0.05 mg/l
- Thallium – 0.05 mg/l
- Arsenic – 0.15 mg/l
- Lead – 0.2 mg/l
- Chromium – 0.5 mg/l
- Copper – 0.5 mg/l
- Nickel – 0.5 mg/l
- Zinc – 1.5 mg/l
- Dioxins and Furans – 0.3 mg/l.



3.23 Flow rates, temperature and pH values are set by the conditions within the Environmental Permit.

3.24 The proposed plant to be installed must adhere to those emission levels set out in the WID. In addition, the conditions set out in the Environmental Permit must be within those levels as set out in the WID. The applicant has indicated that the plant can and will be designed to achieve these levels.

3.25 In terms of emissions to air, the permissible ELVs are defined within the WID. The levels are set out below:

(a) Daily Average Values

- Dust - 10 mg/m<sup>3</sup>
- Gaseous and vaporous organic substances, expressed as total organic carbon - 10 mg/m<sup>3</sup>
- Hydrogen Chloride - 10 mg/m<sup>3</sup>
- Hydrogen Fluoride - 1 mg/m<sup>3</sup>
- Sulphur Dioxide - 50 mg/m<sup>3</sup>
- Nitrogen Monoxide and Nitrogen Dioxide (for new plant) - 200 mg/m<sup>3</sup>

(c) Average values over sample period of minimum 30 minutes and maximum 8 hours

- Cadmium and Thallium combined – 0.05 mg/m<sup>3</sup>
- Mercury – 0.05 mg/m<sup>3</sup>
- Antimony – 0.5 mg/m<sup>3</sup>
- Arsenic – 0.5 mg/m<sup>3</sup>
- Lead – 0.5 mg/m<sup>3</sup>
- Chromium – 0.5 mg/m<sup>3</sup>
- Cobalt – 0.5 mg/m<sup>3</sup>
- Copper – 0.5 mg/m<sup>3</sup>
- Manganese – 0.5 mg/m<sup>3</sup>
- Nickel – 0.5 mg/m<sup>3</sup>
- Vanadium – 0.5 mg/m<sup>3</sup>

(d) Average values measured over a sample period of a minimum 6 hours and maximum 8 hours. The ELV refers to the total concentration of dioxins and furans calculated using the concept of toxic equivalence in accordance with Annex I

- Dioxins and Furans – 0.1 ng/m<sup>3</sup>

(e) ELV of carbon monoxide shall not be exceeded in the combustion gasses (excluding start up and shut down phase)

- Carbon Monoxide – 95% of samples 150 mg/m<sup>3</sup>

3.26 The proposed plant must adhere to those air emission levels set out in the WID. In addition, the conditions set out in the Environmental Permit must be within those levels as set out in the WID and ensure control of those emissions to the safe levels set out in the WID. Again the applicant has indicated that the plant can and will be designed to achieve these levels.

3.27 Current operation hours for the receipt of waste are 7am – 7pm Monday to Friday and 8am – 1pm Saturdays. It is indicated that the proposed plant would operate on a constant basis and only shut down for maintenance purposes, however, the hours for the receipt of waste would remain unchanged.

3.28 The proposed exhaust stacks are to be a maximum height of 25m and diameter of 0.6m. The proposed flare stack is to have a maximum height of 10m and a diameter of 0.6m.

3.29 The proposal would involve the change of use of 5872m<sup>2</sup> of internal floor space.

3.30 It is indicated by the applicant that the operation of the proposed development would achieve:

- An increase in input to the site to 3,000 tonnes per week (from 2500 tonnes);
- A reduction in waste disposed of at landfill by approximately 96%, reducing volume to 10 – 50 tonnes per week;
- An increase in the life of the deposit of waste within the landfill until 2018 (as per existing permission);
- An increase in the volume of recyclable materials;
- An increase in volume of ferrous materials separated and recycled;
- An increase in volume of non-ferrous materials separated and recycled;
- Recovery of energy from waste providing approximately 20,000 homes with electricity.

## Publicity

3.31 The application has been previously advertised by site notice, press advert and neighbour letters (74) in two rounds of consultation. To date, the first round of consultation resulted in 15 letters of objection have been received, 1 letter of comment and 1 letter of non-objection. The concerns raised are:

1. Noise;
2. Dust;
3. Hartlepool is the capital dumping ground of the UK;
4. Four waste management facilities in three mile radius;
5. The site should not have been allowed in first place;
6. Site is an eyesore/unsightly;
7. Dirt from the site;
8. Odour issues;
9. Vermin/seagulls;
10. Litter issues;
11. Visual impact of landfill;
12. Proposals will exacerbate existing problems on site;
13. Size of proposed flare stacks;
14. Safety of emissions;
15. Control over emissions;
16. Confusion over the extension to the life of the landfill;
17. Proximity of residential area;

18. Impact on house prices/selling property;
19. Concerns over the safe operation of the proposed processes;
20. Lack of consultation with neighbours;
21. Lack of consultation with the public;
22. Management capabilities;
23. Highway safety concerns;
24. Health concerns from possibility of increased waste types;
25. Poses the same problems as an incinerator;
26. Contaminants from exhaust stacks;
27. Ash, dust, contaminants and dioxins;
28. Scale of the proposed works in visual amenity terms;
29. Deterrent to commercial development in Hartlepool;
30. Waste stream into landfill will increase not decrease;
31. Concerns regarding increase in tonnage and impact on highways;
32. No calculation details for effluent discharge being removed;
33. Concerns regarding the efficient and effective removal of tar compounds;
34. What happens to potential hazardous waste from residues;
35. Planning committee need to be aware of all technical facts.

#### Copy Letters E

3.32 The second round of publicity in relation to the additional information is ongoing. No objections or comments have been received to date. The period for publicity is ongoing and expires on the day of the meeting.

#### Consultations

3.33 The following consultation replies have been received:

**Head of Public Protection and Housing** – Comments awaited.

**Traffic and Transportation Section** – concerns that the increase in business would exacerbate highways issues on Thomlinson Road. However, further comments are expected following discussions with the applicant's agent regarding the likely generated level of traffic from the proposed development. Comments on the additional details are awaited.

**Northumbrian Water** – No objections originally. Comments are awaited on the additional details.

**Engineering Consultancy** – No objections originally. Comments are awaited on the additional details.

**Estates** – No objections.

**One North East** – Acknowledged that pyrolysis/gasification reduces the amount of landfill from present situation. Process is relatively new and should be carefully managed. Encourage continuing discussions between operator and National Grid. Welcome moves to establish an Energy Services Company to support supplying

20,000 households with electricity. Electricity generation element should be controlled by appropriate conditions. Consideration should be given to achieving appropriate design quality and energy efficiency measures. Comments are awaited in relation to the additional details.

**Association of North East Councils** – Principle of development in accordance with RSS Policy 6. Consistent with RSS Policy 4. Should contribute towards sustainable communities by maximising pedestrian and cycle links. Consistent with the objectives of RSS Policy 45. Acceptable in terms of environmental principles – vehicle volumes should be kept to a minimum. Inclusion of SUDS measures should be provided. Development supports RSS objectives for 10% of energy supply from renewable energy. Proposals in general conformity with RSS. Comments are awaited in relation to the additional details.

**Environment Agency** – No objection on lack of PRA given that no intrusive ground works are proposed. Risk to controlled waters is low. Applicant is required to vary existing environmental permits. Any permit for pyrolysis will require monitoring of aerial emissions. The provision of monitoring points should be considered at design stage. Details on effluent treatment and disposal routes are not included, such discharges may require a separate consent from the EA. Comments are awaited in relation to the additional details and clarification.

**Tees Valley JSU** – Comments are awaited.

## Planning Policy

3.34 National Planning policy guidance is set out in Planning Policy Guidance Notes (PPG) and Planning Policy Statements (PPS). Guidance relevant to this application is:

- PPS 1 - Delivering Sustainable Development
- PPG 4 - Industrial, Commercial Development and Small Firms
- PPS 4 (Draft) - Planning for Sustainable Economic Development (Dec 2007)
- PPS 10 - Planning for Sustainable Waste Management
- PPS 11 - Regional Spatial Strategies
- PPS 12 - Local Spatial Planning
- PPG 13 - Transport
- PPS 22 - Renewable Energy
- PPS 23 - Planning and Pollution Control
- PPS 25 - Development and Flood Risk

3.35 The Statutory Development Plan comprises the adopted Hartlepool Local Plan (2006) and the Regional Spatial Strategy (RSS) for the North East (2008). The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

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

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

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

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.

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

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

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

PU1: Requires that development proposals be designed to ensure that there is no additional flood risk. Sustainable drainage is encouraged.

PU5: Highlights the Council's precautionary approach in developments which include high voltage lines and equipment in or near the built up area. Amenity concerns will be taken into account.

PU7: States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

Dco1: States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

3.36 The following policies in the Regional Spatial Strategy for the North East (2008) are relevant to the determination of this application:

- RSS Policy 3 – Climate Change
- RSS Policy 4 – The Sequential Approach To Development
- RSS Policy 6 – Locational Strategy
- RSS Policy 8 – Protecting and Enhancing the Environment
- RSS Policy 24 – Delivering Sustainable Communities
- RSS Policy 34 – The Aquatic and Marine Environment
- RSS Policy 35 – Flood Risk
- RSS Policy 37 – Air Quality
- RSS Policy 38 – Sustainable Construction
- RSS Policy 39 – Renewable Energy Generation
- RSS Policy 45 – Sustainable Waste Management

The Tees Valley Joint Minerals and Waste Development Plan Documents is also relevant

### **Planning Considerations**

3.37 The main planning considerations in this instance are the appropriateness of the proposals in policy terms, the impact of the proposal on the amenity of surrounding properties and the effect on the character of the surrounding area, particularly with regard to noise, odour, dust, emissions, air quality and pollution; design and visual impact, highways, ecology, drainage/flooding and contamination.

### **Policy**

3.38 The Tees Valley Joint Minerals and Waste Development Plan Documents are currently at submission stage and covers guidance on minerals and waste development within the five Boroughs of the Tees Valley. Policy MWC6 of the draft indicates sustainable management of waste will be achieved via promoting facilities and development that moves waste management up the waste hierarchy. It is considered in this instance that the proposed development is supported by the policies in the submission draft DPD.

3.39 National Planning Guidance PPS 10 supports the proposal in terms of moving the management of waste up the waste hierarchy of reduction, re-use, recycling and composting, using waste as a source of energy, and only disposing of waste as a last resort.

3.40 Policy RSS 45 Sustainable Waste Management supports the proposal in terms of developing and implementing waste minimisation plans and schemes. Policy 45 states that development should be based on the principles of the waste hierarchy. Comments from ANEC have indicated that the proposals are in general conformity with the provisions of the RSS.

3.41 In terms of Hartlepool Local Plan (2006) policies, part of the site lies within Sandgate Industrial Area under Ind6, however, the majority of the lies within the Longhill Industrial Estate under policy Ind5(b).

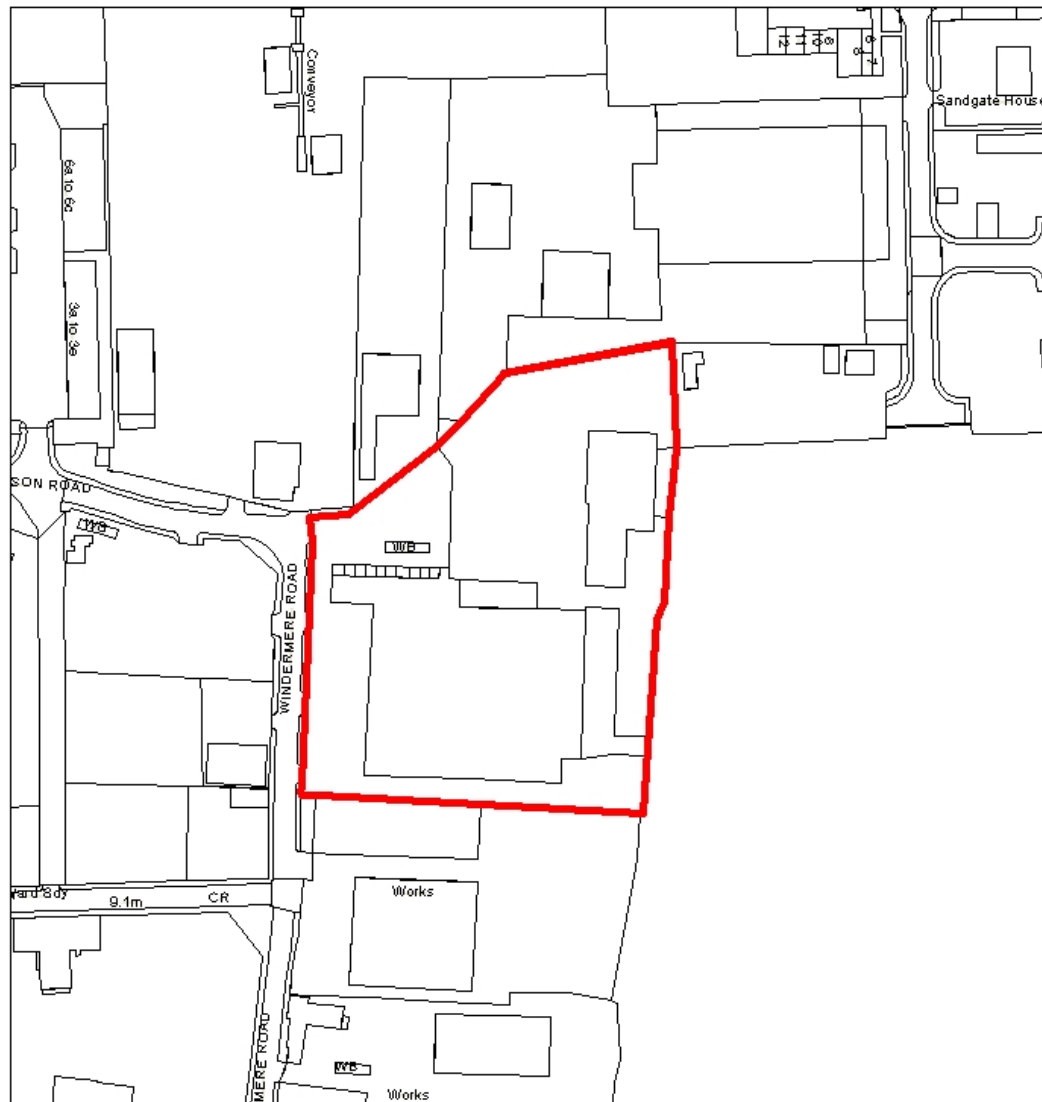
3.42 Policy Ind5 allows for B2 industrial uses and uses which are complimentary to the existing use of the site within Longhill, subject to consideration of the effects on nearby occupiers and adjacent potential development sites which is to be discussed in the appropriate sections of the report. Policy Ind6 states that proposals for ‘bad neighbour’ uses will only be permitted in the Sandgate area provided there is no significant nuisance to adjacent premises or highways users, the site is not visually prominent from a main road or railway, the site is screened, of a sufficient size and there is adequate car parking and servicing provision. As indicated only a small part of this site is within the Sandgate area. However, given the nature of the existing use and the complimentary nature of the proposed use, it is considered that the proposals are acceptable in principle. However, it is considered appropriate to also apply the tests set out in Ind6, the details of which will be discussed in the appropriate sections of the report.

3.43 In policy terms the principle of the development is considered acceptable subject to the detailed consideration outlined above.

#### Outstanding Matters

3.44 A number of key consultation responses are outstanding in relation to the amended details and clarification received from the applicant, notably the detailed comments of the Council’s Head of Public Protection, the Tees Valley JSU and the Environment Agency are awaited in relation to the environmental impacts of the proposal. Furthermore the period for publicity is ongoing. It is envisaged that these comments and any comments as a result of the publicity will be received in due course and a comprehensive update report discussing all planning considerations as set out above will be provided.

**RECOMMENDATION** – Update to follow.

**THOMLINSON ROAD**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>17/11/2009</b>
	SCALE <b>1:2,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0500</b>	REV



**No:** 4  
**Number:** H/2009/0544  
**Applicant:** Mr John Sweeney Market Hill Cambridge  
**Agent:** AAH Planning Consultants Mr Adrian Hill 2 Bar Lane  
 YORK YO1 6JU  
**Date valid:** 25/09/2009  
**Development:** Display of poster panel on Virgin Media cabinet  
**Location:** UNIT 15 ATKINSON INDUSTRIAL ESTATE BURN ROAD  
 HARTLEPOOL HARTLEPOOL

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### The Application and Site

4.1 The application seeks advertisement consent for the display of non-illuminated commercial directional poster panels/panels designed to draw attention to the existence of business premises in the same locality to be sited on Virgin Media cabinets – the application fee has been paid on this basis. Fourteen applications have been submitted for a number of cabinets in various locations within the town. Those additional to this application are:

- 1) Unit 2k, Thomlinson Road – H/2009/0545
- 2) Adjacent to 62 Burn Road – H/2009/0546
- 3) Adjacent to 3A Park View Road West – H/2009/0547
- 4) Park View Industrial Estate Park View Road West – H/2009/0548
- 5) Adjacent to 1 Windemere Road – H/2009/0549
- 6) Adjacent to 211 Elwick Road – H/2009/0550
- 7) Adjacent to 96 York Road – H/2009/0551
- 8) 2 Carlton Street – H/2009/0552
- 9) Adjacent to 25 Mainsforth Terrace – H/2009/0553
- 10) Adjacent to 65 Thornton Street – H/2009/0554
- 11) Adjacent to Flaxton Street Motors, Usworth – H/2009/0555
- 12) Adjacent to 179 Stockton Road – H/2009/0556
- 13) Corner of Erroll Street opposite 179 York Road – H/2009/0557
- 14) Adjacent to 202/204 York Road – H/2009/0558

4.2 The proposals are mainly concentrated within the commercial area of York Road, and the industrial areas of Longhill, Usworth Road and Park View West. Part of the justification put forward for the proposed signs is that they will help reduce incidents of graffiti and fly posting which can adversely affect visual amenity.

4.3 Whilst normal procedure allows for delegation in consultation with the Chair where one objection has been received, it is considered in this instance that given the nature of the proposals and the history leading to their consideration, it would be prudent to the report the applications to Committee for determination.

## Publicity

4.4 The applications have been advertised by way of site notice. To date, there has been 1 objection received in relation to each of the applications.

4.5 The concerns raised are:

- 1) Adverts may emphasise cabinets presence;
- 2) Compound highway clutter;
- 3) Affect highway safety;
- 4) Targets for graffiti.

The period for publicity has expired.

Copy Letters B

## Consultations

4.7 The following consultation replies have been received:

**Traffic and Transportation** – There are no highway or traffic implications.

**Economic Development** – Areas involved have substantial numbers of occupiers, well over 200 in the case of Longhill/Sandgate and will therefore provide very little benefit. It is likely as one business gets some exposure others will also want to raise profile. Danger of a proliferation of unauthorised signs which will negatively impact on the environment and will then take considerable resource through enforcement action. There is a companies listing sign adjacent to Tesco's on the Longhill Estate and it is possible that another one may be installed at the southern end of the estate. There is a case for improved signage on highways in the town to direct people to industrial estates. The proposals will not provide an benefit in this regard.

## Planning Policy

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

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

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.

GEP8: States that advertisements will only be permitted where they do not detract from the amenity of the area and do not reduce highway safety or introduce visually obtrusive features.

### **Planning Considerations**

4.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies. Advertisement Control is exercised in the interests of visual amenity and highway safety.

### **Highways**

4.10 No objections have been raised on highway safety grounds to the proposals by the Council's Traffic and Transportation team. Proposed signs are considered acceptable therefore in highway safety terms.

### **Outstanding Matters**

4.11 Further consideration of the proposals on policy grounds is ongoing. It is envisaged that the issue of visual amenity will be discussed following this consideration in an update report to follow.

**RECOMMENDATION** – Update to follow.

**No:** 5  
**Number:** H/2009/0596  
**Applicant:** MR S PARFITT VICTORIA DOCK GREENLAND ROAD  
 HARTLEPOOL TS24 0RQ  
**Agent:** Vincent And Gorbing Mr Mark Chandler Sterling Court  
 Norton Road Stevenage SG1 2JY  
**Date valid:** 20/10/2009  
**Development:** Extension to existing manufacturing unit to accommodate  
 new vertical laying up machine (VLM)  
**Location:** SHED E J D R CABLE SYSTEMS LTD GREENLAND  
 ROAD HARTLEPOOL HARTLEPOOL

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### The Application and Site

5.1 The site to which this application relates constitutes 2.0ha (4.9 acres) of land at PD Teesport within the Victoria Harbour/North Docks area. The site is leased by JDR Cable Systems Limited. The building, to which the extension is proposed, is referred to as Shed E. It is a steel portal framed building, part of a group of three buildings. Shed E is 46m wide and 204m long, used by JDR Cable Systems for the production and manufacture of undersea umbilical cables, with profiled metal clad walls and part sheeting, part profiled metal pitched roof.

5.2 The immediate surrounding area is characterised by large warehouse buildings and large expanses of hardstanding areas. Shed E is adjoined by Sheds F and G immediately to the west. To the east is a radio mast and a large cool store building beyond. Beyond the dock area is West View Road/Durham Street. To the north east is the modern housing of the Headland, with the sea beyond. Victoria Harbour lies to the south of the site. Several railway tracks and travelling cranes are also located to the south.

5.3 The nearest residential properties to the application site are located approximately 160m upon Northgate. The site has the benefit of vehicular access from the internal road network within the Harbour/Dock area. A 24-hour security site access is located at the main entrance to the P.D Teesport site, at Greenland Road.

5.4 The application seeks consent for the extension to Shed E. The existing building would remain largely unchanged, except for the formation of an opening between the old and newly constructed building in order to access the proposed extension to suit operation requirements. The extension (as proposed) would have a total floorspace of 1060 square metres. The building would measure some 37m in width at a depth of 28m. The maximum height of the building would be 25m to the ridge. The development will house a vertical laying-up machine (VLM). The VLM housing will accommodate the storage of newly delivered cables which will be gently unwound onto the VLM. This process will result in the finished cables being passed through to Shed E and stored on a large carousel units. The large carousals will unwind the finished cables directly onto waiting ships berthed in Victoria Harbour. The form of

the building has been derived from the internal use. The proposed materials are similar to those of the existing building. The material colour proposed is a darker grey than on existing Shed E.

## **Publicity**

5.5 The application has been advertised by way of neighbour letters (78). To date, there has been one letter of objection received.

5.6 The concerns raised are:

- 1) Unsightly
- 2) Impact of View
- 3) Noise

5.7 The period for publicity will expire on 24/11/2009.

## **Consultations**

5.8 The following consultation replies have been received:

**Head of Public Protection** – No objections

**Engineering Consultancy** – Comments Awaited

**Head of Community Services** – Comments Awaited

**Northumbrian Water** – No objections

**Headland Parish Council** – Comments Awaited

**Hartlepool Water** – Comments Awaited

**Landscape, Planning and Conservation** - The eastern elevation of Shed E has Kittiwake nests over each of the doors and on the external light fittings. Kittiwakes tend to re-use the same sites each year and potential nesting sites are thought to be a limiting factor for the population of this species in Hartlepool hence these nesting sites are likely to be reused. The proposed extension would involve the removal of most of these nest sites.

All wild birds, their eggs and nests are protected under the Wildlife & Countryside Act, (1981) as amended by the CROW Act 2000 (W&C Act) such that it is an offence to damage or destroy the nest of any wild bird while that nest is in use or being built.

Protected species are a material planning consideration and the W&C Act also requires that Local Authorities take such steps as they consider expedient to bring the provision of the W&C Act to the attention of the public. We would therefore need to ensure that the construction of the extension does not contravene the provisions of the W&C Act as outlined above. This can perhaps be best achieved by a condition requiring the extension to be built outside of the bird breeding season,

which for the above species tends to be from May-September inclusive.

Alternatively it would be possible to remove the structures on which the birds are nesting outside of the breeding season so that the law is not contravened if the extension needs to be constructed during the bird breeding season. However either course of action would have an adverse effect on the local Kittiwake population as fewer nest sites would remain.

Planning Policy Statement 9 requires that planning decisions should maintain or enhance biodiversity interests. Therefore I would suggest that an alternative ledge is erected on the exterior of the building, this need not necessarily be on the eastern elevation and could even be on an adjacent building if that is more expedient, to provide alternative nesting opportunities for Kittiwakes.

**Traffic and Transportation** – There are no traffic concerns with this application

**Economic Development** - The current operation has brought nearly £20 million of private sector investment and will create up to 200 highly skilled jobs in a high added value engineering/manufacturing sector.

The development is also likely to attract associated industries and support a significant supplier chain network.

The proposals will build on the success of the operation, ensuring long term commitment to the town and will bring further private sector investment and job creation both directly and in down stream supplier chains.

The proposals are perfectly acceptable for the location and JDR has already demonstrated its commitment to highly sophisticated and tightly managed working practices and therefore I cannot see any reason why the proposals will not be approved. Indeed I would state that it is essential that the proposals are approved to ensure that Hartlepool gains maximum benefit from this high added value private sector investment.

**Tees Valley JSU** – Comments Awaited

## Planning Policy

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

Com 15: States that proposals for business, office, hotel, tourism, leisure and residential development will be permitted within this area where they meet the criteria set out in the policy and take account of the site's unique potential including its water front location and its links to the Marina and the Headland. A high quality of design and substantial landscaping will be required on main road frontages and development will need to take account of the need for flood risk assessment. Port, port related and general industrial development will also be allowed subject to the criteria set out in policy GEP1.

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.

Hsg6: Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without detriment to the strategic housing requirement. A flood risk assessment may be required.

WL7: States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

## **Planning Considerations**

5.10 The main planning considerations in this instance are the appropriateness of the proposals in policy terms, the impact of the proposal on the amenity of surrounding properties and the effect on the character of the surrounding area. Of key consideration is the potential impact with regard to noise, design and visual impact, highway safety, ecology and drainage/flooding and contamination.

### Policy

5.11 In terms of the Hartlepool Local Plan 2006 the application site is identified as a Mixed Use Area. Policy Com 15 Victoria Harbour/North Docks Mixed Use Site applies to this area. Com 15 makes provision for a number of uses on the site. It provides scope for port, port related or general industrial uses providing they conform to the general environmental principles set out in policy GEP 1 (General

Environmental Principles) of the Local Plan. It is considered that such a use on this site is acceptable in principle.

### Character of the Area

5.12 The site is located in the Victoria Harbour/North Docks area, and is owned by P.D. Teesport. It is considered that the proposed extension to the existing manufacturing unit is acceptable in terms of its impact on the character of the area. The surrounding area is predominately characterised by industrial and warehouse uses. It is considered that the proposed extension and use (B2) is compatible with the existing use of Shed E and the surrounding land uses of the area. It is considered that the external appearance of the proposed extension is sympathetic to the industrial character of the area. Final details of the colour and materials to be used will be conditioned.

### Design/Appearance

5.13 The proposed extension is a bold design which will be constructed using materials that are similar to the existing building. The site is not within a Conservation Area and is surrounded by other industrial buildings. Therefore, the principle of a further industrial building is considered appropriate in this location. The maximum height of the building is some 25m. The height of the proposal has been dictated by way of the required VLM machinery. Given the surrounding area and that the majority of the building, will be screened from residential properties located upon Northgate by way of an industrial unit located to the north of the application site the scale of the extension in this context is considered appropriate. In terms of its design, siting and appearance the proposal is considered acceptable.

### Impact on the Amenity of Neighbouring Properties

5.14 The nearest properties to the application site are located approximately 160m upon Northgate. As outlined above the majority of the proposal upon these properties will be screened by way of an existing industrial unit. The proposal will be visible from properties to the western end of Northgate (approximately 300m away) and from properties upon Thorpe Street (approximately 200m away). A letter of objection has been received from the occupiers of a neighbouring property upon Northgate regarding unsightly views and noise.

5.15 The proposed extension is sizeable and would be functional in appearance. However at the separation distances outlined above it is not expected that the proposal will adversely affect the amenities of residents in visual terms. Given the physical relationship and the existing situation it is not considered that the proposed development would significantly unduly affect any neighbouring properties in terms of loss of light, outlook, privacy or in terms of any issues relating to overdominance.

5.16 An issue of concern relates to a potential loss of TV signal strength for properties in the immediate area. The applicant has agreed to a condition requiring the submission of a report outlining any potential impact on signal strength to be submitted to the LPA prior to the commencement of any development.



### Noise

5.17 The Councils Head of Public Protection has considered the application and any potential noise issue associated with the use and has raised no objections to the development.

5.18 The VLM machine and associated processes will be located entirely within the proposed building. Notwithstanding the general industrial nature of the surrounding site and the associated distances to residential properties it is considered prudent in this instance to restrict the use of the building to that applied for. This will give the LPA the ability to control operations at the site. Furthermore it is considered that a planning condition requiring the external doors to the proposed building to be closed at all times, except for the receipt of deliveries.

### Highway Safety

5.19 The Councils Traffic and Transportation Section has considered the impacts of the proposed development in terms of both the effect upon the local highway network and safety. No objections have been raised with regard to the proposed development.

### Ecology

5.20 The Councils Ecologist has raised concerns with regard to the proposal and the presence of Kittiwakes on site. The proposal would involve the removal of nest sites. In order to ensure that the construction of the development does not contravene the Wildlife and Countryside Act (1981) discussions are ongoing to agree a suitably worded planning condition.

### Drainage/Flooding

5.21 Northumbrian Water have been consulted and have raised no objections to the proposals. The comments of the Environment Agency are awaited.

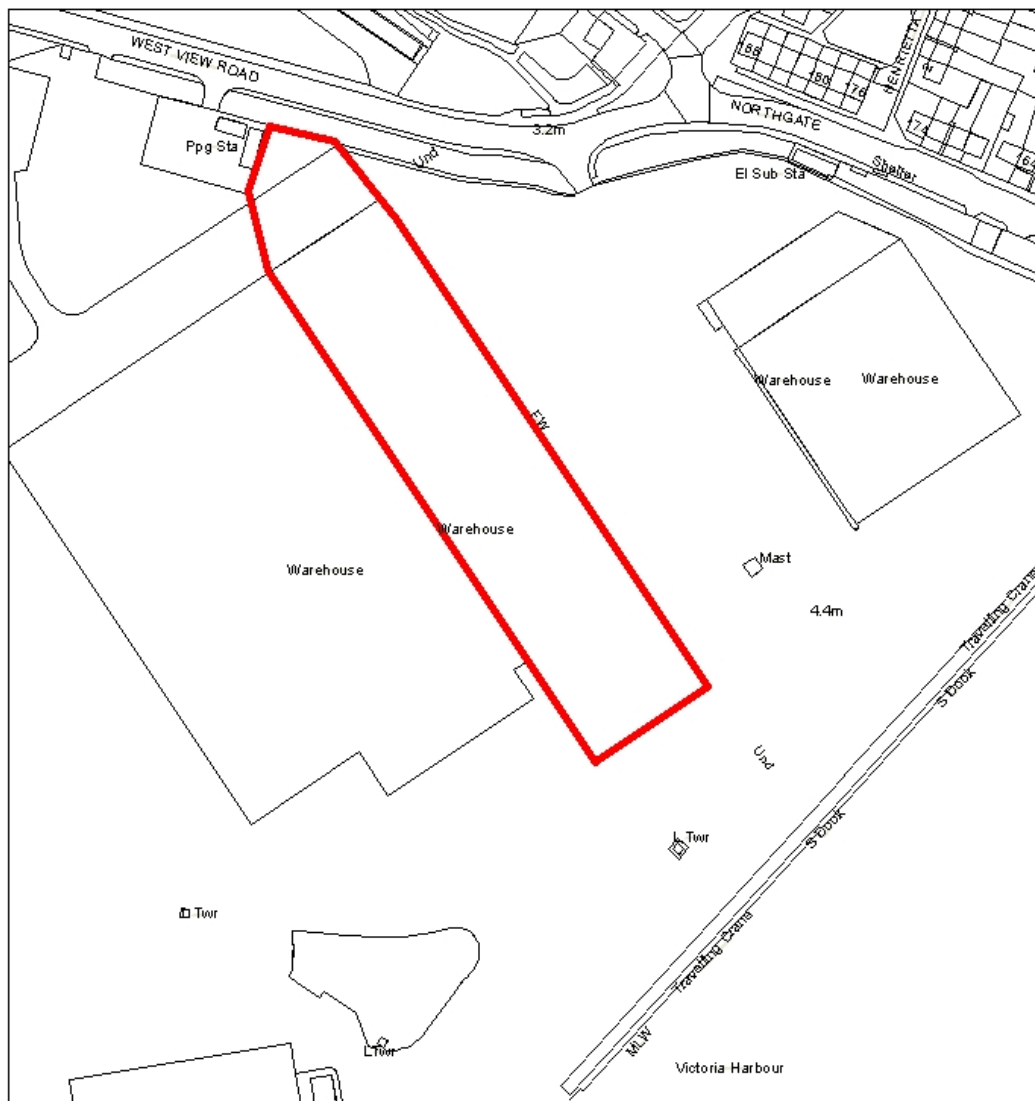
### Conclusion

5.22 It is considered that the proposed development, subject to appropriate conditions and no adverse comments from the remaining consultees, is unlikely to have a significant detrimental effect upon the surrounding area, character of the streetscene, the amenity of the neighbouring premises and highway safety. A number of detailed issues as indicated above are outstanding so an update will be provided before the meeting.

## **RECOMMENDATION – Update to Follow**



## GREENLAND ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>17/11/2009</b>
	SCALE <b>1:2,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0596</b>	REV

## **PLANNING COMMITTEE**

2 December 2009



**Report of:** Chief Solicitor & Director of Regeneration and Neighbourhoods

**Subject:** TOWN & VILLAGE GREENS

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### **1. PURPOSE OF REPORT**

The purpose of this report is to ask the Planning Committee for its comments and suggestions prior to it being presented to the constitution working group for agreement on a procedure to be adopted by the Council to enable it to discharge its statutory obligations as the Commons Registration Authority

### **2. BACKGROUND**

The Commons Act 2006 has repealed the previous statutory framework for dealing with Town & Village Greens. This report is in relation to the procedure to be adopted by the Council when dealing with applications by members of the public for the registration of new areas of land as town or village green. The Act came into force in relation to the registration of town and village green on the 6<sup>th</sup> April 2007.

The Commons Act 2006 has removed a number of perceived flaws in previous legislation and has arguably made it easier for members of the public to make an application to register land as town or village green.

The Council has received applications in relation to two separate areas of land owned by the Council for it to be registered as town and village green.

Currently the Council's Constitution does not include its role as Registration Authority under the Commons Act 2006. The law and procedure for dealing with applications to register land as town or village green is similar to that in relation to Public Rights of Way. It is therefore logical to add the Council's role as Registration Authority under the Commons Act 2006 to the scheme of delegation for the Planning Committee.

### 3. PROPOSALS

- 3.1 The Council amends the scheme of delegation and delegates responsibility for discharging its function as Registration Authority under the Commons Act 2006 to the Planning Committee. The reasons for the proposed changes to the constitution are:
- 3.1.1 The law in relation to public rights of way, town & village greens is a constantly evolving one. In the last year there have been a significant number of cases which have been appealed all the way to the House of Lords. This means any committee hearing these applications will need to keep up with these significant changes in the law. Committee members will have some familiarity with the law in relation to Public Rights of Way as the Planning Committee currently deals with matters in relation to Public Rights of Way. The additional responsibilities in relation to town & village greens will complement the work currently being carried out by the planning committee.
- 3.1.2 Training for Members in relation to Common Land and Town & Village Greens can be combined with training in relation to Public Rights of Way as the law and procedures in both cases are very similar.
- 3.1.3 The proposed amendment to the constitution is set out in **Appendix 1**
- 3.2 The Council adopts the procedure and time limits set out in **Appendix 2** as the proper procedure for dealing with applications made to register new town & village greens.

### 4 RISK IMPLICATIONS

- 4.1 The requirement to maintain the register of commons, town & village greens is a statutory one. Failure to deal with applications to register land as commons, town & village green could leave the Council open to challenge.
- 4.2 Land Owned by the Council may be affected by an application to register such land as town & village green. This could prevent future development of the land and would reduce its value.

### 5 FINANCIAL CONSIDERATIONS

- 5.1 In all cases where an application to register land as a town and village green is made in relation to land owned by the Council the Council must refer the matter to the Planning Inspectorate for determination. [There is a fee payable to the Planning Inspectorate in relation to their costs in making the determination.]
- 5.2 In certain circumstances where an application to register other land as town & village green is likely to be contentious the statutory guidance is that a non-statutory public inquiry be held to hear the evidence and either determine the application or else make a recommendation to the Council for determination.

It is open to the Council to appoint a suitably qualified barrister to conduct the public inquiry. This would be an additional cost to the Council.

- 5.3 In the event land owned by the Council is registered as town & village green this would substantially affect its future value.
- 5.4 Dependant on the frequency of applications received the Council may need to consider the employment of a Town & Village Greens Officer. This could take the form of use of consultants/agency staff as at present or should pressures demand a more permanent solution may have to be considered.

## **6 LEGAL CONSIDERATIONS**

- 6.1 It is a legal requirement that the Council discharges its function as the Registration Authority for public rights of way and commons, town & village greens in accordance with the relevant statutes and statutory instruments. The adoption of the proposals set out in this report will enable the Council to discharge its function in accordance with the relevant statutory requirements.

## **7 ASSET MANAGEMENT CONSIDERATIONS**

- 7.1 Land Owned by the Council may be affected by an application to register such land as town & village green. This could prevent future development of the land and would reduce its value as outlined in the Financial Considerations section above. The procedure proposed by this report would enable the Council to deal with applications affecting Council owned land in a clear and objective manner.

## **8. SUMMARY/CONCLUSIONS**

- 8.1 In exercising its functions in relation to public rights of way and commons and town and village greens the Council takes on a quasi-judicial role. It is required to consider the evidence presented to in the application and make a determination in light of that information and within the framework of the statutory provisions and the common law. The Planning Committee already takes on such a role in relation to planning and public rights of way matters.
- 8.2 The law in relation to public rights of way, commons and town & village greens share a number of common elements, indeed much of the common law set down in relation to public rights of way has guided the development of the law in relation to common land and town & village greens.
- 8.3 A single committee tasked with determining these types of applications will allow members of the committee to gain a greater understanding of the law and procedure in relation to such applications.

**9. RECOMMENDATIONS**

- 9.1 That the Planning Committee considers the report and that any comments and suggestions being made be put forward to the Constitutional Working Group and ultimately the Constitutional Committee for ratification and adoption.
- 9.2 That the Planning Committee considers the need for training provision for its members with regards to Town & Village Green and Rights of Way issues.

**10. BACKGROUND PAPERS**

- 10.1 There are no background papers to be submitted with this report.

**11. CONTACT OFFICERS**

P Cowie – Town & Village Green Officer

C Scaife – Countryside Access Officer

**Proposed alteration to the constitution.**

<b>Planning Committee</b>	
<b>Membership</b>  <b>(Maximum)</b>  <b>Quorum</b>	   16  7
<b>Function</b>	<b>Delegation</b>
1. Functions relating to public rights of way (as set out in Part 1 of Part I of Schedule 1 to the 2001 Regulations).	<p><b><i>Director of Regeneration and Neighbourhoods</i></b></p> <ol style="list-style-type: none"> <li>1. Power to negotiate and set charges for diversion or related matters and to take action regarding blockages or Rights of Way issues other than those related to countryside management.</li> <li>2. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way following discussion of the issues with the Chair of the Committee.</li> <li>3. In relation to matters which are relevant to countryside management, power to negotiate and set charges for diversion or related matters and to take action regarding blockage on Rights of Way issues.</li> <li>4. Power in cases of urgency to carry out all of the functions of the Planning Committee relating to public rights of way which are relevant to countryside management.</li> </ol>

Function	Delegation
	<p><b>Chief Solicitor</b></p> <ol style="list-style-type: none"> <li>1. Power to confirm without modification unopposed creation, diversion or extinguishment Orders in respect of Public Rights of Way, following the statutory advertising period.</li> <li>2. Power to confirm, without modification, unopposed footpath and footway conversion orders following the statutory advertising period.</li> <li>3. Power to confirm, without modification, all future unopposed Definitive Map Modification Orders following the statutory advertising period.</li> </ol>
<ol style="list-style-type: none"> <li>2. Functions relating to Town &amp; Village Greens (as set out in Part 1 of Schedule 1 to the 2000 Regulations).</li> </ol>	<ol style="list-style-type: none"> <li>1. Power to register without modification unopposed applications to register land as town or village green in respect of Town &amp; Village Greens, following the statutory consultation period.</li> </ol>



## APPENDIX 2

### Procedure for determining an application to register a Town or Village Green

Stage	Proœdure	Time Line
Receipt of application	<p>Checklist:</p> <ul style="list-style-type: none"> <li>• Is the application in the correct form: Form 44</li> <li>• Has the application been signed by all the parties.</li> <li>• Does the application contain a statutory declaration on behalf of the applicant</li> <li>• Does the application contain a O.S. Map showing the extent of the land affected to the correct scale (i.e. 1:2,500 or 1:10,560 if showing upland, a neighbourhood or locality or shows land to which a right of common is attached)</li> </ul> <p>If not the application can be rejected and the applicant informed of the reason for the rejection. The applicant should be informed of the steps to be taken to correct the application.</p>	Day 1
Acceptance of application	A reference number must be allocated to the matter. The applicant must be sent a note of the reference number for the application along with the postal address and e-mail address to which written communication can be sent.	<i>Within 7 days of receipt of application</i>

## APPENDIX 2

Council Direction to the Applicant	<p>Upon acceptance of the application the Council may direct the applicant to:</p> <ul style="list-style-type: none"> <li>• Provide any further information or documents necessary to enable the application to be determined. <i>This may be copies of title deeds or Office Copy Entries where the land is registered and a clear Commons Registry Search to show no rights of common affect the land. A direction may also be used to ensure there is direct evidence from a 'significant number of the inhabitants of the neighbourhood'. This should be in the form of witness statements signed by those making the statement. A statement by one person indicating others exercised rights is not sufficient.</i></li> <li>• Post a notice of the application at any place or places specified in the direction, whether on the land to which the application relates or elsewhere; <i>This would be required if it was not clear who owned or controlled the land.</i></li> <li>• To serve a notice of the application on persons specified in the direction, in addition to the normal requirements.</li> </ul> <p>The Council must specify how soon the direction must be complied with. Once the applicant has complied with the direction it must inform the Council of such compliance and provide evidence of compliance. (Details of where and when any notice was posted and/or served.)</p>	<p><i>Serve notice of directions within 7 days of receipt of application</i></p> <p><i>Applicant to respond within [21] days of receipt of notice of directions</i></p>

## APPENDIX 2

	<p>If the applicant fails to comply with any direction the Council may either:</p> <ul style="list-style-type: none"> <li>• Treat the application as abandoned;</li> <li>• Give directions to the applicant to remedy the non-compliance (and if appropriate extend the deadline for persons to make representations)</li> <li>• Waive the non-compliance, if satisfied in all the circumstances that no-one is likely to be prejudiced by it.</li> </ul>	
Abandonment of an Application	<p>There are two possible circumstances which may arise which lead to the application being treated as being abandoned. One is where the applicant fails to respond to the direction for further information set out above. The second possibility is that for one reason or another the applicant decides to withdraw their application. There are two issues to consider:</p> <p><u>Can an applicant withdraw an application?</u></p> <p>The Council as Registration Authority has a duty to keep a register of all town and village greens in its area. Once an application has been received and the Registration Authority has been made aware of the possibility that rights in relation to a town or village green exist there is a suggestion that it has a duty to determine the application whether or not the applicant decides to proceed. This is to ensure the Register of Common Land and Town &amp; Village Greens is a comprehensive register. There is also</p>	

## APPENDIX 2

	<p>an argument that whilst a single person may be responsible for an application it is made on behalf of the public at large and therefore once the application is accepted as being valid the applicant cannot withdraw it. It is therefore suggested that if an applicant seeks to withdraw an application the Town &amp; Village Green Officer must review the application to see how strong the evidence is for a town or village green. This should be based on the information provided up to the point the applicant decides to withdraw. If there is strong evidence that public rights to register land a town or village green have been established the officer should consider proceeding with the application for determination independently of the applicant to ensure the Council fulfils its statutory obligations. If the evidence is insufficient then the application can be treated as being abandoned.</p> <p>It has been noted in the case law that campaigners may use the withdrawal and resubmission of applications as a tactic to prevent the development of land.</p> <p><u>What happens when an application has been abandoned?</u></p> <p>The regulations are silent as to what happens if an application is treated as being abandoned. The application will have been accepted and the date stamped on the application. This is important as it likely a landowner will take steps to prevent future use of the land in a way that may lead to a future claim. Therefore if following the abandonment of an application a new group of members of the public wish to make an application their only hope may be to require the Council to</p>	
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## APPENDIX 2

	<p>determine the previous application. This may occur for example where the original applicant dies or is incapacitated and therefore cannot pursue the application.</p> <p>A fair and open method of dealing with abandoned applications is therefore required. In cases where an applicant fails to deal with the directions for further information within the required time limits, the merits of the application, based on the information provided, should be considered by the Officer. The matter must then be passed to the committee for consideration as to whether the matter should be treated as being abandoned and the file closed or should be publicised and progressed for determination in the correct manner.</p> <p>The guidance from DEFRA suggest that it may be prudent to advertise the fact that the application is going to be abandoned to allow other interested parties to take on and pursue the application in place of the original applicant.</p> <p>This would show proper consideration had been given to the matter before the decision to treat the matter as being abandoned was made.</p>	
Amendment of the Application	<p>There is no provision within the legislation to allow an applicant to amend a submitted application. The guidance from DEFRA, however, suggests a common sense approach. Where it would be fair and reasonable the Council should allow an application to be amended.</p>	

## APPENDIX 2

Publication of Application	<p>Once the application has been accepted the Council must:</p> <ul style="list-style-type: none"> <li>• Publish a notice of the application on its website</li> <li>• Serve notice of the application by e-mail on anyone who has previously asked to be informed of all applications;</li> <li>• Publish a notice of the application in such one or more newspapers circulating in the relevant area as appears to be sufficient to secure adequate publicity;</li> <li>• Serve notice of the application on every other local authority for that area.</li> </ul>	<i>Within 21 days of receipt of application</i>
Applicant's Duty to Publicise Application	<p>Once the applicant has received acknowledgment from the Council that the application has been accepted they must serve notice of the application on:</p> <ol style="list-style-type: none"> <li>1. The owner of the land (this is not required if the owner cannot be identified, however reasonable enquiries must have been made by the applicant); and</li> <li>2. Any occupier or lessee of the land;</li> <li>3. Any local authority (other than the Council) having an interest. <i>This may be the case where the land affected straddles a county boundary.</i></li> <li>4. Any person who has made a declaration, duly recorded in the register, of a right in common over the</li> </ol>	<i>Within 21 days of receipt of acknowledgement</i>

## APPENDIX 2

	<p>land affected.</p> <p>5. Any common council established for, or or other body representing the interests of persons with rights of common over, land which includes the land to w hich the application relates; and</p> <p>6. unless it appears there are too many so as not to be practical to serve notice on all of them, any person who is registered as the ow ner of a right of common in gross which is exercisable over all or part of the land to w hich the application relates.</p> <p><i>It is inevitable that the applicant will not know whether there are any persons falling within categories 4, 5 &amp; 6. They should be advised to carry out a Commons Register Search with the Land Charges Section which will reveal any such people or claims.</i></p> <p>The applicant will need to provide evidence of such notice having been served and the date of service. This will normally be proof of delivery i.e. recorded delivery or a statutory declaration of personal service. Just receipt of posting w ill not be sufficient.</p>	
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## APPENDIX 2

Objection Period	<p>Following publication of the application by the Council there is to be a period during which interested parties can make representations in respect of the application.</p> <p>The Council must make available copies of the application and any accompanying documents in the usual way.</p>	<i>Objection period must be at least 42 days after publication</i>
Dealing with representations	<p>Once the objection period has expired the Council must either:</p> <ul style="list-style-type: none"> <li>• Inform the applicant no representations have been made; or</li> <li>• Serve on the applicant a copy of all the representations it has received.</li> </ul>	
Applicants response to representations	The applicant must respond in writing setting out their response to the applications.	<i>The applicant must respond with 21 days of receipt of representations</i>
Agree method for	In the case of an application where the Council has an interest in the outcome of the application such there is	<i>Within 35 days of</i>



## APPENDIX 2

<p>Determining the Application</p>	<p>unlikely to be confidence in the Council's ability to impartially to determine it, the application <b>must</b> be referred to the Planning Inspectorate for determination.</p> <p>If the Council does not have an interest in the outcome of the application the Council must decide whether or not to hold a public inquiry.</p> <p>If the Council decides a public enquiry is necessary the Council must appoint an inspector to hold the inquiry and if required to determine the application. If the inspector is not to determine the enquiry then s/he must provide a report and recommendation to the Council.</p> <p>If a public enquiry is not required the application can be placed before the Planning Committee for determination.</p> <p>The decision as to whether a public enquiry is needed is a matter of fact for each individual application. There are no hard and fast rules. The guidance to the legislation suggests that applications where the facts are disputed or where there are complex legal arguments should be referred to a non-statutory public enquiry.</p>	<p><i>receipt of applicants response to representations</i></p>

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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## **1. PURPOSE OF REPORT**

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

1. A neighbour complaint regarding failure to implement access provisions as required by a condition attached to a planning approval for the erection of a new dwelling in Elwick Road.
2. A neighbour complaint regarding non-compliance with an enclosure condition attached to a planning consent for the provision of a temporary car park in Green Street.
3. An investigation has commenced following officer monitoring regarding failure to discharge conditions attached to a planning consent for a change of use development in Eldon Grove.
4. A neighbour complaint regarding work commencing on an erection of an agricultural building without the benefit of the relevant consent in Coal Lane.
5. A neighbour complaint regarding the erection of a conservatory to the side of a property in Northgate, without the benefit of planning consent. A retrospective planning application has been requested from the property owner
6. A neighbour complaint regarding works currently underway on the Middle Warren green wedge attracting youths causing anti-social behaviour near his property in Skylark Close is being investigated.
7. A neighbour complaint regarding a porch under construction not benefiting from “permitted development rights” has been investigated. A retrospective planning application has been requested from the owner.
8. An investigation has commenced following the Parish Council's concerns regarding the erection of a tree house without the benefit of planning consent. A retrospective planning application has been requested from the owner.

9. Officer monitoring recorded that a new house may have been built in the wrong position in the grounds of former residential home in Thetford Road.
10. A neighbour complaint regarding the erection of two for sale signs on the forecourt of a commercial site in Coronation Drive.
11. A neighbour complaint regarding the introduction of independent living accommodation in a property on the A19 Trunk Road.
12. Officer monitoring noted the installation of UPVC windows to the front elevation of a property in Hutton Avenue. The property is located in the Grange Conservation Area and protected by an Article 4 Direction.
13. A neighbour complaint regarding the erection of rear boundary wall without the benefit of planning consent. A retrospective planning application has been requested from the property owner.
14. A neighbour complaint regarding the setting out of a temporary classroom unit on a school in King Oswy Drive.
15. Officer monitoring noted that tree and shrubs planted as part of regeneration scheme in Thornton Street had either died or been vandalised.
16. A neighbour complaint regarding a property converted into four flats without the benefit of planning consent in Hart Lane.
17. An investigation has commenced following officer monitoring noted scarp car and skips stored on a site in Sandgate Industrial Estate, without the benefit of planning consent.
18. Officer monitoring noted the erection of dormer windows to the front roof slope of a property in Linden Grove. The property is located in the Grange Conservation Area and protected by an Article 4 Direction.
19. Officer monitoring noted the illegal burning of disposed waste on a site in Windemere Road.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

**Report of:** ASSISTANT DIRECTOR (PLANNING & ECONOMIC DEVELOPMENT)

**Subject:** GRANGE CONSERVATION AREA APPRAISAL

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## **1. PURPOSE OF REPORT**

- 1.1 To provide information to the Planning Committee on the appraisal of the Grange Conservation Area that has recently been carried out. This report will provide details of the findings of the appraisal.

## **2. BACKGROUND**

- 2.1 Appraisals are a means of assessing the key factors contributing to the appearance and character of existing and potential conservation areas, local authorities are encouraged to undertake periodically conservation area appraisals. There is no formal requirement for the form and content of appraisals, or the methodology to be used, but typically appraisals cover such subjects as historical development of the area, archaeological significance, prevalent building materials, the character of open spaces, the quality and relationships of buildings and also of trees.
- 2.2 The Grange Conservation Area has been the subject to numerous minor applications in recent years consisting of alterations to windows and boundary walls along side larger applications for change of use and extensions. A conservation area appraisal provides an opportunity to review the condition, appearance and character of the conservation area and its constituent parts, to assess the extent to which traditional materials and features remain intact and to refine policy priorities. It would be an important part of such processes to include consultations with local residents and other interested parties.
- 2.3 Consultants North of England Civic Trust (NECT) were commissioned to carry out the appraisal of the conservation area. Their work was informed by a steering group which comprised local groups, Ward Members and officers. The group guided the appraisal process and fed advice and local knowledge into the project.

## **3. APPRAISAL PROCESS**

- 3.1 The aims of the appraisal were to:
- To demonstrate how the history of the area is reflected in its present day character and linked to the broader heritage context of the town of Hartlepool.
  - To identify the nature and extent of the special character of the conservation area.

- To identify those areas where the special character retains its integrity and those where loss has occurred.
  - To make recommendations for policies to improve and enhance the conservation area.
  - To identify the need, if any, for further assessment and recording of the conservation area.
- 3.2 The NECT carried out their own assessment of the conservation area starting with gathering historic information on the development of the Grange from written sources. Physical surveys of the Conservation Area occurred including open spaces, trees, walls and the contribution of buildings.
- 3.3 Two rounds of public consultation were carried out to feed into the process. Residents were invited to two walk-about sessions, one on a weekend and one on a weekday evening. These sessions were to allow residents the opportunity to highlight the areas of the Grange they thought were particularly special.
- 3.4 A workshop was held with pupils from Lynnfield Primary School to gain a further perspective on the area. The pupils were taken on a walk-about of the area and asked for feedback on a number of aspects of the conservation area. They then considered how some of the properties were constructed and took part in a workshop with a stone mason carving letters into stone. This reflected the house names often found carved in stone coping stones in the area.
- 3.5 The second round of consultation took the form of a drop in session. Residents were invited to view a display summarising the results of the appraisal and the draft document was available to read. Questionnaires were on hand for residents to provide feedback.
- 3.6 NECT produced a final document based on their surveys and research in the area and the feedback from the residents and pupils. The document can be viewed on the Council's website.

## **4 SUMMARY OF THE DOCUMENT**

- 4.1 The document considers the location and setting of the Grange, describing the local context. In particular it examines how the area sits within the wider Tees Valley area, and its current physical character. Following on from this, the historic development of the Grange is reviewed detailing the initial use as agricultural land and the first proposals to provide a planned estate for residential development. The history not only describes the historical physical development but also how this was linked to the social and economic changes that occurred in Hartlepool.

## 4.2 Further to this the area is examined in detail in three sections.

1. Spatial analysis – The road layout and original development plots are considered along with the grain and density of development in the area. In particular attention is drawn to the current road layout which was influenced by the field boundaries that were gradually laid out with roads, and parcelled off as plots for housing. The housing itself is in the form of repeated plot sizes along the streets which generate a distinctive regular grain to the area with two main types of layout detached and semi-detached plots and terraced plots.
2. Contribution of buildings – The analysis of the buildings considers the land use in the area and how the dominance of residential use defines the character of the conservation area. A detailed analysis is also made of the contribution made by individual architectural details to the character of the conservation area, arising from the use of particular materials and joinery details.
3. Contributions of spaces – Four types of open space are highlighted as contributing to the character of the conservation area. These are front gardens, back gardens and yards, roads and pavements. It is noted that there is little public open space within the area. In particular it is mentioned that despite the fact that the area's layout and development pattern largely conceal them from view, back gardens made a surprisingly strong contribution to the character of the area. The views of trees and other greenery which can be glimpsed between properties are an important part of the suburban scene within this area.

## 4.3 The report concludes by outlining measures that could be taken to manage the conservation area incorporated into a Conservation Area Management Strategy setting out proactive policies as a tool to manage the issues which arise within the Grange Conservation Area. The management document would address issues such as:

- A review of the Conservation Area boundaries
- Intervention when planning controls are breached and the monitoring of changes in the Conservation Area.
- The preparation of Local Lists to protect buildings which contribute to the local scene or have local historic associations.
- The preparation of guidance to help building owners protect one particular aspect of the Conservation Area i.e. walls, trees, green spaces. The public realm and its treatment could be another specific topic.

## 5 NEXT STEPS

- 5.1 It would be desirable to continue the work in the Grange Conservation Area and compliment the appraisal document with a management plan for the area. Such a document would outline in more detail future actions to consider when considering the enhancement of the Conservation Area. This piece of work would be dependent on the availability of resources to carry out this project.

## **6 RECOMMENDATION**

- 6.1 That the Planning Committee notes the report and recommendations of the final Grange Conservation Area Appraisal document.

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

**Subject:** APPEAL REF APP/H0724/A/09/2107182  
CONVERSION TO BED AND BREAKFAST GUEST  
HOUSE (10 BEDS) 36 HUTTON AVENUE

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**1. PURPOSE OF REPORT**

- 1.1 To advise Members of the outcome of above appeal.
- 1.2 The appeal related to the conversion of 36 Hutton Avenue to a bed and breakfast guest house.
- 1.3 The Inspector dismissed the appeal concluding that the proposal would harm residential amenity and the conservation area. An award for costs was refused. The decision letters are attached.

**2. RECOMMENDATION**

- 2.1 That members note the outcome of the appeal.





## Appeal Decision

Site visit made on 8 September 2009

by **D R Cullingford** BA MPhil MRTPI

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

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**Decision date:**  
**16 November 2009**

### **Appeal Ref: APP/H0724/A/09/2107182** **36 Hutton Avenue, Hartlepool, TS26 9PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is by Mr Arthur Bell against the decision of the Hartlepool Borough Council.
- The application (ref: H/2008/0721 and dated 1 December 2008) was refused by notice dated 5 March 2009.
- The development is described as 'conversion to bed and breakfast guesthouse (10 beds)'.

### **Procedural matters**

1. An application is made for a full award of costs on behalf of the appellants in connection with this appeal. This is the subject of a separate letter.

### **Decision**

2. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

### **Reasons**

3. The appeal property is a solid Edwardian semi-detached villa with rooms in the roof space. It lies within the Grange Conservation Area amongst other substantial and sometimes 'ornate' dwellings in attractive residential streets generally adorned with the foliage of hedges and trees behind front garden walls. In this case, however, the front wall has been removed and the garden reduced to an area of hard-standing capable of accommodating about 3 cars beside a large and protected sycamore tree. The house is currently occupied as a single dwelling, but the Design and Access Statement indicates that it has previously accommodated 9 flats (3 on each floor).
4. The proposal is to change the use of the dwelling to a bed and breakfast establishment accommodating 10 'en suite' bedrooms. The plans indicate that a residents' lounge would be provided on the ground floor and a manager's flat installed at second floor level. Car parking spaces are shown at the front of the property; 4 across the front garden (although that would entail removal of the protected tree) and 2 are indicated in the roadway beyond, though, if occupied, use of the front garden spaces would be curtailed.
5. The Council have refused permission because they consider that the scheme would fail to provide sufficient off-street parking spaces. Only 3 adequate spaces could be accommodated within the confines of the front garden, but 5 would be required to meet the applicable standards. Hence, the scheme would

Appeal Decision: APP/H0724/A/09/2107182

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generate additional on-street parking, thereby affecting highway safety and residential amenity contrary policies GEP1 and To9 of the adopted Local Plan. They are also concerned that the car parking arrangements would adversely affect the character and appearance of the Conservation Area, contrary to policies GEP1 and HE1. Local people express similar objections to the scheme, but also emphasise the impact of the project on the amenities of those nearby. Those are the issues on which this appeal turns.

#### *The Conservation Area*

6. The appeal property lies within the Grange Conservation Area where there is a statutory duty to carefully consider the desirability of preserving or enhancing the character or appearance of the place (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; policy HE1 supports that stance. In my view, this area is characterised by being largely residential, by the rhythm of substantial red brick properties set in generous plots and by the garden greenery (trees and hedges) contributing to the street scene. I think that the draft 'character appraisal' endorses the importance of those features.
7. I consider that the proposal would undermine that character. First, it would result in the introduction of a non-residential use into a largely residential street. I appreciate that permission was granted in 1990 for both 34 and 36 Hutton Avenue to be used as a 32 bed nursing home. But not only was that permission never implemented, but also it substantially pre-dates the designation of this Conservation Area in 2004; different consideration should now apply. Second, the scheme would perpetuate the use of the front garden as a hard surfaced parking area without either roadside wall or hedge, in stark contrast to the many intact and verdant plots elsewhere. The important contribution of those features to the character and appearance of this Conservation Area is recognised both in the draft 'character appraisal' and in the control now exercised over the removal of front garden walls and the transformation of front gardens into parking plots, under the powers endorsed by an Article 4 Direction, operative since 2005. Although the scheme might not greatly alter the current appearance of the property, I consider that permission for the proposal would serve to endorse a form of development acknowledged (in the draft 'character appraisal') to 'notably harm' the character of the street scene. Moreover, I consider that the repetition of such development would be very damaging.

#### *Residential amenities*

8. Clearly, the comings and goings likely to be generated by the use of the property as a 10 bedroom 'bed and breakfast' establishment could be expected to exceed those at a single dwelling. And, although both the appeal and the adjoining property have been in use as 6 flats (or more) in the past, that is not the case now; nor, given the character of this Conservation Area, would it necessarily follow that the reinstatement of such a use would be condoned. In my view, the scale of the activity, the noise of 'guests' manoeuvring vehicles into parking spaces within the front garden and the perpetual presence of 'strangers' would all serve to impair the amenities of neighbouring residents.
9. Worse still, it seems to me that the proposal would inevitably lead to prospective guests in several bedrooms, as well as in the lounge, being able to

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survey much of the carefully landscaped rear garden and side elevation of the adjacent dwelling at No.38, currently undergoing renovation. The side elevation of the appeal property accommodates several substantial windows (including 2 bays) and the juxtaposition of the Nos.36 and 38 is such that, in spite of the solid boundary wall, clear views of the latter are evident from windows at both the ground and first floors of the former. I saw that this arrangement, although generally unusual, occurred elsewhere within this Conservation Area, so that an element of overlooking is to be expected here. However, I consider that a degree of mutual overlooking between adjacent residents would be rather different to the surveillance possible from occupied bedrooms in a 'bed and breakfast' establishment. And, although some screening might ameliorate such surveillance at ground floor levels, it is difficult to see that overlooking from first floor windows could easily be prevented without such screening itself becoming somewhat overbearing and oppressive. Of course, use of the appeal property as a 32 bed nursing home or as flats could both entail people spending significant periods in the rooms served by windows in the side elevation. But different policies applied when permission for the nursing home was granted and the use of the property for flats was instigated; the current use is indicated to be as a single dwelling. In those circumstances, I consider that the proposal would seriously impinge on the privacy that occupants at No.38 might reasonably expect to enjoy in a residential area such as this.

#### *Car parking*

10. The appeal property is within 500m of shops and bus stops and, in accordance with the operative standards, 5 parking spaces would be required here. The parking arrangements shown would be impractical (as indicated above). Moreover, the 4 off-street spaces identified in the front garden would be reduced to 3 due to the presence of the protected tree, which contributes to the street scene and to the character of the Conservation Area. This section of Hutton Avenue is subject to a 'residential parking scheme' and, although there would be scope to claim up to 4 permits of various kinds in connection with the proposal, there is currently no mechanism in place to ensure that such permits would actually be secured. More importantly, I saw that parking is already at a premium here, with almost no roadside space being available in the vicinity of the appeal site at the time of the site inspection. The submissions from local residents indicate that such parking problems occur and the existence of the 'residential parking scheme' serves to demonstrate the point. As a result, whether or not appropriate permits would be obtained, the shortfall in off-street parking provision is likely to exacerbate the competition for on-street parking spaces and so add to the inconvenience of all concerned. Alternatively, such demand would be displaced further west beyond the areas covered by the 'residential parking scheme', thereby increasing the presence of parked cars in quieter residential areas.
11. While such effects may be appropriately countenanced in areas identified under policy To9 as suitable for tourist accommodation (such as the town centre, the Marina, Victoria Harbour, the Headland and Seaton Carew), I think that the additional competition for parking places in these residential streets or the noise of vehicles manoeuvring and the banging of car doors in quieter sections of the Conservation Area would adversely affect the amenity and character of

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the area. Moreover, it seems to me that there would inevitably be some occasions when the proposal would be likely to generate a demand for more than 5 parking spaces, thereby exacerbating the harmful effects indicated. In my view, such harmful effects should be prevented.

*Conclusion*

12. I have considered all the other matters raised but find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR



## Costs Decision

Site visit made on 8 September 2009

by **D R Cullingford** BA MPhil MRTPI

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

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**Decision date:**  
**16 November 2009**

### **Costs application in relation to Appeal Ref: APP/H0724/A/09/2107182 36 Hutton Avenue, Hartlepool, TS26 9PN**

- This application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Arthur Bell for a full award of costs against the Hartlepool Borough Council.
- The site visit was in connection with an appeal against the decision of the Council to refuse to grant planning permission for development described as 'conversion to bed and breakfast guesthouse (10 beds)'.

**Summary of Decision: ~ The application is refused.**

#### **Reasons**

1. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
2. The claim is that the Council have behaved unreasonably in failing to adequately substantiate each reason for refusal, providing no evidence to support their judgement that the proposal would impair the character and appearance of the area and taking a decision contrary to the recommendation of their professional officers unsupported by robust evidence. I consider those claims in relation to each reason for refusal.
3. The first reason for refusal asserts that sufficient on-site parking provision cannot be provided. For the reasons set out in the decision letter that is a matter of fact. Moreover, although there would be scope to claim up to 4 on-street parking permits in connection with the appeal proposal, there is currently no mechanism in place to ensure that such permits would actually be secured. Even if they were, experience at the site inspection demonstrated that parking space is at something of a premium here; and, there is clear evidence in the submissions from local people that such difficulties are not uncommon. Hence, the judgement that a shortfall in on-site parking provision might exacerbate the inconvenience due to further competition for on-street parking spaces seems to me to be an entirely reasonable one.
4. The second reason for refusal suggests that the car parking generated by the proposal would adversely affect the character and appearance of the Conservation Area. I agree with the 'conservation officer' that the proposed alterations would be largely internal and that they would have little effect on the character of the Conservation Area. But I find such an assessment a trifle myopic. To my mind it simply fails to address the impact of the use itself, the



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activity it would generate, the perpetuation of the existing car parking arrangements and recent policy initiatives. Even though the Councils' written submissions seem to imply that it is only the additional on-street parking that would adversely affect the Conservation Area, substantive evidence need not be wholly confined to that document alone. In this case, the adverse affect of the scheme on the character and appearance of the Conservation Area is explained in the submissions made by local people and in the draft 'character appraisal'. It is this 'wider view' that provides an appropriate and reasonable basis for this decision.

5. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009 has not been demonstrated.

**Formal Decision**

6. In exercise of the powers transferred to me, I refuse this application for an award of costs



INSPECTOR