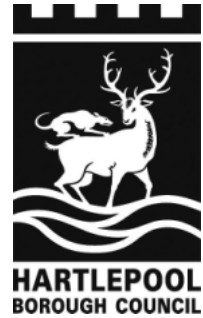


# PLANNING COMMITTEE AGENDA



**Wednesday 3<sup>rd</sup> March 2010**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors Allison, R. 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 3<sup>rd</sup> February 2010

### **4. ITEMS REQUIRING DECISION**

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

1. H/2009/0626 Market Hotel, Lynn Street
2. H/2009/0615 Market Hotel, Lynn Street
3. H/2009/0710 Sopranos, 93 York Road
4. H/2010/0004 Furness Street
5. H/2010/0086 Land at Lynn Street / Surtees Street
6. H/2009/0701 Maxwell Court
7. H/2009/0627 12 Beaconsfield Street
8. H/2010/0038 42 Bilsdale Road

- 9. H/2010/0010 Brierton School, Brierton Lane
- 10. H/2010/0012 Manor Comprehensive School, Owton Manor Lane
- 11. H/2009/0566 Unit 5, Sandgate Industrial Estate, Mainsforth Terrace
- 12. H/2009/0703 Kipling Road

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

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

**EXEMPT ITEMS**

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

**7. EXEMPT ITEMS FOR CONSIDERATION**

- 7.1 Niramax Site, Thomlinson Road (para 5) – *Assistant Director (Planning and Economic Development)*

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

**9. FOR INFORMATION**

Next Scheduled Meeting – Wednesday 31 March 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, 31 March at 9.00am.

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

3 February 2010

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

**Present:**

Councillor: Rob W Cook (In the Chair)

Councillors: Stephen Allison, Kevin Cranney, Sheila Griffin, Pauline Laffey, Geoff Lilley, Frances London, John Marshall and Carl Richardson.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor George Morris.

**Also in attendance:**

Councillors Jonathan Brash, Bum Valley Ward Councillor and Councillor Hilary Thompson, Elwick Ward Councillor

Officers: Richard Teece, Development Control Officer  
Christine Pipe, Principal Planning Officer  
Jason Whitfield, Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Chris Scaife, Countryside Access Officer  
Kate Watchorn, Solicitor  
Angela Hunter, Principal Democratic Services Officer

### **104. Apologies for Absence**

Apologies for absence were received from Councillors Shaun Cook, Mary Fleet, George Morris, Michelle Plant and Edna Wright.

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

Councillor Kevin Cranney dedared a personal interest in minute 107 items H/2009/0500 and H/2009/0689.

### **106. Confirmation of the minutes of the meeting held on 6 January 2010**

Confirmed.

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

The following items were withdrawn from the agenda pending further information:

Item 4 – H/2009/0615 – Market Hotel, Lynn Street

Item 5 – H/2009/0626 – Market Hotel, Lynn Street

<b>Number:</b>	H/2009/0500
<b>Applicant:</b>	Mr Kevin Wanless, Niramax, Longhill Industrial Estate, Thomlinson Road
<b>Agent:</b>	Axis, Mrs Amanda Stobbs, Unit 11, Well House Bams, Bretton, Chester
<b>Date received:</b>	15/01/2010
<b>Development:</b>	Upgrading and extension of existing waste management facilities including upgraded waste classification system and briquette plant (amended application)
<b>Location:</b>	NIRAMAX, THOMLINSON ROAD, HARTLEPOOL
<b>Representations:</b>	Councillor J Brash (Bum Valley Ward Councillor), Ms C Lamouth (agent), Mr K Wanless (applicant) and Mrs S Banks (objector) were in attendance and addressed the Committee.
<b>Decision:</b>	<b>Minded to APPROVE subject to the draft conditions below and no objections from ONE North East but with the final decision to be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee since some publicity is outstanding and in the light of ongoing discussions with the Environment Agency.</b>

Councillor C Richardson wished his vote against the proposal to be recorded.

### **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 permission is valid.
2. The development hereby permitted shall be carried out strictly in accordance with the details set out in the supporting documentation, plan no. 935-01/04 'Indicative Plant Installation Layout', and the 'Schematic of Waste

Management Process' as received by the Local Planning Authority on 14 01 10, and the relevant documentation referred to therein received by the Local Planning Authority on 10 09 09, 21 10 09, 28 10 09 and 11 11 09.

For the avoidance of doubt.

3. The high level conveyor hereby approved shall be enclosed at all times.  
In the interest of the amenities of the area.
4. Municipal Solid Waste (MSW), including any elements of putrescible waste, shall only be handled, processed or stored in the reclamation building or black sands shed only and there shall be no open storage of Municipal Solid Waste on site at any time.  
In the interest of the amenities of the area.
5. No Municipal Solid Waste (MSW), including any elements of putrescible waste shall be deposited within the adjoining landfill site approved under planning permission CM/H/3/95  
In the interest of the amenities of the area.
6. The receipt of waste shall only take place between the hours of 7.00 and 19.00 Monday to Friday and 07.00 and 13.00 Saturdays and at no other time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
7. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the use of the site commences and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
8. Any materials or articles deposited or stacked outside the buildings shall not exceed a total height of 3 metres above ground level.  
In the interests of visual amenity.
9. Prior to the commencement of Stage 1 of the development hereby approved, as defined in paragraph 4.2.1 on page 19 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the installation of the Waste Classification Plant within both the Reclamation Shed and Black Sand Shed, including manufacturers specifications, details of noise levels, noise mitigation measures, details of maintenance and a programme of works, shall be submitted to and agreed by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.  
To ensure a satisfactory form of development.
10. Prior to the commencement of Stage 2 of the development hereby approved, as defined in paragraph 4.2.1 on page 19 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the installation of the Briquette Plant within the Black Sand Shed, including manufacturers specifications, details of noise levels, noise mitigation measures, details of maintenance, siting details and a programme of works, shall be submitted to and agreed 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. The developer shall notify the Local Planning Authority in writing of the date from

- which the proposed Briquette Plant is to become operational.  
To ensure a satisfactory form of development.
11. The development hereby approved shall at no time incorporate intrusive ground works, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure a satisfactory form of development and in the interests of ground contamination.
  12. Prior to the development hereby approved being brought into use, a scheme providing measures for dust control shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
  13. There shall be no open burning at the site.  
In the interests of the amenities of the area.
  14. Unless otherwise agreed in writing by the Local Planning Authority, a scheme for a sustainable drainage system, including measures to control effluent discharge and for the disposal of foul or contaminated water, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and retained during the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
  15. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways, unless otherwise agreed in writing by the Local Planning Authority.  
To prevent pollution of the water environment
  16. The permission hereby granted relates only to the transfer, storage and processing of non-hazardous commercial, industrial, construction and municipal solid waste, and in particular no special wastes as defined in The Hazardous Waste (England and Wales) Regulations 2005 (or any regulations/order revoking or re-enacting the regulations/order with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or processed therein.  
In the interest of the amenities of the area.
  17. Unless otherwise agreed in writing by the Local Planning Authority provision shall be made within the proposed vehicle unloading route or wider site for vehicles visiting the site to off load waste to stand within the site and not on adjoining highways in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority before development commences. Thereafter the approved details shall be implemented before waste is first brought to the site and thereafter retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.

The Committee considered representations in relation to this matter.

- Number:** H/2009/0231
- Applicant:** British Telecom Plc, C/O Andy Riley, Knightrider Street, London
- Agent:** Dalton Wamer Davis LLP, Chris Girdham, 21 Garlick Hill, LONDON
- Date received:** 20/08/2009
- Development:** Erection of 5 no. wind turbines, meteorological monitoring mast, switch room, contractors compound and associated works including improvements to the existing site access from the A19, construction of temporary haul road for construction purposes; permanent tracks to connect turbines and occasional deployment of temporary road from the improved A19 access to the turbine access tracks to support maintenance and other works which requires the use of heavy vehicles and plant.
- Location:** RED GAP FARM, WOLVISTON, BILLINGHAM
- Representations:** Councillor H Thompson (Elwick Ward Councillor), Mr C Girdham (applicant) and Mr N Jackson (objector) was in attendance and addressed the Committee.
- Decision:** **Minded to APPROVE subject to no objection from Durham Tees Valley Airport, subject to the following conditions and a legal agreement substantially in the terms identified in the report to the Committee but that the final decision be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

## CONDITIONS AND REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
2. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter unless otherwise agreed in writing by the Local Planning Authority the turbines and related structures shall be removed and the land restored to a condition to be first agreed in writing by the Local Planning Authority. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.  
To prescribe the exact period of permissible wind farm operation and to

enable the local planning authority to identify a starting point for the operation of the wind farm.

3. The development hereby approved shall be carried out strictly in accordance with the submitted application including the following document(s): Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation) dated March 2009: Supplementary ES supporting information provided by ERM dated 18th June 2009: Amended ES Chapter 5 - Landscape and Visual Impact Assessment (LVIA) and related Annexes: Drawing Ref. 08.6045.007.GLA/PL/001 (Location Plan, January 2009); Drawing Ref. 08.6045.007.GLA/PL/002 (Site Layout Plan, January 2009); Drawing Ref. 08.6045.007.GLA/PL/003 (Typical Wind Turbine Elevations, January 2009); Drawing Ref. 08.6045.007.GLA/PL/004 (Turbine Base Details, January 2009); Drawing Ref. 08.6045.007.GLA/PL/005 (Contractors Compound, Cable Trench and Access Track Detail, January 2009); Drawing Ref. 08.6045.007.GLA/PL/006 (Permanent and Temporary Masts, January 2009); Drawing Ref. 08.6045.007 (Switch Room Plan and Elevations), January 2009) unless any minor variations are agreed in writing by the Local Planning Authority.

To ensure that the development is carried out in accordance with the approved documents.

4. The Local Planning Authority shall be provided with not less than 14 calendar days written notice of the date upon which it is proposed to commence any part of the development hereby approved.

To allow the local planning authority to verify that all conditions have been complied with prior to the commencement of development and to advise the developer of anywhere compliance remains outstanding.

5. No habitat removal shall take place during the period 1 March - 31 July in any year unless a survey is carried out on behalf of the developer in accordance with a methodology approved in advance by the Local Planning Authority and that survey confirms that no nesting birds are within 50m of any habitat clearance area. The survey shall be repeated at no more frequently than monthly intervals between 1 March - 31 July during the construction period.

To conserve protected species and their habitat.

6. No development shall commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall identify any significant environmental risks during construction and set out methods and procedures for managing those risks. The CMS shall include detailed method statements relating to the following activities: 1) development of water course crossings; 2) soil stripping, deposition, grading and finishing; 3) site drainage measures; 4) effluent disposal measures; 4) pollution prevention and emergency response, to include protection of public and private water supplies; 5) construction compound siting and design details; 6) staff welfare facilities; 7) landscape mitigation measures, including tree and hedgerow protection; 8) construction site security measures, including fencing and gates; 9) post construction site reinstatement strategy. The development shall be carried out in compliance with the approved CMS which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.



7. Pursuant to condition 6, all planting, seeding or turfing measures set out in the approved Construction Method Statement (CMS) shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of the amenities of the area
8. No development shall commence until a Surface Water Management Strategy (SWMS) has been submitted to and approved in writing by the Local Planning Authority. The SWMS shall include: 1) chemical pollution control measures for the storage and handling of oils, fuels, chemicals and effluent on site 2) a water quality, drainage and flow strategy; 3) an emergency management and unforeseen events strategy, to include measures to respond to flooding and pollutant spill events. The development shall be carried out in compliance with the approved SWMS which may be varied from time to time with the written approval of the Local Planning Authority.  
In the interests of the amenities of the area.
9. The construction of the development shall not commence until such time as the traffic management arrangements contained in the Construction Traffic Management Plan Report No. RTA054183-02 Version 6 dated 30 November 2009 have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.  
To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
10. The movement of abnormal loads to the development site via the trunk road network shall not commence until such time as an Abnormal Loads routing plan has been implemented to the satisfaction of the Local Planning Authority in consultation of the Highways Agency.  
To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
11. Prior to the commencement of development written confirmation of the following details shall be provided to the Local Planning Authority, Ministry of Defence and Civil Aviation Authority: 1) Proposed date of Commencement of the Development 2) The maximum extension height of any construction equipment. Within 28 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority: 1) Date of completion of construction; 2) The height above ground level of the highest potential obstacle (meteorological mast or wind turbine). 3) The position of that structure in latitude and longitude; 4) The aviation lighting details.  
In the interests of aviation safety.
12. No development shall commence until the following information is submitted to and approved in writing by the Local Planning Authority: (1) The exact model, heights, specification and location of the turbines including colour

finish: (2) The exact locations, heights and specifications of the switch room and meteorological monitoring mast: (3) The specification, location and width of internal access tracks and water course culverts: (4) Samples of the materials and/or details of the surface finishes (including colours) to be used on the external surfaces of all above ground components: (5) Details of any security, fencing and lighting measures required for the development during its operation. The development shall be carried out in compliance with the approved details which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of visual amenity.

13. The Wind Turbine Noise Levels as measured in accordance with clause (a) below:

shall not exceed 60dBLA90 10 min between the hours of 07:00 and 23:00 and 54dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: High Stotfold, The Old Mill, Middle Stotfold, Meadowvale, Stotfold Crest and Sunderland lodge.

And

shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 46dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Close Farm, Embleton Farm, Low Swainston, Amerston Hall, Hole House and Hill House.

And

shall not exceed 40dBLA90 10 min between the hours of 07:00 and 23:00 and 42dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Cottage.

And

shall not exceed 51dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Amerston Hill and Stotfold Moor.

And

shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Farm.

(a) The measurements undertaken to determine compliance with the noise levels specified in the conditions above shall be made using a sound level meter of at least type 1 quality (as defined in International Electro technical Commission (IEC) 61672-1: 2002 Class1) incorporating a windshield with a half inch diameter microphone in free-field conditions between 1.2 and 1.5 metres above ground level and at least 10 metres from any wall, hedge or reflective surface (using a fast time weighted response). "Wind Turbine Noise Level" means the measured noise level due to the combined effect of all the wind turbines excluding the existing background noise level "Background Noise Level" means the ambient noise level within the background environment (in the absence of noise generated by the development) "Free-Field Conditions" means an environment in which there are no reflective surfaces affecting measurements within the frequency region of interest.

In the interest of the amenities of the area.

14. No development shall take place within the site until the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ.  
The site is of archaeological interest.
15. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site's decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires unless variations are agreed with the written approval of the Local Planning Authority.  
In the interests of the amenities of the area
16. Any of the turbines hereby permitted which is not in operation for a period in excess of six months shall be dismantled and removed, and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
17. To minimise risk to bat species including the Common pipistrelle, turbines should be sited a minimum distance of 50 metres (from the downward sweep of the blade tip) from any linear feature identified within the Environmental Statement as in use/being suitable for use as a commuting route or foraging area for bat species.  
To conserve protected species and their habitat.
18. No development shall take place until a full badger checking survey of the development site has been undertaken by a suitably qualified person. Should any evidence that badgers are using the site be found, an appropriate and proportionate mitigation strategy should be put in place. The survey and mitigation strategy should be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.  
To conserve protected species and their habitat.
19. Pursuant to Condition 18, regardless of any survey results, as badgers are known to frequent the general area, precautionary working practices details of which shall be first submitted to and approved in writing by the Local Planning Authority should be followed on site, to ensure that no badgers are harmed during works.  
To conserve protected species and their habitat.

The Committee considered representations in relation to this matter.

**Number:** H/2009/0090

**Applicant:** Sandgate Recycling, Burn Road, Hartlepool

**Agent:** The Design Gap, 1 Scarborough Street, HARTLEPOOL

**Date received:** 09/03/2009

- Development:** Use as a waste recycling facility, installation of a weighbridge and erection of an office building
- Location:** LAND REAR OF HARTLEPOOL WORKSHOPS  
MAINSFORTH TERRACE, HARTLEPOOL
- Representations:** Mr Almond (applicant) was in attendance and addressed the Committee.
- 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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The permission hereby granted relates to the transfer and processing of non-hazardous commercial, industrial and construction waste only as described in Sections 17 and 20 of the European Waste Catalogue namely:-
  - a) concrete, bricks, tiles and ceramics
  - b) wood glass and plastic
  - c) bituminous mixtures, coal tar and tailored products
  - d) soil (including excavated soil from contaminated sites) and dredging spoil.
  - e) track ballast and in particular no noxious sludge, chemical, toxic forms of waste or contaminated liquids.
 In the interests of the amenities of the area.
4. No special wastes as defined in The Hazardous Waste (England and Wales) Regulations 2005 (or any regulations/order revoking or re-enacting the regulations/order with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or processed.  
In the interests of the amenities of the area.
5. Waste brought onto the site and recycled materials shall only be deposited worked on or stored within Bays 1 and 2 approved and shall not be deposited to a height exceeding 4m. Waste and recycled materials shall not be deposited on or stored in any other areas of the site without the prior written approval of Local Planning Authority.  
In the interests of the amenities of the area
6. Notwithstanding the submitted details, final details of the external storage Bays 1 and 2 shall be first agreed in writing with the Local Planning Authority.  
In the interests of the amenities of the area.
7. Any putrescible or organic waste found within incoming loads shall be separated from the waste and stored in sealed container(s) and thereafter transferred from the site within 48 hours of it being brought onto the site.  
In the interests of the amenities of the area.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
To prevent pollution of the water environment.
9. Unless otherwise agreed in writing, no waste shall be brought onto the site until a scheme for the disposal of surface foul or contaminated water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that proper means are provided for the disposal of foul sewage and surface water from the development.
10. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.  
To prevent pollution of the water environment.
11. Unless otherwise agreed in writing by the Local Planning Authority, a scheme to prevent mud or waste being deposited on the highway by vehicles leaving the site shall be agreed in writing by the Local Planning Authority and implemented before any household waste is brought onto the site. Thereafter the approved scheme shall be used for its intended purpose at all times during the life of the development.  
In the interests of highway safety.
12. Unless otherwise agreed in writing with the Local Planning Authority, roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated run-off.  
To prevent pollution of the water environment.
13. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the external storage areas. If required the litter catch fencing shall thereafter be retained during the life of the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
14. There shall be no burning of materials or waste on the site.  
In the interests of the amenities of the occupants of neighbouring properties.
15. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. If required, once installed the equipment shall be retained for the life of the development and shall be available at all times while the facility is operational.  
In the interests of the amenities of the occupants of neighbouring properties.

16. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties and highway safety.

The Committee considered representations in relation to this matter.

<b>Number:</b>	H/2009/0627
<b>Applicant:</b>	Mr D Young, 12 BEACONSFIELD STREET, HARTLEPOOL
<b>Agent:</b>	Weatherproof Windows, 3a Lancaster Road, Hartlepool
<b>Date received:</b>	11/11/2009
<b>Development:</b>	Installation of replacement upvc sliding sash windows (Retrospective)
<b>Location:</b>	12 BEACONSFIELD STREET, HARTLEPOOL
<b>Representations:</b>	Mr Young (applicant) and Mr Bone (agent) were in attendance and addressed the Committee.
<b>Decision:</b>	<b>Deferred for additional information</b>
<b>Number:</b>	H/2009/0494
<b>Applicant:</b>	Wynyard Park Ltd
<b>Agent:</b>	Prism Planning Ltd, Stephen Barker, 1st Floor, Morton House, Morton Road, Darlington
<b>Date received:</b>	21/10/2009
<b>Development:</b>	Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m <sup>2</sup> of B1 floor space, 12,469m <sup>2</sup> of B2 floor space and 26,504m <sup>2</sup> of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96
<b>Location:</b>	Land North of the A689, WYNYARD BUSINESS PARK
<b>Representations:</b>	Mr S Barker (applicant) was in attendance and addressed the Committee.

**Decision:** **Minded to APPROVE subject to the following conditions and legal agreement substantially in the terms identified in the report to the Committee, but that the final decision on the application and Master Plan be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.**

### **CONDITIONS AND REASONS**

1. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and supporting documents submitted with the application unless provided for in any other condition attached to this permission or unless otherwise agreed in writing by the Local Planning Authority.  
The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.
2. The development hereby permitted shall be carried out in accordance with the following plans drawing numbers (all job number B693) A (00) - 02, A (00) - 03, A (00) - 13, A (00) - 14, A (00) - 15, A (00) - 16, A (00) - 17, A (00) - 19, A (00) - 25, A (00) - 26, A (00) - 28, A (00) - 29, A (00) - 30, A (00) - 31, A (00) - 32, A (00) - 33, A (00) - 34, A (00) - 35, A (00) - 36, A (00) - 37, A (00) - 38, A (00) - 39, A (00) - 40, A (00) - 41, A (00) - 42, A (00) - 43, A (00) - 44, A (00) - 45, A (00) - 46, A (00) - 47, A (00) - 48, A (00) - 49, A (00) - 50, A (00) - 51, A (00) - 52, A (00) - 53, A (00) - 54, A (00) - 55, A (00) - 56, A (00) - 57, A (00) - 58, A (00) - 59, A (00) - 60, A (00) - 61, A (00) - 62, A (00) - 63, A (00) - 64, A (00) - 65, A (00) - 66, A (00) - 67, A (00) - 68, A (00) - 69, A (00) - 70, A (00) - 71, A (00) - 72, A (00) - 73, A (00) - 74, A (00) - 75, A (00) - 76, A (00) - 77, A (00) - 78, A (00) - 79, A (00) - 80, A (00) - 81, A (00) - 82, A (00) - 83, A (00) - 84, A (00) - 85, A (00) - 86, A (00) - 87, A (00) - 88, A (00) - 89, A (00) - 90, A (90) - 01, A (90) - 02, A (90) - 03, the hard and soft landscaping proposals drawing numbers (all job number 2504) 02, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 received by the Local Planning Authority on 27/08/2009 plans FS\_701\_11, A (00) - 01, A (00) - 04, A (00) - 12, A (00) - 27 received by the Local Planning Authority on 07/10/2009, plans (both job number B693) A (00) - 10 and A (00) - 18 received by the Local Planning Authority on 12/11/2009 and the Archaeological Exclusion Zone Site Plan B693 - A (00) - 20 received by the Local Planning Authority on 25/11/2009 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The approval hereby granted shall relate to a maximum cumulative gross floor space of 275,205m<sup>2</sup> of B1 floor space, 12,469m<sup>2</sup> of B2 floorspace and 26,504m<sup>2</sup> of B8 floorspace as detailed within the Appendix Two - Schedule of Areas contained within the Design and Access Statement received on the 7th October 2009. The units shall be retained as per the Use Class identified in the schedule of accommodation and for no other purpose permitted by the Town and Country Planning (Use Classes) Order 1987 (or any subsequent amending legislation). The applicant shall maintain records of the total

cumulative gross floor space created at any one time which shall be available to the Local Planning Authority on request.

In the interests of highway safety.

4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

5. The approval hereby granted shall relate to a maximum total number of car parking spaces of 8421. The applicant shall maintain records of the total cumulative number of parking spaces created at any one time, which shall be available to the Local Planning Authority on request.

In the interests of highway safety.

6. The buildings hereby approved shall be constructed in accordance with the development phasing set out within section 3.3 of the accompanying Non Technical Summary received by the Local Planning Authority on the 7 October 2009 unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

7. No buildings shall be occupied within phases 2 and 3 of the development hereby approved as detailed within section 3.3 of the accompanying Non Technical Summary received by the Local Planning Authority on the 7 October 2009 until the road linking the east and west access points to the site with the A689 has been completed and is made available for use by employees and visitors to the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

8. Prior to the commencement of development details of emergency accesses and a programme of works including timings shall be submitted to and agreed in writing by the Local Planning Authority. Emergency access shall be provided and once complete shall be retained until the completion of the internal link road linking the east and west access points to the site with the A689 unless otherwise agreed in writing by the Local Planning Authority.

In the interest of health and safety upon the site.

9. Final details of bus laybys and cyclist routes throughout the development shall be submitted to and approved 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 ensure adequate facilities are available within the site for public transport and cyclists.

10. A scheme for cycle storage locations and details including a phasing programme shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is first occupied. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

11. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures, including the provision of CCTV and security cabins at the entrances from the A689 including a programme of work shall be submitted and agreed in writing with the Local



Planning Authority before the building hereby approved is first occupied. The scheme shall be implemented in accordance with the approved details prior to the completion of that phase.

In the interests of crime prevention.

12. A scheme for the provision of public art/landmark features, including a programme of works, 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.

In the interests of visual amenity.

13. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

14. The landscaping of the area of land between the A689 and plots B,C and D on the associated plans shall be implemented in accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the submitted details the planting along the A689 within development plot D shall be undertaken prior to the commencement of construction on site. The planting along the A689 within development plots C and B as indicated on the above mentioned plan shall be undertaken and completed before or no later than 6 months after the completion of 50% of phase 1 of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

15. Notwithstanding condition 14 final details of the landscaping in the south east corner of plot D within the easement of the High Pressure Gas Main shall be submitted to and agreed in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing. Thereafter the landscaping shall be carried out in accordance with the approved details and within the phasing as indicated in condition 14.

In the interests of Health and Safety.

16. No development shall take place until a scheme for the protection during construction works, of all the trees to be retained on the site and in accordance with the approved landscaping scheme in accordance with BS 5837:1991 (Trees in relation to construction), 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 (other than equipment, machinery and materials necessary for the discharge of this condition) 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).

17. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority including a phased scheme and the approved means of enclosure shall be implemented before the development is brought into use.

In the interests of visual amenity.

18. 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 development, without the prior written consent of the Local Planning Authority.

In the interests of visual amenity.

19. Notwithstanding the submitted details prior to the link road through the development being completed in accordance with condition 7 a scheme for the provision/retention of the access to the residential properties to the north of the site, including a phasing plan shall be submitted to 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.

In the interests of highway safety.

20. Prior to the commencement of development a scheme for the diversion of the water main through the site as detailed on the plan supplied by Hartlepool Water on the 20th November 2009, including a programme of works shall be submitted to 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.

In the interests of protecting the water main.

21. No development shall take place unless in accordance with the mitigation detailed within 10.10.6 - 10.10.21 of Part Two of the Environmental Statement including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as pre the legal agreement; adherence to precautionary working methods.

To conserve protected species and their habitat.

22. No development shall take place unless in accordance with the mitigation detailed within 10.11.5 - 10.11.10 of the Environmental Statement including but not restricted to adherence to timing and spatial restrictions; undertaking confirming surveys as pre the legal agreement; adherence to precautionary working methods.

To conserve protected species and their habitat.

23. Prior to the commencement of Phase 3 of the development, a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:
  - a) plans showing the extent and layout of the buffer zone
  - b) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
  - c) details of any footpaths, fencing, lighting etc.Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Close beck and its tributaries that are adjacent to the development site are important wildlife corridors as they may form routes used by otters in accessing their range areas.
24. Prior to commencement of each phase of development, a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, will be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The scheme shall also include:

  - a) The methods of attenuating and storing surface water.
  - b) The detail referred to in paragraph 1.3 of the flood risk assessment produced by Enviro Consulting Ltd dated April 2009 .
  - c) The discharge locations - Due to the nature of the watercourses there could be the potential for erosion at discharge points. This issue should be addressed in the detailed design strategy.
  - d) Details of how the scheme shall be maintained and managed after completion
  - e) Details of how contamination during construction, and the throughout the lifetime of the development, will be controlled so as not to pollute controlled waters.

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.
25. Prior to the construction of any road access required as a part of Phase 3 of the development, a working method statement to cover all works associated with bridge works and subsequent access arrangements shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local

planning authority. The method statement should cover the following requirements:

1. Design of watercourse crossing points;
2. Hydraulic conveyance of proposed structures;
3. Timing of works;
4. Methods used for all channel, bankside water margin works;
5. Machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.);
6. Protection of areas of ecological sensitivity and importance; and,
7. Site supervision.

The construction phase of any proposed development affecting the bridges and access poses significant risks of flood risk due to the potential for blockage and subsequent raising of flood levels upstream, and prevention of access to and from the site.

26. The development shall be carried out in accordance with the car park management plan received on the ???, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

27. A management and maintenance plan of the landscaping shall be submitted to and agreed in writing by the Local Planning Authority on a phased basis for the development plots, this shall include provision of a 20 year woodland management plan. Thereafter 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 visual amenity and ecology.

The Committee considered representations in relation to this matter.

The meeting stood adjourned at 2.15 pm

### 10 February 2010

**The meeting reconvened at 1.00 pm in the Council Chamber, Civic Centre, Hartlepool.**

#### **Present:**

Chairman: Councillor Rob Cook

Councillors: Shaun Cook, Kevin Cranney, Sheila Griffin, Geoff Lilley, Frances London and Carl Richardson.

Officers: Richard Teece, Development Control Manager  
 Jason Whitfield, Planning Officer  
 Adrian Hurst, Principal Environmental Health Officer  
 Chris Scaife, Countryside Access Officer  
 Richard Waldmeyer, Team Leader Policy Planning & Information  
 Kate Watchorn, Solicitor

Tony Macnab, Solicitor  
Angela Hunter, Principal Democratic Services Officer

## 108. Apologies for Absence

Apologies for absence were received from Councillors Mary Fleet, Pauline Laffey, George Morris and Edna Wright.

## 109. Declarations of interest by Members

Councillor Kevin Cranney declared a personal interest in minute 110, item H/2009/0689.

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

**Number:** H/2009/0442

**Applicant:** BAKER PETROLITE, BRENDA ROAD, HARTLEPOOL

**Agent:** BAKER PETROLITE, TOFTS FARM INDUSTRIAL ESTATE, WEST BRENDA ROAD, HARTLEPOOL

**Date received:** 07/09/2009

**Development:** Hazardous substances consent for the removal of condition imposed on a previous consent in relation to acrolein storage limiting the period of storage to 12 months

**Location:** BAKER PETROLITE, TOFTS FARM INDUSTRIAL ESTATE, WEST BRENDA ROAD, HARTLEPOOL

**Decision:** **Hazardous Substances Consent Approved subject to the following conditions**

### CONDITIONS AND REASONS

1. This permission relates only to the storage of a maximum of 40 tonnes of acrolein on the site.  
For the avoidance of doubt.
2. The drums and cylinders used for storage of the Hazardous Substances to which this permission relates shall only be stored outside.  
In the interests of safety.
3. The Hazardous Substances shall not be kept or used other than in accordance with the application particulars provided in Form 1 and accompanying papers of the parent permission (H/2006/0334), nor outside the areas marked for storage of the substances on the plan which formed part

of the application.

In the interests of safety.

- 4 The storage of Acrolein upon the site must be in pressure containers of 1.1 tonne capacity. The containers must be IMO type 1 tanks rated at 150 psig unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of safety.

**Number:** H/2009/0648

**Applicant:** Mr B Brown, Endeavour House, Stockton Road, Hartlepool

**Agent:** Mr B Brown, Cleveland Fire Brigade, Endeavour House, Stockton Road, Hartlepool

**Date received:** 15/01/2010

**Development:** Outline application for the construction of combined Fire Brigade Headquarters with learning and development centre, youth academy, stores, workshops, vehicle resource centre and fire house.

**Location:** LAND AT QUEENS MEADOW BUSINESS PARK, STOCKTON ROAD

**Decision:** **Outline permission APPROVED subject to the following conditions**

### CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
3. No development shall take place until a scheme for the car parking on the site has been submitted for the consideration and approval of the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the first operation of the development and retained for its intended use for the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.

4. Final details of cycle parking and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme(s) shall be implemented prior to the first operation of the development and retained for the duration of the use, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity and in the interests of promoting sustainable forms of transport.
5. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention.
6. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
7. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
To encourage sustainable development
8. 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 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. To enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

9. A final scheme for the foul and surface water drainage of the site shall be submitted to and approved 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 with the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

10. A detailed staff survey should be undertaken within 3 months of occupation of the centre and a detailed Travel Plan, including an action plan with detailed objectives, SMART targets and measures within 6 months of occupation of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of sustainable transport

11. Final siting and details of the fire training facilities, including mitigation measures to minimise the impact of the facilities on the neighbouring premises shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter fire training facilities shall be implemented and operated in accordance with the approved details at all times, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

12. Notwithstanding the approved plans a scheme for the extension of the landscaping strip along the new road extension and along the north eastern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and include a programme of the works to be undertaken. Thereafter the scheme shall be implemented in accordance with the approved details and programme of works, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

13. Unless otherwise agreed in writing by the Local Planning Authority, notwithstanding the approved plans, a scheme including a programme of works detailing the inclusion of a reed bed/wetland feature within the development shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
in the interest of promoting bio-diversity.

**Number:** H/2009/0689

**Applicant:** Easy Skips (NE) Ltd

**Agent:** SL Planning, Mr S Litherland, 12 Cragstone Close, Hartlepool

**Date received:** 10/12/2009

**Development:** Variation of condition 3 of planning permission H/2006/0394 to allow the height of the stockpiles on site to extend to a maximum height of 6 metres.

**Location:** EASY SKIPS LTD, THOMLINSON ROAD, HARTLEPOOL

**Decision:** **Planning Permission REFUSED**

### REASONS FOR REFUSAL

1. It is considered that the proposed increase in the height of waste held on this site, much outside containing storage bays, would appear visually obtrusive, lead to an increased risk in terms of fire and potential waste slide onto neighbouring sites, and result in an increase in wind-blown materials, odours and rodent infestation from the site all to the detriment of the occupiers of adjacent and nearby premises and the area generally, contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.

**Number:** H/2009/0566

**Applicant:** Mr I Bates, GRAB-N-GO, MAINSFORTH TERRACE, HARTLEPOOL

**Agent:** GRAB-N-GO, Mr I Bates, UNIT 5 SANDGATE INDUSTRIAL ESTATE, MAINSFORTH TERRACE, HARTLEPOOL

**Date received:** 16/10/2009

**Development:** Use as a waste transfer station and skip hire including provision of recycling sorting bays (amended plans received)

**Location:** UNIT 5 SANDGATE INDUSTRIAL ESTATE MAINSFORTH TERRACE, HARTLEPOOL

**Decision:** **Deferred for additional information**

**111. Proposed Diversion of Public Footpaths No 24 and 25, Elwick Parish at Low Stotfold Farm** *(Director of Regeneration and Neighbourhoods)*

The Countryside Officer presented a report which sought approval for the making and subsequent confirmation of the diversion of Public Footpaths No 24 and 25, Elwick Parish at Low Stotfold Farm as highlighted on Appendix 2 attached to the report.

A Member questioned whether Elwick Parish Council had been consulted about the diversion of this footpath. The Countryside Access Officer confirmed that he had consulted with the late Councillor Kaiser who was the ward councillor for Elwick at the time, but was unsure whether the Parish Council had been contacted direct. Members were keen to ensure that the Parish Council had been fully consulted and it was suggested that this proposed diversion could be approved subject to no objections being received from the Parish Council. The Countryside Access Officer indicated he would contact the Parish Council direct and report back the responses received.

**Decision**

- (i) The Countryside Access Officer to consult with Elwick Parish Council and forward any responses received to a future Committee.
- (ii) The making of Diversion Orders to implement the proposal as highlighted in Appendix 2 of the report was approved subject to no objections being received as referred to in recommendation (i).
- (iii) If no further objections were received, or if any objections which were received were subsequently withdrawn, the Orders be confirmed.
- (iv) If any objections were received and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

**112. Costs Award – Appeal by Able UK Ltd** *(Director of Regeneration and Neighbourhoods/Chief Solicitor)*

The Development Control Manager presented the report which informed Members of the outcome of cost negotiations leading to the settlement of a claim for costs associated with planning appeals lodged by Able UK Limited.

At the meeting of the Planning Committee on 25 February 2009, the Chief Solicitor was authorised to enter into negotiations in an attempt to settle this costs claim (other than through the detailed assessment through the High Court), provided the same could be achieved in the interests of the Council. Following detailed and protracted negotiations, the sum of £470,099.37 was agreed between the parties. A form of receipt and

acceptance of this sum in 'full and final settlement' had been exchanged between the parties and the payment made.

The Chair commended the Planning Committee Members for their diligence and for reaching a democratic decision. In addition, the Chief Solicitor, Development Control Manager and Assistant Director (Planning and Economic Development) were all thanked for their contribution to the process and for reducing the settlement from the original amount claimed. It was confirmed that due to this reduction, no front line services would be affected by the payment made to Able UK Limited.

In response to a Member's question, the Development Control Manager confirmed that quarterly reports would continue to be brought to this Committee to ensure Members were kept up to date with the operational arrangements at Able UK Limited. In relation to the recent fire on the site, the Health and Safety Executive comments were awaited although it was understood that there were no hazardous materials involved. The Development Control Manager informed Members that arrangements were being put in place for a Members site visit to the Able UK and Seaton Meadows site in April and this would be confirmed as soon as practical.

### **Decision**

- (i) The contents of the report were noted.
- (ii) The actions of the Director of Regeneration and Neighbourhoods and the Chief Solicitor acting in unison with the Member Working Group in settling this claim for costs were endorsed.

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

The Development Control Manager drew Members' attention to 9 ongoing investigations.

### **Decision**

Members noted the report.

## **114. Update on Performance Against Best Value Indicators** *(Assistant Director (Planning and Economic Development))*

Members were informed that officers provide quarterly updates of performance against BVPIs to the Government to monitor performance. It was considered important to keep Members advised of this and as such quarterly updates would be provided. The main indicators related to

processing of major, minor and other planning applications within target times along with the percentage of appeal decisions allowed against the decision to refuse planning permission. Figures for quarter 3 of 2009/10 were provided in the report together with the cumulative performance for the year to date alongside the national targets.

Members commended all the officers involved in the processing of planning applications and appeals.

### **Decision**

The report was noted.

**115. Appeal by Mr Peter Frank, Site at P E Coaches, Usworth Road, Hartlepool, TS25 1PD (H/2009/0338)**  
*(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 change of use and alteration of offices to provide living accommodation at the above site.

The appeal was allowed by the Planning Inspectorate whilst acknowledging that a general and open residential use would not be acceptable, considered that the particular and unique circumstances of the business and the premises combined to support a conditional approval. A copy of the decision letter was attached by way of appendix.

### **Decision**

That the outcome of the appeal be noted.

**116. Hartlepool Core Strategy Preferred Options Report for Consultation** *(Assistant Director (Planning and Economic Development))*

Members were informed that the Preferred Options report of the Hartlepool Core Strategy was approved by Cabinet on 25 January 2010 and was subject to public consultation between 29 January and 26 March 2010. The consultation would be undertaken through displays in libraries, the shopping centre and a number of local supermarkets with presentations being made to Neighbourhood Consultative Forums and other residents' groups.

A Member questioned what density standard it was proposed to build new houses against. The Development Control Manager indicated that a test for planners would be to ensure that the balance between density and design were right although Government density standards were used as

guidelines. The Team Leader (Policy Planning and Information) commented that this issue would be addressed but the current stage was about identifying locations for housing development.

**Decision**

The report was noted.

The meeting concluded at 2.18 pm.

CHAIRMAN

**No:** 1  
**Number:** H/2009/0626  
**Applicant:** MR S BELL GREENBANK STRANTON HARTLEPOOL  
TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland  
Terrace Newcastle upon Tyne NE2 1QQ  
**Date valid:** 24/12/2009  
**Development:** Demolition of listed building  
**Location:** MARKET HOTEL LYNN STREET HARTLEPOOL

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### The Application and Site

1.1 The application site is the former Market Hotel, a Grade II Listed Building, located on the west side of Lynn Street just to the south of Bryan Hanson House.

1.2 Neighbouring properties include Council offices, a vacant retail warehouse (Focus DIY), a drug rehabilitation centre, with housing to the south of Huckelhoven Way.

1.3 The Market Hotel, which was listed in 1985, is described in the official listing as a mid to late 19<sup>th</sup> Century public house with living accommodation above. The property stands as a substantial 3-storey detached building although it was originally contained within a terrace of similar buildings until the 1960s, when the majority of the original properties in the Lynn Street area were acquired under a Compulsory Purchase Order and subsequently demolished.

1.4 It is likely that this building together with other pubs in the area (Princess Helena, The Shades) survived this demolition programme as they were currently licensed, in use and viable at that time.

1.5 A number of applications for planning permission and listed building consent have been granted since the building was listed. These include the use as a licensed hotel (The New Market Hotel) and as an Indian restaurant (The M.A.S Agraa). The building has been vacant since 2007 when the restaurant business failed.

1.6 The building has recently been acquired by Hartlepool Borough Council.

1.7 In support of the application the agents have submitted a series of documents including:-

a) a supporting statement which includes

- the context to the proposal, examining the potential redevelopment benefits of the proposal
- a description of the site and the surrounding area
- a history of the building and the area

- a building condition survey and list of restoration works
  - an existing use valuation
  - a marketing history of the property
  - possible alternative uses of the building including conversion schemes.
- b) a financial appraisal dated 23 December 2009 prepared by Housing Hartlepool for conversion of the building into apartments and retail unit.
- c) a building works tender from John Dunn Group Ltd (Building Services) for repair and refurbishment works to the building.
- d) a valuation report by Greig Cavey Commercial Ltd. This includes an existing use valuation, alternative uses such as office, residential and drinking establishment.
- e) a schedule of costs including professional fees, surveys etc for restoration works to the Market Hotel.
- f) a restoration works tender by Elliott Dent
- g) an existing photographic record (22-10-09) of the building (internal and external)
- h) supporting statement by Browne Smith Baker Architects with reference to PPG15 (Planning and the Historic Environment).

## Publicity

1.8 The application has been advertised by site notice, neighbour letters and press advert. To date 2 letters of no objection and 3 letters of objection have been received, including one from the Hartlepool Civic Society and one from SAVE Britain's Heritage (an independent conservation group formed in 1975).

The objections include the following points:-

- a) inappropriate applications which destroy the last remaining listed building in the town's historic Lynn Street
- b) will affect the character and setting of Church Street and the conservation area
- c) plans show total disregard for the historic fabric of the street pattern
- d) the Market Hotel is listed because it is extremely rare and has significant architectural features
- e) the developer does not make a strong case for demolition
- f) the Market Hotel stands alone as a result of horrific planning mistakes in the past
- g) the building should be restored and re-used and integrated within the new housing
- h) the restoration of the Market Hotel should inspire the surrounding residential development
- i) greater community benefit from the restoration and re-use of this listed building



- j) the arguments given for the demolition of this important listed building fail on all counts
- k) the necessary tests for demolition of a listed building as laid out in national policy guidance PPG15 have not been met

## **Consultations**

1.9 The following consultation replies have been received:

**Landscape Planning & Conservation** – awaited

**Head of Property Services** – no objections

**Twentieth Century Society** – awaited

**Tees Archaeology** – awaited

**English Heritage** – has submitted a ‘holding objection’. A full response and recommendation will follow once all of the information submitted has been examined by English Heritage. From the information currently available regarding marketing, condition of the building and restoration costs, English Heritage has been unable to recommend in favour of demolition and as such the application must be referred to the Secretary of State via the Government Office if the Council is minded to approve.

**Georgian Group** – awaited

**Ancient Monuments Society** – objects on the grounds that the criteria in PPG15 have not been applied and that there is no case for demolition of this building. The building should be converted and included in the adjacent housing scheme and the tiles should be cleaned and repaired.

**Council for British Archaeology** – awaited

**Society for the Protection of Ancient Buildings** – awaited

**Victorian Society** – strongly objects on the grounds that the applicant has not demonstrated that it is economically unviable to repair and convert the building to residential use. The proposal is therefore contrary to government policy.

## **Planning Policy**

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

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

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

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.

HE7: States that the Borough Council will only consent to the total or substantial demolition of a listed building in exceptional circumstances as set out in the policy. Detailed proposals for the satisfactory redevelopment of the site must be committed before demolition takes place.

1.11 National Planning Policy is contained in PPG15: Planning and the Historic Environment. This guidance explains the Government's policy to secure the preservation of historic buildings. Whilst it acknowledges that very occasionally there will be cases where demolition is avoidable, listed building controls ensure that unavoidable proposals for demolition are fully scrutinised before any decision is reached. "The Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition." There should be a general presumption in favour of preservation of listed buildings, except where a convincing case can be made, against the criteria set out in PPG3, for alteration or demolition.

1.12 The criteria relevant to all listed buildings are (briefly):-

- a) the importance of the building
- b) the particular physical features of the building
- c) the building's setting and its contribution to the local scene
- d) the extent to which the proposed works would bring substantial benefits to the community

1.13 In assessing an application for demolition the following must be taken into account:-

- a) the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use
- b) the adequacy of efforts made to retain the building in use
- c) the merits of the alternative proposals for the site

## **Planning Considerations**

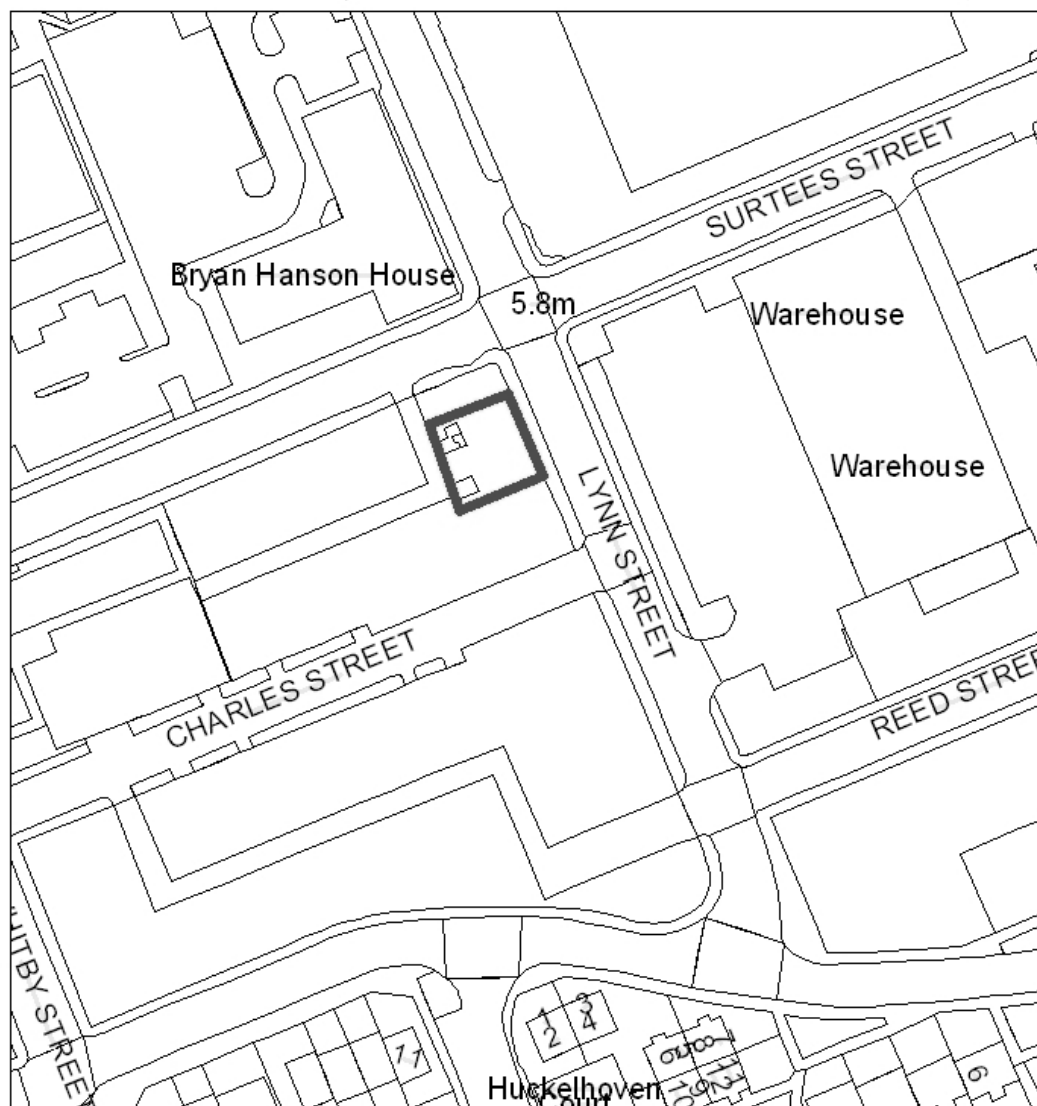
1.14 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above, national policy guidance and the effect the loss of the listed building would have on the street scene in general

1.15 In order to assess whether or not consent should be granted for demolition, the above-mentioned criteria must be examined carefully. Advice has been sought from a number of statutory authority bodies and to date some replies have been received,

all of which strongly object to the proposed demolition. As previously mentioned, English Heritage have offered a 'holding objection'. Further discussions and site visits are to take place and it is hoped to get a comprehensive response as soon as possible.

1.16 As soon as this outstanding information is provided, a further update will follow.

**RECOMMENDATION** – Update to follow

**MARKET HOTEL, LYNN STREET**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>21/01/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2009/0626</b>	REV

**No:** 2  
**Number:** H/2009/0615  
**Applicant:** MR S BELL GREENBANK STRANTON HARTLEPOOL  
TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland  
Terrace Newcastle upon Tyne NE2 1QQ  
**Date valid:** 13/01/2010  
**Development:** Erection of 17 2 and 2.5 storey dwellings and associated  
infrastructure, (works include preparation of site and  
demolition of former Market Hotel Public House)  
(AMENDED PLAN RECEIVED)  
**Location:** MARKET HOTEL LYNN STREET HARTLEPOOL

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### The Application and Site

2.1 The application site is an area of council owned land situated on the corner of Surtees Street and Lynn Street which includes the former Market Hotel, a Grade II Listed Building.

2.2 Neighbouring properties include the drug rehabilitation centre to the west, Bryan Hanson House (council building) to the north, a vacant DIY retail warehouse to the east and a housing construction site to the south (HBC/Housing Hartlepool).

2.3 The Market Hotel which has been in use as a public house/hotel and restaurant until 2007 would have to be demolished to allow this current housing development to go ahead. A separate application for Listed Building Consent to demolish this vacant, run down building, has been submitted and is under consideration (H/2009/0626).

2.4 The current application involves the erection of 17 new houses, together with associated parking and landscaping as follows:-

7 No. 2 bed at 2 storey  
9 No. 3 bed at 2 storey  
1 No. 4 bed at 2½ storey

2.5 All properties, which are intended for affordable housing, will have gardens (some front, all rear) and will be of a modern design incorporating 'Secured by Design' principles. The properties will also achieve level 4 'Code for Sustainable Homes'.

2.6 A parking provision of 1 space per dwelling has been provided throughout the site, some spaces within curtilage and some in small parking courts. Access into the site has been approved under a previous application for phase 1 (H/2009/0522).

2.7 As with most applications for housing, the developer is required to make a financial contribution to play facilities within the town. A payment of £250 per dwelling has been included in the capital receipts for this site.

## **Publicity**

2.8 The application has been advertised by way of neighbour letters, site notice and press notice. To date 2 letters of objection have been received. The same objections have also been submitted to the application for demolition of the Market Hotel (H/2009/0626).

The objections include the following:-

- a) inappropriate applications which destroy the last remaining Listed Building in the town's historic Lynn Street.
- b) will affect the character and setting of Church Street and the Conservation Area.
- c) plans show total disregard for the historic fabric of the street pattern.
- d) The Market Hotel is listed because it is extremely rare and has significant architectural features.
- e) the developer does not make a strong case for demolition.
- f) The Market Hotel stands alone as a result of horrific planning mistakes in the past.
- g) The building should be restored and re-used and integrated within the new housing.
- h) the restoration of the Market Hotel should inspire the surrounding residential development.
- i) greater community benefit from the restoration and re-use of this listed building.
- j) the arguments given for the demolition of this important listed building fail.

Copy letter (H).

The period for publicity has expired.

## **Consultations**

2.9 The following consultation replies have been received:

**Head of Public Protection** - No objections

**Head of Property Services** – No objections

**Economic Development** – No objections

**Northumbrian Water** – No objections subject to the provision of a detailed scheme for the diversion of apparatus at the applicant's cost.

**Engineering Consultancy** – No objections. Requires the standard planning condition relating to contamination (desk top study).

**Traffic & Transport** – No objection subject to the standard conditions relating to Specifications, parking etc.

**Head of Community Services** – Awaited

**Neighbourhood Services** – No objections

**Environment Agency** – No objection provided that the applicant submits the appropriate Flood Risk Assessment as used for Phase 1 Charles Street.

**Cleveland Police** – No objection

### **Planning Policy**

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

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

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.

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

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

## **Planning Considerations**

2.11 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, the impact of the development on the surrounding area and on the amenities of nearby residents and uses, flood related issues highway safety and the design of the scheme itself.

### Principle of development

2.12 The site lies within the limits to development as set out in the Hartlepool Local Plan on a brown field site, to the east of Hartlepool Town Centre. Local Plan Policy states that uses not specified will be considered on their own merits.

2.13 Although the site is in a mixed use area previously considered suitable for a range of uses which could enhance the town centre, such as business and education, the use for residential purposes is not considered to be incompatible with such uses. The site lies in close proximity to existing residential properties to the south of Huckelhoven Way and phase 1 of this housing development is currently under construction at this present time. (Charles Street site H/2009/0522 – 20 dwellings).

2.14 The application site is well served by public transport (train station to the north, bus links to the north, south and east) and is close to a large number for shops and services in the main town centre and in Church Street.

2.15 Further, the site which has remained undeveloped for a long time, has recently been identified for social housing. Recent studies (HSHMA) and reports have highlighted a general shortfall within the Borough of affordable housing including social rented and intermediate dwellings.



### Design of the scheme and impact on the surrounding area

2.16 The new dwellings, which are of traditional design, have been designed to incorporate 'Secured by Design' and sustainable energy features such as heat recovery systems, double glazing, energy efficient boilers and solar panels.

2.17 The houses will provide a high standard of accommodation for a wide range of family requirements ranging from 2 bedroom houses to 4 bedroom town houses.

2.18 As previously mentioned, all properties will have gardens with sheds, are well distanced from neighbouring properties/uses and meet the Council's guidelines for separation distances and overlooking.

2.19 Although only basic landscaping details have been provided with the application, the appropriate planning condition can secure further details of planting and surface treatments.

2.20 The development of this site as proposed in this application depends on the outcome of the Listed Building Consent application for the demolition of the Market Hotel. Discussions are continuing about this and it is proposed to provide Members with an update before the meeting.

2.21 A further application for the erection of 14 dwellings has also been submitted (H/2010/0086). This scheme which is the subject of a separate application has been designed for the retention of the Market Hotel.

### Flooding

2.22 A small part of the application site lies within an area identified by the Environment Agency (EA) as an area with a high flood risk (flood zone 3). A flood risk assessment has been carried out by the developer and has been considered acceptable by the EA.

### Highway Issues

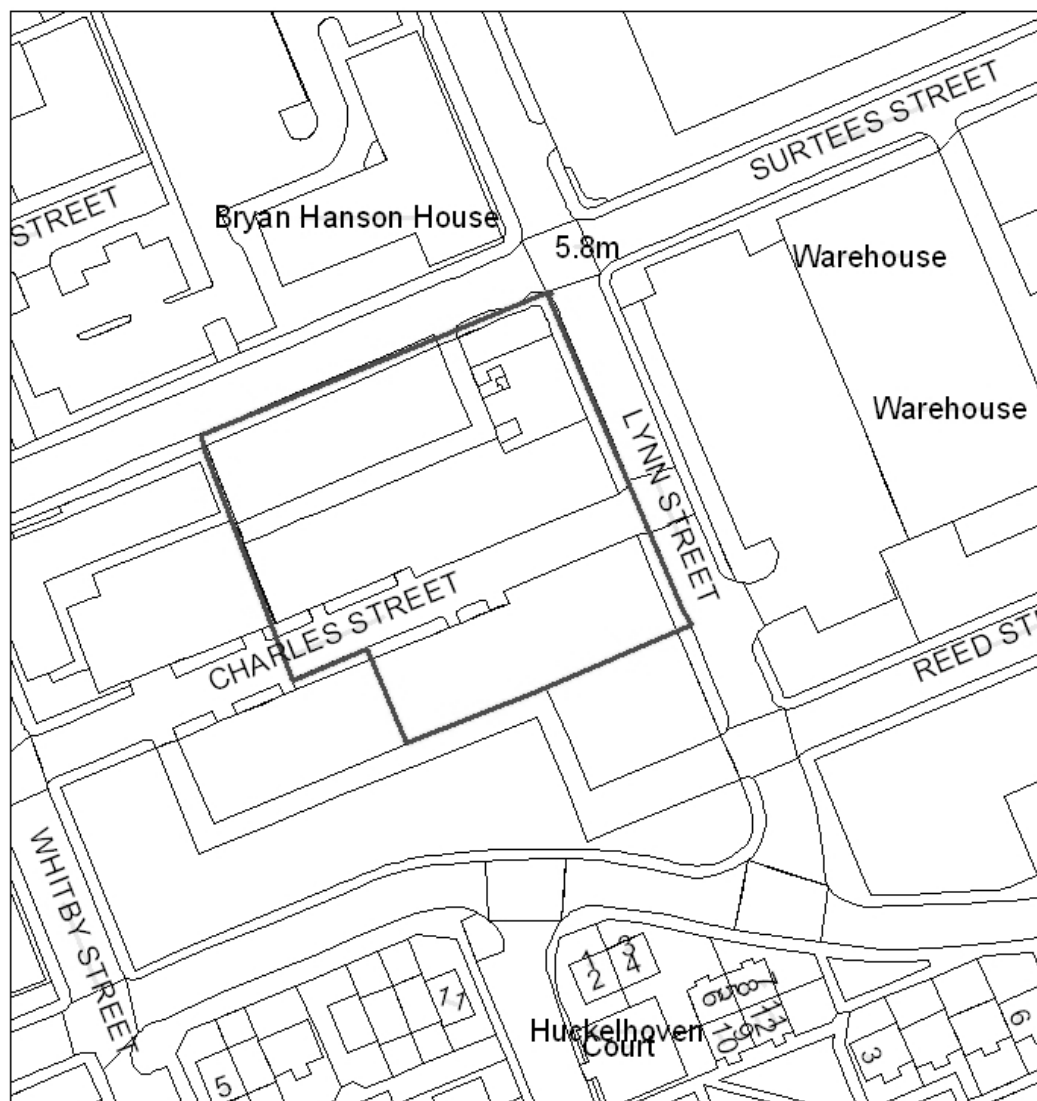
2.23 In terms of parking provision, this type of development (rented social housing) requires a minimum of 0.75 spaces per dwelling for residents and visitors. As the scheme provides 17 spaces throughout the site for the 17 dwellings it is considered that parking provision is acceptable. No objections have been raised in terms of highway safety by the Highway Engineer provided that all works are to adoptable standards and that alterations are made to the existing permit parking on Lynn Street and Surtees Street. These works are to be carried out at the developer's expense.

2.24 In the light of the ongoing discussions about the demolition of the Market Hotel an update will follow.

**RECOMMENDATION** – Update to follow



# LAND AT SURTEES STREET/LYNN STREET



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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>19/2/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0615</b>	REV

**No:** 3  
**Number:** H/2009/0710  
**Applicant:** Mr A Memari York Road Hartlepool  
**Agent:** Jackson Plan Mr Ted Jackson 7 Amble Close  
HARTLEPOOL TS26 0EP  
**Date valid:** 19/01/2010  
**Development:** Use of premises as a takeaway (A5 Use) operating  
between the hours of: Sunday to Wednesday 8.00 - 24  
hrs and Thursday, Friday & Saturday 8.00 - 3.00 hrs  
**Location:** SOPRANOS 93 YORK ROAD HARTLEPOOL

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### The Application and Site

3.1 The application site is an existing takeaway with a flat above located in York Road. Adjoining to the south is another takeaway with a flat above. Adjoining to the west (rear) is a hairdresser with a flat above and a sandwich shop. Beyond is a parking area which serves nearby properties on Barbara Mann Court. To the east on the opposite side of York Road are various premises including a vacant building which has permission for restaurant use, a vacant takeaway, a finance office, a vacant amusement arcade, shops with flats above an empty office and an estate agency. To the north on the opposite side of the road is a restaurant (Marco Polo). It is understood that the applicant is a tenant of the property and that the owner owns the block, of which the application site forms part, and the adjacent Marco Polo Restaurant.

3.2 The hours of operation of the premises are currently restricted to 08:00 to midnight, Monday to Saturday. The application seeks permission to extend the opening hours of the takeaway to 08:00 to 24:00 Sunday to Wednesday and 08:00 to 03:00 Thursday, Friday and Saturday.

3.3 In support of the application the applicant and his agent have submitted letters stating

- The applicant took over the business in October 2009 and started trading similarly to nearby competitors.
- Following a complaint to licensing he has had to close the shop early. This has made the takeaway unviable he has therefore closed the shop, laid off staff and is now on benefits.
- The shop is in the town centre and neighbouring shops are all open early and therefore benefit from late night trade which makes a big difference to turnover.
- It doesn't make sense to add to the closed shops in the town centre for the sake of a couple of extra hours opening at the weekend.
- Various issues have made it impossible for the premises to trade in a competitive manner: public houses and clubs are now open later following legislative changes since the original application was approved; Given the

later opening hours patrons tend to begin their evenings later; At least three adjacent hot food takeaways are operating via older planning permissions and so are able to open later.

- There is no direct link pedestrian link between the property and residential properties to the west (Barbara Mann Court).
- It is considered that the proposed limited extension of opening hours will not have an adverse impact on the amenities of residents.
- It is considered that it is unreasonable to rigidly apply the midnight closing policy and this is contrary to equal opportunities and competition law.
- The police have responded sympathetically to the proposal.
- The applicant has invested in the premises.
- It is considered that the quality of the owners operation, his financial investment which has contributed to the regeneration of the area, the changes in the opening hours of public houses and clubs and other hot food takeaways in the area and the adverse effect another vacant shop would outweigh current policy concerns.

## Planning History

3.4 The application site was originally a shop. In 1998 planning permission was granted (H/FUL/0539/98) for a hot food use to be physically linked to the neighbouring takeaway (Siciliano's) by knocking through a dividing wall. At that time it was proposed the two would share the same kitchen. Conditions on the approval required the link between the two uses to be formed and restricted the opening hours to 08:00 to 23:30 Monday to Saturday in line with the then applicant's intentions.

3.5 In November 2001 planning permission was granted to vary the 1998 planning permission to allow the separation of the takeaways (Sopranos and Scilianos) to form two units and change the opening hours to 08:00 – midnight Monday to Saturday (H/FUL/0502/01).

3.6 In 2005 permission was sought to extend the opening hours to 1am on Monday, Tuesday, Wednesday and Thursday mornings and until 3am on Friday, Saturday and Sunday mornings. (H/2005/5940) . The application was refused for the following reason:

“The application site lies in close proximity to residential properties and outside the area identified as the late night opening zone in the emerging Hartlepool Local Plan 2005. It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of morning. The proposal would therefore be contrary to policies Gen 10f the Hartlepool Local Plan 1994 and policies GEP1, COM 18 and Rec 13 of the emerging Hartlepool Local Plan 2005.”

3.7 The applicant appealed against the refusal. The appeal was dismissed. The Inspector concluding that the proposed opening hours would have a detrimental effect on the living conditions of nearby residents in terms of noise and disturbance. (decision letter attached).

## Publicity

3.8 The application has been advertised by neighbour notification (43) and site notice. The time period for representations has expired.

3.9 Three letters of no objection, one letter of objection and two letters of support have been received.

3.10 The objector raises the following issues:

- a) Already suffer from late night anti-social behaviour from adjacent takeaway.
- b) As live only yards from Sopranos, any change to early morning opening hours would exasperate the problems for us and our three elderly neighbours as our bedroom windows are only yards away.

3.11 The supporters raises the following issues:

- a) Don't want to see another closed shop/concerned that shops are closing.
- b) Frequented Sopranos and would support application so that can get a meal after working late.

## Copy letters G

## Consultations

3.12 The following consultation replies have been received:

### **Traffic & Transportation** – no objections

**Public Protection** – Finds it difficult to support the application given the planning history.

**Community Safety** - We have no objections in principle to the proposed extended opening hours which will be very much in line with other local "takeaway" premises. However on grounds of management and prevention of crime and anti-social behaviour, we would request – either through planning or licensing condition – that internal CCTV and/or door supervision operations be implemented.

**Cleveland Police** - The premises are located in the Stranton Ward which suffers higher than average rates of crime and disorder. A crime and anti social behaviour analysis on Police data over a 12 month period Dec 08 to Nov 09 within a 100m radius of 93 York Road Hartlepool shows that 102 criminal offences and 134 incidents of Anti Social Behaviour occurred. With regard to criminal offences there is a noticeable peak between the hours of 23.00-03.00hrs, particularly over the weekend period, with 73% of all offences occurring between 19.00-0300hrs. Anti-Social Behaviour also peaks during the early hours with 84% of incidents occurring between 20.00-04.00hrs.

Late night hot food takeaways encourage people to congregate and remain longer in any area than they would otherwise do. This results in greater demands on Police to prevent incidents of crime and disorder. These premises can have a significant effect on town centre safety and Police are of the opinion we have reached saturation point with regard to late night fast food outlets in this location, and any further such premises will result in potential further demands on finite Police resources.

In the event of this application being approved Police would ask that a CCTV system is installed to cover internal and the immediate external area outside the premises. Any CCTV should be able to provide images that could be used in a court of law and should comply with the requirements of Data Protection. I would also advise that no fixtures or fittings be located in the public serving area which could be used to cause injury or damage. Consideration should also be given to increasing the height and width of the serving counter for additional protection of staff. I would also ask that a SIA Registered Door Supervisor is employed from 23.00hrs till closing time. Any late night refreshment premises will also need to comply with conditions of premises licence compatible with that of similar such premises.

## Planning Policy

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

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

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

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.

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.

## **Planning Considerations**

3.14 The main planning considerations are policy and the impact on the amenity of neighbouring properties.

### **POLICY**

3.15 The site lies within an edge of Town Centre Area where policy Com 4 advises that further hot food takeaways will not be permitted owing to the proximity of residential premises.

3.16 Policy Rec13 advises that proposals for development which will operate between midnight and 7am will be permitted only within the Church Street Area, or within the southwest area of the Marina. The site lies outside this late night use area.

3.17 Policy Com 12 advises amongst other things that food and drink developments will only be permitted where there will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter. It advises that in order to protect amenity conditions restricting opening hours should be attached to any permissions.

3.18 It is considered that the proposal to extend the opening hours would be contrary to current Local Plan policy.

### **IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES**

3.19 The application site lies in close proximity to residential properties, particularly Barbara Mann Court to the west and flats above commercial premises on York Road. It lies outwith the area identified as the late night opening zone in the Hartlepool Local Plan 2006.

3.20 It is clear from the comments of Cleveland Police, the objector response, and knowledge of previous appeals and applications in the vicinity, that this area already experiences a good deal of late night crime and antisocial behaviour with incidents peaking in the early hours. The police have advised that late night hot food takeaways encourage people to congregate and remain longer in any area than they would otherwise. This results in greater demands on police to prevent incidents of crime and disorder and has a significant effect on town centre safety. The noise and disturbance this creates can also have a detrimental impact on the amenity of nearby residential areas.

3.21 These are long standing issues which the policies enacted in the 2006 Local Plan have sought to address by limiting the scope for late night uses. In recent years Inspectors decisions and decisions on planning applications, have acknowledged the sensitivity of this edge of centre location where commercial uses

give way to residential areas, and have consistently maintained a midnight time limit on opening hours in relation to new takeaway and restaurant premises in this area.

3.22 An appeal against the refusal of a similar application at the site (H/2005/5940), to extend the opening hours was refused in 2005. The Inspector concluding that the proposed opening hours would have a detrimental effect on the living conditions of nearby residents in terms of noise and disturbance". In his decision letter the Inspector pointed to the proximity of residential properties on Barbara Mann Court considering that "Even a modest increase of this nature at a time when nearby residents deserve protection, would in my view, be noticeable. Although direct access to the residential area to the west is prevented by the fence at the end of Milton Road, I consider that the premises itself would be sufficiently close to these properties, as well as residential flats on York Road, to potentially disturb the occupants"

3.23 In earlier appeal decisions in the area Inspectors have also supported conditions imposing a midnight closing time (2001-Restaurant 78 York Road H/FUL/0001/01), (2001 - Restaurant 87-89 York Road H/FUL/0650/00). In considering recent planning applications midnight closing has also been consistently conditioned (2009 – Hotel and Restaurant – 91 York Road Marco Polo H/2009/0421) (2009 – Takeaway -86 York Road – H/2009/0493).

3.24 It is acknowledged, and the applicant has pointed out, that there are examples of properties within this area of York Road which are not restricted to midnight opening. These include most notably Scicilianos next door to the application site (no hours restriction) and the vacant takeaway opposite (80 York Road) whose late night opening is restricted to 02:30am except Sundays (12:00) however there are historic reasons as to why this is the case. In terms of 80 York Road, decisions on this takeaway date back to 1996 & 2000 (H/FUL/0315/96 & H/FUL/0110/00) before the current policy restricting late night uses was adopted. In respect to Scicilianos again the original decision on this takeaway made in 1992 (H/FUL/0022/92) predates the policy change. It should also be noted that in securing this permission the then applicant gave up, though the completion of a legal agreement, an unrestricted takeaway consent at nearby 3 Milton Road (now occupied by a hairdresser) closer to what was then a proposed housing site (later developed as Barbara Mann Court). It is concluded that little weight can be given to these historic decisions, made in light of the policies and circumstances prevailing at the time, and especially in the light of known current concerns regarding the patterns and levels of crime and anti-social behaviour and the impact on the amenity of the nearby residents.

3.24 It is considered that the proposed extension of opening hours into the early morning would add to the problems the area is already experiencing and have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of morning. Any approval here may also encourage similar applications, which would be more difficult to resist, from other nearby premises, restaurants and takeaways which have been subject to the same hours restriction, to the further detriment of the amenity of the neighbours.



## OTHER MATTERS

3.25 It is unfortunate the applicant appears not to have been aware of the restrictions on the planning permissions relating to the premises before undertaking his venture, and seems now unable to make a viable business. However there are sound planning reasons that the hours restriction should be maintained and in this case these reasons have been tested at appeal. It is not considered that the personal circumstances of the applicant should outweigh these concerns.

3.26 The closure of the premises is also unfortunate and whilst the owner's investment in this part of York Road is acknowledged it is not considered that any desire to keep the shop open at all costs would outweigh the valid planning concerns discussed above. It can only be hoped that if the business does close permanently, an alternative use for the premises might be found.

3.27 The applicant maintains the refusal of the application would be contrary to equal opportunities and competition law. The historic reasons that two of the takeaways on York Road can open later have been explained above, in essence these applications were considered before the current policy was adopted and in the light of the circumstances of the time. Since the policy change however applications and appeal decisions in the area have consistently applied the midnight opening time limit. The applicant is in this sense being treated equally with other recent applicant's and appellants in the area.

**RECOMMENDATION** - The application is recommended for refusal.

1. The application site lies in close proximity to residential properties and outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006. It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of morning. The proposal would therefore be contrary to policies GEP1, COM 12 and Rec 13 of the adopted Hartlepool Local Plan 2006.



## Appeal Decision

Site visit made on 22 January 2007

by **Graham E Snowden BA BPhil DipMgmt MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@  
planning-inspectorate.  
gsi.gov.uk  
Date: 29 January 2007

**Appeal Ref: APP/H0724/A/06/2026220**

**Ground Floor, 93 York Road, Hartlepool TS26 8AD**

- 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 made by Mr Gokhan Tikna against the decision of Hartlepool Borough Council.
- The application ref: H/2005/5940 dated 9 November 2005, was refused by notice dated 4 April 2006.
- The development proposed is described on the application form as “fried food takeaway and delivery service – continuation of existing building and use and variation of H/FUL/0502/01 to allow unlimited opening hours Monday to Sunday inclusive”.

**Summary of Decision: The appeal is dismissed.**

### Preliminary Matters

1. Planning permission was granted on 24 November 1998 (ref: H/FUL/0539/98) for the change of use of the appeal premises to hot food takeaway subject to a number of conditions including one (condition 2), which states that “the premises shall be open between the hours of 08.00 and 23.30 Monday to Saturday only and at no time on Sundays and no customers shall be served outside the approved hours” and a condition requiring the premises not to operate as a separate unit from the adjacent premises at 93a/93b York Road. On 22 November 2001, planning permission was granted, under ref: H/FUL/0502/01, for the “variation of planning permission H/FUL/0539/98 to allow separation to form two units and change of opening hours 08.00 – midnight Monday to Saturday”. The conditions imposed related to extraction facilities and restriction of use to hotfood takeaway. No condition was specifically imposed restricting opening hours.
2. The development currently proposed is described on the application form as per the bullet point above but the description on the form submitted is stamped “superseded”. The appeal form describes the proposal as simply relating to the extension of opening hours. In its statement, the Council explains that “the application was subsequently amended by a letter from the applicant’s agent dated 23 December 2006” and that the “amended application sought permission for the extension of opening hours to 1 a.m. Monday, Tuesday, Wednesday and Thursday mornings and until 3 a.m. on Friday, Saturday and Sunday morning.” Although this letter is not on the appeal file, the application was decided by the Council on this basis.
3. In my view, the proposal cannot be considered as a variation of an opening hour condition attached to permission ref: H/FUL/0502/01, as no such condition was imposed on that permission. Nor can it be considered as a new application for full planning permission for the extension of opening hours as the extension of opening hours does not, in itself, constitute an act of development, requiring planning permission. I shall, therefore, determine the appeal on the basis that the application is

Appeal Decision APP/H0724/A/06/2026220

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for a new permission for the use of the premises as a hot food takeaway with opening hours, as described in paragraph 2 above.

**Main Issue**

4. The main issue is the effect of the proposed opening hours on the living conditions of nearby residents in terms of noise and disturbance.

**Development Plan and other Planning Policies**

5. The development plan includes the Hartlepool Local Plan (Local Plan), which has been adopted since the determination of the application. My attention is drawn to Policies GEP1, Com12, Rec13 and GEP9, which cross-refers to Supplementary Note 8.

**Reasons**

6. The appeal property lies within a commercial frontage on the northern fringes of the shopping area, with terraced residential property to the north and new residential development to the west. There would also appear to be residential accommodation on the upper floors of the adjacent property in Milton Road and other nearby properties on York Road, though this could not be verified on site. The adjacent property to the south trades as a hot food takeaway, apparently with unrestricted opening hours and the appellant draws my attention to a similar outlet opposite, though this appears to be no longer in use. There is a restaurant on the York Road frontage to the north of Milton Road, but I note that this closes at 2230 hours.
7. The appellant argues that extended opening hours at the appeal premises will not attract more people to the vicinity, but will merely result in the sharing of the existing customer base already in the area. I am not convinced by this. I consider that it would result in some increased activity and consequent noise in the early hours. Even a modest increase of this nature at a time when nearby residents deserve protection, would, in my view, be noticeable. Although direct access to the residential area to the west is prevented by the fence at the end of Milton Road, I consider that the noise from any activity outside the premises itself would be sufficiently close to these properties, as well as residential flats on York Road, to potentially disturb occupants. There is substantial evidence from the numerous recent appeal decisions in the area, cited by the Council, that conflict between residential and Class A5 uses is a general problem in the area, and there has been a consistent approach in recent years preventing the spread of such activities and similar activities, as well as consistency in resisting opening hours beyond midnight. Such matters are a valid planning consideration and I do not accept the argument advanced on behalf of the appellant that opening hours should more appropriately be managed by the Council through its Late Night Refreshment Licence system.
8. This is reflected in the terms of Local Plan Policy Rec13, which seeks to prevent opening after midnight outside defined areas. This Policy has only recently been adopted following public inquiry and forms part of the statutory development plan for the area. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires appeals to be decided in accordance with the development plan unless material considerations indicate otherwise. The proposed opening hours would be contrary to Policy Rec13 and, in my view, would have a detrimental effect on the living conditions

Appeal Decision APP/H0724/A/06/2026220

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of nearby residents in terms of noise and disturbance. I do not consider that the appellant has made out a case for departing from the provisions of the development plan in this instance.

**Conclusion**

9. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

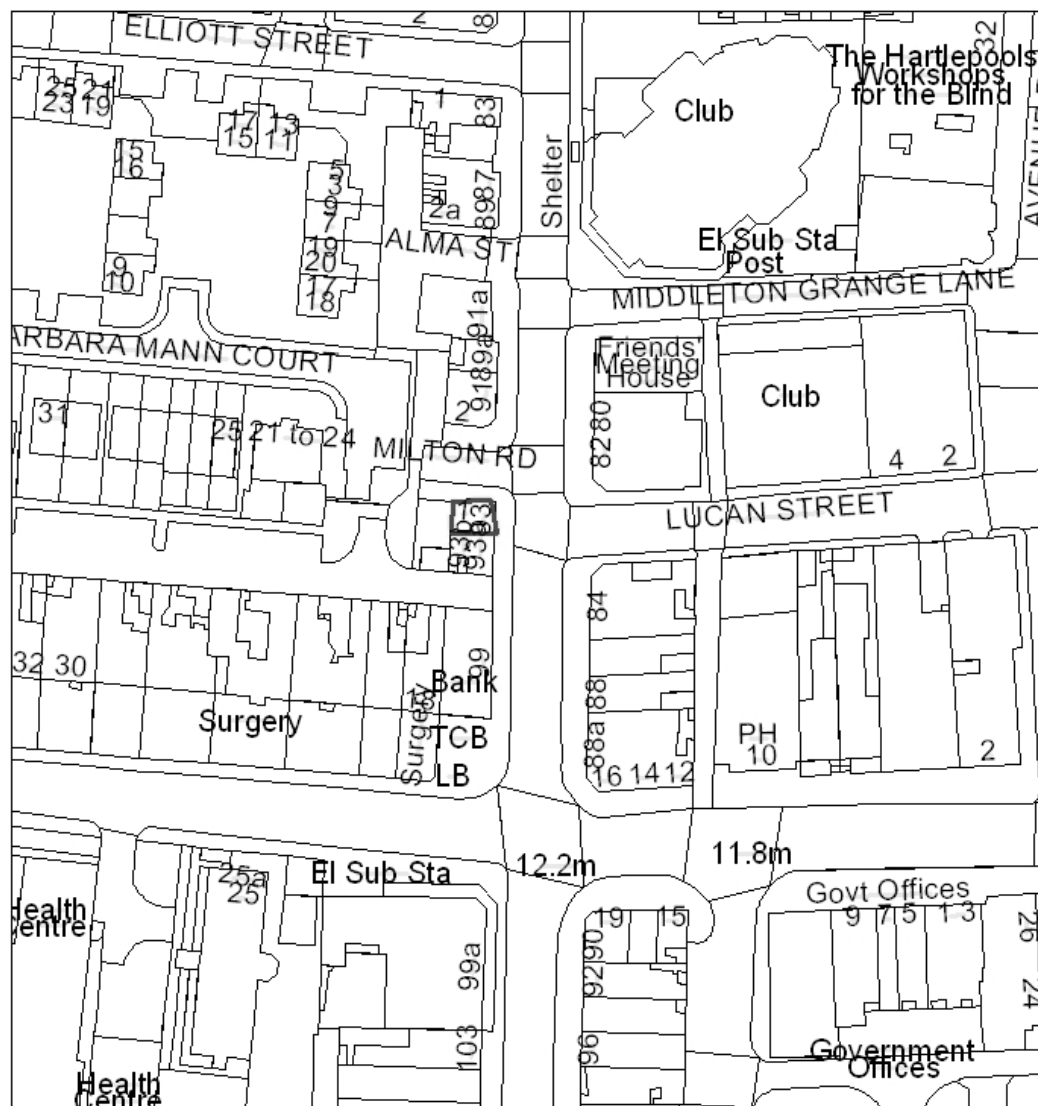
**Formal Decision**

10. I dismiss the appeal.

*G. E. Snowdon*

INSPECTOR

## SOPRANOS YORK ROAD



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/2/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0710</b>	REV

**No:** 4  
**Number:** H/2010/0004  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL  
 NEIGHBOURHOOD SERVICES 173 PARK ROAD  
 HARTLEPOOL  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR J WRIGHT  
 NEIGHBOURHOOD SERVICES  
**Date valid:** 15/01/2010  
**Development:** Erection of security fencing and gates  
**Location:** FURNESS STREET HARTLEPOOL HARTLEPOOL

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### The Application and Site

4.1 The application is to provide additional fencing and security vehicle gate to the side of 3 Furness Street and a pedestrian gate next to 52 Middleton Road to link into existing decorative fencing onto Middleton Road.

4.2 The security gates and fencing are a method of restricting access to the rear of properties in order to reduce crime and access to undesirables. In this case the scheme is intended to prevent vehicles using the back street as a short-cut and to prevent night time revellers causing a nuisance to local residents by short-cutting from Raby Road.

### Publicity

4.3 The application has been advertised by site notice and neighbour letters (33). To date 3 letters of objection have been received. The concerns raised are;

- a) Don't need gates as we don't have bother
- b) No problem with traffic coming into back street, a waste of council money, this could be spent on better things
- c) The space is open and the properties will not be more secure, people will still have access.

4.4 The period for publicity has expired.

### Consultations

4.5 The following consultation replies have been received:

Head of Highways/Trans - No objection

Public Protection - No objection

Neighbourhood Services - No objection

## Planning Policy

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

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

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

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

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

## Planning Considerations

4.7 The main issues to be considered in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the development on the surrounding area and on the amenities of nearby residents.

4.8 Although 3 letters of objection have been received from local residents the majority of residents within Furness Street which back onto Middleton Road appear to be supportive of the fencing and gates. A full consultation has been carried out between Neighbourhood Services, residents of Furness Street and ward Councillors before the application was submitted.

4.9 It is considered that restricting access to the back street will alleviate concerns with regard to crime and undesirables being able to access the rear of properties and using the area as a cut through onto Middleton Road and Raby Road, particularly late at night.

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Appropriate signage shall be erected and maintained on the proposed security gates advising non-key holders where and how entry can be obtained.  
In order that public utilities can gain access.



## FURNESS STREET



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/2/10</b>
	SCALE <b>1:1,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0004</b>	REV

**No:** 5  
**Number:** H/2010/0086  
**Applicant:** Mr Stephen Bell Stranton HARTLEPOOL TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland Terrace Newcastle NE2 1QQ  
**Date valid:** 16/02/2010  
**Development:** Erection of 14 houses and associated works  
**Location:** LAND AT LYNN STREET/ SURTEES STREET  
HARTLEPOOL

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### The Application and Site

5.1 The application site is an area of council-owned land situated on the corner of Surtees Street and Lynn Street and excludes The Market Hotel, a Grade II Listed Building which is the subject of 2 other current applications (H/2009/0626 – demolition and H/2009/0615 – erection of 17 dwellings).

5.2 Neighbouring properties include the drug rehabilitation centre to the west, Bryan Hanson House (Council building) to the north, a vacant DIY retail warehouse to the east and a housing construction site to the south (HBC/Housing Hartlepool).

5.3 The Market Hotel which has previously been in use as a public house/hotel and restaurant until 2007 is now in Hartlepool Borough Council's ownership. This current scheme for the erection of 14 dwellings has been designed to allow for the retention of this listed building, should demolition prove problematic (this is still under consideration).

5.4 The application to be considered is similar to the scheme for 17 dwellings and now comprises 14 dwellings intended for affordable housing. These properties which are of modern design will have gardens (some front, all rear) and will incorporate 'Secured by Design' principles and achieve Level 4 'Code for Sustainable Homes'.

5.5 A parking provision of one space per dwelling has been provided throughout the site, some spaces within curtilage and some in small parking courts.

5.6 Access into the site has been approved under a previous application for phase 1 (H/2009/0522).

5.7 A developer contribution towards play facilities within the town will need to be resolved.

## **Publicity**

5.8 The application has been advertised by way of neighbour letters, site notice and press notice. To date no replies have been received. The period for publicity expires after the meeting.

## **Consultations**

5.9 The following consultation replies have been received:

**Head of Property Services** – awaited

**Head of Property Services** – awaited

**Economic Development** – awaited

**Northumbria Water** – awaited

**Engineering Consultancy** – awaited

**Traffic & Transportation** – awaited

**Head of Community Services** – awaited

**Neighbourhood Services** – awaited

**Neighbourhood Services** – awaited

**Environment Agency** – awaited

**Cleveland Police** - awaited

## **Planning Policy**

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

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

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.

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

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

5.11 National Planning Policy is contained in PPG15: Planning and the Historic Environment. This guidance explains the Government's policy to secure the preservation of historic buildings. It states "the function of the planning system is to regulate the development and use of land in the public interest. It has to take account of the Government's objectives of promoting sustainable economic growth and make provision for development to meet the economic and social needs of the community. The objective of the planning process should be to reconcile the need for economic growth with the need to protect the natural and historic environment." It goes on to say that "these objectives should not generally be seen as in opposition to one another" and that "the design of new buildings intended to stand alongside historic buildings needs to be carefully considered."

## **Planning Considerations**

5.12 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan, the impact of the development on the surrounding area and on the amenities of nearby residents and uses, flooding issues, highway safety, the design of the scheme itself and the impact of the new housing on the adjacent listed building.

### Principle of development

5.13 The site lies within the limits to development as set out in the Hartlepool Local Plan on a brownfield site, to the east of Hartlepool Town Centre. Local Plan policy states that uses not specified will be considered on their own merits.

5.14 Although the site is in a mixed use area previously considered for a range of uses which could enhance the town centre such as business and education, the use of the land for residential purposes is not considered to be incompatible with such construction uses. The site lies in close proximity to existing residential properties to the south of Huckelhoven Way and phase 1 of this housing development is currently under construction at this present time (Charles Street site H/2009/0522 – 20 dwellings).

5.15 The application site is well served by public transport (train station to the north, bus links to the north, south and east) and is close to a large number of shops and services in the main town centre and in Church Street.

5.16 Further, the site which has remained undeveloped for a long time, has recently been identified for social housing. Recent studies (HSHMA) and reports have identified a general shortfall within the Borough for affordable housing including social rented and intermediate dwellings.

### Design of the scheme and impact on surrounding areas

5.17 The new dwellings which are of modern design have been designed to incorporate “Secured by Design” principles and sustainable energy features such as heat recovery systems, double glazing, energy-efficiency boilers and solar panels. The houses will provide a high standard of accommodation for a wide range of family requirements.

5.18 As previously mentioned all properties will have gardens with sheds, are well distanced from neighbouring properties and uses and meet the Council’s guidelines for separation distances and overlooking.

5.19 Although only basic landscaping details have been provided with the application, the appropriate planning condition can secure further details of planting and surface treatments.

### Flooding

5.20 A small part of the application site lies within an area identified by the Environment Agency (EA) as an area with a high flood risk (flood zone 3). A flood risk assessment has been carried out by the developer and has been considered acceptable by the EA.

### Highway issues

5.21 In terms of parking provisions, this type of development (rented social housing) requires 0.75 spaces per dwelling. A total of 15 spaces have been provided throughout the site, most within curtilage. This is considered to be acceptable and no objections have been raised informally by the Council's Highway Engineer provided that all works are to adoptable standards and that alterations are made to the existing permit parking on Lynn Street and Surtees Street. These works are to be carried out at the developer's expense. Access to the rear of the Market Hotel has been retained.

### Impact on the Market Hotel

5.22 Government Policy (PPG15) advises that the design of new buildings intended to stand alongside historic buildings needs to be very carefully considered. Matters to be taken into account include: respect for the setting of the building, scale, height, massing, alignment, building materials and street pattern.

5.23 In this particular case, the proposal is to develop a vacant site for social housing around a disused listed building, the Market Hotel.

5.24 The new housing which is of modern design has been set out around the Market Hotel broadly respecting the street pattern which would have originally existed on Surtees Street and Lynn Street. The layout behind is less formal. The listed building was originally contained within a terrace of commercial properties in Lynn Street. The new houses, whilst not attached to the listed building, will form a short terrace fronting onto Lynn Street with a terrace to the rear and 2 pairs of semis facing onto Surtees Street. Council-prescribed separation distances for overlooking have been achieved within the site and in relation to the Market Hotel, which has windows to the front and rear only. It is acknowledged that the building was originally listed because of its historic and architectural merit and that it was once part of a busy commercial thoroughfare in the main town centre of Hartlepool.

5.25 The building which has been boarded up and vacant for some time stands isolated from any other buildings associated with its era. There are modern office buildings to the north, a disused DIY warehouse and a council depot to the east, and modern residential properties to the south. It is not within a Conservation Area.

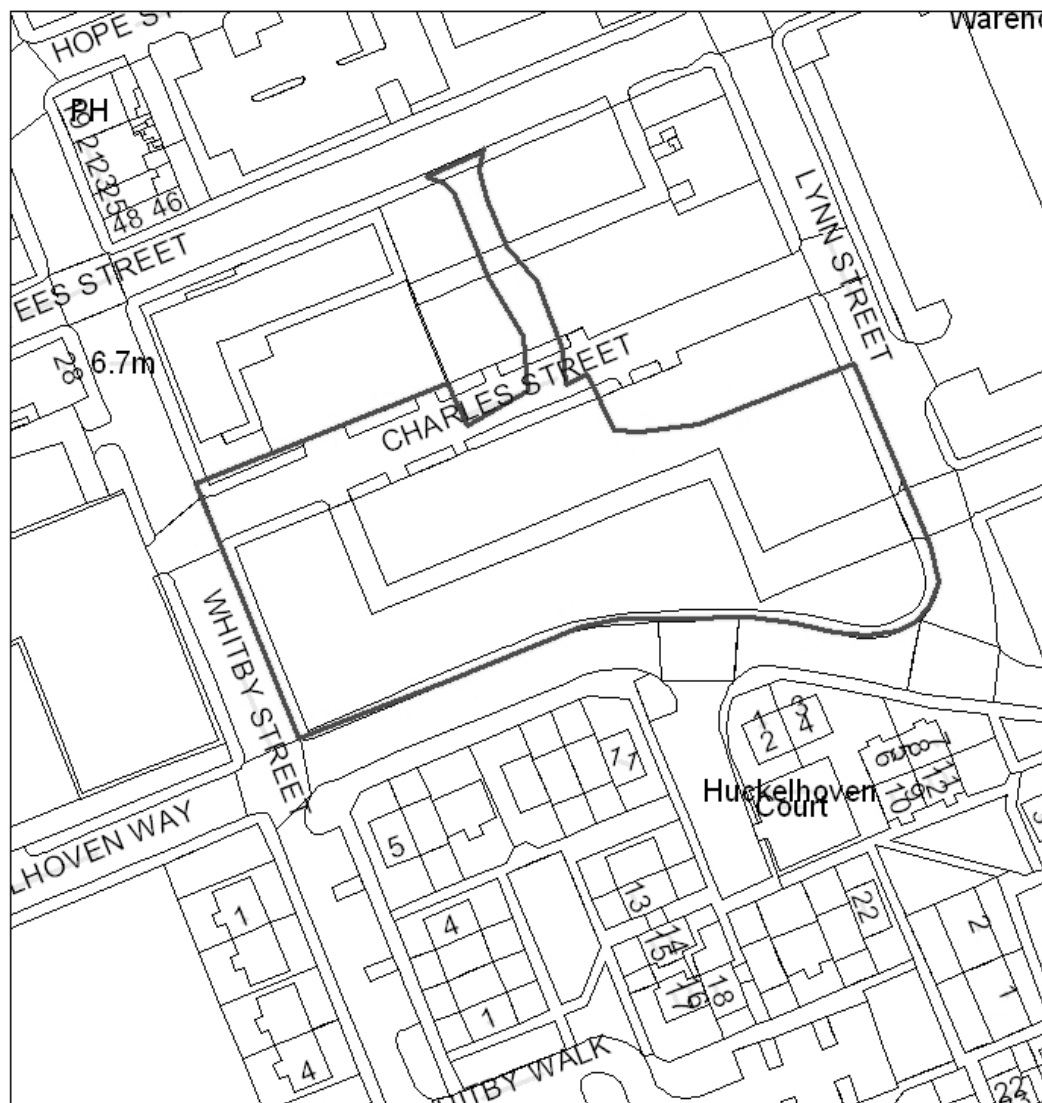
5.26 Apart from buildings on Church Street to the north of the site, The Market Hotel is the only original building remaining in Lynn Street.

5.26 The relationship of the new development to The Market Hotel is the key issue here, consultation and publicity are still outstanding. The views of English Heritage in particular are awaited. An update will therefore follow.

### **RECOMMENDATION – UPDATE to follow**



# LAND AT LYNN STREET SURTEES STREET



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/2/10</b>
	SCALE <b>1:1,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0086</b>	REV

**No:** 6  
**Number:** H/2009/0701  
**Applicant:** Housing Hartlepool Stranton Hartlepool TS24 7QS  
**Agent:** B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ  
**Date valid:** 24/12/2009  
**Development:** Residential development comprising 19 two, three and four bedroomed houses and bungalows, provision of access road and associated works (amended description).  
**Location:** MAXWELL COURT HARTLEPOOL

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### The Application and Site

6.1 The application site is located on an area of land within the Owton Manor Area of the town and sits on the corner of Maxwell Road and Motherwell Road.

6.2 This was the site of the recently demolished Maxwell Court Flatlets. The site is bounded by residential properties with a small parade of shops, school and church in close proximity.

6.3 Full planning permission is sought for the erection of nineteen 2, 3 and 4 bedroom properties together with associated parking, access and landscaping. Six of the properties are to be 2 bedroom bungalows.

6.4 The applicant is Housing Hartlepool. It is intended a mix of tenures will be provided with 13 social rented and 6 houses are for intermediate affordable housing.

6.5 All properties, will have gardens and will be of a modern design incorporating 'secured by design' principles. The properties will be level 4 'Code for Sustainable Homes' which is to be achieved by a mixture of passive and low or zero carbon designs which include insulation, heat recovery system, photo voltaic cells for solar heating, double glazing, water butt, secure and accessible cycle storage and recycling facilities.

### Publicity

6.6 The application was advertised by way of neighbour letters (34) site and press notices. To date 1 letter of objection and 3 letters of comments have been received stating the following:-

- a) Due to the narrowness of Motherwell Road it will be necessary to ensure entry to site does not restrict parking for existing residents
- b) Parishioners visiting church park anywhere
- c) Youths gather currently on open space, they will move to church premises which could lead to intimidation for parishioners, vandalism littering and abusive behaviour
- d) Don't understand why they knocked down flats in first place, hope they are put up fast or the land will be turned into a tip



- e) Would like to see more realistic plans

Copy letters B

6.7 The period for publicity expires before the meeting.

### **Consultations**

6.8 The following consultation replies have been received:

**Head of Public Protection** – No objections

**Head of Property Services** – No objections

**Landscape/Conservation** – No objections

**Northumbrian Water** – Raise no objection but requests a condition to require a detailed scheme for the disposal of surface water. If sewer is the only option the developer will need to agree discharge points and rates.

**Cleveland Police** – Advise that crime pattern analyses suggests site is not a high crime area but makes various recommendations to ensure development is Secured by Design.

**Neighbourhood Services** – No objections

**Traffic & Transportation** – Request minor amendments to proposed layout, to include a turning head to the rear of plots 12 - 19.

**Engineering Consultancy** – Standard contaminated land condition requested.

### **Planning Policy**

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

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

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing

trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

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

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

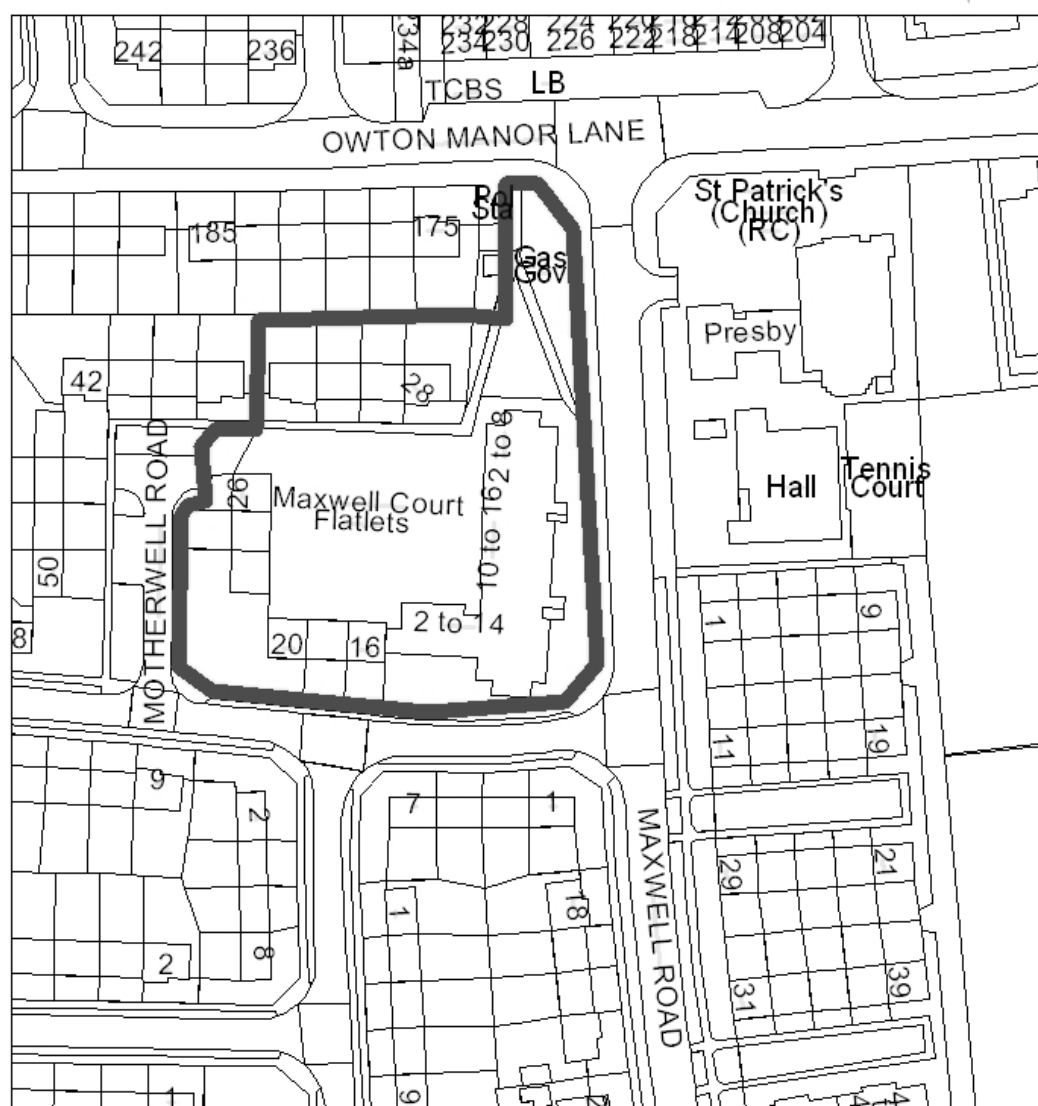
Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian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

## **Planning Considerations**

6.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, national policy guidance, the impact of the development in the surrounding area and on the amenities of nearby residents, highway safety, flooding and drainage.

6.11 Following discussions with the applicant the proposed layout is in the process of being fine tuned in order to address issues raised by the Case Officer and colleagues in Traffic & Transportation. An update report will therefore follow. It is anticipated however that the application will receive a favourable recommendation.

**RECOMMENDATION** – Update to follow

**MAXWELL COURT**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>21/01/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0701</b>	REV

**No:** 7  
**Number:** H/2009/0627  
**Applicant:** Mr D Young 12 BEACONSFIELD STREET  
HARTLEPOOL TS24 0NX  
**Agent:** Weatherproof Windows 3a Lancaster Road Hartlepool  
TS24 8LN  
**Date valid:** 11/11/2009  
**Development:** Installation of replacement upvc sliding sash windows  
(Retrospective)  
**Location:** 12 BEACONSFIELD STREET HARTLEPOOL  
HARTLEPOOL

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## Background

7.1 This application was reported to the February meeting of the Planning Committee. The application was deferred for additional consideration regarding the use of the dormer window as a fire escape.

## The Application and Site

7.2 The application site is a mid-terraced house located within the Headland Conservation Area and is subject to an Article 4 Direction which removes permitted development rights from the front and rear elevations of the building. A planning application was received in November 2009 for the installation of replacement UPVC sliding sash windows in the front elevation of the property in lieu of the original timber sliding sash windows. At the time of the site visit it became apparent that the proposed works had already been undertaken. In addition the front door and its surround has also been replaced, this does not form part of the current application and is discussed separately below.

## Publicity

7.3 The application has been advertised by site notice and neighbour notification (2). No representations have been received.

7.4 The period for publicity has expired.

## Consultations

7.5 The following consultation replies have been received:

**Headland CAG:** No comments received.

**Headland Parish Council:** No comments received.

**Building Control:** I can confirm under the Building Regulations that if you are installing a new window then it should be no worse than the existing window with regards to ventilation and means of escape.

The new window is acceptable. However if it needs to be replaced it could be argued that the new one should be no worse than this, hence a sliding sash will need some form of escape hinge to allow it to open fully.

In the current building regulations it states that the means of escape from the second floor should be via a protected route to a final exit. This means that all doors of the staircase should be fire resistant - this cannot be enforced in this instance as it is an existing property.

## Planning Policy

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

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

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

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

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.

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

## Planning Considerations

7.7 The site lies within a conservation area, and is covered by an Article 4 Direction, where policy requires that development should preserve or enhance the character and appearance of the conservation area. Current policy guidance agreed by Planning Committee on 19<sup>th</sup> February 2009 in relation to replacement windows in properties covered by an Article 4 Direction states:

*“Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e. hinged or sliding)”*

7.8 The application is retrospective. In the main whilst the Conservation Officer has raised concerns at the trickle vent detail which has been incorporated into the windows, the proposed replacement windows are considered acceptable and in line with the above policy for replacement windows in conservation areas. However one of the replacement windows the dormer window is not considered acceptable. The original wooden window in the dormer was arched to account for the opening. The replacement dormer window however is a rectangular window and the arched opening has been filled to accommodate it. This is contrary to the above policy which states that the profile including the frame and the positioning within the opening should match those of the original window. In addition the guidance states that the opening mechanism should match those of the original traditional window. In this instance a sliding sash window has been removed and replaced with a casement window. The window which has been installed is visually different to the original window and is considered unacceptable.

7.9 The issue that the window is a fire escape window arose at committee. Under the current building regulations if the property were a new build, escape from a second floor room would need to be secured through the provision of a protected route through the house not a window. However the property is not a new build and the regulations state that in terms of escape and ventilation the new window should be no worse than that which it replaces. In this respect, a potential solution would be a window which whilst incorporating the sash and case opening mechanism also incorporated an escape hinge which would allowed it to be fully opened in an emergency similar to the current unauthorised window (photos will be displayed at the meeting). It is understood that such products are available and the applicant has been asked for his comments. In the event that a suitable replacement dormer window cannot be agreed it is recommended that the application be refused.

### Other Matters

7.10 It is also apparent that the door and surround of the property has been replaced. The original door was a six panelled door of a traditional design with a fanlight over. In discussing the introduction of the above guidance on UPVC windows Councillors also considered the installation of UPVC doors. It was felt that such items comprised of a larger area of UPVC and therefore had a greater impact on the character of the conservation area as a result they were not included in the guidance introduced. Therefore in this instance where a property is covered by an Article 4 Direction the use of a traditional solution for a replacement door would be expected.

7.11 The door which has been installed is not considered acceptable. The door is of a modern design and as a result the fanlight above the door is larger to accommodate the lower height of a modern door. Further, the door appears to be narrower with a wider frame. The detailing of the door is of a modern design, rather than a six panelled door or a four panelled door as is found in this area - the door is of four panels with an arched window over. Such a modern design is inappropriate and harms the character of the conservation area.

**RECOMMENDATION** - The recommendation is in three parts:

**Recommendation A** Minded to **APPROVE** subject to confirmation of the applicant's agreement to the provision of an alternative replacement sliding sash window and the following conditions:

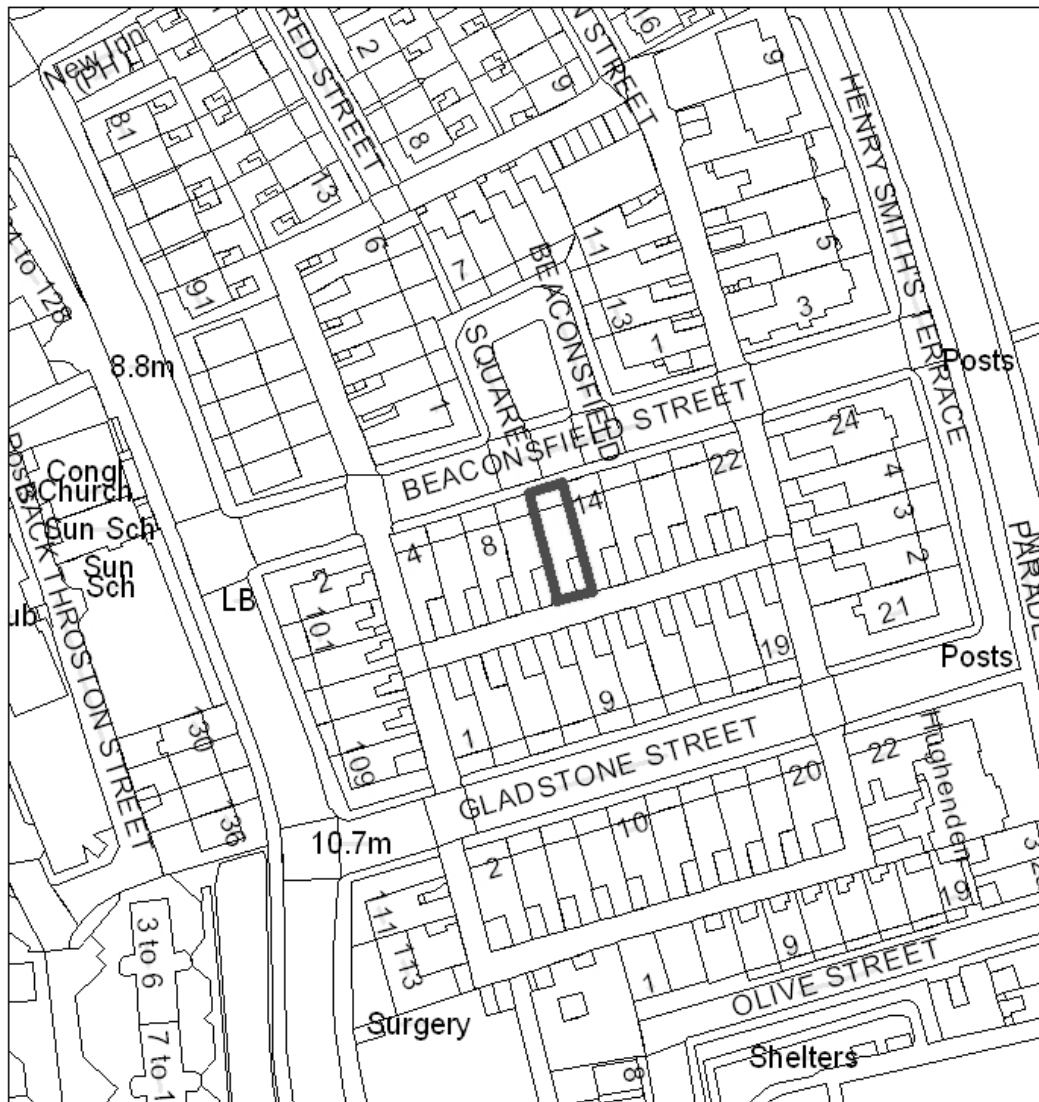
1. This permission relates only to the front windows, it does not relate to the front door (including surround and fan light).  
For the avoidance of doubt
2. Within six months of the date of this permission the existing front dormer window of the property shall be replaced with an alternative window in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.  
In the interests of the character and appearance of the Conservation Area.

**Recommendation B** In the event that there is no agreement to a replacement dormer window, **REFUSE** for the following reason and authorise appropriate enforcement action to secure the replacement of the window:

1. The proposed replacement dormer window by reason of its design and style is not considered appropriate. It is considered that the window detracts from the character and appearance of the Conservation Area contrary to policy HE1 of the Hartlepool Local Plan 2006 and to the Council's policy guidelines on replacement windows in Conservation Areas approved on 19<sup>th</sup> February 2009.

**Recommendation C** Authorise appropriate enforcement action to secure the replacement of the door and surround in the interest of the character and appearance of the Conservation Area.



**12 BEACONSFIELD STREET**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>21/01/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0627</b>	REV

**No:** 8  
**Number:** H/2010/0038  
**Applicant:** MR T HORWOOD  
**Agent:** SL Planning Mr S Litherland 12 Cragstone Close  
Hartlepool TS26 0ET  
**Date valid:** 25/01/2010  
**Development:** Application for a certificate of Lawfulness for a proposed  
development comprising erection of a detached double  
garage and associated driveway  
**Location:** 42 BILSDALE ROAD HARTLEPOOL

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### The application and the site

8.1 The application site is a semi-detached dwellinghouse and incorporates an associated area of land to the rear. Planning permission was approved in 2005 for the incorporation of this land into the curtilage of the property. (H/2005/5334). The property lies on the west side of Bilsdale Road. To the north and south are other residential properties and their associated gardens. To the west is a public right of way beyond which is a railway line and embankment.

8.2 The applicant has submitted an application for a lawful development certificate to establish that a proposal for the erection of a detached double garage and associated driveway is permitted development and so does not require planning permission. The proposals show a double garage located in the northwest corner of the land to the rear of the house with a driveway connecting to the existing house driveway. The garage will be some 7.1m by 8.5m and some 3.7m high. Walls to the south side of the access drive are also shown to the front and rear of the house. Clarification has been sought from the applicant as to whether he wishes the walls to be considered as part of the application.

8.3 Members should be aware that this is not an application for planning permission as such, in that the Council is not being asked to approve or refuse the development. Rather the application seeks the Council's formal view as to whether planning permission is, or is not, required for the development proposed under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended. This order allows householders to undertake minor developments such as garages and hardstandings within certain limitations on size, design and location without the need to obtain planning permission. Such minor development is commonly referred to as "permitted development". In determining this application the Local Planning Authority can only consider whether the proposal is "permitted development" and not its planning merits, including the impact of the development on the amenity of the area or neighbours.

### Planning History

8.4 The site has a complicated planning history including a history of refusals and unsuccessful appeals for residential development.

8.5 The property is located on a large housing estate for which outline planning permission for residential development was originally granted in May 1960 (O/15148). The detailed development of the estate was subsequently approved in October/November 1963 (17465). No conditions removing permitted development rights were imposed on either permission.

8.6 In April 2004 planning permission for the demolition of 42 Bilsdale and the erection of 5 dwellings and associated garages and a private way was refused (H/FUL/0108/04). A subsequent appeal was dismissed in April 2005.

8.7 In June 2005 planning permission was approved for the incorporation of an area of land to the rear to the premises into the curtilage of 42 Bilsdale Road, subject to conditions (H/2005/5334). These conditions included a condition requiring the approval of means of boundary enclosure (2), a condition removing permitted development rights for outbuildings and hardstandings (3), a condition removing permitted development rights for the erection of fences, gates or other means of enclosure (4), and a condition removing rights to form a vehicular access onto Blackberry Lane (5). The applicant subsequently appealed against the imposition of conditions 3, 4 and 5 and the appeal was allowed. Consequently permitted development rights were not removed from the approved curtilage extension.

8.8 In September 2005 planning permission was granted for the erection of a garden shed in the north east corner of the site (H/2005/5613).

8.9 In November 2005 planning permission was refused for the erection of 4 dwellings with detached garages on the site (H/2005/5833). A subsequent appeal was dismissed in December 2006.

8.10 In February 2006 planning permission was refused for the erection of 2 dwellings with detached garages and a private driveway on the site (H/2005/5997). A subsequent appeal was dismissed in December 2006.

8.11 In March 2007 an application for the erection of a detached bungalow and detached double garage and a single detached garage including alterations to access was refused (H/2007/0006). A subsequent appeal was dismissed.

### **Publicity**

8.12 The application has been advertised by neighbour notification (5). One response has been received advising no comments.

8.13 The period for publicity has expired.

### **Consultations**

**Countryside Access Team** - Make observations and raise concerns at use of the public footpath by vehicles.

### **Planning Considerations**

8.15 The application has raised a number of points which require clarification. It is hoped that these can be resolved and an update report will follow.

**RECOMMENDATION** – UPDATE report to follow

**42 BILSDALE ROAD**

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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>19/2/10</b>
	SCALE <b>1:1,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0038</b>	REV

**No:** 9  
**Number:** H/2010/0010  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
HARTLEPOOL TS24 8AY  
**Agent:** GRAHAM FRANKLAND HARTLEPOOL BOROUGH  
COUNCIL PROCUREMENT AND PROPERTY  
SERVICES CIVIC CENTRE HARTLEPOOL TS24 8AY  
**Date valid:** 14/01/2010  
**Development:** Outline application for the erection of new school  
**Location:** BRIERTON SCHOOL BRIERTON LANE HARTLEPOOL

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### The Application and Site

9.1 Brierton School is part of the Council's Schools Transformation Programme. The application site comprises the whole of the existing school site, including the Brierton Community Sports Centre, Pupil Referral Unit. Currently the school buildings are located to the south of the site with playing fields to the north.

9.2 To the north and west of the application site are residential properties, to the east is Catcote Road and to the south is Brierton Lane both of which are predominantly residential in character.

9.3 No details are proposed at this stage as the application is in outline form with all matters reserved for a future application. However it is anticipated that this development will be a complete new-build.

9.4 Currently the former Brierton Community School has one vehicular access point and three pedestrian access points from Catcote Road with an additional vehicular access point and two pedestrian access points from Brierton Lane. Further access points serve Brierton Community Sports Centre which is linked to the school. Currently there are car parking areas associated with all vehicular access points.

### Publicity

9.5 The application has been advertised by way of neighbour letters (349), site notices (3) and press notice. To date, there have been 29 letters of no objection, 7 letters of objection and 4 letters of comment.

9.6 The concerns raised in the objection area:

1. the planned building will decrease the green area available to sports
2. increase traffic to an already busy road/junction
3. return the area to the old problems associated with living opposite a school where there seems to be no control of the students during break times and after school activities
4. the area around the sports complex is an absolute nightmare each weekend already with cars parked anywhere possible as the car park is not big enough

for demand...add this to another school building and it could be a recipe for chaos

5. horrendous crossing as the traffic has multiplied
6. telly has to be high and windows can't be opened due to traffic, its far busier now than ever and will only get worse
7. increase in petty/serious crime
8. objector has enjoyed peace and quiet when the establishment has been occupied rarely
9. road safety would be compromised
10. is this a paper exercise since the governing body is applying to itself for approval, is this a waste of time
11. Brierton Lane is quite narrow in places which brings traffic to single file, also residents parking that needs to be looked at
12. litter
13. noise
14. anti-social behaviour

The comments related to:

1. give us some drawings and sizes and an undertaking the animals don't return who have been there the last two years.
2. plenty of green playing fields should be left, we don't want a concrete jungle.
3. affect daylight in responders back room or if there is a lot of noise.
4. hope serious consideration is given to providing lay-bys for buses and cars to safely drop off/pick up children and to minimize traffic congestion
5. concerns about loss of grass
6. concerns about the lack of architectural detail
7. hopes this new building does not resemble other 'sick syndrome' monstrosities recently erected around the country.

Copy Letters C

The period for publicity has expired.

## Consultations

9.7 The following consultation replies have been received:

**Public Protection** No objection; however there is no indication of the footprint or the siting of any new buildings. Any new buildings will need to be sited with adequate separation from neighbouring residential properties.

Any bus lay-by's, pick up and drop off points and car parking should be located as far away from neighbouring residential properties as possible and should be provided with landscaped buffer zones and acoustic barriers to protect neighbouring residents from any potential noise impacts.

The potential of any air quality impacts from the proposed heating system may need to be assessed. This will be dependant on the type of system to be installed.

If there are any floodlit sports facilities/multi use games areas proposed then they will require careful design and siting in order to prevent any nuisance and/or light pollution.

**Property Services** - No comment

**Northumbrian Water** - No objection subject to a condition regarding disposal of surface water from the site.

**Traffic & Transportation** - There are no objections in principle to this development, so long as the proposed development does not generate a greater volume of traffic than the old Brierton School Site.

It is intended to carry out major highway improvement works to the Catcote Road / Brierton Lane junction, this will require an element of land take from the school site to enable the realignment of the carriageway. Development on this land should be restricted and the land designated for future highway improvements.

**Engineering Consultants** – No objection subject to conditions regarding contamination and drainage.

**Community Safety Officer** - Comments regarding secured by design principles

**Environment Agency** - No objection subject to a condition regarding drainage.

**Community Services** – No response received

**Sport England** – No objection

**North East Planning Body** – Ensuring that energy efficiency measures, sustainable drainage systems, a scheme for reducing the need to travel particularly by private car the proposal would be in general conformity with the RSS.

**One North East** – Does not wish to comment on the application.

**Cleveland Police** – No comments received

## **Planning Policy**

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

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



high standards of design and landscaping and native species.

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

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

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec6: Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

Tra1: Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

### **Planning Considerations**

9.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties in general. Highway safety, flood risk and any potential affect on bats also need to be considered.

### **Policy**

9.10 The site comprises an existing school therefore the scheme to rebuild on the site is considered acceptable in principle in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006.

9.11 The application is limited in terms of the information provided given it is an outline application with all matters reserved. The details of the works proposed would be the subject of a separate application and the siting and design would be assessed in more detail at the appropriate time.

9.12 Part of the Council's Schools Transformation Programme is to utilise the existing Brierton School buildings for the decant of Dyke House students and staff during the construction period for the Dyke House refurbishment. During this period it is proposed that the new Catcote Special School will be constructed on this site.

9.13 The application site does include the playing fields of the school and at this outline stage there are no details of the proposed site layout however on the basis

that the playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of equivalent or better quality and of equivalent or greater quantity, in suitable location and subject to equivalent or better management arrangements, Sport England does not object to the proposal. This can be controlled by condition.

9.14 The Brierton site already offers a degree of community use on the site, however Sport England have requested that the submission of a community use agreement is conditioned for this project to ensure a mechanism for community sports facilities. The applicant has no objection to this.

#### Highway Safety

9.15 A Transport Statement has been submitted with the application. The Council's Traffic and Transportation Team have no objection to the proposal in principle.

9.16 It is intended to carry out major highway improvement works to the Catcote Road / Brierton Lane junction. This will require an element of land take from the school site to enable the realignment of the carriageway. The agent has confirmed that development on this land would be restricted to accommodate the potential junction improvements.

9.17 Cycle parking is included within the transport statement, however the final number, design and location would be the subject of future application(s). This can be controlled by condition.

#### Bats

9.18 Bats are a European Protected Species and all species of bat have been listed on Annex IV of the EC "Habitats and Species Directive. The Directive has been transposed into UK law by the Habitats Regulations, Regulation 39 of which makes it an offence to: deliberately capture or kill a bat; deliberately disturb a bat or damage or destroy a breeding site or resting place of a bat.

9.19 The application has been accompanied by a bat survey, which has been assessed by the Council's Ecologist. The survey reported no evidence of bats on site and the Council's Ecologist has no objection to the proposal.

#### Flood Risk

9.20 The application site lies within flood zone 1 which is the least likely zone to flood, however given the size of the site the application has been accompanied by a flood risk assessment. The Environment Agency has assessed the flood risk assessment and does not object to the proposal. Both the EA and Northumbrian Water have requested that details of the disposal of surface water to be submitted; however this can be controlled via condition.

## Conclusion

9.21 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the potential effects of the development on the amenity of neighbouring properties and the streetscene in general the development is considered satisfactory subject to the final detail which would be the subject of future application(s).

**RECOMMENDATION** – Approve subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
3. Any proposed building shall not exceed 2 storeys in height, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity.
4. Any alterations to the car parking, servicing, pick up and drop off arrangements shall include details of acoustic barriers and landscaped buffer zone(s), unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties.
5. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
To encourage sustainable development.
6. Development shall not begin until a surface water drainage scheme for the site, encompassing feasible sustainable drainage principles following an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
The scheme shall also include:
  - 1) Confirmation of the location of surface water discharge,
  - 2) Details of the proposed discharge rate,

- 3) Confirmation the scheme can operate without flooding up to the 30 year storm event including climate change allowance,
- 4) Confirmation the scheme can operate without flood risk to people or property up to the 100 year storm event including climate change allowance,
- 5) Details of how the scheme shall be maintained and managed after completion.

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

#### 7. 1. Site Characterisation

Once the footprint and layout of the proposed development is known, a limited investigation and an updated risk assessment taking into account information presented within the Phase 1 Desk Study and Preliminary Ground Investigation for the application site, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the proposed 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: a) human health, b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c) adjoining land, d) groundwaters and surface waters, e) ecological systems, f) 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 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 3, 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 4.

#### 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 in accordance with policy GEP18 of the adopted Hartlepool Local Plan 2006.

8. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.  
In the interests of crime prevention.
9. Details of the heating system shall be submitted to and approved in writing by the Local planning Authority, thereafter the approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
10. A scheme for cycle storage locations and details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of promoting sustainable transport
11. Prior to the commencement of the use of the refurbished school a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development, unless

otherwise agreed in writing by the Local Planning Authority.

To secure community use on the site.

12. Any playing fields which would be lost as a result of the development shall be replaced by a playing field or playing fields of equivalent or better quality and of equivalent or greater quantity, in suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

To ensure provision of appropriate sports areas.

## BRIERTON COMPREHENSIVE SCHOOL



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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>19/2/10</b>
	SCALE <b>1:4,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0010</b>	REV

**No:** 10  
**Number:** H/2010/0012  
**Applicant:** Hartlepool Borough Council Civic Centre Hartlepool  
**Agent:** Mr G Frankland Hartlepool Borough Council  
 Procurement and Property Services Civic Centre  
**Date valid:** 14/01/2010  
**Development:** Outline application to rebuild and remodel Manor College of Technology  
**Location:** MANOR COMPREHENSIVE SCHOOL  
 OWTON MANOR LANE HARTLEPOOL

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### The Application and Site

10.1 Manor College of Technology is part of the Council's Schools Transformation Programme. The application site comprises the whole of the existing school site, currently the school buildings are located to the north of the site with playing fields to the south. The existing school comprises predominantly single storey buildings with a three storey building central on the site.

10.2 To the north of the application site is housing on Owton Manor Lane, to the south and east are residential properties, to the west adjacent to the existing school buildings is Grange County Primary School.

10.3 No details are proposed at this stage as the application is in outline form with all matters reserved for a future application. However it is anticipated that this school will be predominantly new-build on the existing site with refurbishment to facilities which would be retained.

10.4 The site currently has two vehicular access points from Owton Manor Lane, one of which is shared with the adjoining Grange County Primary School. Pupil access is gained from one of the vehicular entrances and a pedestrian entrance from Ivanhoe Crescent (to the east of the site).

10.5 At present Public Footpath Hartlepool 15 crosses the College playing fields from Owton Manor Lane to Muir Grove.

10.6 Currently there are two main designated parking areas; the principal car park is to the main frontage of the school primarily for staff and visitors; the secondary staff parking and service vehicle area is accessed via the shared vehicle access with Grange County Primary School.

### Publicity

10.7 The application has been advertised by way of neighbour letters (152), site notices (3) and press notice. To date, there have been 15 letters of no objection, 1 letter of objection and 3 letters of comment.



The concerns raised in the objection are:

1. no actual plans have been submitted to any of the consultants and consultation is being done on a guess basis.
2. environmental impact on the proposed area, for example the preservation of bats on the site, there may be Great Crested Newts located in the pond area, and there is a large colony of rabbits living within the school grounds and lastly we must not forget about the trees that have lived peacefully within the ground for a very long time.

The comments related to:

1. concerns regarding effect on traffic in Owton Manor Lane, cars block access to properties during start and finish of school days.
2. concerns if recreation field was developed and if floodlights and noise be considered if near boundary fences as these may be used out of school time hours.
3. concerns regarding traffic as they race round the street now.

Copy Letters D

10.8 The period for publicity has expired.

### Consultations

10.9 The following consultation replies have been received:

**Public Protection** No objection; however there is no indication of the footprint or the siting of any new buildings. Any new buildings will need to be sited with adequate separation from neighbouring residential properties.

Any bus lay-bys, pick up and drop off points and car parking should be located as far away from neighbouring residential properties as possible and should be provided with landscaped buffer zones and acoustic barriers to protect neighbouring residents from any potential noise impacts.

The potential of any air quality impacts from the proposed heating system may need to be assessed. This will be dependant on the type of system to be installed.

If there are any floodlit sports facilities/multi use games areas proposed then they will require careful design and siting in order to prevent any nuisance and/or light pollution.

**Property Services** - No comment

**Northumbrian Water** - No objection subject to a condition regarding disposal of surface water from the site.

**Traffic & Transportation** - No objection to this development in principle. All car parking provision should be provided as per recommendations in the Hartlepool

Design Guide and Specification. Any proposed changes to the access should be discussed with Traffic and Transportation section at the earliest opportunity.

**Engineering Consultants** – No objection subject to conditions regarding contamination and drainage.

**Community Safety Officer** - Comments regarding Secured by Design principles

**Environment Agency** - No objection subject to a condition regarding drainage.

**Community Services** - The Council is in the process of re-drafting the definitive map of the public rights of way. Part of the process is to update the map taking into account all the processed public path orders apparent since the last definitive map was updated.

As a consequence, the recently unearthed and old order relating to partial extinguishment of the 'north/south' section of the existing public footpath (that runs through the college property), will look to be incorporated in this updating process. As a consequence there would only be the east/west section to have to deal with afterwards. This we would look to remove using a public extinguishment path order.

**Sport England** – No objection

**North East Planning Body** – The proposal is in general conformity with the RSS.

**One North East** – Does not wish to comment on the application.

**Cleveland Police** – Comments regarding Secured By Design Principles

**Tees Archaeology** – Comments regarding the school and its playing fields - they partly overlie the deserted medieval settlement of Owton Manor. Conditions suggested.

## Planning Policy

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

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

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

schemes and where practical in alterations to existing developments.

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

Rec4: Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec6: Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

### **Planning Considerations**

10.11 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposals upon neighbouring properties in general. Highway safety, flood risk and any potential affect on bats and other wildlife also need to be considered.

#### Policy

10.12 The site comprises an existing school therefore the scheme to rebuild and remodel the site is considered acceptable in principle in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006.

10.13 The application is limited in terms of the information provided given as it is an outline application with all matters reserved. However as the details of the works would be subject to a separate application this can be assessed in more detail at the appropriate time.

10.14 The application site does include the playing fields of the school and at this outline stage there are no details of the proposed site layout. However on the basis that any playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of equivalent or better quality and of equivalent or greater quantity, in suitable location and subject to equivalent or better management arrangements, Sport England does not object to the proposal. This can be controlled by condition.

10.15 Manor College already offers a degree of community use on the site, however Sport England have requested that the submission of a community use agreement is conditioned for this project to ensure a mechanism for community sports facilities. The applicant has no objection to this.

#### Highway Safety

10.16 A Transport Statement has been submitted with the application. The Council's Traffic and Transportation Team have no objection to the proposal in principle.

Cycle parking is included within the transport statement, however the final number, design and location would be the subject of future application(s). This can be controlled by condition.

### Bats

10.17 Bats are a European Protected Species and all species of bat have been listed on Annex IV of the EC “Habitats and Species Directive. The Directive has been transposed into UK law by the Habitats Regulations, Regulation 39 of which makes it an offence to: deliberately capture or kill a bat; deliberately disturb a bat or damage or destroy a breeding site or resting place of a bat.

10.18 The application has been accompanied by a bat survey, which has been assessed by the Council’s Ecologist. The bat survey identified a single bat emerging from one of the buildings. In addition another building was identified as having a medium potential as a bat roost, although no bats were found during the survey. On certain other buildings features were identified that would be suitable for roosting bats although again no bats were found and these buildings were assessed as having low potential for roosting bats.

10.19 Bats are highly mobile and can move roost frequently. It is advised by the Council’s Ecologist that the sensible way to deal with this is to take a precautionary approach and demolish the buildings at a time of year and in a way that would not adversely affect the local bat population. The Council’s Ecologist suggests conditions requiring details of replacement bat roosting features to be incorporated into the new buildings and that on all buildings identified as having potential bat roosting features, those features shall be removed by hand with a suitably qualified ecologist present and be restricted in terms of timing. Appropriate conditions are suggested below. It should be noted that a bat licence would still be required from Natural England.

### Landscaping

10.20 At this outline stage it is not possible to assess what trees would be affected by the development until the layout has been submitted at the reserved matters stage. The Council’s Arboricultural Officer has no objection to the scheme, the majority of trees on site especially those at the front are semi-mature and could be offset with similar sized replacement trees should any scheme see their removal.

### Archaeology

10.21 The school and its playing fields partly overlie the deserted medieval settlement of Owton Manor. Documentary records indicate that the settlement included a manor house, chapel and windmill. The remains of the settlement are partly visible as earthworks on aerial photographs taken in 1946.

10.22 At this outline stage there are no details as to where the proposed school will be located. This causes problems as parts of the site are more archaeologically sensitive than others. A plan showing the degrees of archaeological potential at the

site has been provided, attached as Appendix A. The eastern third of the playing field is flagged as of high potential and contains the now levelled remains of the earthworks shown on the 1946 photographs. The western two-thirds of the playing field may contain associated remains but these are likely to be less concentrated as they are peripheral to the core of the settlement. The existing building complex is of low archaeological potential with the likelihood being that the erection of the original school has truncated archaeological remains.

10.23 For the area of high potential, Tees Archaeology have recommend that an archaeological evaluation prior to determination is carried out or that a condition be attached to restrict any building operation in this area. Although doing the evaluation prior to determination gives more flexibility the applicant is satisfied with a condition restricting building works in this area. For the potential area as identified on Appendix A Tees Archaeology recommend a standard condition for a programme of archaeological works prior to development commencing being attached to any approval. It is considered that appropriately worded conditions can be attached in this regard.

#### Flood Risk

10.24 The application site lies within flood zone 1 which is the least likely zone to flood, however given the size of the site the application has been accompanied by a flood risk assessment. The Environment Agency have assessed the flood risk assessment and does not object to the proposal. Both the EA and Northumbrian Water have requested that details of the disposal of surface water to be submitted; however this can be controlled via condition.

#### Other Issues

10.25 There is a public right of way which runs through the site, the Council is in the process of re-drafting the definitive map of the public rights of way. Part of the process is to update the map taking into account all the processed public path orders apparent since the last definitive map was updated. As a consequence, the recently unearthed and old order relating to partial extinguishment of the 'north/south' section of the existing public footpath (that runs through the college property), will look to be incorporated in this updating process. As a consequence there would only be the east/west section to have to deal with afterwards. The Council's Countryside Access Officer has indicated that it is proposed to extinguish this section of the path using a public extinguishment path order. The views of the Rambler's Association are awaited.

10.26 In terms of the comments received about floodlights, as no details are given at this outline stage it is not known if floodlights are proposed, this would be the subject of future application(s) and be assessed accordingly.

10.27 With regard to Great Crested Newts the Council's Ecologist has been contacted by a member of staff at the school who had concerns about newts in the artificial pond in the enclosed courtyard. He had seen a newt there in the past but did not know whether it was a Great Crested Newt or not. Great Crested Newts are

a European Protected Species and it is illegal not just to kill or injure them but also to disturb them and to destroy their habitat.

10.28 The Council's Ecologist has surveyed the pond and its surroundings to look for newts, however found no evidence. Although a newt may have been present in the pond, and it was also the case that a frog was seen and a few tadpoles were present, it is considered by the Council's Ecologist that the habitat is unsuitable to sustain a population of Great Crested Newts and the chances of Great Crested Newts being present are extremely unlikely. The reasons for this are as follows:

- The courtyard is completely enclosed and there is no way in or out for amphibians.
- There is very little in the way of terrestrial habitat to sustain a Great Crested Newt for the 10 months that it isn't in the pond; there were just a few small flower beds. Great Crested Newts are large amphibians and need much more food than other newt species.
- The pond is full of fish; Great Crested Newt larvae are very susceptible to fish predation as they swim in open water. It is extremely unlikely that Great Crested Newts could breed in such conditions.

10.29 It is considered that the probability of Great Crested Newts being present is sufficiently low that no further survey work is required.

10.30 With regard to the concerns raised regarding rabbits, it should be noted that rabbits are not a protected species however it does raise the important point that development should comply with PPS9 in maintaining or enhancing biodiversity value through the development. Therefore any features that may be of importance for biodiversity such as trees, ponds, hedges etc that are to be removed as part of the development should be replaced by something of equivalent or higher value, though not necessarily like for like. As the general level of biodiversity on this site will be relatively low this could be addressed through the production of a landscaping scheme to be agreed with this authority. This would be assessed at the appropriate time through a reserved matters planning application.

### Conclusion

10.31 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the potential effects of the development on the amenity of neighbouring properties and the streetscene in general the development is considered satisfactory subject to the final details at the reserved matters stage.

**RECOMMENDATION** – Subject to no objection from the Ramblers Association APPROVE subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of

the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

3. Any proposed building shall not exceed 3 storeys in height, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

4. Any alterations to the car parking, servicing, pick up and drop off arrangements shall include details of acoustic barriers and landscaped buffer zone(s), unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties.

5. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development

6. Development shall not begin until a surface water drainage scheme for the site, encompassing feasible sustainable drainage principles following an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- 1) Confirmation of the location of surface water discharge,
- 2) Details of the proposed discharge rate,
- 3) Confirmation the scheme can operate without flooding up to the 30 year storm event including climate change allowance,
- 4) Confirmation the scheme can operate without flood risk to people or property up to the 100 year storm event including climate change allowance,
- 5) Details of how the scheme shall be maintained and managed after completion.

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- a) 1. Site Characterisation

Once the footprint and layout of the proposed development is known, a limited investigation and an updated risk assessment taking into account information presented within the Phase 1 Desk Study and Preliminary Ground Investigation for the application site, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the proposed 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:
    - a) human health,
    - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - c) adjoining land,
    - d) groundwaters and surface waters,
    - e) ecological systems,
    - f) 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 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 3, 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 4.



#### 5. Long Term Monitoring and Maintenance

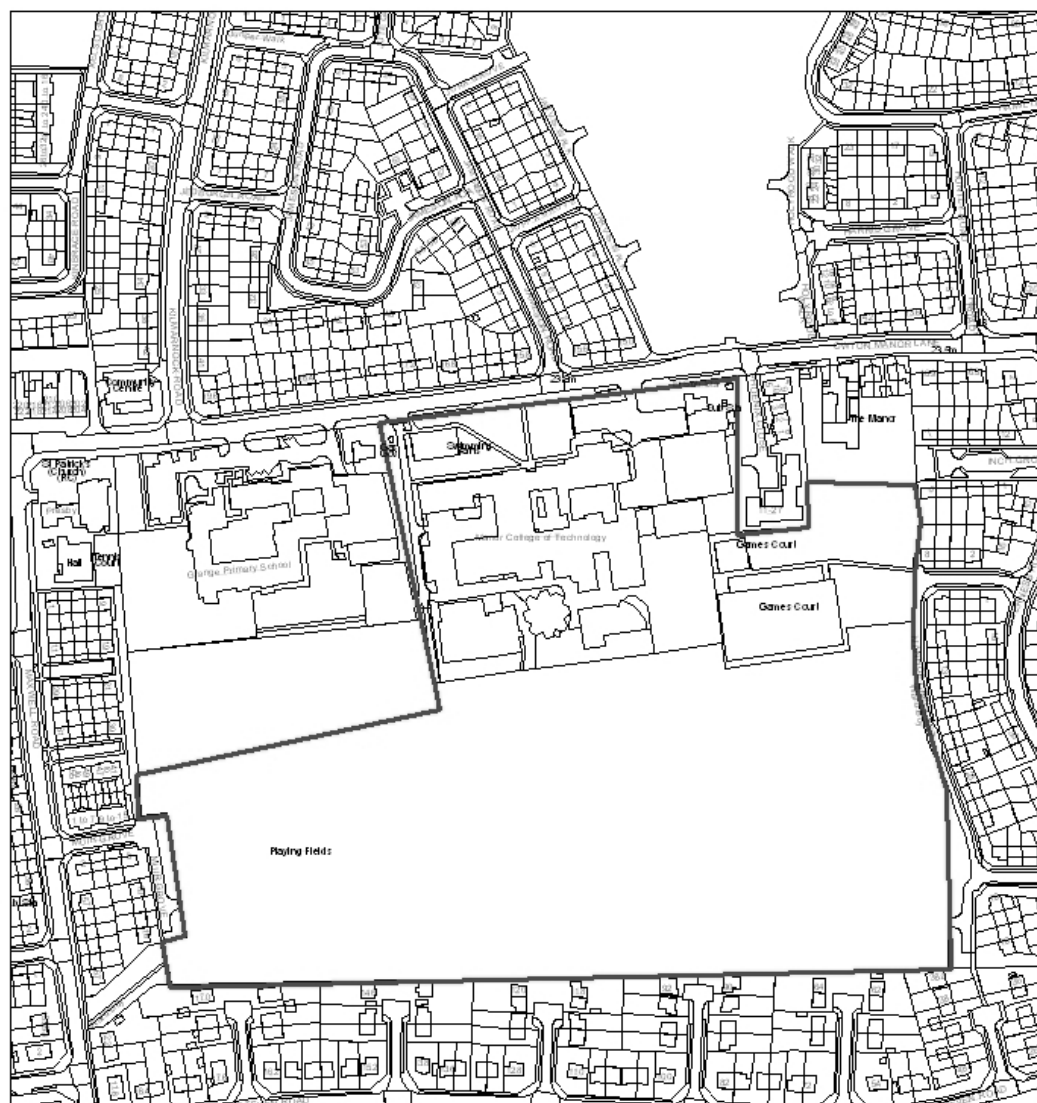
A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion 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 [in accordance with policy GEP18 of the adopted Hartlepool Local Plan 2006.

8. No development shall take place on the area marked red on plan Manor College - archaeological interpretation received on the 20 January 2010, a copy of which is attached with this decision notice.  
The site is of archaeological interest.
9. No development shall take place within the area marked orange on plan Manor College - archaeological interpretation received on the 20 January 2010, a copy of which is attached with this decision notice, until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision can be made for their preservation in situ.  
The site is of archaeological interest.
10. On all buildings identified in the Bat Survey Ref: JHAB101/002/001 received on the 11 January 2010 as having potential bat roosting features, those features shall be removed by hand with a suitably qualified ecologist present. This shall be carried out, outside the periods November to mid- March and June to mid-August. An exception can be made in the period June to mid August if a suitably qualified ecologist surveys the buildings and confirms that no bats are present at that time.  
In the interest of protecting bats.
11. Details of replacement bat roosting features to be incorporated into the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and thereafter retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of protecting bats
12. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.  
In the interests of crime prevention.

13. Details of the heating system shall be submitted to and approved in writing by the Local planning Authority, thereafter the approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
14. A scheme for cycle storage locations and details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of promoting sustainable transport
15. Prior to the commencement of the use of the refurbished school a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development, unless otherwise agreed in writing by the Local Planning Authority.  
To secure community use on the site.
16. Any playing fields which would be lost as a result of the development shall be replaced by a playing field or playing fields of equivalent or better quality and of equivalent or greater quantity, in suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.  
To ensure provision of appropriate sports areas.

## MANOR COMPREHENSIVE SCHOOL

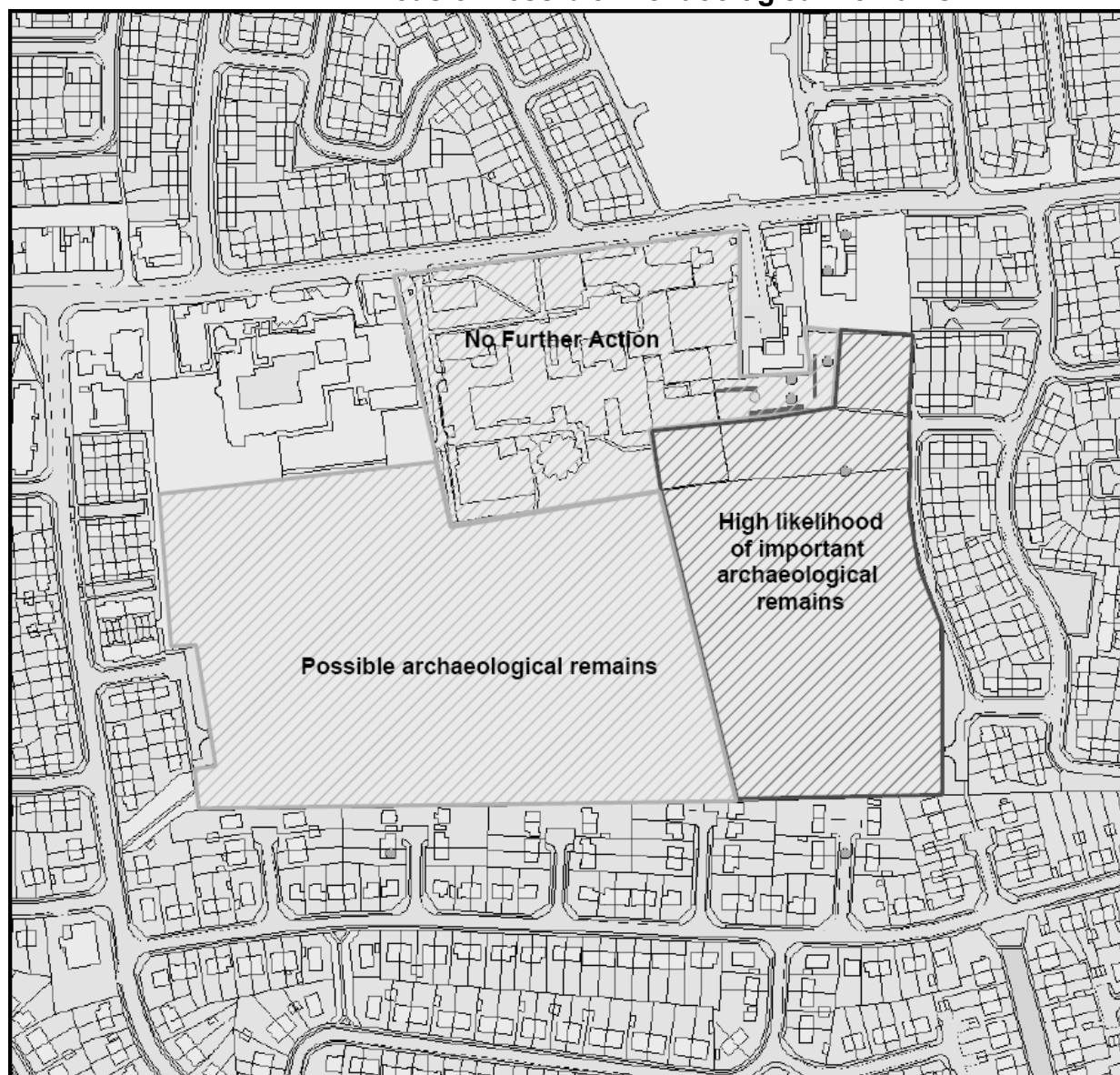


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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>19/2/10</b>
	SCALE <b>1:3,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2010/0012</b>	REV

# **APPENDIX A – Areas of Possible Archaeological Remains**



Manor Colleg

**Key: -**

1:3,0



Crown Copyright.

Date map proo

**No:** 11  
**Number:** H/2009/0566  
**Applicant:** Mr I Bates MAINSFORTH TERRACE HARTLEPOOL TS25 1UB  
**Agent:** GRAB-N-GO Mr I Bates UNIT 5 SANDGATE INDUSTRIAL ESTATE MAINSFORTH TERRACE HARTLEPOOL TS25 1UB  
**Date valid:** 16/10/2009  
**Development:** Use as a waste transfer station including provision of recycling sorting bays  
**Location:** UNIT 5 SANDGATE INDUSTRIAL ESTATE MAINSFORTH TERRACE HARTLEPOOL HARTLEPOOL

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## Background

11.1 The application was deferred from the previous meeting to allow further consideration in light of a previous appeal decision on the site from 1995 (CM/H/12/94 & H/FUL/0577/94) and investigation into appropriate mechanisms to control vehicle movements within the site in the interests of highway safety. In addition an amended site layout has been submitted and re-advertised accordingly. The consultation process is ongoing.

## The Application and Site

11.2 The application site is situated on Sandgate Industrial Estate, to the rear of Level 6 Recycling and adjacent to the premises of Bridgeman IBC located on Greatham Street.

11.3 The site, which is now cleared, is currently vacant having being used in the past for the storage of motor vehicles. The site contains a pre-fabricated steel shed building adjacent to the access, which it is indicated is used to produce kindling from unusable cuts of timbers. The shed also contains toilets and small-scale office accommodation.

11.4 In terms of the planning history of the site, an application was refused in July 1989 for the use of the site as a haulage depot and scrap yard. Permission was granted in September 1989 for the sole use as a haulage depot. Permission was granted for the erection of the aforementioned shed for the storage of HGVs in 1990.

11.5 Simultaneous applications were submitted to the Council as the Local Planning Authority and the County Council as the Waste Planning Authority for the 'use as a skip hire business' (HFUL/1994/0265) and 'use as a waste transfer station' (COU/1994/0351) respectively. Both applications were refused on the basis that the restricted width of the site, in addition to the proposed combination of uses would over intensify the use of the site, resulting in vehicles manoeuvring and parking on the highway to the detriment of highway safety.

11.6 Two applications were then re-submitted for the above uses with the aim of addressing the concerns leading to the previous refusals by altering the layout to site the waste transfer bays to the north end of the site (HFUL/1994/0577) and (COU/1994/0608). Again, both authorities refused the application on the same grounds as they had done previously. The re-submitted applications were subsequently dismissed on appeal.

11.7 The application seeks consent for the use of the vacant site as a waste transfer station involving the erection of three recycling sorting bays, staff parking, skip storage and wheel wash facility. The sorting bays are to be sited to the south end of the site, close to the site access and sited close to the side wall of the Bridgeman IBC premises.

11.8 It is indicated that the proposed bays are to be 2.5m high, 6m in width and 8m in length. The site is bounded by 6m high steel sheeting adjacent to the Level 6 Recycling yard. The site is level with little fall from either end. The north end of the site is adjoined by a public right of way adjoining Greatham Street.

11.9 Waste streams into the site will consist of general construction and household waste collected from the skip hire business operated on site. The waste will comprises waste from building work, houses clearance etc. The applicant has indicated that the site will not be used for industrial or commercial waste. It is accepted that the waste streams may include incidental quantities of non-recyclable household waste. The applicant has indicated verbally that any incidental putrescible elements will be separated and disposed of off-site at an appropriately licensed facility. The operation will sort recyclable materials i.e. wood, plastic, rubble, soil, metal, paper, cardboard and glass.

11.10 The hours of operation proposed are 08.00 to 20.00 Monday to Saturday.

### **Publicity**

11.11 The application has been advertised by way of neighbour letters (5), site notice and press advert. The amended plans have been re-advertised by neighbour letters (5), site notice and press advert. To date, there have been three letters of objection from two individual objectors.

11.12 The concerns raised are:

- a) Excessive costs in managing pest control;
- b) Refuse control adjacent to similar neighbouring site;
- c) Too close to city centre and residential properties;
- d) Conflicts with Council objectives to eliminate 'grot spots'
- e) Fire hazard risks – impact on local jobs;
- f) Dust ingress into adjoining building;
- g) Noise pollution;
- h) Odour pollution;
- i) Ingress of waste into adjoining building;
- j) Ingress of water into adjoining building;

- k) Rodent infestation and risk to employees;
- l) Risk of damage to adjoining property;
- m) Vermin issues.

The period for publicity is ongoing and expires following the meeting.

Copy Letters F

## Consultations

11.13 The following consultation replies have been received:

**Head of Public Protection** – Previously no objections subject to conditions for no open burning, the provision of a wheel wash, facilities for dust suppression, restriction on storage heights and all waste storage to be held within bays, litter catchment fencing, surfaces for tipping or storage are impervious and drained via an interceptor and restriction on waste types to construction and demolition waste, municipal waste including garden wastes, soils and stones – only incidental quantities of putrescible should be stored in an enclosed contained and removed from the site within 48 hours. Comments on the amended plans awaited.

**Engineering Consultancy** – No objections previously. Comments on the amended plans awaited.

**Economic Development** – No objections.

**Traffic and Transportation** – The proposed layout makes the access/egress tight. Concerned if the site was used for large scale recycling as its relatively small and would not cope with multiple vehicle movements. Comments on the amended plans awaited.

**Northumbrian Water** – No objections previously. Comments on the amended plans awaited.

**Environment Agency** – Previous comments - insufficient information to determine the type of permit required. There is increased potential for off site impact from the proposal due to the proposed waste bays backing onto a neighbouring building. No waste related activities shall take place without the benefit of appropriate authorisation or infrastructure in place. The sewer system appears to be combined for foul and surface water. The sewerage undertaker should be satisfied of the capacity in the sewer. If there is insufficient capacity then the EA must be re-consulted will alternative methods of disposal. Comments on the amended plans awaited.

## Planning Policy

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

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

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

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

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.

### **Planning Considerations**

11.15 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, the impact on the amenity of the surrounding area and the effect on highway safety.

11.16 The site is located in an established industrial area, which has been allocated for 'bad neighbour' uses. Policy Ind6 (Bad Neighbour Uses) states that the development of bad neighbour uses will be permitted only in the Sandgate area provided that: there is no significant nuisance to adjacent premises or highway users by virtue of dust, smell, vibration, smoke, noise, mud or slurry; the site is not visually prominent from a main access road or railway; the site is adequately screened, the site is of a suitable size of the operations proposed, and there is adequate parking and servicing for the site.

11.17 On that basis the principle of a waste transfer station in this location is acceptable subject to consideration of the relevant planning considerations and the criteria set out in policy Ind6 as set out above.



11.18 Concerns had previously been raised with regard to the proposed layout and the potential for vehicular conflicts in relation to the position of the sorting bays. The applicant has submitted an amended plan revising the layout and consultation on that basis is ongoing. A number of key consultation responses are outstanding. In addition, discussions are ongoing with regard to the issue of controlling vehicle movements within the site in the interests of highway safety. In addition, publicity is outstanding and on that basis it is considered prudent to provide an update report following further consideration of the above, discussing the relevant planning considerations as set out above.

**RECOMMENDATION** – Update report to follow.

**UNIT 5 SANDGATE**

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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>21/01/10</b>
	SCALE <b>1:1,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0566</b>	REV

**No:** 12  
**Number:** H/2009/0703  
**Applicant:** Mr Nigel Johnson  
**Agent:** B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ  
**Date valid:** 24/12/2009  
**Development:** Demolition of two dwellings and erection of 20 two, three and four bedroomed houses and bungalow, provision of access road with new access to Kipling Road and associated works (amended plans and revised description)  
**Location:** KIPLING ROAD HARTLEPOOL

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### The Application and Site

12.1 The site which this application relates is a 0.7ha rectangular parcel of grassland located to the rear of residential properties on Kipling Road, Masfield Road and Thackeray Road to the east, south and west respectively. To the north of the site are the playing fields of English Martyrs school and beyond that the Summerhill Country Park. The northern element of the site is occupied by trees and planting which obscures views of the site from the school playing fields, which is bounded by school security fencing.

12.2 The site is currently vacant land, which has some evidence of a previous play area in the form of disused hardstanding. It is apparent that the site suffers from problems of fly tipping, littering and anti-social behaviour.

12.3 The site is accessed from a narrow walkway between 84 and 86 Kipling Road which is fenced on either side. In topography terms, the site slopes from east to west by approximately 3m. The site is dissected by a Public Right of Way which runs diagonally across the site from the access to the north from Summerhill and the access from Kipling Road. Discussions with the Council's Countryside Access Officer indicate that the PROW was diverted to that position in 2002/2003 since its previous route followed the rear of the properties on Thackeray Road. There is an informal track which has developed across the site, however, it does not follow the defined route of the PROW.

12.4 The application seeks consent for the development comprising 20 dwellings including the provision of a new access road from Kipling Road and associated landscaping. The proposal will require the demolition of two-properties on Kipling Road (86 and 88) to facilitate the widening of the access.

12.5 The development will comprise five 2 bed, eight 3 bed, six 4 bed houses and 1 two bedroom bungalow. The development will provide affordable housing in the form of social rented housing to be managed by Housing Hartlepool as an appropriate Registered Social Landlord (RSL).

12.6 Parking provision has been made at a ratio of 1.3 spaces per dwelling. Eight of the properties benefit from two off-road spaces with the remaining twelve having one space. The properties are of modern design, two-storey (with the exception of the single bungalow) with gable pitched roof designs. The development is designed to Lifetime Homes standards in accordance with the Code for Sustainable Homes. The submitted Design and Access Statement sets out how the development meets each of the criteria to gain Code Level 4. The development has also been designed to Secured by Design standards in order to achieve the highest levels of security for occupiers.

12.7 The proposed properties have been designed to in accordance with the guidance of HCA Design and Quality Standards, Lifetime Homes Standards, Housing Quality Indicator requirements and the Code for Sustainable Homes Level 4 criteria.

### **Publicity**

12.8 The application has been advertised by way of neighbour letters (46), site notice and press advert. The application has been re-advertised twice by neighbour letter (46), site notice and press advert following an amendment to the red line boundary of the application and the description, and an amendment to the layout. To date, there have been 15 letters of objection from 7 individual households across all three consultations in total.

12.9 The concerns raised are:

- a) Increased traffic flow;
- b) Parking problems;
- c) Lack of privacy;
- d) Disturbance;
- e) Overlooking of garden areas;
- f) Site should remain as a children's play area;
- g) Affect surrounding property values;
- h) Fear of crime;
- i) Loss of light;
- j) Loss of green space;
- k) Noise pollution;
- l) Fear of drug users;
- m) Concerns over prospective tenants;
- n) Loss of view;
- o) Loss of play facilities for children;
- p) De-value existing properties;
- q) Noise from car doors slamming on a night;
- r) Houses will be out of keeping.

Copy letters E

The period for publicity is ongoing and expires following the meeting.

## Consultations

12.10 The following consultation replies have been received:

**Cleveland Police** – Comments awaited.

**Engineering Consultancy** – Original comments - a section 80 notice is required to be submitted for the demolition of the proposed properties. Further details are required in relation to storm drainage. No specific drainage details have been provided. If soakaway is preferred, design including permeability tests of ground materials area required. If disposal is to main sewer, NWL comments should be sought in respect of capacity, required attenuation etc. The elevation plans submitted require level information. No levels are shown on the proposed site plan. Block levels, garden levels, highway levels etc are required. Cross sections are also necessary (including surrounding properties) to determine the level relationship so consideration can be given as to whether any land drainage measures are necessary. Comments on the amended plans are awaited.

**Head of Property Services** – No objections. Footpath No.9 runs through the site. Part of the site forms part of the playing field of English Martyrs school, although is fenced off. No objections to the amended plans.

**Head of Public Protection** – No objections originally. Comments awaited on latest amendments.

**Head of Traffic and Transportation** – Flag check required at entrance to Kipling Road. The proposed junction is not ideally situated on Kipling Road as it is located on the outside of the bend. A series of road humps should be provided on Kipling Road to ensure that vehicle speeds are kept at a reasonable level to avoid conflict with turning vehicles. Residents will need to be consulted and the final scheme approved by Traffic and Transportation. The developer should ensure that a minimum 3 x 45m sight line is provided at the junction. Forward visibility at the bend should be maintained for 30mph stopping distance as per fig 5.2.2 in HBC Design Guide and Spec for residential estates. Parking provision is acceptable. All road and footways built to an adoptable standard according to Design Guide and Spec through Section 38 agreement or Advance Payment Code. Highways to be consulted on materials.

**Northumbrian Water** – Originally no objection subject to a condition for the submission of a detailed scheme for the disposal of surface water to ensure that discharges do not increase the risk of flooding from sewers. Comments on amended plans awaited.

**Neighbourhood Services** – Comments awaited.

**Parks and Countryside** – Comments awaited.

**Ramblers** – The route of the temporary diversion makes it more difficult to access Summerhill. The path has many sharp turns, no width is specified nor any indication

of surface disposition or length of time the diversion is required. If Council is minded to approve then conditions to be imposed requiring: minimum 2m width, boundaries no higher than 4ft, surface of the path brought into a condition fit for use by the public, no work to start on existing footpath until temporary way established, construction operations must not hinder or obstruct use of the right of way.

**Tees Archaeology** – An archaeological evaluation of the land has taken place and there were no finds or features of archaeological interest. No objections.

### Planning Policy

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

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

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

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

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

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

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

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

Rur18: States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

### **Planning Considerations**

12.12 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of the development in policy terms, design/layout, the impact on the amenity of surrounding residential properties, the impact on the character and appearance of the surrounding area, the impact on highway safety, flooding and drainage, ecology, and archaeology.

12.13 Publicity is ongoing in relation to the amended plans and details and a number of consultation responses are outstanding, which are expected to be provided shortly. In addition legal advice is being sought with regard to the mechanism required to ensure delivery of the appropriate planning obligations where required. On that basis a comprehensive update report discussing all the relevant planning considerations and neighbour concerns as set out above will follow.

**RECOMMENDATION** – Update report to follow.

**KIPLING ROAD**

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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>21/01/10</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/2009/0703</b>	REV



# UPDATE

4.1

**No:** 1  
**Number:** H/2009/0626  
**Applicant:** MR S BELL GREENBANK STRANTON HARTLEPOOL  
TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland  
Terrace Newcastle upon Tyne NE2 1QQ  
**Date valid:** 24/12/2009  
**Development:** Demolition of listed building  
**Location:** MARKET HOTEL LYNN STREET HARTLEPOOL

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1.1 Discussions are still ongoing with English Heritage in relation to this application. In view of this members are requested to defer the application until a number of issues have been resolved.

# UPDATE

4.1

**No:** 2  
**Number:** H/2009/0615  
**Applicant:** MR S BELL GREENBANK STRANTON HARTLEPOOL  
TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland  
Terrace Newcastle upon Tyne NE2 1QQ  
**Date valid:** 13/01/2010  
**Development:** Erection of 17 2 and 2.5 storey dwellings and associated  
infrastructure, (works include preparation of site and  
demolition of former Market Hotel Public House)  
(AMENDED PLAN RECEIVED)  
**Location:** MARKET HOTEL LYNN STREET HARTLEPOOL

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2.1 As discussions are still taking place with English Heritage regarding the demolition of The Market Hotel, members are requested to defer the application which is integrally linked to the outcome of the application for demolition.

# UPDATE

4.1

**No:** 5  
**Number:** H/2010/0086  
**Applicant:** Mr Stephen Bell Stranton HARTLEPOOL TS24 7QS  
**Agent:** Browne Smith Baker LLP Mr Guy Holmes 11-12 Portland Terrace Newcastle NE2 1QQ  
**Date valid:** 16/02/2010  
**Development:** Erection of 14 houses and associated works  
**Location:** LAND AT LYNN STREET/ SURTEES STREET  
HARTLEPOOL

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This application appears on the main agenda as item 5.

The following updates that report and a recommendation has now been made.

## Consultations

5.1 The following additional consultation replies have been received:

**Head of Property Services** – no objections

**Traffic & Transportation** – awaited, but informally no objections

**English Heritage** – Awaited

## Planning Considerations

5.2 The main planning considerations are outlined in the original report. The section on the relationship to the Market Hotel is updated here and leads onto the recommendation

### Impact on the Market Hotel

5.3 Government Policy (PPG15) advises that the design of new buildings intended to stand alongside historic buildings needs to be very carefully considered. Matters to be taken into account include: respect for the setting of the building, scale, height, massing, alignment, building materials and street pattern.

5.4 In this particular case, the proposal is to develop a vacant site for social housing around a disused listed building, The Market Hotel.

5.5 The new housing which is of modern design has been set out around The Market Hotel broadly respecting the street pattern which would have originally existed on Surtees Street and Lynn Street. The layout behind is less formal. The listed building was originally contained within a terrace of commercial properties in Lynn Street. The new houses, whilst not attached to the listed building, will form a short terrace fronting onto Lynn Street with a terrace to the rear and 2 pairs of semis facing onto Surtees Street. Council-prescribed separation distances for overlooking have been

# UPDATE

## 4.1

achieved within the site and in relation to the Market Hotel, which has windows to the front and rear only. It is acknowledged that the building was originally listed because of its historic and architectural merit and that it was once part of a busy commercial thoroughfare in the main town centre of Hartlepool.

5.6 The building which has been boarded up and vacant for some time stands isolated from any other buildings associated with its era. There are modern office buildings to the north, a disused DIY warehouse and a council depot to the east, and modern residential properties to the south. It is not within a Conservation Area.

5.7 Apart from buildings on Church Street to the north of the site, The Market Hotel is the only original building remaining in Lynn Street and as such does not make a significant contribution to the street scene, particularly in its present condition.

5.8 The relationship of the new development to The Market Hotel is the key issue here, consultation and publicity are still outstanding. The views of English Heritage in particular are awaited. Notwithstanding this, it is not considered that the new housing, which has been designed to meet the specific needs of a particular client base, would have a significant impact on the setting of this listed building. The grant regime for these houses provides less scope for size and design and it is unlikely that a different house type could be provided on this particular site. The new housing development which will appear similar to that immediately to the south of the site, has been designed to meet a particular need within this area of the town.

5.9 The setting of The Market Hotel can be defined by a historical assessment of the buildings surrounding and in this case the Hotel retains only tenuous links with the area's past.

5.10 In conclusion, it is considered that the new dwellings would have little impact on the setting of the listed building. As indicated we have consulted English Heritage on the application primarily because of the recent history of applications here. Members are requested to indicate that they are minded to approve the application but the final decision to be delegated to the Council's Development Control Manager in consultation with the Chair of the Committee having regard for English Heritage's comments.

**RECOMMENDATION** – APPROVE subject to the following conditions and reasons, but with the final decision to be delegated to the Council's Development Control Manager in consultation with the Chair of the Committee having regard to comments from English Heritage.

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 the construction of any of the hereby approved dwellings commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.

# UPDATE

## 4.1

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 construction of any of the hereby approved dwellings commences.  
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 construction of any of the hereby approved dwellings commences. 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 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.

# UPDATE

## 4.1

**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

# UPDATE

## 4.1

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.

10. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 16 February 2010, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

11. 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 Lynn Street and Surtees Street has been amended to take account of the development hereby approved.

In the interests of highway safety.

12. If as a result of the investigations required by condition above, landfill gas protection measures are required to be installed in any of the dwellings 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 dwellings hereby approved shall not be extended in any way and no garages, sheds, greenhouses or other garden buildings shall be erected within the garden area of any of the dwellings without prior planning permission.

To ensure that the structure is adequately protected from the ingress of landfill gas.

13. A scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. 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.

14. The development hereby approved shall incorporate "Secured by Design" principles. Details of the proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority before the construction of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of crime prevention.

15. Flood risk condition to be confirmed by the Environment Agency.

# UPDATE

4.1

**No:** 6  
**Number:** H/2009/0701  
**Applicant:** Housing Hartlepool Stranton Hartlepool TS24 7QS  
**Agent:** B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ  
**Date valid:** 24/12/2009  
**Development:** Residential development comprising 19 two, three and four bedroomed houses and bungalows, provision of access road and associated works (amended description).  
**Location:** MAXWELL COURT HARTLEPOOL

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

6.2 The recommendation was left open as a number of issues in relation to the proposed layout were outstanding.

6.3 An amended layout drawing has now been received.

## Planning Considerations

6.4 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, national policy guidance, the impact of the development in the surrounding area and on the amenities of nearby residents, highway safety, flooding and drainage.

## Policy

6.5 The site lies within a predominantly residential area and was previously, in residential use. It lies within an area where Council policies seek to improve house stock through programmes of demolition, redevelopment, property improvement and environmental/street enhancement works. The proposal is acceptable in policy terms and will contribute to the enhancement and improvement of this area of the town. The development incurs a loss of incidental open space therefore compensatory provision should be provided. A developer contribution of £250.00 per dwellinghouse towards off site play facilities and a contribution of £50 per dwellinghouse towards green infrastructure have been requested and will be secured through a section 106 agreement.

## Impact on the surrounding area

6.6 The surrounding area comprises predominantly 2 storey terrace/semi detached properties, with a mix of bungalows within the area. This development proposes a mix of semi detached and terraced properties, which consist of 6 x 2 bed bungalow, 4 x 2 bed dwellinghouse, 8 x 3 bed dwellinghouse and 1 x 4 bed detached dwellinghouse. It is considered that the proposed development is in keeping with the surrounding residential properties.



# UPDATE

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6.7 All properties will be of a modern design incorporating 'secured by design' principles. They will also be level 4 'Code for Sustainable Homes' which is to be achieved by a mixture of sustainable energy features and high standards of insulation. This can be controlled by condition.

6.8 All properties are well distanced from neighbouring properties and do adhere to the Council's guidelines for separation distances.

## Landscape

6.9 The scheme includes the removal of trees within the site although some additional planting will offset the loss of trees. The scheme and its associated soft landscaping gives an impression of space. The scheme has been assessed by the Council's Landscape Team who have no objection to the proposal subject to appropriate conditions.

## Drainage and Flooding

6.10 The site is located in an area which is identified as a low risk to flooding (Flood Zone 1). Northumbrian Water and the Council's Engineering Consultancy Team have raised no objections however it is acknowledged that final details of drainage need to be submitted. This can be controlled by condition.

## Highways

6.11 The site is within existing residential area. The parking provision provided throughout the site is considered acceptable.

6.12 An amended plan has been received which has taken into account comments from the Highway Engineer regarding the provision of a turning head at the rear of plots 12 -19. The Highway Engineer has assessed the submitted detail and raises no objection.

6.13 No objections have been raised in terms of highway safety by the Highway Engineer providing all the works are to adoptable standards.

## Conclusion

6.14 The proposal is considered acceptable and is recommended for approval subject to the completion of a legal agreement securing developer contributions for play and green infrastructure and subject to conditions.

**RECOMMENDATION – APPROVE** – subject to the completion of a section 106 agreement securing developer contributions of £250.00 per dwellinghouse towards off site play facilities and £50 per dwellinghouse towards green infrastructure and subject to the following conditions:

# UPDATE

## 4.1

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 at the time the application was made valid on 24 December 2009, as amended by the plan "proposed site plan" reference 81019-G2-SI-102 rev B received on 19 February 2010, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before the construction of any of the hereby approved dwellings commences, samples of the desired materials being provided for this purpose.  
Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before the construction of any of the hereby approved dwellings commences, samples of the desired materials being provided for this purpose.
4. 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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any 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.
7. The development hereby approved shall be carried out having regard to the following:
  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

# UPDATE

## 4.1

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:
    - a. human health,
    - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - c. adjoining land,
    - d. groundwaters and surface waters,
    - e. ecological systems,
    - f. 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'.

### 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 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 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3

# UPDATE

## 4.1

(Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

### 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'.

### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition 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 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.

8. 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 construction of any of the hereby approved dwellings commences. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

10. 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

# UPDATE

## 4.1

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

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

11. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

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 in consultation with Northumbrian Water. 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 with Revised Part H of the Building Regulations 2000.

13. A scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. 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.

14. 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 before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of crime prevention.

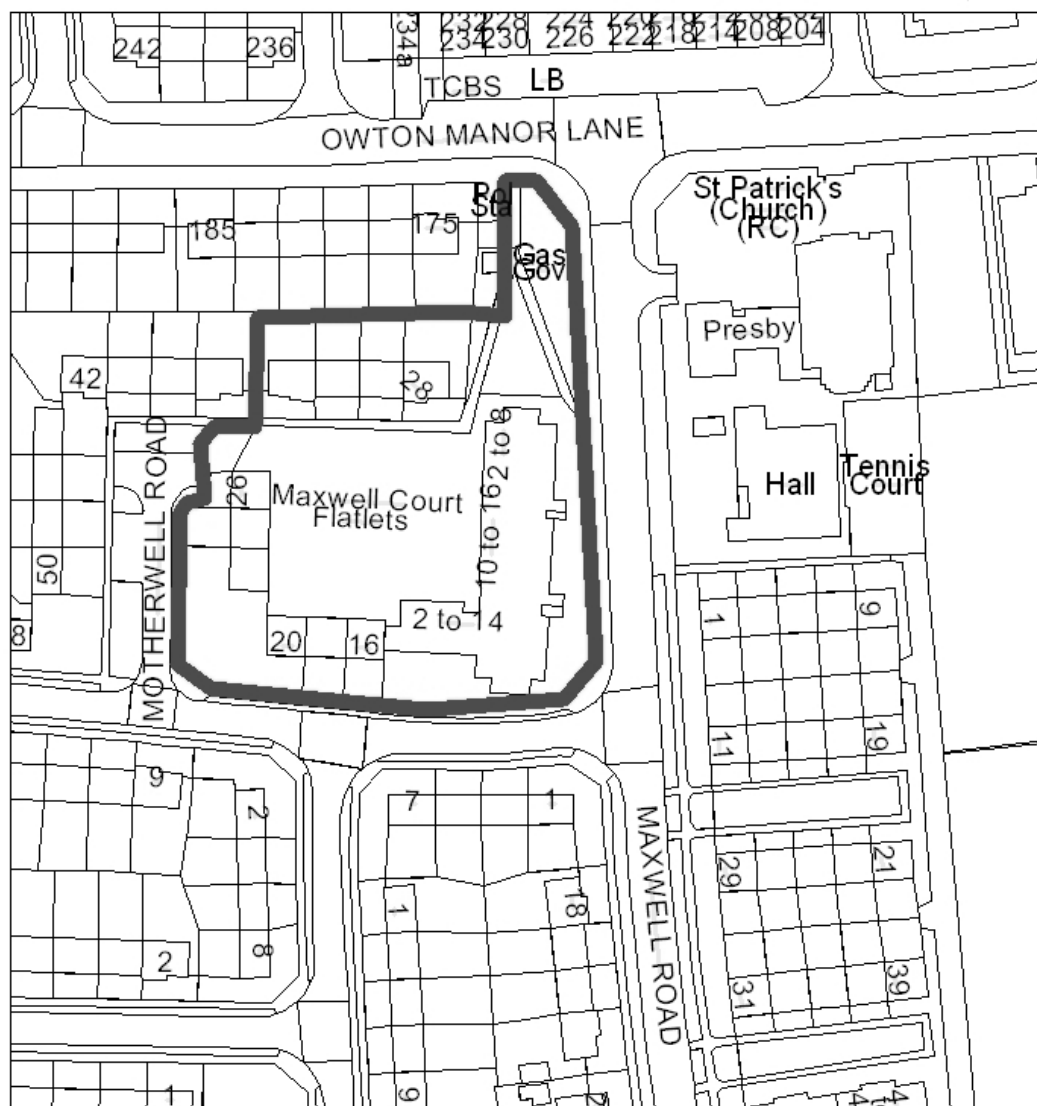
15. Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed ground floor window(s) in the side elevations of the dwellings hereby approved on plots 8,9,10,11,12,13,14 and 15 shall either be glazed with obscure glass or provision shall be made for a fence of a height and in a position to be first agreed in writing by the Local Planning Authority to be erected between those properties to prevent direct overlooking from those windows. The preferred scheme shall be implemented before the respective dwellings are occupied and thereafter the scheme or equivalent replacement shall be retained during the lifetime of the development.

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

# UPDATE

4.1

## MAXWELL COURT



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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>21/01/10</b>
	SCALE <b>1:1,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0701</b>	REV

# UPDATE

4.1

**No:** 7  
**Number:** H/2009/0627  
**Applicant:** Mr D Young 12 BEACONSFIELD STREET  
HARTLEPOOL TS24 0NX  
**Agent:** Weatherproof Windows 3a Lancaster Road Hartlepool  
TS24 8LN  
**Date valid:** 11/11/2009  
**Development:** Installation of replacement upvc sliding sash windows  
(Retrospective)  
**Location:** 12 BEACONSFIELD STREET HARTLEPOOL  
HARTLEPOOL

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7.1 This application appears on the main agenda at item 7.

7.2 At paragraph 7.9 the issue that the unauthorised dormer window is an escape window is discussed. It is understood that there are rectangular UPVC sash and case windows available which incorporate an escape hinge which would allow the window to be fully opened in an emergency in a similar manner to the unauthorised window. The applicant's supplier however cannot provide this product.

7.3 In the meantime whilst searches have not been exhaustive, officer's have been unable to identify a supplier of an arched UPVC sash and case window in the size required which would also incorporate an escape hinge.

7.4 It appears therefore that the only acceptable solution in this case, which would meet the policy guidance for replacement windows and accommodate requirements for an escape window, would be the replacement of the unauthorised window with a timber sash and case arched window incorporating an escape hinge.

7.5 The recommendation remains as set out in the original report.

# UPDATE

4.1

**No:** 8  
**Number:** H/2010/0038  
**Applicant:** MR T HORWOOD  
**Agent:** SL Planning Mr S Litherland 12 Cragstone Close  
Hartlepool TS26 0ET  
**Date valid:** 25/01/2010  
**Development:** Application for a certificate of Lawfulness for a proposed  
development comprising erection of a detached double  
garage and associated driveway  
**Location:** 42 BILSDALE ROAD HARTLEPOOL

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8.1 This application appears on the main agenda at item 8.

8.2 The recommendation was left open as a number of points required clarification.

8.3 These matters are still under consideration and officers are unable to make a recommendation at this time.



# UPDATE

4.1

**No:** 11  
**Number:** H/2009/0566  
**Applicant:** Mr I Bates MAINSFORTH TERRACE HARTLEPOOL  
TS25 1UB  
**Agent:** GRAB-N-GO Mr I Bates UNIT 5 SANDGATE  
INDUSTRIAL ESTATE MAINSFORTH TERRACE  
HARTLEPOOL TS25 1UB  
**Date valid:** 16/10/2009  
**Development:** Use as a waste transfer station and skip hire including  
provision of recycling sorting bays (amended plans  
received)  
**Location:** UNIT 5 SANDGATE INDUSTRIAL ESTATE  
MAINSFORTH TERRACE HARTLEPOOL  
HARTLEPOOL

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## Background

11.1 The item appears on the original agenda as item 11. The recommendation was left open as a number of consultation responses were awaited. Additionally, discussions were ongoing with regard to the issue of controlling vehicle movements on site.

11.2 The comments of Traffic and Transportation, the Head of Public Protection and the Environment Agency have been received.

**Head of Public Protection** – No further comments than those previous.

**Traffic and Transportation** – Amended plan is acceptable in terms of proposed level of business. If business expands, the limited size of the site will compromise highway safety due to limited manoeuvrability and may impact on the access if vehicles are required to wait for entry. The permission should limit the number of vehicles which can operate from the premises (maximum 5) and limit the size and number of the sorting bays.

**Environment Agency** – Re-sited bays should reduce potential for impact on neighbouring properties. There is a need to maintain the retaining wall and provide litter fencing to the rear of the site to prevent danger to the public and litter escaping onto the footpath at the rear. No waste activities to take place with the requisite environmental permit in place.

11.3 In addition, advice has been obtained from the Council's Legal Section and it is indicated that it is viable to control vehicle movements on site through a Section 106 agreement.

# UPDATE

## 4.1

11.4 No additional letters of objection have been received. The period for publicity expires following the meeting. Any additional letters of objection received before the meeting will be tabled on the day.

### **Planning Considerations**

11.5 The main planning considerations in this instance are the appropriateness of the proposal in planning policy terms, the impact on the amenity of the surrounding area, and the effect on highway safety. Policy considerations are set out in the original report.

#### Amenity

11.6 The principal concerns in amenity terms are the potential for noise, odours, dust, litter, and vermin. The Environment Agency have raised no objection to the proposal, and are satisfied that the re-siting of the bays to the northern end of the site will reduce any potential impact on the neighbouring properties. There is potential for an impact on the footpath to the north of the site, the Environment Agency have indicated that the maintenance of the retaining wall and the provision of catch litter fencing would satisfactorily mitigate any potential impact on the footpath.

11.7 It is considered that the source of issues regarding odours, dust, mud, litter and vermin are principally a result of the waste streams operating on the site, particularly any malodorous or putrescible elements.

11.8 The applicant has indicated that any incidental quantities of putrescible waste will be separated and disposed of off-site at an appropriately licensed facility. The Council's Head of Public Protection is satisfied that a condition requiring such elements to be separated, stored in an enclosed container and removed from the site in 48 hours would adequately control potential nuisance. Additionally, conditions controlling the waste types to be handled on the site, dust suppression measures to be implemented, an adequate wheel washing facility, litter catchment fencing and a limit on storage heights are considered to satisfactorily negate the potential impact of the proposal on the amenity of surrounding properties.

11.9 It is considered that the level of activity proposed, in the context of the industrial surroundings, should not result in noise levels as to have a significant impact on the amenity of surrounding properties.

11.10 Furthermore, the site can not legitimately operate without the requisite Environmental Permit regulated by the Environment Agency. That permit will require measures to control the potential pollution element of the site in terms of those set out above. Additionally, the permit will control the tonnages the site is allowed to operate with.

11.11 In light of the above, it is considered that there is sufficient control in place to ensure the site operates without having a significant impact on the amenity of the surrounding area.

# UPDATE

## 4.1

### Highways

11.12 As discussed in the original report, a previous application for a similar operation was refused and dismissed on appeal in 1994. The Council's Traffic and Transportation section have indicated that although the site is relatively limited in terms of size, it can adequately operate at the level of operation proposed. The applicant has indicated that the proposal includes the operation of a maximum of 3 vehicles. Traffic and Transportation have indicated that this is an acceptable level. On that basis it is considered subject to adequate control over the number of vehicles operating on the site, the site could operate without having an adverse impact on highway safety in terms of vehicles waiting on the highway and potential conflicts both at the access to the site and within the site.

11.13 Advice from the Council's Legal Section indicated that the control could be obtained through a Section 106 agreement which will restrict the operation to no more than 3 vehicles and limit additional vehicles (i.e. any visiting members of the public) from accessing the site. It is considered that whilst the Council's Traffic and Transportation section have indicated a maximum of 5 vehicles, the applicant has indicated that 3 vehicles are sufficient for the proposed operation. On that basis it is considered prudent to limit the site to 3 vehicles to further mitigate potential conflict, which in turn will allow the Local Authority to assess the operation in the light of experience.

### Other Issues

11.14 In terms of drainage, Northumbrian Water have raised no objection to the proposal.

11.15 It is considered that potential fire risk could be satisfactorily mitigated through the controls of the both the Planning Authority, and the permitting controls of the Environment Agency. The application has indicated that the waste is to be stored in lockable skips which should reduce potential impacts of fire, allowing any incidents to be controlled. Additionally, the proposed sorting bays where waste will be stored have been re-sited to the north of the site, reducing potential conflicts with neighbouring premises.

11.16 It is considered that subject to the satisfactory controls as discussed above, the proposal will bring a redundant site back into use, increasing recycling in a location identified as suitable in the Hartlepool Local Plan (2006).

11.17 The final comments of the EA are being sought in relation to the proposed waste streams.

### **Conclusions**

11.17 With regard to the relevant Hartlepool Local Plan (2006) policies, and the relevant planning considerations as discussed above, the proposal is

# UPDATE

## 4.1

considered acceptable subject to a Section 106 agreement and the conditions below, and is therefore recommended for approval.

**RECOMMENDATION** - MINDED TO APPROVE subject to a legal agreement restricting the operation in terms of vehicle numbers and movements, the final comments of the Environment Agency and the conditions set out below, with the final decision delegated to the Development Control Manager in consultation with the Chair of Planning Committee since publicity is outstanding.

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 plan 300909a received by the Local Planning Authority on 27 01 10.  
For the avoidance of doubt.
3. The permission hereby granted relates to the transfer and processing of non-hazardous construction and demolition, and municipal waste only as described in Sections 17 and 20 of the European Waste Catalogue 2002 namely:-  
17 01 - Concrete, bricks, tiles and ceramics  
17 02 - Wood, glass and plastic  
17 03 - Bituminous mixtures, coal tar, and tarred products  
17 04 - Metals (including their alloys)  
17 05 - Soil (including excavated soil from contaminated sites), stones and dredging spoil  
20 02 - Garden and park wastes (including cemetery wastes).  
In the interests of the amenities of the occupants of neighbouring properties.
4. No special wastes as defined in The Hazardous Waste (England and Wales) Regulations 2005 (or any regulations/order revoking or re-enacting the regulations/order with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or processed.  
In the interests of the amenities of the occupants of neighbouring properties.
5. Waste brought onto the site and recycled materials shall only be deposited, worked on or stored within Bays 1 and 2 hereby approved and notwithstanding the submitted details, final details including location, of the external storage Bays 1 and 2 shall be first agreed in writing with the Local Planning Authority. Waste and recycled materials shall not be deposited on or stored in any other areas of the site without the prior written approval of Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

# UPDATE

## 4.1

6. Waste brought onto the site and recycled materials shall not be deposited, worked on or stored to a height exceeding 3m and shall be restricted to Bays 1 and 2 only.  
In the interests of the amenities of the occupants of neighbouring properties.
7. Any putrescible or organic waste found within incoming loads shall be separated from the waste and stored in sealed container(s) and thereafter transferred from the site within 48 hours of it being brought onto the site.  
In the interests of the amenities of the occupants of neighbouring properties.
8. Unless otherwise agreed in writing, no materials or waste shall be brought onto the site until a scheme for the disposal of surface foul or contaminated water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that proper means are provided for the disposal of foul sewage and surface water from the development.
9. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.  
To prevent pollution of the water environment.
10. Unless otherwise agreed in writing by the Local Planning Authority, a wheel wash scheme to prevent mud or waste being deposited on the highway by vehicles leaving the site shall be submitted to and agreed in writing by the Local Planning Authority and implemented before any waste is brought onto the site. Thereafter the approved scheme shall be available and be used for its intended purpose at all times during the life of the development.  
In the interests of highway safety.
11. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the external storage areas. No waste shall be brought onto the site until the approved fencing is in place. The screen and litter catch fencing or similar replacement fencing in the event that the approved fencing is damaged and cannot fulfill its function shall thereafter be retained during the life of the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

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## 4.1

12. Notwithstanding the submitted details, final details of the retaining wall for the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the wall shall be retained in accordance with those details for the lifetime of the development.  
To ensure a satisfactory form of development.
13. There shall be no burning of materials or waste on the site.  
In the interests of the amenities of the occupants of neighbouring properties.
14. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. Once installed the equipment shall be retained for the life of the development and shall be available for use at all times while the facility is operational.  
In the interests of the amenities of the occupants of neighbouring properties.
15. Notwithstanding the submitted plans, final details of a scheme for staff car parking on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the staff car parking shall be provided before the approved use commences and retained in accordance with those details at all time throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
16. Notwithstanding the submitted details, final details of the proposed hard surfaces on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with those details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.
17. Notwithstanding the submitted details a scheme detailing the location(s) of skips held within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter skips shall be stored/deposited only within the areas approved and on no other area unless otherwise agreed in writing by the Local Planning Authority.  
To ensure a satisfactory form of development.
18. The proposed vehicle turning area shall be delineated and provided on the site in a manner to be first agreed in writing by the Local Planning Authority before any waste is brought onto the site. The vehicle turning area shall thereafter be retained unobstructed and clear and capable of

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**4.1**

use for its intended purpose at all times for the lifetime of the development.

In the interests of highway safety.

# UPDATE

4.1

**No:** 12  
**Number:** H/2009/0703  
**Applicant:** Mr Nigel Johnson  
**Agent:** B3 Architects 3rd Floor Grainger Chambers 3 - 5 Hood Street Newcastle upon Tyne NE1 6JQ  
**Date valid:** 24/12/2009  
**Development:** Demolition of two dwellings and erection of 20 two, three and four bedroomed houses and bungalow, provision of access road with new access to Kipling Road and associated works (amended plans and revised description)  
**Location:** KIPLING ROAD HARTLEPOOL

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12.1 The application appears on the main agenda as item 12. The recommendation was left open to allow further consideration of the correct mechanism for the provision of planning obligations. In addition a number of consultation responses were awaited and publicity was ongoing.

12.2 Legal advice has been sought and officer's are satisfied that the provision of planning obligations can be adequately provided without the need for a legal agreement.

12.3 Since the original report was created, an additional 2 letters of objection have been received from previous respondents and are appended to this report. The concerns raised are:

- a) Estate was meant to have lots of green areas on it;
- b) Estate will be too cramped with additional houses;
- c) Extra traffic
- d) Noise
- e) Out of keeping in terms of design with surrounding properties
- f) Concerns over prospective tenants
- g) Loss of light
- h) Green should be left for children and dog walkers.

12.4 Any response letters received prior to the meeting will be tabled on the day.

## Planning Considerations

12.5 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of development in policy terms, design and layout issues, the impact of the proposal on the amenity of surrounding



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## 4.1

residential properties, the impact on the character and appearance of the surrounding area, the impact on highways safety, flooding and drainage, ecology, archaeology and rights of way.

### Policy

12.6 The application site is 'white land'. The surrounding land use on three sides is residential, the site being located within a predominately residential area. It is acknowledged that the application is predominantly greenfield land and PPS32 makes clear the sequential preference for brownfield land to be developed ahead of greenfield sites. Applications for windfall housing sites on greenfield sites must be assessed on their own merits, within the relevant policy context. The proposal therefore needs careful consideration, particularly under policies Hsg5 and Hsg9.

12.7 The proposed development would act as an infill site and is within the development limits of the town. The site does not form part of protected open space. The site has been identified in the emerging Strategic Housing Land Availability Assessment (SHLAA) as a suitable for the delivery of housing within 1-5 years. The development will contribute towards the positive regeneration of the area, contributing additional provision towards increase choice for housing. Recent studies (Hartlepool Strategic Housing Market Assessment – HSHMA 2006 and Tees Valley SHMA 2008) have highlighted a general shortfall within the Borough of affordable housing including social rented and intermediate dwellings. For housing developments of this scale the developer is required to make a financial contribution towards play facilities in the nearby area. In this instance as the land is owned by Hartlepool Borough Council it has been agreed that a payment of £250 per dwelling has been allocated for this purpose. It is considered that the proposal will provide much needed affordable housing. In the light of all the above the proposal is considered acceptable in policy terms.

### Design/Layout

12.8 The proposed layout incorporates a mixture of 2, 3 and 4 bedroom two-storey dwellings, with the exception of a single 2 bedroom bungalow. The properties are predominately semi-detached with the exception of a group of three terraced properties on the western side of the site. The layout has been designed to reflect the existing built form, with the properties facing one another within the site and with rear gardens backing on to those gardens of the existing properties of Thackeray Road and Kipling Road. Plots 1 and 2 are designed to front Kipling Road in line with the built form of the existing properties. Sufficient amenity space has been provided for each of the dwellings and each dwelling has been provided with off-street parking. The layout in general accommodates areas of informal open space and elements of landscaping, including a buffer to the side garden of 86 Kipling Road. The northern end of the site has been re-

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designed through the pre-application stage to ensure increased levels of natural surveillance as a deterrent to anti-social behaviour.

12.9 In terms of the design, the surrounding area is characterised by mid-twentieth century properties – two-storey semi-detached properties with hipped roofs on Kipling Road, and two-storey terraced properties with gable roofs on Thackeray Road. The proposed properties are of a modern design, incorporating gable roofs. The proposed houses will be of a similar scale to the existing and whilst they will be of a modern design it is considered they will be appropriate in this context.

### Amenity

12.10 The site is bordered on three sides by residential properties. Supplementary Note 4 of the Hartlepool Local Plan (2006) states that new development should adhere to separation distances of 20m where principal elevations face one another or 10m where a blank gable faces the front or back of a property. In this instance the minimum separation distances have been adhered to both within the site and to the surrounding residential properties. The proposed development is considered unlikely to have a significant impact on the amenity of surrounding properties in terms of overlooking, overshadowing, outlook and dominance. The proposed land use is considered compatible with surrounding uses, and it is considered that the proposal is unlikely to unduly affect neighbouring residents in terms of noise and disturbance. The Council's Head of Public Protection has raised no objection in that respect.

### Character of Area

12.11 In terms of compatibility with surrounding land uses, the proposal is considered appropriate as a residential development within a predominately residential area. It is considered that a sufficient buffer has been retained between the development and the school playing fields to the north. It is considered unlikely that the development will have a negative impact on the character and setting of the Summerhill Country Park.

### Highways

12.12 The proposal seeks to make provision for a new access road to the site from Kipling Road. The Council's Traffic and Transportation section have indicated that the proposed junction is not ideally situated on the bend of Kipling Road. However, it is indicated that any potential conflicts with turning vehicles in terms of highway safety can be adequately mitigated through the provision of traffic calming measures on Kipling Road. It is considered that this can be adequately controlled through a suitably worded condition requiring the provision of appropriate measures to be agreed with the Local Planning Authority and implemented prior to the occupation of any of the proposed dwellings.

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12.13 Traffic and Transportation are satisfied that the sight lines at the proposed junction are acceptable. In terms of visibility, they are also satisfied providing the boundary treatment at plot 20 is no higher than 0.6m in order to maintain acceptable visibility. This can be controlled by condition.

12.14 Whilst it is acknowledged that the development will increase traffic flows on the surrounding network, it is considered that, subject to the provision of the necessary mitigation, it will not be of a level to unduly affect highways safety.

12.15 The level of off-street parking provision is considered acceptable. All properties have been provided with one space, with eight properties benefiting from two spaces.

### Flooding/Drainage

12.16 Northumbrian Water have raised no objection subject to the imposition of a planning condition requiring the submission and agreement of a detailed scheme for the disposal of surface water. On that basis it is considered that the scheme will not result in increased levels of flood risk. The Council's Engineering Consultancy have requested further details of the proposed drainage and site levels to determine whether any additional land drainage measures are required. It is considered that these details can be suitably controlled via planning condition.

### Ecology/Landscaping

12.17 A level of landscaping has been demonstrated within the site and this is considered acceptable in principle. However, final details of the proposed planting will be required and a suitable condition is therefore recommended.

12.18 The Council's Ecologist has raised no objections to the proposals. It is recommended that, in light of the potential presence of Great Crested Newts in the surrounding area beyond the site, that an informative is attached to any planning permission advising of the legal status of Great Crested Newts and the requirement for construction works to halt if their presence is identified.

### Archaeology

12.19 The application site lies in close proximity to the Romano-British settlement site of Catcote, discovered during excavation works in the 1960s. An archaeological evaluation has taken place on the site and there were no finds of archaeological interest. On that basis Tees Archaeology have raised no objections to the scheme and the proposal is considered acceptable in archaeology terms.

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### Public Right of Way

12.20 The site is crossed by an existing Public Right of Way. The applicant has indicated that they intend to apply to divert the right of way to follow the proposed footpaths within the site. This will form part of a separate application to the Council's Parks and Countryside section under section 257 of the 1990 Town and Country Planning Act. The applicant has also supplied a plan demonstrating a route for the temporary diversion of the right of way during the construction phase. The Ramblers have indicated that the temporary path should have a width of at least 2m, have boundaries no higher than 1.22m, have a surface of a condition fit for the use of the public, must not be obstructed by construction operations, and work shall not start on the existing path until the temporary way has been brought into condition fit for use. These views have been endorsed by the Council's Countryside Access Officer. On that basis it is considered those issues can be adequately controlled by suitably worded planning conditions. It is considered that the revised public right of way is acceptable in accordance with the advice of Circular 01/09. It is recommended that an informative is placed on any approval advising the applicant that the granting of planning permission is not a pre-requisite of a diversion, and that such a diversion will have to be applied for separately before development on the right of way commences.

### Other

12.21 In terms of potential for crime and anti-social behaviour, the development has been designed with 'Secured by Design' principles, incorporating a range of security measures. Furthermore, an appropriate condition requiring such measures is proposed. The scheme has been designed to minimise potential areas for anti-social behaviour and the layout designed as such to ensure the best level of natural surveillance possible. Cleveland Police have raised no objection to the proposals.

12.22 In terms of the comments from objectors which indicate the site's use as a play facility should be maintained/enhanced - there is little evidence on the site at present of recent use for recreational purposes and it appears to be used as informal open space with evidence of anti-social behaviour/flytipping. There is, however, evidence of a former play use in the form of dilapidated areas of hardstanding. Cleveland Police have indicated that the site suffers from high levels of anti-social behaviour. The current application is to consider the merits of the proposed residential scheme. Any consideration of the site for a potential play area is outwith the consideration of this application.

12.23 A section 80 notice is required to facilitate the demolition of the two properties on Kipling Road. This is dealt with under legislation separate from the planning process. An informative is recommended to any permission informing the applicants of the requirement for a section 80 notice. In planning terms the demolition of the houses is considered acceptable however a condition requiring

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a Method Statement for remediation is considered prudent should there be a delay between demolition and development.

12.24 Concerns over prospective tenants and the impact on property values are not material planning considerations in this instance.

### Conclusions

12.25 The application is considered acceptable in light of the material planning considerations as discussed above and is recommended for approval subject to the provision of the relevant developer contributions.

**RECOMMENDATION – MINDED TO APPROVE** subject to the provision of developer contributions amounting to £250 per dwelling towards off-site play provision, and the conditions below, with the final decision delegated to the Development Control Manager in consultation with the Chair of Planning Committee since publicity is outstanding.

- 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 plans SI-100P3, SI-102P4, SI-101P3, SI-104P1, EL-201P3 received by the Local Planning Authority on 29 January 2010, and GA-110P1, GA-112P1, GA-113P1, GA-114P1 received by the Local Planning Authority on 21 December 2009.  
For the avoidance of doubt
- 3 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.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or outbuildings 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.

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- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.
- 6 Notwithstanding the details submitted, unless otherwise agreed in writing with the Local Planning Authority, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
- 7 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 Unless otherwise agreed in writing with the Local Planning Authority details of the proposed sheds shall be submitted to and approved by the Local Planning Authority before their erection.  
In the interests of visual amenity.
- 9 Notwithstanding the details submitted unless otherwise agreed in writing with the Local Planning Authority, the proposed ground floor window(s) in the side elevations of the dwellings hereby approved on plots 6, 7, 12, 13, 14, 15, and 20, and the first floor windows of plots 2, 3, 6, 7, 11, 13, 14, 17, and 18 shall be glazed with obscure glass or provision shall be made for a fence of a height and in a position to be first agreed in writing by the Local Planning Authority to be erected between those properties to prevent direct overlooking from those windows. The preferred scheme shall be implemented before the respective dwellings are occupied and thereafter the scheme or equivalent replacement shall be retained during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
- 10 Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of

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the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of security.

- 11 The development hereby approved shall be carried out having regard to the following:

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;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. 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'.

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 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.

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Following completion of measures identified in the approved remediation scheme, 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 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

### 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'.

### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition 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 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.



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- 12 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.
- 13 If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity
- 14 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 in consultation with Northumbrian Water. 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.
- 15 Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.  
In the interests of the environment.
- 16 Unless otherwise agreed in writing by the Local Planning Authority none of the dwelling houses hereby permitted shall be occupied until traffic calming measures on Kipling Road have been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.  
In the interests of highway safety.
- 17 Notwithstanding the submitted details, final details of the proposed temporary Public Right of Way diversion, including path widths, boundary heights and surfacing materials shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance

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with those approved details prior to the commencement of development.  
No work shall start on any part of the site currently occupied by the Public Right of Way until the temporary path has been implemented in accordance with the approved details.

In the interests of the Public Right of Way.

- 18 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.
- 19 Within one month from the date of this approval a scheme for remediation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation scheme 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.