

# PLANNING COMMITTEE AGENDA



**Wednesday, 31 March 2010**

**at 10.00 am**

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

## PLANNING COMMITTEE:

Councillors Alison, 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 March 2010 (to follow )

**4. ITEMS REQUIRING DECISION**

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

1. H/2010/0039 Brierton Sports Community School, Catcote Road
2. H/2010/0038 42 Bilsdale Road
3. H/2009/0626 Market Hotel, Lynn Street
4. H/2009/0615 Market Hotel, Lynn Street

- 4.2 Appeal By Mr K Napper Appeal Ref: App/H0724/D/10/2123401  
Site At: 10 Northw old Close, Hartlepool, TS25 2L – *Assistant Director (Planning & Economic Development)*
- 4.3 Appeal By Mr J Crow Site At Crow s Meadow Farm, Dalton Back Lane, Hartlepool (H/2009/0671) – *Assistant Director (Planning & Economic Development)*
- 4.4 Update on Current Complaints – *Assistant Director (Planning & Economic Development)*
- 4.5 Member Training - *Chief Solicitor and Assistant Director (Planning & Economic Development)*
- 4.6 Review Of Windows In Conservation Areas Policy – *Assistant Director (Planning & Economic Development)*

**5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

**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) (Variation) Order 2006

**6. ITEMS REQUIRING DECISION**

- 6.1 Tall Ships Event – Late Opening Issues (Para 5) - *Assistant Director (Planning & Economic Development)*

**7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**8. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next meeting as detailed below .

Next Scheduled Meeting – Wednesday, 28 April 2010 at 10.00 am in the Council Chamber, Civic Centre, Hartlepool

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

3 March 2010

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Shaun Cook, Kevin Cranney, Mary Fleet, Sheila Griffin, Pauline Laffey, Geoff Lilley, Frances London, John Marshall, George Morris and Carl Richardson.

In accordance with Council Procedure Rule 4.2 (ii), Councillor David Young was in attendance as substitute for Councillor Chris McKenna and Councillor Robbie Payne was in attendance as substitute for Councillor Steve Wallace.

Officers: Richard Teece, Development Control Manager  
Garry Hutchison, Building Control Manager  
Peter Frost, Traffic Team Leader  
Kate Watchorn, Solicitor  
Christine Pipe, Principal Planning Officer  
Jason Whitefield, Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Sarah Scarre, Landscape Planning and Conservation Manager  
Angela Hunter, Principal Democratic Services Officer

### **117. Apologies for Absence**

Apologies for absence were received from Councillors Stephen Allison, Chris McKenna, Michelle Plant and Steve Wallace.

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

Councillor Kevin Cranney declared a personal interest in minute 121 item H/2009/0566 and minute 123. Councillors Mary Fleet and Pauline Laffey declared personal and prejudicial interests in minute 121 items H/2009/0626, H/2009/0615, H/2010/0086 and H/2009/0701 and indicated they would leave the meeting during the consideration of those items.

**119. Confirmation of the minutes of the meeting held on 3 February 2010.**

Confirmed.

**120. Any Other Business – Proposed Diversion of Public Footpaths No 24 and 25, Elwick Parish at Low Stotfold Farm** (*Director of Regeneration and Neighbourhoods*)

At the meeting of the Planning Committee on 3 February 2010 approval was sought for the making and subsequent confirmation of the diversion of Public Footpaths No 24 and 25, Elwick Parish at Low Stotfold Farm. At that meeting Member sought clarification on the views of Elwick Parish Council. The Countryside Officer indicated that he was unsure if the Parish Council had been contact direct and that he would contact them and report their views back to the Committee.

A formal consultation had been undertaken with Elwick Parish Council on 22 February 2010 and at that meeting, the Parish Council registered unanimous approval for the diversion. In addition to this, the new Elwick Ward Councillor had been consulted who indicated she saw the merit in the need for the diversion.

**Decision**

- (i) The making of Diversion Orders to implement the proposal to divert Public Footpaths No 24 and 25, Elwick Parish at Low Stotfold Farm was approved.
- (ii) If no objections were received, or if any objections which were received were subsequently withdrawn, the Orders be confirmed.
- (iii) If any objections were received, and not subsequently withdrawn, the Orders be referred to the Secretary of State for confirmation.

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

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

- Item 1 – H/2009/0626 – Market Hotel, Lynn Street
- Item 2 – H/2009/0615 – Market Hotel, Lynn Street
- Item 8 – H/2010/0038 – 42 Bilsdale Road

**Number:** H/2009/0627

**Applicant:** Mr D Young, 12 Beaconsfield Street, Hartlepool

**Agent:** Weatherproof Windows, 3a Lancaster Road, Hartlepool

**Date received:** 11/11/2009

**Development:** Installation of replacement upvc sliding sash windows (Retrospective)

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

**Location:** 12 BEACONSFIELD STREET, HARTLEPOOL

**Decision:** **1) Planning Permission Approved**

**2) No action be taken in respect of the door alterations**

The Committee considered representations in relation to this matter

**Number:** H/2009/0710

**Applicant:** Mr A Memari, Sopranos, York Road, Hartlepool

**Agent:** Jackson Plan, Mr Ted Jackson, 7 Amble Close, Hartlepool

**Date received:** 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

**Representations:** Councillor R Payne (on behalf of objectors) and Mr T Jackson (agent) was in attendance and addressed the Committee.

**Location:** SOPRANOS, 93 YORK ROAD, HARTLEPOOL

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

### **REASONS 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.

The Committee considered representations in relation to this matter

Councillors Mary Fleet and Pauline Laffey left the meeting at this point due to their earlier declaration of interest.

- Number:** H/2009/0703
- Applicant:** Mr Nigel Johnson, Hartlepool Borough Council
- Agent:** B3 Architects, 3rd Floor, Grainger Chambers, 3 - 5 Hood Street, Newcastle upon Tyne
- Date received:** 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 received)
- Representations:** Mr Hall (objector) and Mrs S Fawcett (on behalf of applicant) was in attendance and addressed the Committee.
- Location:** KIPLING ROAD, HARTLEPOOL
- Decision:** **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.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with 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.
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 which shall be installed before the dwelling is occupied and shall thereafter retained at all times while the window(s) exist(s).  
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 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.

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.

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 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. Unless otherwise agreed in writing by the Local Planning Authority within one month from the date of this approval a scheme to ensure that the site of the two houses be cleared is left in a clean and tidy condition should development be delayed following their demolition shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved 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.
20. Unless otherwise agreed in writing by the Local Planning Authority details of existing and proposed site levels and finished floor levels of the houses and bungalow hereby approved shall be submitted to and approved in writing by the Local Planning Authority before construction of any of the houses or bungalows commences. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of the amenities of the occupiers of nearby houses.

21. Details of the siting of any site compound and the siting and height of any related buildings shall be first agreed in writing by the Local Planning Authority before development commences.  
In the interests of the amenities of the occupiers of nearby houses.

The Committee considered representations in relation to this matter.

Councillors Mary Fleet and Pauline Laffey rejoined the meeting.

- 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:** **MINDED TO APPROVE** subject to a legal agreement restricting the operation in terms of vehicle numbers (3) 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.

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the 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 shall not be deposited worked on or stored to a height exceeding 3m. 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.
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 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. 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 occupants of neighbouring properties.

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 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 use for its intended purpose at all times for the lifetime of the development.  
In the interests of highway safety.

The Committee considered representations in relation to this matter

Councillors Mary Fleet and Pauline Laffey left the meeting at this point due to their earlier declaration of interest.

**Number:** H/2009/0701

**Applicant:** Housing Hartlepool, Mr S Bell, Stranton, Hartlepool

**Agent:** B3 Architects, 3rd Floor, Grainger Chambers, 3 - 5 Hood

Street, Newcastle upon Tyne

**Date received:** 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

**Decision:** **Planning Permission APPROVED** 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:

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received 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 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 (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 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.

16. Unless otherwise agreed in writing by the Local Planning Authority details of existing and proposed site levels and finished floor levels of the houses and bungalows hereby approved shall be submitted to and approved in writing by the Local Planning Authority before construction of any of the houses or bungalows commences. The development shall thereafter be carried out in accordance with the approved details.

In the interests of the amenities of the occupiers of nearby houses.

17. Details of the siting of any site compound and the siting and height of any related buildings shall be first agreed in writing by the Local Planning Authority before development commences.

In the interests of the amenities of the occupiers of nearby houses.

The Committee considered representations in relation to this matter

Councillors Mary Fleet and Pauline Laffey rejoin the meeting.

**Number:** H/2010/0086

**Applicant:** Mr Stephen Bell, Housing Hartlepool, Stranton, Hartlepool

**Agent:** Browne Smith Baker, LLP, Mr Guy Holmes, 11-12 Portland Terrace, Newcastle

**Date received:** 16/02/2010

**Development:** Erection of 14 houses and associated works

**Location:** LAND AT LYNN STREET/SURTEES STREET HARTLEPOOL

**Decision:** **Minded to APPROVE subject to the following conditions but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee having regard to comments from English Heritage**

## 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 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.
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.

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

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to: - human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - adjoining land, - groundwaters and surface waters, - ecological systems, - archeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

D. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning

Authority.

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

F. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that any site contamination is addressed.

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.

The Committee considered representations in relation to this matter

**Number:** H/2010/0004

**Applicant:** Hartlepool Borough Council, Neighbourhood Services,  
173 Park Road, Hartlepool

**Agent:** Hartlepool Borough Council, Neighbourhood Services

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

**Development:** Erection of security fencing and gates

**Location:** FURNESS STREET, HARTLEPOOL

**Decision:** **Planning Permission Approved**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.

**Number:** H/2010/0010

**Applicant:** Hartlepool Borough Council, Civic Centre, Hartlepool

**Agent:** Hartlepool Borough Council, Procurement and Property Services, Civic Centre, Hartlepool

**Date received:** 14/01/2010

**Development:** Outline application for the erection of new school

**Location:** BRIERTON SCHOOL, BRIERTON LANE, HARTLEPOOL

**Decision:** **Outline Permission Approved**

## CONDITIONS AND REASONS

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

**Number:** H/2010/0012

**Applicant:** Hartlepool Borough Council, Civic Centre

**Agent:** Hartlepool Borough Council, Procurement and Property Services, Civic Centre

<b>Date received:</b>	14/01/2010
<b>Development:</b>	Outline application to rebuild and remodel Manor College of Technology
<b>Location:</b>	MANOR COMPREHENSIVE SCHOOL, OWTON MANOR LANE, HARTLEPOOL
<b>Decision:</b>	<b>Outline Permission Approved</b>

### 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 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.

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. 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 to 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 the provision of appropriate sports areas.

17. The landscaping details required by condition 2 shall include a survey of all trees on the site and indicate and agree with the Local Planning Authority which trees are to be removed.

In the interests of visual amenity.

18. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority.

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

**122. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 123 – Niramax Site, Thomlinson Road (Para 5 – namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

**123. Niramax Site, Thomlinson Road** (*Assistant Director (Planning and Economic Development)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely Para 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Development Control Manager provided Members with an update as to the current position in relation to operations at Niramax, Longhill Landfill site and gave an overview of the planning history in relation to the site.

**Decision**

Members noted the current position.

The meeting concluded at 13.52.

CHAIRMAN

**No:** 1  
**Number:** H/2010/0039  
**Applicant:** Hartlepool Borough Council Civic Centre Hartlepool TS24 8AY  
**Agent:** Hartlepool Borough Council Mr Steven Abbey  
.Engineering Consultancy Bryan Hanson House  
**Date valid:** 11/02/2010  
**Development:** Alterations to car park and grassed area adjacent to footpath to create coach park, drop off, layby and parking area with new access and retention of seven storage containers  
**Location:** BRIERTON SPORTS COMMUNITY SCHOOL CATCOTE ROAD HARTLEPOOL

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### **The Application and Site**

1.1 The application site is situated within the ground of Brierton School just to the south of the Community Sports Centre which occupies part of the school site.

1.2 The site to be re-developed currently consists of an access road, turning heads, car park and three separate grassed areas – two fairly small and one larger mounded area which fronts onto Brierton Lane.

1.3 Neighbouring properties are entirely residential. A number of houses and bungalows on the south side of Brierton Lane directly overlook the site.

1.4 The proposal involves the formation of a coach park with a drop-off layby, new vehicular exit point and alterations to the existing car park. The proposal also involves the retention of seven portable storage containers which have already been positioned in two areas of the site and to the rear of existing buildings.

1.5 The works to the car park/coach park are proposed to provide a safe environment for pupils, staff, visitors and existing residents of the area in relation to the Dyke House School decant. Whilst refurbishments works are being carried out, pupils will be transferred to Brierton School. It is likely that the works will take approx two years to complete and will involve 12 coaches dropping off and picking up pupils at the start and finish of the school day.

1.6 The improved car park will also provide visitor parking for the Leisure Centre.

### **Publicity**

1.7 The application has been advertised by way of neighbour letters (18) and site notice. To date, there have been 2 letters of no objection and 4 letters of objection.

The objections include:-

- a) already harassed by traffic at weekends
- b) additional noise/disturbance/rubbish

- c) cars will be parked at road side
  - d) fumes from vehicles – will not be able to have windows open
  - e) traffic controls needed at junction with Catcote Road
  - f) should be on Catcote Road
  - g) road has two sharp bends and is narrow
  - h) invasion of privacy/unsightly
  - i) will be danger to health of residents
  - j) cars already block driveways on Brierton Lane
  - k) visitors throw rubbish in gardens and sit on walls
  - l) lights from buses will shine in windows of properties opposite
- Copy letter A

The period for publicity has expired.

### **Consultations**

1.8 The following consultation replies have been received:

**Head of Public Protection** - awaited

**Head of Property Services** awaited

**Engineering Consultancy** – no objections

**Northumbrian Water** - awaited

**Traffic & Transport** – no objections. The coach park is considered to be appropriate for its function. Parking restrictions will be required on Brierton Lane to maintain free flow of traffic (following complaints from residents). After the decant is finished, the scheme will provide additional parking for visitors to the Sports Centre - removing the need to park on the highway. In the longer term it is proposed to carry out major junction improvements at Catcote Road. This will involve traffic signals.

### **Planning Policy**

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

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

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



schemes and where practical in alterations to existing developments.

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

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.

## **Planning Considerations**

1.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the adopted Hartlepool Local Plan, and the impact on highway safety, the amenity of neighbouring properties and the visual amenity of the area in general.

### Principle of the development

1.11 Although part of the application site lies within an area designated as outdoor playing space within the Local Plan (Rec4), it is within the existing grounds of the school and community sports centre and currently provides access and servicing for these facilities. It would appear clear that none of the three small areas of open space are or capable of being used for either sports or leisure purposes. The loss of these areas are therefore considered to have little impact on the provision of outdoor playing space.

1.12 Most of the two smaller grassed areas are to remain. The largest piece of land will be redeveloped to create the new coach park where a wide strip of land fronting onto Brierton Lane will remain and will create a visual 'buffer zone', separating the vehicles from residential properties on the south side of Brierton Lane.

1.13 In view of the above, the use of the land is considered to be in accordance with local plan policy.

### Highway Safety

1.14 A number of objections have been received regarding various issues of highway safety including visitor parking on the highway. The Traffic Engineer has examined the plans and considers that the works are both appropriate and necessary. Various schemes have been examined in relation to the Dyke House School decant and the result being that the current scheme would provide a safe environment for all visitors to the site, now and in the future (once the school issues have ended) and also to have the minimum impact on neighbouring residents.

1.15 In response to complaints by residents about inconsiderate parking, it has been decided that traffic restrictions will be imposed on Brierton Lane in order to allow the free flow of traffic and to alleviate existing parking problems.

1.16 The new coach park will provide both parking and dropping off facilities for visitors to the school away from residential properties and off the public highway. Access into the site will be at the existing car park entrance with exit only back onto Brierton Lane at the east of the site. The Engineers are happy with these arrangements.

#### Impact on residents

1.17 Whilst there will be increased activity at the site with noise from additional vehicles and visitors, the site has been in school/leisure use for many years. The use of the new facilities by school children is expected to be for a temporary period of up to two years when the parking areas will be for the use of the community sports centre. Measures can be taken for proper management of traffic flows and supervision of pupils in order to minimise any additional noise and disturbance.

1.18 Landscaping can be required by condition to provide a visual screen to the coach park. The nearest residential properties (bungalows) are on the south side of Brierton Lane, most of which have reasonably deep front gardens and garden walls with hedges.

#### Visual amenity of the area in general

1.19 At present, the area in question consists of car park, roads and open grassed areas. There is one tree situated at the south east corner of the site which will be removed. Whilst not unpleasant to look at it is considered that the area does not contribute in a particularly interesting way, to the overall visual amenities of the area. The proposed scheme should provide a safe environment for all users and at the same time, alleviate existing parking problems. A suitable landscaping scheme can be required. This will, once established provide screening and additional interest in the street scene.

1.20 The siting and location of the portable containers is considered to be acceptable on a temporary basis in terms of visual amenity.

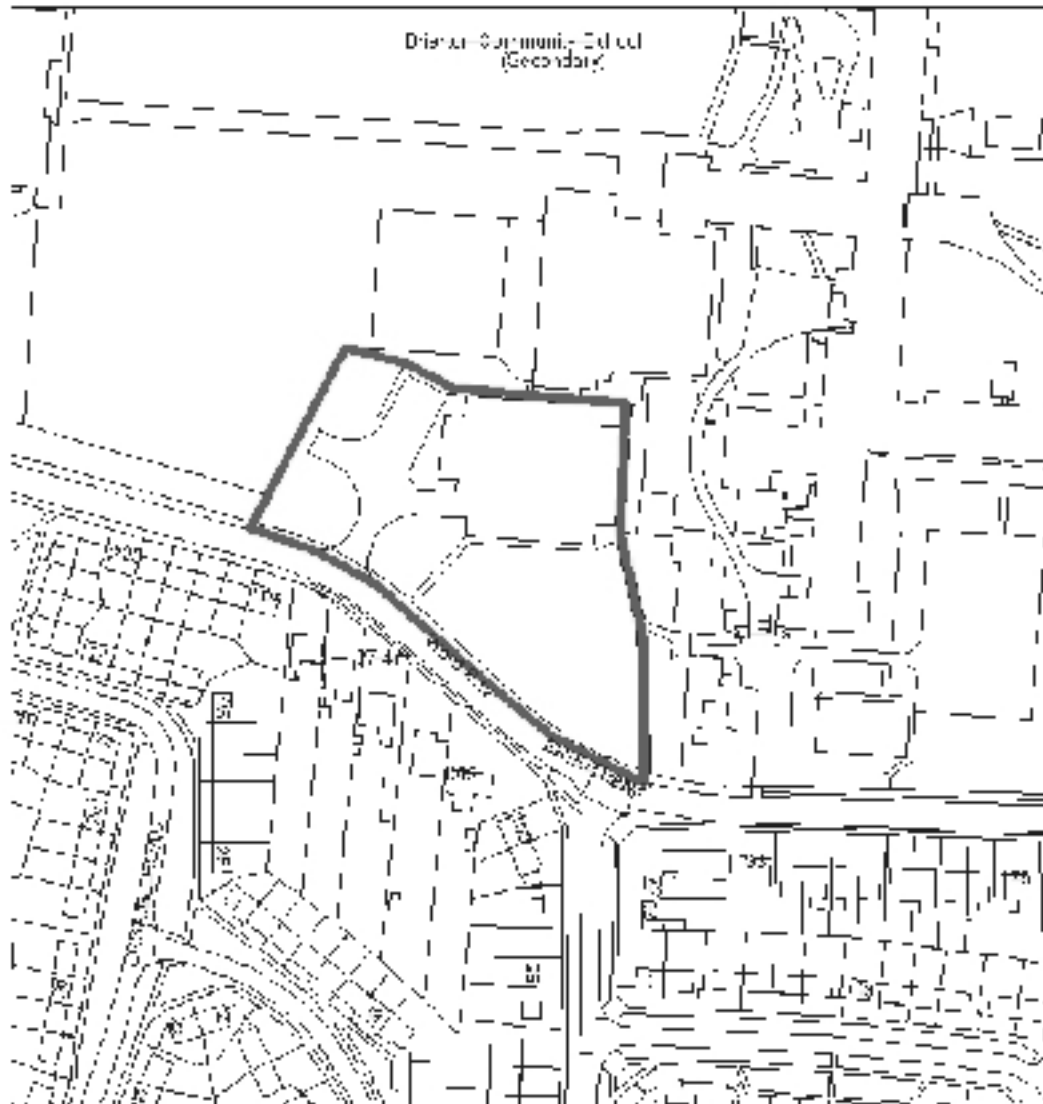
#### Conclusion

1.21 Having regard to the above mentioned issues and objections it is considered that overall the resulting scheme should not have a significant impact on either highway safety, residential or visual amenity. However as key consultation replies are outstanding an update will follow.

**RECOMMENDATION** – Update to follow



**BRIERTON SCHOOL**



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

**HARTLEPOOL**  
**BOROUGH COUNCIL**

DRAWN	DATE
<b>GS</b>	<b>18/03/10</b>
SCALE	
<b>1:1,000</b>	

Department of Regeneration and Planning Bryan Tanson House, Fawcett Square, Hartlepool TS24 7BT	DEG.NO <b>11/2010/0039</b>	REV
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**No:** 2  
**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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## Background

2.1 The application was withdrawn from the agenda of the last meeting of the Planning Committee (3 March 2010) as a number of issues were outstanding.

### The application and the site

2.2 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.

2.3 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.

2.4 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

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

2.6 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.

2.7 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.

2.8 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.

2.9 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).

2.10 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.

2.11 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.

2.12 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

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

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**

2.14 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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**HARTLEPOOL**  
BOROUGH COUNCIL

DRAWN	DATE
<b>GS</b>	<b>19/2/10</b>
SCALE	
<b>1:1,000</b>	

Department of Regeneration and Planning  
Bryar Tanson House, Fawcett Square, Hartlepool TS24 7BT

DEG.NO	REV
<b>11/2010/0038</b>	

**No:** 3  
**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

## Background

3.1 This application was deferred at the last meeting for discussion with English Heritage. These discussions are still ongoing. The original report is reproduced below. Hopefully an update will follow.

## 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:

**Head of Property Services** – no objections

**Twentieth Century Society** – awaited

**Tees Archaeology** – awaited

**English Heritage** – objects to demolition. A meeting has been arranged for 25 March 2010 to consider how this matter can be progressed. If the objection is maintained 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

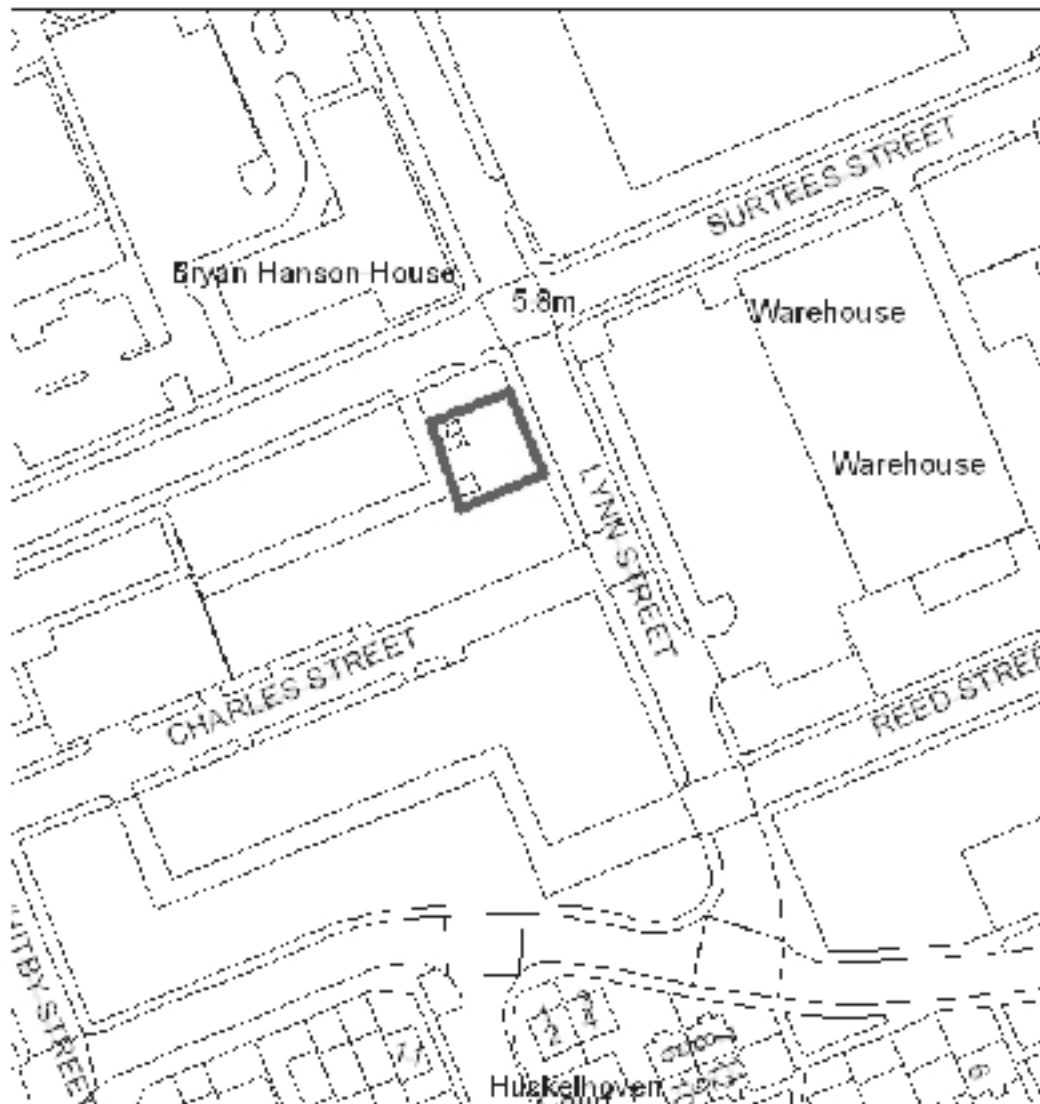
### **Planning Considerations**

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 a meeting is scheduled with English Heritage. In the light of this an update will follow.

**RECOMMENDATION** – Update to follow

**MARKET HOTEL, LYNN STREET**



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

**HARTLEPOOL**  
**BOROUGH COUNCIL**

DRAWN	DATE
<b>GS</b>	<b>21/01/10</b>
SCALE	
<b>1:1,000</b>	

Department of Regeneration and Planning Bryan Hanson House, Fawcett Square, Hartlepool TS24 7BT	DEG.NO <b>11/2009/0626</b>	REV
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**No:** 4  
**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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## Background

4.1 This application was deferred at the last meeting for discussion with English Heritage. These discussions are still ongoing. The original report is reproduced below. Hopefully an update will follow.

## 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:

**English Heritage** – Objects as this proposal necessitates the demolition of the Market Hotel. A meeting has been arranged for 25 March to consider how this can be progressed.

**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 of 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. Members resolved to grant permission for this scheme but the final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee. Permission has subsequently been granted.

#### 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

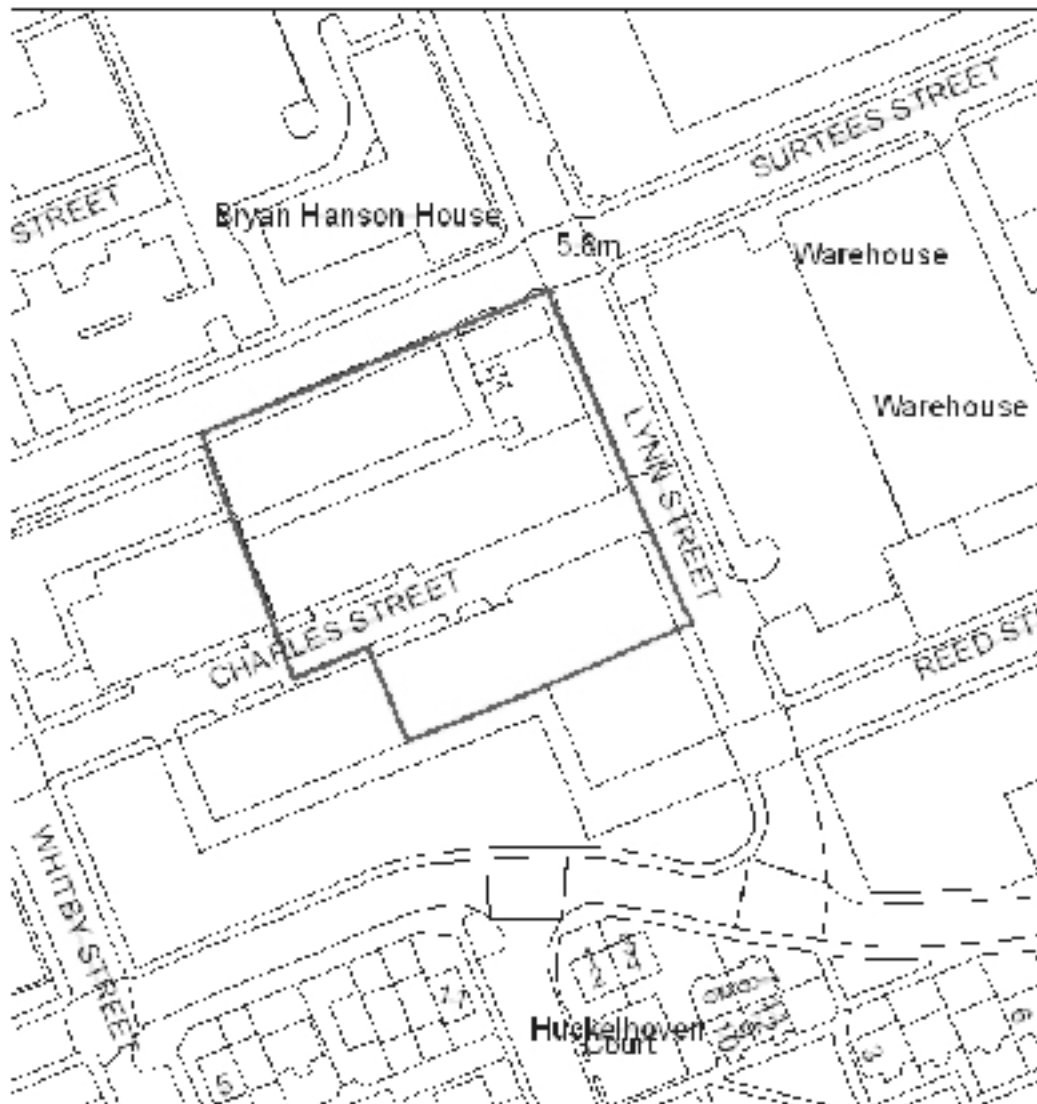
that parking provision is acceptable. No objections have been raised in terms of highway safety by the Highway Engineer provided that all works are to adoptable standards and that alterations are made to the existing permit parking on Lynn Street and Surtees Street. These works are to be carried out 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**

**HARTLEPOOL**  
**BOROUGH COUNCIL**

DRAWN	DATE
<b>GS</b>	<b>19/2/10</b>
SCALE	
<b>1:1,000</b>	

Department of Regeneration and Planning Bryan Hanson House Planners Square Hartlepool TS24 7BT	DEG.NO <b>11/2009/0615</b>	REV
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# UPDATE

**No:** 1  
**Number:** H/2010/0039  
**Applicant:** Hartlepool Borough Council Civic Centre Hartlepool  
TS24 8AY  
**Agent:** Hartlepool Borough Council Mr Steven Abbey  
.Engineering Consultancy Bryan Hanson House  
**Date valid:** 11/02/2010  
**Development:** Alterations to car park and grassed area adjacent to  
footpath to create coach park, drop off, layby and parking  
area with new access and retention of seven storage  
containers  
**Location:** BRIERTON SPORTS COMMUNITY SCHOOL CATCOTE  
ROAD HARTLEPOOL

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1. This application appears on the main agenda at Item 1.
2. Members will recall that at the time the original report was produced there was a number of outstanding consultations. To date no further comments have been received regarding the application. In view of this it is hoped that a further update will be available to be tabled at the meeting.

# UPDATE

**No:** 2  
**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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1. This application appears on the main agenda at item 2.
2. The recommendation was left open as the application has raised a number of points which require clarification.
3. It is hoped that these matters can be resolved before the meeting and in that event a report will be tabled at the meeting.

# UPDATE

**No:** 3  
**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. This application appears on the main agenda at Item 3.
2. This application was deferred at the last meeting for discussion with English Heritage. These discussions are still ongoing. In view of this it is hoped that an update can be tabled at the meeting.

# UPDATE

**No:** 4  
**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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1. This application appears on the main agenda at item 4.
2. This application was deferred at the last meeting for discussion with English Heritage. These discussions are still ongoing. In view of this it is hoped that an update can be tabled at the meeting.



## PLANNING COMMITTEE

31 March 2010



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

**Subject:** APPEAL BY MR K NAPPER  
APPEAL REF: APP/H0724/D/10/2123401  
SITE AT: 10 NORTHWOLD CLOSE, HARTLEPOOL,  
TS25 2L

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### 1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal that has been submitted against the Council.

### 2. THE APPEAL

2.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a first floor bedroom and bathroom extension above garage, erection of a single storey side and rear lounge, kitchen and study extension, provision of a pitched roof to front and porch and erection of boundary wall to rear and side boundaries at 10 Northwold Close.

2.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

### 3. RECOMMENDATION

3.1 Authority be given to contest the appeal.

## PLANNING COMMITTEE

31 March 2010



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

**Subject:** APPEAL BY MR J CROW SITE AT CROWS MEADOW FARM, DALTON BACK LANE, HARTLEPOOL (H/2009/0671)

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### 1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the formation of a new access and associated works at Crows Meadow Farm, Dalton Back Lane, Hartlepool (H/2009/0671).
- 1.2 The application was refused under delegated powers through the Chair of the Planning Committee on the grounds that the site is currently served by an access and that the proposed development would therefore represent unnecessary sporadic development in the open countryside contrary to policies which seek to protect the countryside.
- 1.3 The appeal is to be determined by written representations and authority is requested to contest the appeal.

### 2. RECOMMENDATION

- 2.1 That Members grant officers authority to contest the appeal.

## PLANNING COMMITTEE

31 March 2010



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 1. PURPOSE OF REPORT

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
- 2 A neighbour complaint regarding the boundary treatment erected on a housing development in Orwell Walk. The fence detail appears a reasonable style that permits vehicular access onto the open space for maintenance purposes.
- 3 A complaint regarding a hot food takeaway use (A5) in Mulgrave Road operating without the benefit of planning permission.
- 4 A Councillor complaint regarding the untidy appearance of a House in Multiple Occupation (HMO) The Front, Seaton Carew, has been investigated. The owners have acknowledged the concerns about the untidy appearance of the building and confirmed work will be undertaken to improve the external appearance of the building.
- 5 A complaint regarding building works including a change of use of a vacant commercial property in Andrew Street has been investigated. The works included remedial works to existing internal walls and ceilings not requiring planning or building regulations approval.
- 6 Neighbour complaints regarding a construction services company operating from a static office cabin in Hillcrest Grove, Elwick.
- 7 A neighbour complaint regarding building works including foundations for a conservatory at a property in North Road, Seaton Carew.
- 8 A complaint regarding building works including the raising the roof of an existing brick building at a industrial unit in Sandgate Industrial Estate, Mainsforth Terrace.

- 9 Officer monitoring recorded building works including the erection of a high front boundary wall and paving of a front garden at a property in Stockton Road.
- 10 Officer monitoring recorded a waste recycling centre operating on an industrial site in Ainsley Street. As a result the owners have submitted a retrospective planning application that will be reported to a subsequent planning committee meeting for consideration if necessary.
- 11 Officer monitoring recorded a scarp car dismantling business operating on an industrial site in Sandgate Industrial Estate, without the benefit of planning permission, has been investigated. As a result the owners are to submit a retrospective planning application that will be reported to a subsequent planning committee for consideration if necessary.
- 12 A complaint regarding a caravan park opening outside its permitted dates between 1<sup>st</sup> April and 31<sup>st</sup> January in Dalton Piercy.
- 13 A complaint regarding a hot food takeaway use (A5) in South Road Road has been investigated. The limited number and kind of hot meals available could be held to indicate there was no material change of use involved here as the primary character of the shop would remain as a sandwich shop (A1).
- 14 A neighbour complaint regarding the erection of a detached garage in the rear garden of a property in Lawson Road, has been investigated. The property owner intends to reduce the garage height in order to benefit from 'permitted development rights' therefore not requiring planning permission.
- 15 Officer monitoring recorded building works including the erection of a conservatory in the rear garden of a property in Haswell Avenue.
- 16 Officer monitoring recorded a change of use from House in Multiple Occupation to self contained flats in Park Square.
- 17 A neighbour complaint regarding a dog grooming and kennel service operating from a property in Greenfinch Close.
- 18 A neighbour complaint regarding a summerhouse being used for purposes not ancillary to the residential use of the property in Lealholm Road.
- 19 A complaint regarding the erection of a rear garden boundary fence of a property in Holyrood Crescent, has been investigated. The works benefitted from 'permitted development rights' without the need to obtain planning permission.
- 20 Officer monitoring recorded the addition of a ground floor flat to a guest house without planning consent in Seaton Lane. A ground floor flat is not indicated on the approved drawings for the guest house.
- 21 Officer monitoring recorded amendments to the approved drawings for works to a Church Hall in Elwick Road. The owners agent has submitted a non-material amendment application.

- 22 A Councillor complaint regarding the display of adverts on a retail unit in Clavering Road.
- 23 Officer monitoring recorded an alteration to the approved plan for the erection of an extension to a property in Queen Street.
- 24 Officer monitoring recorded the erection of plastic sheeting over the rear yard of a retail unit in Wiltshire Way.
- 25 A neighbour complaint regarding building works including the erection of a shed on an allotment to the rear of Stanmore Grove.
- 26 Officer monitoring recorded the erection of domers on two properties in Hart Lane. The owner of both properties has agreed to submit retrospective planning applications in this instance.
- 27 A neighbour complaint regarding the erection of two satellite masts in the rear garden of a property in Aldeburgh Close.
- 28 A neighbour complaint regarding the spread of temporary classrooms sited on a school playing field in Owton Manor Lane.
- 29 Officer monitoring recorded building works including the erection of a rear garden extension at a property in Forester Close.
- 30 A neighbour complaint regarding the fixing of intruder spikes along the top of an existing rear garden fence at a property in Shakespeare Avenue.
- 31 A neighbour complaint regarding building works including the erection of plastic sheeting onto an existing garage in the rear garden of a property in South Road.
- 32 Officer monitoring recorded waste being tipped on an industrial unit in Usworth Road.

## PLANNING COMMITTEE

31 March 2010



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

**Subject:** MEMBER TRAINING

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### 1. PURPOSE OF REPORT

- 1.1 To seek Members view on their ongoing training requirements to enable them to fully take part in proceedings of the Planning Committee.

### 2. BACKGROUND

- 2.1 The Planning Code of Practice which was introduced last year indicates that Members newly elected to the council and those serving upon the Planning Committee without prior training should undertake a recognised training event on planning to be able to fully take part in the decision making process of the Committee. It also indicates that the Council will provide periodic training events for Councillors on planning to enable Members to meet this requirement and as part of their personal development. The last such event was held in September 2009 and was reasonably well attended. Since July 2007 the following training events have taken place:

- i) 3 July 2007 – The Role of Councillors in Planning Propriety and Good Practice. Presented by Trevor Roberts. A very thorough event including the emerging Code of Conduct
- ii) 2 Sept 2008 – This included a reminder on probity, code of conduct and material considerations together with a look at recent cases/appeals. Presented by Trevor Roberts
- iii) 9 Feb 2009. Getting to Grips with Planning. This included a reference to general principles probity material considerations planning for new housing and countryside issues. Presented by Ward Hadaway.
- iv) 23 September 2009 – Planning Code of Practice for Elected Members. A wide ranging course presented by Trevor Roberts

- 2.2 In the light of the new requirement it is suggested that a more structured form of training take place from the start of the new municipal year.
- (i) To ensure that all new members meet the training requirements it is suggested that one off training events centred on the principles of the Code of Conduct are provided in house by officers principally from the Legal Team and Development Control and Urban Policy if necessary as soon after the Committee membership is announced. These could be open to any other members if they wished to attend, almost on a one to one basis.
  - (ii) More topical training touching on recent changes in legislation or current planning issues to be provided by specialist training providers towards the middle of the municipal year – say in September/October. The role of core strategies and supporting documents could be included as one such item for the upcoming year.
  - (iii) A members site visit to sites which have been/are being developed to see if the developments meet expectation to see if lessons can be learnt from them preferably in the April of the municipal year. Members will appreciate that a visit has been arranged to the Terrc and Seaton Meadows sites on 20 April this year.
- 2.3 It is suggested that Members should undertake at least one relevant course of certified training within a one year period. Certificates would be provided to confirm attendance.
5. **RECOMMENDATIONS** – Members note this report and agree the more structured training programme proposed and that Members and substitutes be required to undertake at least one course of certified training each year.

## PLANNING COMMITTEE

31 March 2010



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

**Subject:** REVIEW OF WINDOWS IN CONSERVATION AREAS POLICY

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### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update members of the committee on the Windows in Conservation Areas Policy. The policy has been in place for just over a year and this report will provide details of how the policy has been implemented.

### 2. BACKGROUND

- 2.1 In February 2009 this Committee agreed a policy relating to windows in conservation areas. The policy enables residents to use modern materials alongside traditional solutions when replacing windows, provided certain design criteria are met. A copy of the policy is attached in **Appendix 1**.
- 2.2 Residents in all conservation areas were made aware of the policy via a letter which notified them of the policy change and included a copy of the full policy. More recently residents in conservation areas have received a set of leaflets outlining the change in policy, and providing details on the repair and maintenance of traditional windows. Copies of the leaflets were provided to members at the time and will be available at the meeting.
- 2.3 The applications received have been monitored to gauge the uptake of the policy and the impact that they have had on the character of individual conservation areas.

### 3. APPLICATIONS

- 3.1 Since the policy was introduced in February seven planning applications have been submitted for replacement UPVC windows. A decision is outstanding on one application with six determined to date. All but one of these applications has been located in the Headland Conservation Area. The only application located outside the Headland was in the Grange Conservation Area. These two conservation areas



have the highest proportion of properties covered by an Article 4 Direction therefore it is not unusual that the applications are based in these two areas.

- 3.2 Out of the six determined applications four have seen the replacement of traditional details in the form of timber sliding sash windows (three in the Headland Conservation Area and one in Grange). Two applications have replaced timber casement windows with UPVC sashes.
- 3.3 **Appendix 2** shows before and after photographs of the properties where windows have been replaced.
- 3.4 In addition to the planning applications one property in the Grange Conservation Area has carried out works, in line with the new policy, without the benefit of consent. This was reported to this Committee and it was agreed that no action would be taken.
- 3.5 Alongside the applications for UPVC windows four applications for timber windows have been submitted; three in the Headland Conservation Area and one in the Grange. Two of these applications were for works to listed buildings and proposed the restoration of traditional style windows where they had been altered with modern replacements. The other two applications were for Article 4 properties where it is proposed UPVC windows are removed and replaced with traditional timber sliding sash windows. Part of the works at three of these properties has been supported by grant through the Council's Conservation Grant Scheme.
- 3.6 There were only a small number of applications last year for UPVC windows. To provide some context the numbers of applications for previous years are shown in **Appendix 3**. It should be noted that it is difficult to compare previous years as the ongoing debate around UPVC windows and uncertainty around policy may have deterred residents submitting applications. However there are approximately 959 properties covered by an Article 4 Direction in Hartlepool therefore the ten applications received on the implementation of the policy are a small proportion of the properties affected by the policy.
- 3.7 It is noticeable though that four of these applications have been located in two streets rather than spread across a number of streets in the conservation areas. Should this trend continue this could lead to pockets of UPVC windows within the conservation areas. This is certainly true of previous trends where it is noticeable that clusters of properties form, usually with a single resident installing UPVC windows which is followed by two or three nearby properties in the same or adjoining street installing matching windows. An example of this is in Montague Street where a number of properties installed UPVC sliding sash windows without the benefit of consent in 2008.

## 4 INSTALLATION OF WINDOWS

- 4.1 The photographs in **Appendix 2** show properties where UPVC sliding sash windows have been installed. In considering the windows that have been installed lessons can be learnt for future applications to guide and assist residents in specifying windows to more closely match traditional styles. Outlined below are a number of issues that have arisen which should be addressed.
- 4.2 The main issue that has arisen is the reproduction of detail and in particular replicating the shape of the window. Later sash windows often have a gentle curve on the head of the window and this has not been recreated in the UPVC sashes that have been installed. Often a rectangular window is used and the arch filled to enable the window to fit. This may be barely discernable but it is a point to note and demonstrates the inflexibility of UPVC. A more obvious issue is the tight curved, arched heads of domer windows, in particular found in the Headland. Applicants have had difficulty in copying these details accurately.
- 4.3 Two solutions have been used to date for the curved arch of domer windows. One resident has inserted a rectangular window into a curved window, without any modification (**Appendix 2**, Example 1). Another resident has used the same method but inserted curved sections of UPVC into the corners of the window to replicate a curved window (**Appendix 2**, Example 2).
- 4.4 These solutions do not reflect the tight, curve that can be created in timber. This has been acknowledged as an issue and the British Plastics Federation have suggested a number of suppliers who can create UPVC windows to a more specialist specification. Although the local authority cannot recommend suppliers residents can be advised of these contacts in the future as companies who may be able to provide a solution for windows that are not a standard shape or size.
- 4.5 A more minor issue but a feature that distinguishes UPVC sashes from timber ones is the use of trickle vents (See **Appendix 2**, Example 2 and 6). These are air vents inserted at the top of a sash window. Building Regulations specify that a replacement window should be at least of the same standard as the window that has been removed, therefore in the case of UPVC sash windows in conservation areas such ventilation is not required. Residents will be advised of this at an application stage to minimise the use of trickle vents which can add to the lack of authenticity on UPVC windows. Other solutions will be proposed such as the use of a single trickle vent on a bay rather than on all three windows or fittings to allow windows to be opening slightly to allow ventilation.
- 4.6 In considering the windows that have been installed it is clear that the more successful replacement windows are those which are single sash

windows with a square head. There are two such examples in the Headland Conservation Area; in both cases trickle vents have not been used (See **Appendix 2**, Example 3 and 4). These are successful by virtue of the fact that the windows that have been installed have been an improvement on the poor replacement windows that were installed in the property. In addition the openings fit a standard window and therefore the larger frame of the window does not require modification as a result the windows do not appear as incongruous as some installed.

- 4.7 There are clearly visible differences between a timber sash window and a UPVC sash. This can be seen in **Appendix 2**, Example 5 where only the upper floors have been replaced. However it is clear, as mentioned above, that this solution can be used in some instances to provide a modern alternative to timber sash windows.

## 5. ENFORCEMENT ACTION

- 5.1 There have been two known breaches of the policy since the introduction last February. In both cases UPVC windows were installed that were not of an appropriate design and this Committee agreed to take enforcement action. This action is currently ongoing and will be reported back to this committee when the issue has been resolved.

## 6. DOORS

- 6.1 On two occasions residents have taken the opportunity to install modern doors at the same time as fitting UPVC windows. These doors have not been shown on the approved planning applications. Members of this committee will recall the investigations of the Working Party which concluded that the policy should be limited only to replacement windows. Further to this English Heritage requested that the policy was specifically worded only to relate to windows and not other items of joinery such as doors, fascias and bargeboards. Where appropriate Officers will look to take action against such unauthorised works and caution applicants against carrying out works not specified on the original application.

## 7. SUMMARY AND FUTURE ACTIONS

- 7.1 In conclusion it would appear that the introduction of the policy has not resulted in a higher number of applications for UPVC windows. It does seem that it has provided clearer direction for residents who are following the detailed policy guidelines. Alongside this residents are also continue to choose more traditional solutions at a similar rate to those choosing modern alternatives. This should result in conservation areas where there are still a majority of properties with traditional detailing.

- 7.2 It is proposed that the installation of UPVC windows in conservation areas continues to be monitored. This work will not only inform on the impact of the policy but can also be fed into appraisals and management plans carried out in conservation areas to fully assess the changing townscape.

**8. RECOMMENDATION**

- 7.1 It is recommended that the Committee notes the review of the policy and agrees to officers continuing to monitor the impact of the policy on the conservation areas.

## Appendix 1

### **POLICY GUIDELINES APPROVED BY PLANNING COMMITTEE ON 19<sup>TH</sup> FEBRUARY 2009**

#### **A. Listed Buildings:**

(i) Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.

(ii) Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.

(iii) Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.

#### **B. Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:**

(i) 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 (ie, hinged or sliding)

(ii) Any planning application for replacement or alteration of non-traditional windows on the building on front, side or rear elevations which is not of a type appropriate to that 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 providing that the window is of design (i.e. pattern of glazing bars, horns etc), proportion and scale matching those of an original traditional window.

(iii) Within modern extensions, any planning application for replacement or alterations of joinery details, which is not of a sympathetic character (in terms of scale, proportion, form and emphasis) should be denied consent.

#### **C. Unlisted buildings in Conservation Areas, not subject to an Article 4 Direction:**

Any planning application for alterations or extensions which are not of a type sympathetic to the age and character of the building (in terms of scale, proportion, form and emphasis) and the character and appearance of the conservation area should be denied consent.

## Appendix 2

**Example 1** - Headland Conservation Area. Application for replacement ground and first floor windows (dormer and door installed without consent). A rectangular window has been installed in the arched dormer window.



**Example 2** - Headland Conservation Area. Application for replacement ground, first and second floor windows and a front door. A rectangular window has been installed in the arched domer window. The use of trickle vents on all of the windows emphasises the modern style of the replacement



windows.



**Example 3** - Headland Conservation Area. Ground and first floor replacement windows.





**Example 4** - Headland Conservation Area. Ground and first floor replacement windows



**Example 5** - Headland Conservation Area. First and second floor replacement windows.



**Example 6** - Grange Conservation Area. Ground, first and second floor replacement windows. The use of trickle vents on all of the windows emphasises the modern style of the replacement windows.



**Appendix 3**

<b>Year</b>	<b>Number of UPVC applications</b>	<b>Number of timber applications</b>	<b>Total applications</b>
<b>2010</b>	1		1
<b>2009</b>	6	4	10
<b>2008</b>	2	1	3
<b>2007</b>	3	3	6