

PLANNING COMMITTEE AGENDA



**Wednesday, 18th January, 2006
at 10.00 a.m.**

in Committee Room "B"

MEMBERS: PLANNING COMMITTEE:

Councillors Allison, Belcher, Clouth, Cook, Ferriday, Flintoff, Hall, Iseley, Kaiser, Kennedy, Lilley, Morris, Richardson, M Waller, R Waller, 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 19th and 21st December 2005 (attached)

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|------------------------------|
| 1. | H/2005/5782 | 30 Ruswarp Grove |
| 2. | H/2005/5990 | Elizabeth Way Shops |
| 3. | H/2005/5387 | 34 Grange Road |
| 4. | H/2005/5644 | 65 Seaton Lane |
| 5. | H/2005/5709 | Land at former Golden Flatts |
| 6. | H/2005/5744 | Fens Shopping Centre |
| 7. | H/2005/5964 | Woodburn Lodge |

- 4.2 Untidy Land and Derelict Buildings – A Co-ordinated Approach to their Improvement – *Assistant Director (Planning and Economic Development)*

- 4.3 Update on Current Enforcement Related Matters – *Head of Planning and Economic Development*

- 4.4 Appeal by EK Investments – Site at Elizabeth Way Shopping Centre,
Seaton Carew TS25 2AX – *Assistant Director (Planning and Economic
Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 6th February 2006 at 9.30 am

Next Scheduled Meeting – 8th February 2006.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19th December 2005

Present:

Councillor Bill Iseley (In the Chair)

Councillors Allison, Cook, Ferriday, Hall, Lilley, Dr Morris, Richardson, M Waller and R Waller

In accordance with Council Procedure Rule 4.2(ii) the following Councillors were also in attendance:
Councillor Cambridge as substitute for Councillor Kaiser
Councillor Griffin as substitute for Councillor Belcher
Councillor Preece as substitute for Councillor Flintoff

Also in attendance, and allowed to address the Committee, were the following:

David Easson, PD Ports
Sarah Robson, Tees Valley Regeneration
Mr Peter Jordan, Middleton Cabin Owners Limited
Mr Thomas Wilson, Hartlepool Boatmans Association
Mr S J Monk, Jomast Developments Limited
Tom Brown, Halcrow – Consultant to the applicant

The following were also in attendance:

Tim Morley, Carlbro – Consultant to the applicant
Mike MacCormack, Benoy – Consultant to the applicant
Mark Powell, Halcrow – Consultant to the applicant
Michael Dowson, PD Ports
Brian Scurr, Hartlepool Boatmans Association

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
Roy Merrett, Principal Planning Officer
Peter Devlin, Legal Services Manager
Mike Blair, Acting Transportation and Traffic Manager
Adrian Hurst, Environmental Health Officer
Pat Watson, Democratic Services Officer

86. Apologies for Absence

Apologies for absence were submitted from Councillors Belcher, Flintoff and Kaiser.

87. Declarations of interest by members

There were no declarations of interest.

88. Planning Application – Victoria Harbour (formerly North Dock) (Assistant Director (Planning and Economic Development))

Ms S. Robson and Mr D Easson (representing the applicants) were present and addressed the Committee.

Number: H/OUT/2004/0575

Applicant: PD Ports Logistics and Shipping/ Tees Valley Regeneration

Agent: c/o Sarah Robson, TVR, Cavendish House, Teesdale Business Park, Stockton on Tees

Date received: 28 June, 2004

Development: Development of a sustainable new mixed use urban community, including business, commercial, light industrial floorspace, quality residential, retail (retail warehousing; convenience and speciality); community facilities, landscaping/open space and provision for leisure development (including any significant leisure attraction) supported by new transport linkages, infrastructure and services

Location: Victoria Harbour (formerly North Docks)

Consideration of issues: Members received a detailed officer report and also considered representations in relation to this matter. The following points of updating were made verbally in addition to the information within the main report and the written update report:

- 1) Stockton Borough Council had submitted comments indicating their agreement with the proposed highways works at the A689/A19 and A689/A1185/A19 junctions and had suggested a condition dealing with those works
- 2) Conditions and s.106 agreement terms relating to the proposed works at the A689/A19, A689/A1185/A19 and A179/A19 junctions and associated traffic management were close to being finalised with the Highways Agency
- 3) DTZ Pida, on behalf of their clients, Canada Life (owners of Anchor Retail Park) had withdrawn their objection to the retail component of the proposals.
- 4) Additional amended conditions were proposed relating to the total amount of comparison retail provision, restrictions on the goods to be sold and the minimum unit size for such provision, in order to protect

the viability of the town centre.

- 5) The representative of Middleton Cabin Owners Ltd withdrew their objection to the proposals, indicating that, following discussions with the applicants and the Borough Council, they were satisfied that an alternative location for the cabins would be provided, at the applicants' expense.
- 6) The representative of Hartlepool Boatman's Association indicated that, in the light of ongoing discussions with the applicants about their continued presence within the site and comment from the Assistant Director (Planning and Economic Development) to the effect that the Council had no remit or proposals to effect any change in their situation, the Association did not wish to object to the proposals.
- 7) The representative of Jomast Developments Ltd. expressed his concern about the economic justification for the development as proposed and the need for more detailed information on the phasing of development.

Decision:- after discussion of the issues and consideration of all of the representations made, the Committee was minded to APPROVE, subject to the following conditions (with authority delegated to the Chair and Vice-Chair to agree any minor revisions of wording), planning agreement and subject to a decision by the Secretary of State not to call in the planning application:

PLANNING CONDITIONS AND SECTION 106 AGREEMENT HEADS OF TERMS

Planning conditions

1. The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:-
Phase 1 - Until 31 March 2011 - 550, Phase 2 - 1 April 2011-31 March 2016 - 900, Phase 3 - 1 April 2016-31 March 2021 - 1100, Phase 4 - 1 April 2021 - 31 March 2026 - 880
In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised, subject to the total number of residential units hereby permitted not exceeding 3430. Such reviews should take account of the record of past completions within the application site and should allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007
September 2009

March 2012
September 2014
March 2017
September 2019
March 2022
September 2024
If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

Reason:- To minimise the risk of an over-supply of housing, potentially contributing to increased vacancy rates and associated housing decline.

2. Approval of the details of the siting, design including noise attenuation measures where relevant, height and external appearance of the building(s), the use of any land within the zones proposed for 'mixed use', the means of access thereto, parking provision and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.
3. Application for the approval of the reserved matters referred to above must be made not later than specified in the following schedule:-
For the initial development on the land parcels within phase 1 of the project hereby approved 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.
For any subsequent development the expiration of 15 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 the approval of the reserved matters in question; or
 - b) the expiration of two years from the final approval of the reserved matters in question, 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.
4. The development hereby approved shall be constructed entirely in accordance with the land use zoning restrictions / definitions and phasing schedules in the design statement dated 21 June 2004 hereby approved unless otherwise agreed with the Local Planning Authority.
In the interests of visual amenity.

5. The development hereby approved shall conform with the zones identified within the design statement dated 21 June 2004 in terms of building height, massing, and spatial relationships between built development, public open spaces and water bodies unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
6. With the exception of the part of the site reserved for port related activity no new development within the site shall be for a purpose within planning use classes B2 or B8 unless those uses are ancillary to the primary use of a particular operation.
In the interests of reserving the site as a location for high quality light industrial and office development.
7. Unless otherwise agreed with the Local Planning Authority each of the various water bodies shown on plan reference 12b shall be constructed in accordance with details to be previously agreed with the Local Planning Authority prior to the commencement of work within Phase 3 of the development hereby approved.
In the interests of visual amenity.
8. Prior to the development being commenced a Habitat Management Plan comprising a package of mitigation measures aimed at retaining wintering and breeding bird populations within the site shall be submitted to and agreed by the Local Planning Authority.
In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.
9. The measures agreed by virtue of the previous planning condition shall be implemented in accordance with a phasing programme to be agreed with the Local Planning Authority.
In order to make appropriate provision for the potential loss of breeding and wintering bird populations to the development.
10. Prior to the development being commenced an Enhancement Plan aimed at protecting and enhancing the Slake SNCI shall be submitted to and agreed by the Local Planning Authority. The Plan shall be based upon the findings of a detailed ecological and hydrological assessment and the subsequent development of a management / monitoring regime. The issues that the Enhancement Plan will need to address are:-
 - a) interpretation of the site, (both on-site and off-site to be considered).
 - b) access management considerations
 - c) mapping of vegetation communities and other features of conservation importance
 - d) current position of the habitat in terms of ecological succession and future pressures on this habitat.
 - e) potential for maintaining current position in hydrosere
 - f) hydrology of site including salinity
 - g) potential for inputs of saline water
 - h) recommendations for management practices
 - i) recommendations for monitoring regime
 - j) litter and rubbish clearance
In order to help safeguard the ecological interest of the site.

11. The Slake Enhancement Plan agreed by virtue of the previous condition shall be implemented in accordance with a timescale to be previously agreed by the Local Planning Authority. The timescale shall be agreed prior to the commencement of development on the site.
In order to help safeguard the ecological interest of the site.
12. Any departure from the requirements of the Slake Enhancement Plan shall be permitted only at the discretion of and following written application to the Local Planning Authority.
In order to help safeguard the ecological interest of the site.
13. Development shall proceed only in accordance with the findings and recommendations of the flood risk assessment revision 8 (minor wording amendments), dated December 2005. The reference in para. 1.3 page 4 to future developments shall relate to parcels, D15a, D16a, D17a, D15b, D16b, D17b and D18 on parcel plan 12b and all land including any adjacent highway infrastructure between these parcels and the coast protection structure. Any required coast protection structure(s) shall be constructed in accordance with details to be previously agreed by the Local Planning Authority prior to development within any of those land parcels or any adjacent highway infrastructure being commenced.
To reduce the risk from flooding and in the interests of coastal protection.
14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including necessary flow attenuation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
15. No development approved by this permission shall be commenced until:
 - a) A further site investigation has been designed for the site with the intended purpose of better understanding the relationship of shallow groundwater and deep groundwater. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements
 - b) The further groundwater investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
 - c) The prepared Method Statement detailing the remediation requirements is up-dated to incorporate further groundwater investigation results. The remediation Method Statement should include measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation and further groundwater investigation. The remediation method statement

should be submitted and approved in writing by the LPA prior to that remediation being carried out on the site.

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

16. If during development of any of the individual land parcels identified on Parcel Plan 12b, contamination, not previously identified, is found to be present, then no further development within the land parcel in question (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.
To ensure that the development complies with the approved
17. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. To protect Controlled Waters by ensuring that the remediation site has been reclaimed to an appropriate standard.
18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the LPA.
To prevent pollution of the water environment.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings in excess of 50 spaces serving industrial and commercial developments shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
To prevent pollution of the water environment.
20. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
To prevent pollution of the water environment.
21. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be retained throughout the life of the development.
To enable discharges from individual premises or buildings to be inspected and sampled.
22. Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details

- previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period. To prevent pollution of the water environment.
23. Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run-off. To prevent pollution of the water environment.
24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. To prevent pollution of the water environment.
- 25a. Materials intended to be reused on site will be demonstrated, to the satisfaction of the Local Planning Authority, that they are suitable for their intended use. Demonstration of their suitability will be documented in a validation document that will be submitted to the LPA for approval. The process by which the suitability is to be demonstrated and works are to be managed onsite will be agreed with the LPA prior to any remediation commencing. To prevent pollution of the water environment.
- 25b. For materials that are to be imported to site as part of any groundworks, unless deemed suitable for their intended use by the Local Planning Authority, nothing other than inert, uncontaminated materials shall be used. Secondary aggregates must comply with the "Quality Protocol for the Production of Aggregates from Inert Waste" (June 2004 ISBN 1-84405-119-6). To prevent pollution of the water environment.
26. Development hereby permitted within any of the individual land parcels identified on Parcel Plan 12b shall not be commenced until:
- The land parcel in question has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives be determined through risk assessment, and agreed in writing with the Local Planning Authority
 - Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Redamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
 - The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme. The verification report should include post remediation sampling and monitoring results and future monitoring and sampling as appropriate.

- d. If during reclamation or redevelopment works any contamination is identified that has not been considered in the Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To safeguard against pollution.
27. 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 Authroity to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
28. The use of any development approved within use class A3 shall not commence operation until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells. All approved items must be installed prior to the development in question coming into operation. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
29. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
30. No development shall take place until a general parking strategy including phasing for casual leisure visitors to the site has been submitted to and approved by the Local Planning Authority. The agreed strategy shall be complied with unless otherwise agreed with the Local Planning Authority.
In the interests of highway safety.
31. Prior to any development being commenced a phasing plan for the provision of highway infrastructure including roads, footpaths and cycleways and for the management of all types of traffic within and in the vicinity of the site shall be submitted to and agreed by the Local Planning Authority. The plan shall include confirmation of highways subject to traffic exclusions/restrictions. The plan shall be adhered to unless otherwise agreed in writing by the Local Planning Authority.
In order to ensure satisfactory access within the site.
32. Prior to the completion of phase 4 the applicant shall in accordance with details to be previously agreed by the Local Planning Authority provide a bridge between points A and B as shown on plan ... connecting the site with the Headland area.
In order to promote travel by means other than the private car.
33. Prior to 31 March 2011 or, having regard to funding ability a later date to be agreed between the parties, the applicant shall provide a coastal

- walkway and cycleway between points C and D on plan ... in accordance with details to be agreed by the Local Planning Authority. In order to promote travel by means other than the private car.
34. The provision of convenience retailing floorspace within the site shall not exceed 1,394 square metres gross.
In order to avoid an adverse impact on existing convenience retailing within the town centre and other local centres.
35. The provision of speciality retailing floorspace within the site shall not exceed 1,300 square metres gross in total, no single unit to exceed 130 square metres gross.
In order to avoid an adverse impact on existing retailing within the town centre and other local centres.
36. Prior to the commencement of development within any of the individual land parcels identified on Parcel Plan 12b, unless evidence is submitted to indicate it is not required, all buildings comprising residential accommodation shall be designed to combat noise encroachment in accordance with measures to be previously agreed with the Local planning Authority. The agreed design measures shall be implemented prior to respective development being brought into use.
Appropriate design measures may include attention to the following:-
- Orientation of buildings
- Internal layout of dwellings
- Attenuation Performance of glazing units.
- Fixture of glazing units
- Method of ventilation
- The use of buildings accommodating less noise sensitive uses as noise attenuation barriers
To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
37. No construction works on any part of the project shall take place outside the hours 8.00 a.m - 8.00 p.m, unless otherwise agreed in writing with the Local Planning Authority.
To ensure that appropriate provision is made to safeguard against disturbance and nuisance caused by noise.
38. Unless otherwise agreed with the Local Planning Authority until it can be demonstrated that archaeological remains will not be significantly affected due to disturbance or loss no development shall take place within any agreed phase or sub-phase of development until the applicant or their agents or successors in title has completed the implementation of a phased programme of archaeological work in relation to the respective land parcels in accordance with a written scheme of archaeological investigation submitted by the applicant and approved in writing by the Local Planning Authority.
The scheme of archaeological work in question will comprise of the following:
A) Within the main dock area
The extraction of core samples of peat for carbon dating processes.
B) Within the Headland Area (Areas B19 -21 and possibly B18 as shown on plan

Trial trenching followed by preservation in situ or archaeological excavation if preservation in situ cannot be achieved.

The site is of archaeological interest.

39. No development within any of the individual land parcels identified on Parcel Plan 12b shall be commenced until details of the proposed foul sewage management arrangements relating to the land parcel in question have been submitted to and agreed by the Local Planning Authority in consultation with Northumbrian Water.
In order to prevent pollution of the water environment.
40. No development within any of the individual land parcels identified on Parcel Plan 12b shall be brought into use until the foul sewage management arrangements relating to the land parcel in question (agreed by virtue of the previous condition) have been implemented to the satisfaction of the Local Planning Authority in consultation with Northumbrian Water.
In order to prevent pollution of the water environment.
41. Prior to any development proceeding that causes a requirement for the site currently occupied by storage cabins situated within the location shown on plan ..., the storage cabins shall unless otherwise agreed with the Local planning Authority be relocated elsewhere in accordance with details to be previously agreed with the Local Planning Authority.
In order to make alternative provision for the storage of dock business related equipment.
42. The maximum amounts of gross office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase 1 - Until 31 March 2011 - 13,000 square metres

Phase 2 - 1 April 2011 - 31 March 2016 - 15,000 square metres

Phase 3 - 1 April 2016 - 31 March 2021 - 15,000 square metres

Phase 4 - 1 April 2021 - 31 March 2026 - 14,000 square metres

In the event that periodic reviews of industrial and office property supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised subject to the total amount of office / industrial floorspace hereby permitted not exceeding 57,000 sq. m. gross. Such reviews shall take account of the record of past completed development within the site and shall allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007

September 2009

March 2012

September 2014
March 2017
September 2019
March 2022
September 2024
If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.
To control the supply of office / industrial floorspace entering the market.

43. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Or any Order revoking and re-enacting that Order with or without modification) the proposed retail warehouse units concerned with comparison goods sales within land parcel D3 on parcel plan 12b shall not be used for the sale of:
- food and drink;
 - clothing or shoes (including sports clothing);
 - books and stationery;
 - CDs and other recorded audio-visual material;
 - toys and children's goods;
 - jewellery, clocks and watches;
 - sports equipment and accessories;
 - china and glassware;
 - musical instruments; and
 - medical, chemist and opticians' goods; with the following exception

One unit of maximum 1,500 sq m gross may sell sports goods and equipment (including sports clothing) but with no more than 50% of the net retail floorspace to be used for the sale or display of sports clothing and footwear.

To protect the viability of the town centre.

- 44 The provision of comparison retailing within the proposed retail warehouse units within land parcel D3 on parcel plan 12b shall not exceed 14,400 sq metres gross in total, no single unit to exceed 929 sq. metres gross.

In order to avoid any adverse impact on the viability and vitality of retail provision in the town centre.

- 45 The final wording of the following condition to be agreed -
No development shall be commenced until plans and details showing the highway improvement works at the A689/ A19, A179/A19 and A689/A1185/A19 junctions , as outlined on the Faber Maunsell

drawings referenced 37770TNED712/P/001 Rev. B, 37770TNED/712/P/002/B and Halcrow drawing CBEAEN/HA/PROP/2A, together with their phasing have been submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council, Durham County Council and the Highways Agency. Works at the A689/A1185/A19 junction shall include bus priority measures, the plans, details and phasing of which are to be submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council and the Highways Agency Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

- 46 The final wording of the following condition to be agreed -
The implementation of the highway improvement works at the A689/A19, A179/A19 and A689/A1185/A19 junctions agreed by virtue of condition number 45 above shall take place in accordance with the phasing details approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council, Durham County Council and the Highways Agency as required by condition 45 above. Reason: In the interests of the safe and efficient operation of the strategic highway network and the free flow of traffic on the local road network.

Victoria Harbour – Section 106 agreement – Heads of terms

1. Phasing of residential development

The maximum number of residential units constructed within the following specified phases of the project, unless evidence within the housing market reveals further capacity shall be restricted as follows:-
Phase 1 - Until 31 March 2011 - 550, Phase 2 - 1 April 2011-31 March 2016 - 900, Phase 3 - 1 April 2016-31 March 2021 - 1100, Phase 4 - 1 April 2021 - 31 March 2026 - 880

In the event that periodic reviews of housing supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised, subject to the total number of residential units hereby permitted not exceeding 3430. Such reviews should take account of the record of past completions within the application site and should allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007
September 2009
March 2012
September 2014
March 2017
September 2019
March 2022
September 2024
If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

2. Phasing of office / industrial development

The maximum amounts of gross office / industrial floorspace within the following specified phases of the project, unless evidence reveals further capacity shall be restricted as follows:-

Phase 1 - Until 31 March 2011 - 13,000 square metres
Phase 2 - 1 April 2011 - 31 March 2016 - 15,000 square metres

Phase 3 - 1 April 2016 - 31 March 2021 - 15,000 square metres
Phase 4 - 1 April 2021 - 31 March 2026 - 14,000 square metres
In the event that periodic reviews of industrial and office property supply and demand within the Borough, in the context of regional supply and demand, reveal further capacity the Local Planning Authority may consent to the aforementioned quotas being raised subject to the total amount of office / industrial floorspace hereby permitted not exceeding 57,000 sq. m. gross. Such reviews shall take account of the record of past completed development within the site and shall allow for any undeveloped elements of quota of current or past phases to be re-scheduled to later phases.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

The aforementioned periodic reviews shall be completed at 2.5 year intervals in accordance with the following schedule:-

March 2007
September 2009
March 2012
September 2014
March 2017
September 2019
March 2022
September 2024
If necessary at 2.5 years thereafter

Any application to adjust the above specified quotas must be made in writing to the Local Planning Authority and be accompanied with supporting evidence.

The aforementioned quotas may only be altered with the written permission of the Local Planning Authority.

3. Reservation and donation of land for community facility

- a) The sites denoted as land parcels C4 and C5 on parcel plan 12b shall be reserved for the implementation by the Council of a water-based leisure centre/park, including community meeting facilities and associated car parking and landscaping. Construction of such development is to start on site not later than 31 March, 2013. The land in question shall be provided by the applicant to the Council at nil cost, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the site.
- b) Not later than the giving of such notice, referred to in para (a),

the Council shall provide details of the site layout, building design and car park layout for the leisure centre for approval by the applicant, such approval not to be withheld unreasonably.

- c) The site lying between land parcels C3 and C4 shall be provided by the applicant to the Council by 31 March, 2013. The site shall be provided to the Council at nil cost, for incorporation as part of the proposed leisure centre, the Council having given not less than 6 months' written notice of its requirement to complete the freehold acquisition of the water body/site.
- d) The Council shall use all reasonable endeavours to secure the implementation of the leisure centre at the earliest practical date. In the event that the Council's investigations conclude that the proposed project is unable to proceed the Council shall inform the applicant accordingly in writing and the reservation of land parcels C4 and C5 and the site lying between land parcels C3 and C4 for this purpose shall be terminated with immediate effect.
- e) On such termination of this reservation, the applicant and Council shall agree an alternative reservation within the application site of an area of 0.5 ha. for the implementation by the Council of community meeting facilities, construction of such development to start on site not later than three years from the date of this alternative reservation. The land in question shall be provided as a flat site by the applicant to the Council at nil cost, the Council having given not less than 6 months' notice of its requirement to complete the freehold acquisition of the site.
- f) Not later than the giving of such notice, referred to in para(e) the Council shall provide details of the site layout and building design for the community meeting facilities for approval by the applicant, such approval not to be withheld unreasonably.

4. Reservation of site for provision of school

The site denoted as land parcel D6 on parcel plan 12b shall be reserved until 31 March 2016 for the provision of a school subject to the LEA requiring such a facility during this time. The land shall be made available to the Authority for the purposes of providing a school upon it serving notice to owner. If such a notice is served the Authority to pay open market value for the land based on an education use as at the date of the notice.

5. Play provision within the site

- The two parts of the Wave Park identified by red hatching as shown on plan ref: each a minimum of 30m by 30m in area shall be reserved for the provision of an equipped children's playground the final design

of which is to be submitted to and agreed by the Local Planning Authority. The land shall be provided to the Council at nil cost prior to any development being commenced in Phase 2 of the project.

- Prior to any development being commenced within Phase 2 of the project, the sum of £120,000 shall be paid to Hartlepool Borough Council to enable it to provide an equipped children's playground within the area identified by red hatching as shown on plan ref: ...
- Prior to any development being commenced within Phase 3 of the project, the sum of £ 50,000 shall be paid to Hartlepool Borough Council to enable it to contribute to the enhancement of existing play facilities elsewhere within the town.

6. Labour Market issues

- a) The applicant and its successors in title, their contractors, sub-contractors and suppliers (hereinafter referred to as "developers") shall use all reasonable endeavours to ensure that the recruitment and training opportunities during the construction of the Victoria Harbour development and the subsequent operation of the facilities created by the development are made available to the residents of the Borough of Hartlepool.
- b) A Recruitment and Training Charter will be agreed by the applicant and the Council before the development commences on site. The Charter will establish the performance indicators, prospective inputs by developers, the Council and other relevant agencies and broad operational and monitoring arrangements to promote and secure the implementation of targeted recruitment and training. The Charter will also provide a template for a Method Statement to be used by individual developers to establish targets and detailed measures to deliver the Charter's commitments.
- c) Each developer will be required to submit a Method Statement to be agreed by the Council before each construction contract or facility operation commences.
- d) The form and content of the Recruitment and Training Charter shall be reviewed by the applicant and the Council at two yearly intervals to ensure that it continues to provide an appropriate framework for targeted recruitment and training, having regard to the progress of the development and the local labour market context.

7. Management Company

Prior to the completion of any development within Phase 1 of the project, the applicant shall establish a management company to take responsibility for the maintenance of public realm works including:-

1. Upkeep of landscaping and open spaces
2. Maintenance of water spaces

8. Offsite highway works

Prior to any development being commenced details of the location, design and phased implementation of toucan crossing points adjacent to the site broadly in accordance with Fig. 6 of the transport assessment shall be agreed by the LPA. The agreed details shall be adhered to unless otherwise agreed with the LPA.

Unless otherwise agreed by the LPA the works identified 1-5 below shall be implemented at the cost of the applicant in accordance with details to be previously agreed by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority the works shall be implemented in accordance with the phasing schedule indicated.

Unless otherwise agreed by the LPA the works identified 6-9 below shall be implemented at the cost of the HBC in accordance with details to be previously agreed by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority the works shall be implemented in accordance with the phasing schedule indicated.

The works listed at 10-12 shall be implemented at the cost of the applicant in accordance with details to be previously agreed by LPA in consultation with Stockton Borough Council, Durham County Council and the Highways Agency. Works at the A689/A1185/A19 junction shall include bus priority measures, the plans, details and phasing of which are to be submitted to and approved in writing by Hartlepool Borough Council in consultation with Stockton Borough Council and the Highways Agency. Implementation of the agreed works to take place in accordance with agreed phasing details.

The agreement will allow for monitoring and review in light of traffic levels and for traffic management around the timing of signals.

Hartlepool Borough Council Network

1. Powlett Road/Easington Road/Raby Road – conversion from roundabout to signalised crossroads and localised widening - prior to end of Phase 2
2. Powlett Road – widened to two lanes in each direction between Raby Road and a point 30m west of May Street - prior to end of Phase 2
3. Powlett Road/Milbank – localised widening to existing signalised crossroads and right turn ban from Powlett Road west (except buses and cyclists) – prior to end of Phase 2
4. Marina Way/Powlett Road – signalisation of existing roundabout and localised flaring – prior to end of Phase 2
5. Site Access Junction – new roundabout – prior to end of Phase 2.
6. Marina Way / Middleton Road – addition of segregated left turn lane from the south at existing roundabout – prior to end of Phase 2
7. Marina Gateway/Church Street – right turn ban into Clarence Road and staging amendments – prior to end of Phase 2
8. Victoria Road/Stockton Street – right turn ban into Victoria Road (except buses, taxis, and cyclists) and staging amendments – prior to end of Phase 2
9. Stranton / Burn Road – conversion from roundabout to signalised crossroads – prior to end of Phase 1

Highways Agency/Stockton Borough Council Network

10. A19/A689/A1185 – signalisation of two nodes of the existing 5 am roundabout and widening of the circulatory carriageway adjacent to the A689 westbound approach – Phasing to be agreed
11. A19/A689 – signalisation of both A689 approaches and the A19 southbound off-slip approach to the junction, and widening of the circulatory carriageway adjacent to both A689 approaches – Phasing to be agreed

Highway Agency / Durham County Council network

12. A19 / A179 junction carriageway improvements - Phasing to be agreed

9 Contribution to public transport provision / enhancement

The applicant shall agree with the Local Planning Authority and subsequently arrange the provision of bus services to a specified level of service, at an agreed trigger point in terms of volume of development completed and for an agreed time period, subject to a total maximum financial contribution to be agreed.

10 Travel Plan

The applicant and its successors in title shall use all reasonable endeavours to ensure that new employers within Victoria Harbour adopt a travel plan for their organisation. A travel plan framework (to which the applicant shall require employers to adhere) shall be agreed between the applicant and the Local planning Authority before development commences. The framework for each travel plan shall include a range of initiatives and measures as follows:-

- The appointment of a travel plan co-ordinator
- The conducting of staff travel surveys.
- The agreement of targets for the reduction in car usage by staff
- The monitoring of performance against targets
- Other such measures as detailed in the transport assessment.

BILL ISELEY

CHAIRMAN

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

21st December, 2005

Present:

Councillor Councillor Bill Iseley (In the Chair)

Councillors Derek Allison, Rob Cook, Bob Flintoff, Jean Kennedy, Geoff Lilley, Dr George Morris, Carl Richardson, Maureen Waller and Ray Waller.

Also Present: In accordance with Paragraph 4.2(ii) of the Council's Procedure Rules, Councillor Robbie Payne as substitute for Councillor Stephen Belcher and Councillor John Cambridge as substitute for Councillor Stan Kaiser

Officers: Peter Devlin, Legal Services Manager
Richard Teece, Development Control Manager
Stuart Green, Head of Planning and Economic Development
Roy Merrett, Principal Planning Officer
Chris Roberts, Development and Co-ordination Technician
Derek Wardle, Arboricultural Officer
Pat Watson, Democratic Services Officer
Jo Wilson, Democratic Services Officer

86. Apologies for absence

Apologies for absence were submitted on behalf of Councillors Stephen Belcher, Harry Clouth and Stan Kaiser

87. Declarations of interest by members

Councillor Iseley declared a personal and prejudicial interest in item H/2005/5697 and indicated that he would leave the meeting while this was being considered.

88. Confirmation of the minutes of the meeting held on 23rd November 2005

Confirmed.

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

The Committee considered the following applications for planning permission to carry out developments under the Town and Country Planning legislation and, in accordance with their delegated powers, made the decisions indicated below:-

Number: H/2005/5744

Applicant: Dr Lustman
56 The Drive Gosforth

Agent: Storey SSP Higham House New Bridge Street West
Newcastle Upon Tyne

Date received: 10/10/2005

Development: Erection of enclosures to external stairs, including access gates

Location: The Fens Shopping Centre Catcote Road Hartlepool

Decision: **Deferred for additional information**

Number: H/2005/5387

Applicant: Mr Imiah
34 GRANGE ROAD HARTLEPOOL

Agent: Mr I Miah 34 GRANGE ROAD HARTLEPOOL

Date received: 11/07/2005

Development: Provision of UPVC windows and door (retrospective application)

Location: 34 GRANGE ROAD HARTLEPOOL

Decision: **Deferred for additional information and discussions with the applicant**

Number: H/2005/5644

Applicant: Mrs J A Boyle
C/O Agent

Agent: Jackson Plan Mr Ted Jackson 7 Amble Close
HARTLEPOOL

Date received: 11/08/2005

Development: Outline application for the erection of a detached dormer bungalow

Location: 65 SEATON LANE HARTLEPOOL

Decision: **Deferred for additional information**

Number: H/2005/5709

Applicant: Bellway Homes (NE) Ltd
Peel House Main Street Ponteland

Agent: Bellway Homes Limited Peel House Main Street Ponteland
NEWCASTLE UPON TYNE

Date received: 31/08/2005

Development: Erection of 70, 2 and 3 bedroom houses and 12 flats

Location: Land At The Former Golden Flatts Public House And
Adjacent Land Seaton Lane And Brenda Road Hartlepool

Decision: **Deferred for additional information**

COUNCILLOR M WALLER IN THE CHAIR

Councillor Iseley declared a personal and prejudicial interest in the following application and left the meeting during its consideration.

Moss Boddy (agent) and Mrs Patterson (objector) were present and addressed the Committee

Number: H/2005/5697

Applicant: Mr & Mrs PHopper

Agent: Derek Stephens 17 Lowthian Road HARTLEPOOL

Date received: 22/09/2005

Development: Outline application for the erection of 4 detached dwellings

Location: MEADOWCROFT ELWICK ROAD HARTLEPOOL

Decision: **Planning Permission Refused**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. It is considered that the proposed development by reason of the close proximity of the proposed houses to Meadowcroft and Meadowside, a grade II listed building, and its impact on features which contribute to its setting and which are important features in the Conservation area, notably the woodland to the west and the paddock to the south, would adversely affect the character and appearance of the Park Conservation Area contrary to policies Gen 1, Co2, Ho7 of the adopted Hartlepool Local Plan (1994) and policy Gep 1, HE1 and Hsg 12(A) of the emerging Hartlepool Local Plan 2005.
2. It is considered that the proposed development by reason of the close proximity of the proposed houses to Meadowcroft and Meadowside, a grade II listed building, and its impact on features which contribute to its setting, notably the woodland to the west and the paddock to the south, would adversely affect the character and setting of the listed building contrary to policies Gen 1 and Co10 of the adopted Hartlepool Local Plan (1994) and policy Gep 1 and HE10 of the emerging Hartlepool Local Plan 2005.
3. It is considered that the relationship between the north eastern most dwelling in the paddock and 309 Elwick Road is unacceptable. The boundary is currently formed by a high conifer hedge which would tend to have an oppressive impact on the occupiers of the new dwellinghouse. In that event it is likely that this would lead to pressure

from the future occupants of the new dwellinghouse to have the hedge reduced in height under the recently enacted high hedges legislation. This potentially would open up the rear garden of 309 to an unacceptable degree of scrutiny. It is considered therefore that the proposal is contrary to policies Gen 1 and Ho7 of the adopted Hartlepool Local Plan (1994) and policy Gep 1 and Hsg 12(A) of the emerging Hartlepool Local Plan 2005.

The Committee considered representations in relation to this matter.

COUNCILLOR ISELEY IN THE CHAIR

Number: H/2005/5972

Applicant: Mr Sean McNicholas
The Wheelhouse The Green Billingham

Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
Hartlepool

Date received: 01/12/2005

Development: Reserved Matters Application for the erection of a detached
domer house with attached garage

Location: Rear of 2A ELDON GROVE HARTLEPOOL

Decision: **Subject to no significantly different objections to those
originally submitted being received by the appointed
date Reserved Matters Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. 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.
2. Window frames shall be timber and shall be painted white or such other colour as may be agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the dwellinghouse facing 2a Eldon Grove, 33 & 35 Linden Grove without the prior written consent of the Local Planning Authority.

To prevent overlooking

4. 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.

5. 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 other outbuildings other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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 Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

7. The proposed first floor bathroom window(s) shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist.

To prevent overlooking.

8. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been

determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

The Committee considered representations in relation to this matter.

Number:	H/2005/5822
Applicant:	Joseph Rowntree Foundation HT The Homestead 40 Water End York
Agent:	PRP Francis Brown Ferry Works Summer Road Thames Ditton Surrey
Date received:	04/10/2005
Development:	Erection of an Extra Care Retirement Village with associated car parking
Location:	Land West Of Easington Road Middle Warren Hartlepool
Decision:	Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

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

In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority:-
2.1/01 Site Location Plan, 2.1/02L Landscape Plan, 2.1/03B Proposed Site Plan
2.1/04 Part Site Plan East, 2.1/05 Part Site Plan West,
2.1/10A Block A Ground Floor Plan, 2.1/11A Block A First Floor Plan,
2.1/12A Block A Second Floor Plan, 2.1/13A Block A Third Floor Plan, 2.1/14A Block A Roof Plan, 2.1/15A Block B & C Floor Plans, 2.1/16 Block D Floor Plans, 2.1/17 Bungalow Plans, 2.1/18A Block A Elevations, 2.1/19A Block A Elevations, 2.1/20A Block A Elevations, 2.1/21A Block B & C Elevations, 2.1/22 Block D Elevations, 2.1/23A Bungalow Elevations, 2.1/24 Site Elevations, 2.1/25 Flat Plans, 2.1/26 Site Uses Identification, 2.1/27 Site Axonometric unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

4. A written specification of the soft landscape works (including cultivation and other operations associated with plant and grass establishment) and implementation programme shall be submitted to and approved in writing by the Local Planning Authority before any phase of development is occupied.

In the interests of visual amenity.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the programme approved under condition 4. 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 submitted final details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before any phase of development hereby approved is occupied.

In the interests of visual amenity.

7. The approved parking areas shall be provided in accordance with a phased programme of works to be first agreed in writing by the Local Planning Authority before development commences.

To ensure adequate parking facilities are available at all times.

8. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

To prevent pollution of the water environment.

10. Notwithstanding the submitted details the road and footpaths on the main access road hereby approved shall be carried out in accordance with final details to be submitted to and approved in writing by the Local Planning Authority before development commences.

In the interests of highway safety.

11. Notwithstanding the submitted details minimum finished floor levels road footpath and car park levels shall be agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.

To ensure adequate levels within the site.

12. Notwithstanding the submitted details the development hereby permitted shall not be commenced until: a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, b) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, c) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, d) If during reclamation or redevelopment works any contamination is identified that has not been considered in the

Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

13. Prior to the development hereby approved being commenced, a 'Travel Plan Framework' shall be submitted to and agreed by the Local Planning Authority. Such a Travel Plan Framework shall clearly indicate the measures to be undertaken to reduce dependency on private cars associated with the development together with targets and timescales for the achievement of such measures. Thereafter a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of the first occupation of the development. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority. The Plan shall make provision for an on site mini bus service for residents.

In the interests of controlling vehicle congestion on the highway network.

14. Notwithstanding the submitted details prior to the development being brought into use the applicant shall enter into a community use agreement formalising community access to the healthy living centre, cafe/restaurant and day centre on the site. The agreement shall include management and maintenance arrangements, pricing policy and hours of availability. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the use of the living centre, cafe/restaurant and day centre shall be in accordance with the approved community use agreement.

To secure community use of facilities on the site.

The Committee considered representations in relation to this matter.

Number:	H/2005/5930
Applicant:	Leebell Developments
Agent:	
Date received:	11/11/2005
Development:	Application to modify the legal agreement (S106 agreement) in respect of the development of the Middle Warren area to ensure that the obligations of the agreement are enforceable against Leebell only
Location:	Middle Warren

Decision: Subject to no substantially different concerns to those already considered being raised before the appointed date minded to **APPROVE** but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee if necessary

The Committee considered representations in relation to this matter.

Mr Grieveson (agent) was present and addressed the Committee.

Number: H/2005/5141

Applicant: Mr I Grieveson
26 COURAGEOUS CLOSE HARTLEPOOL

Agent: Mr B Grieveson Jesmond The Parade Grange Road
Hartlepool

Date received: 22/02/2005

Development: Erection of a front boundary wall with pillars (retrospective application)

Location: 26 COURAGEOUS CLOSE SEATON CAREW
HARTLEPOOL

Decision: **A. Planning Permission Refused**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the development would introduce a significant feature to the street scene that would be out of keeping with its present open character reinforced by an open plan condition attached to the planning consent for the estate. On this basis it is considered that the development would conflict with the objectives of policy Gen1 of Hartlepool Local Plan and policy GEP1 of emerging Hartlepool Local Plan 2005.
2. Members gave authority for officers to pursue enforcement action if necessary to secure removal of the wall.

The Committee considered representations in relation to this matter.

Ted Jackson (agent) and Mr Scott (objector) were present and addressed the Committee.

Number: H/2005/5782

Applicant: Mrs Jshield
c/o Agent

Agent: Jackson PlanMr Ted Jackson 7 Amble Close
HARTLEPOOL

Date received: 03/10/2005

Development: Outline application for the erection of a detached bungalow

Location: LAND ON THE EAST SIDE OF 30 RUSWARP GROVE
HARTLEPOOL

Decision: **Deferred for a Members' site visit**

The Committee considered representations in relation to this matter.

Number: H/2005/5893

Applicant: MR RICHARD LILL
ORANGE PERSONAL COMMUNICATION 4 EXCHANGE
QUAY SALFORDMANCHESTER

Agent: Commpro TelecommunicationsMr Richard Lill Commpro
Telecommunications Unit 4, Wentworth
Industrial Park Maple Road Tankersley Tankersley

Date received: 03/11/2005

Development: Erection of a 25 metre high column with 3 antennas, 2
transmission dishes and 6 equipment cabinets and
compound

Location: OWTON GRANGE FARM OWTON FENS BILLINGHAM

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 7th December 2005, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. All planting, seeding or turfing comprised in the approved details of landscaping on plan GA 06 revB received on the 7th December 2005 shall be carried out in the first planting season following the installation of the equipment. 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.

4. The hereby approved equipment shall be painted in colours as detailed on the plans GA 04 revB and GA 10 revB received on the 7th December 2005 with the Local Planning Authority within 3 months of the equipment being erected.

In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number:	H/2005/5861
Applicant:	Royal Mail Clark Street Hartlepool
Agent:	Royal Mail John Lutz Clark Street Hartlepool
Date received:	17/10/2005
Development:	Siting of a Royal Mail pouch box
Location:	Land Opposite 1 Cromer Walk Hartlepool
Decision:	Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

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

In the interests of visual amenity.

3. Prior to the commencement of the development hereby approved, details of the exact location of the development shall be submitted to and agreed in writing by the Local Planning Authority.

In the interests of highway safety.

The Committee considered representations in relation to this matter.

Number:	H/2005/5884
Applicant:	J.D. Wetherspoon PLC C/O Agent
Agent:	Hepher Dixon Bridewell Gate 9 Bridewell Place London
Date received:	02/11/2005
Development:	Variation of condition 2 of planning permission H/FUL/0101/02 to permit longer opening hours of 7am - 1am Sundays to Thursdays, 7am -2.30am Fridays to Saturdays, 7am - 3.30am or 2.00am on special days and 7am to 1.30 am on Thursdays and Sundays preceding Good Fridays and Bank Holiday Mondays respectively.
Location:	The Ward Jackson 3-9 Church Square Hartlepool
Decision:	Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

For the avoidance of doubt.
2. This permission shall relate only to the building itself and shall not include the use of the parking areas (other than for the parking of vehicles) and beer garden.

For the avoidance of doubt and in the interests of the amenity of the area.

3. The opening hours of the premises shall be as set out in the letter from Hephher Dixon to Hartlepool Borough Council dated 16 November 2005. For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number:	HLBC/2004/0973
Applicant:	Mr A Ali M.A.S. Palace 1 Lynn Street Hartlepool
Agent:	
Date received:	16/11/2004
Development:	Repainting of building
Location:	MAS AGRA LYNN STREET HARTLEPOOL
Decision:	<p>A. Members were minded to approve the application with the exception of the painting of ornate tiles on the front elevation of the building on the basis that it is considered that the painting of ornate tiles by reason of the inappropriate use of a green coloured paint would detract from the character and appearance of the Listed Building contrary to policy Co10 of the Hartlepool Local Plan 1994 and policy HE8 of emerging Hartlepool Local Plan 2005.</p> <p>B. Members gave authority to officers to pursue enforcement action if expedient to secure removal of the paint applied to the ornate tiles.</p>

Number:	H/2005/5929
Applicant:	Rivergreen Developments PLC The Rivergreen Centre Aykley Head Durham
Agent:	J. Darbyshire & D. Kendall Millmount Ponteland Road Newcastle Upon Tyne
Date received:	10/11/2005
Development:	Erection of 14 business units and associated works

Location: Queens Meadow Business Park Stockton Road

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.

To clarify the period for which the permission is valid.

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

In the interests of visual amenity.

3. Notwithstanding the generality of this permission or the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any subsequent amending legislation) prior to the undertaking on the application site of any industrial process, other than a process previously approved by the Local Planning Authority ("the Authority"), falling within Class B2 of the 2005 Order above and which process could give rise to noise, vibration, smell, fumes, smoke, soot, ash, dust or grit ("the impact") which would be measurable or discernable at the boundaries of the site edged red in the application there shall be submitted to, and approved in writing by the Local Planning Authority such details as shall reasonably be required by the Authority to enable the impact to be assessed by the Authority. Thereafter, the process shall be carried out only in accordance with the approved details including, as appropriate, any steps required by the Authority for the purpose of mitigation of the effects of the impact. Any process where the details and/or mitigation measures cannot be agreed by the Authority shall not be undertaken.

In the interests of visual amenity.

4. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

5. 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.

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

In the interests of visual amenity.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage including flow attenuation has been submitted to and agreed in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

8. The development hereby approved shall not be brought into use until surface water disposal arrangements (agreed by virtue of the previous condition) have been implemented in to accordance with approved details.

In order to safeguard against flooding.

9. Prior to to any of the units hereby approved being brought into use cycle parking provision shall be implemented in accordance with details to be previously agreed by the Local Planning Authority in order to encourage access to the site by means other than the private car.
10. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 2542/10/002 Rev E received on 16 December 2005 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Councillor Lilley asked that his vote against the above application be recorded

Number: H/2005/5882

Applicant: Elliott & McCarthy
86 WILTSHIRE WAY HARTLEPOOL

Agent: Business Interiors Group 73 Church Street HARTLEPOOL

Date received: 25/10/2005

Development: Erection of a two-storey extension to dental surgery/health centre

Location: 86 WILTSHIRE WAY HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

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

In the interests of visual amenity.

Number: H/2005/5939

Applicant: Pegasus Planning Group
4 The Courtyard Church Street Lockington

Agent: Pegasus Planning Group 4 The Courtyard Church Street Lockington

Date received: 14/11/2005

Development: Change of use from shop use (A1) to financial and professional services use (A2)

Location: 49 Middleton Grange Shopping Centre Hartlepool

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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. A shop window display shall be provided and retained at the premises at all times unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.

90. Land to Rear of 42 Bilsdale Road – Planning Appeal

(Assistant Director, Planning and Economic Development)

A planning appeal had been lodged against the decision of the Committee to impose restrictive conditions on land to the rear of 42 Bilsdale Road. These conditions would have required the applicant to gain planning permission for all new walls and fences, ancillary buildings and garden structures and prevented vehicular access to the site from the rear access lane. Notification had now been received from the Planning Inspectorate that the appeal had been allowed. The Inspector had concluded that rear garden buildings were evident at a number of nearby properties and considered that the rear access lane could be used without detriment to highway safety. He further felt that there were no exceptional circumstances in this case that would justify the withdrawal of permitted development rights. A copy of the decision letter was submitted as an appendix.

Decision

That the report be noted

91. Appeal by Mr P Allen – Site at Land Adjacent to Old Mill, Elwick, Hartlepool

(Assistant Director, Planning and Economic Development)

Members were advised of a planning appeal that had been lodged against the refusal of the Local Planning Authority to grant outline planning permission for the erection of a detached dwelling and detached double garage at land adjacent to Old Mill, Elwick. The appeal was to be decided by written representation and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

92. Update on Current Enforcement Related Matters

(Assistant Director ,Planning and Economic Development)

Members were advised that during the four (4) week period prior to the meeting eight (8) planning applications had been registered as commencing and checked. Eight (8) had required site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to eleven (11) current ongoing issues, brief details of which were set out in the report.

Decision

That the report be noted.

93. Untidy Land and Derelict Buildings – A Co-ordinated Approach to their Improvement

(Assistant Director (Planning and Economic Development))

Members were advised that consultants had been engaged to report on methods to deal with derelict land or untidy buildings and land, specifically twelve identified sites. The report had been concluded in draft form and the final version would be brought to the next meeting of the Committee.

Members asked if it would be possible for them to agree future recommendations in order for the process to be sped up. However the Legal Services Manager indicated that the Portfolio Holder for Culture, Housing and Transportation might want detailed comments from the Committee during his deliberations and it would be safer to defer the item until the final report was ready.

Decision

That the report be deferred to a future meeting.

WISELEY

CHAIRMAN

No: 1
Number: H/2005/5782
Applicant: Mrs J Shield c/o Agent
Agent: Jackson Plan 7 Amble Close HARTLEPOOL TS26 0EP
Date valid: 03/10/2005
Development: Outline application for the erection of a detached bungalow
Location: LAND ON THE EAST SIDE OF 30 RUSWARP GROVE HARTLEPOOL

Background

1.1 This application was reported to the Planning Committee on 21st December 2005 when it was deferred for a site visit. The site visit will take place before the meeting. The original report and recommendation are set out below.

The Application and Site

1.2 Outline planning permission is sought for the erection of a detached bungalow. The application site is located at the end of a cul-de-sac and currently forms part of the side garden of 30 Ruswarp Grove. It is proposed that the bungalow will share the access to 30 Ruswarp Grove and half of the existing double garage. The applicant has asked that siting and the means of access are considered with the other matters (design, landscaping and external appearance) reserved.

1.3 The site is enclosed by a timber fence to the north beyond which the rear gardens of properties on Deacon Gardens. To the east is a chain link and partial timber fence beyond which are flats fronting Regal Close. A number of mature trees are located to the east and north boundaries. To the south is number 31 a bungalow, this has a drive to the side closest to the site, a wall forms the boundary with the application site. To the west is the donor property, this has an access drive leading to a double garage closest to the site and a porch and high level window to the side elevation. An arched gateway feature stands at the entrance to the drive.

Planning History

1.4 In November 1980 an application was received for the erection of a detached bungalow it appears that the application was deferred when considered by committee pending the receipt of drainage details and confirmation of the accuracy of the plans. It appears that no formal decision was made and the application is considered therefore to be a deemed refusal (H/0/976/79 refers).

1.5 In January 1981 planning permission was granted for the erection of a rear dormer extension (H/940/80).

1.6 In December 1993 planning permission was granted for the erection of a porch to the side and pitched roof garage extension (H/FUL/0609/03).

Publicity

1.7 The application has been advertised by way of neighbour letters (20). To date, there have been 13 letters of objection which raise the following concerns:

1. Inadequate vehicular access/egress.
2. Flooding
3. Traffic/parking problems
4. Loss of privacy
5. Noise
6. Loss of mature trees
7. Too near flats
8. Loss of mature trees
9. Loss of light
10. Detrimental to area.
11. Loss of value
12. Disturbance during building works
13. Previous refusal.

The period for publicity has expired.

Copy letters E.

Consultations

1.8 The following consultation replies have been received:

Head of Public Protection & Housing: - No objections.

Highways: - A legal agreement will be required to share the driveway on this new property and the drive should be a minimum of 6m otherwise there are no Traffic or Highway implications.

Engineers: - No comments in respect of contaminated land and land drainage.

Northumbrian Water: - No comments received.

Environment Agency: - No comments received.

Planning Policy

1.9 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

Ho7: states that proposals for residential development on land within the defined limits to development will normally be approved subject to consideration of access, car parking, scale, the provision of open space, the effects on occupants of new and existing development and the retention of existing features of interest. The land should not be allocated for any other purpose.

Hsg10(A): supports housing proposals contributing towards reaching brownfield targets for development subject to the effect on the overall housing strategy for reducing the imbalance between housing supply and demand. Where appropriate, developer contributions towards demolitions and improvements will be sought.

Hsg12(A): sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space and where appropriate 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

1.10 The main planning consideration in this case are considered to be policy, relationship with neighbouring properties including the donor property, highways, flooding and trees.

Policy

1.11 The application site is within the urban fence where residential development is considered acceptable in principle.

Relationship with neighbouring properties including the donor property

1.12 The site of the proposed bungalow is surrounded on all sides by existing development. It appears that the proposed siting of the building would fail to meet the current guidelines in relation to separation distances between dwellings. The applicant considers these could be achieved however has failed to demonstrate how. It is considered therefore that the proposal as submitted would represent an overdevelopment of the site which would adversely affect the living conditions of the adjacent occupiers by reason of the proximity of the development. It is also

considered that the living conditions of the future occupants of the bungalow itself would be adversely affected by the surrounding development.

1.13 In relation to the donor property the application site will share a drive. The donor property has a porch to the side and an arched gate currently erected across the entrance to the drive. The applicant has however indicated that if required the applicant is willing to remove the porch and arch. He is also willing to brick up openings on this side. The drive narrows to what is effectively a single carriageway to the front and notwithstanding the proposed amendments to the building suggested by the applicant it is considered that the proposed relationship with the donor property would be unacceptable. It is considered that the use of the shared drive, the comings and goings associated with the new property, would have a detrimental impact on the living conditions of the donor property.

Highway Considerations

1.14 It is proposed that the application site will share a drive with the donor property. The applicant has not prepared a detailed plan showing how this would work however it appears that in theory the site could accommodate a shared drive and parking for both properties particularly if the donor properties porch and gate were removed which could be conditioned. Highways have not therefore objected to the proposal provided a drive width of 6m is maintained and a legal agreement is secured. In practice however the access narrows to effectively single carriageway width as it approaches Ruswarp Grove and any careless parking by either householder would effectively obstruct the access.

Flooding

1.15 The issues of flooding has been raised by several objectors who advise that the area is prone to flooding. The applicant maintains that the donor dwelling property has not flooded. This matter has been discussed at some length with the Engineers. It appears that historically flooding has occurred to the rear of properties on Ruswarp Grove. It is thought that initially this related particularly to flash flooding from adjacent playing fields. It appears that this situation was resolved a number of years ago by the digging of land drains. The problem resurfaced recently when the new housing was erected on the adjacent site however it appears that this was due to inadvertent interference with the land drain and the situation has been investigated and resolved. The Engineers have raised no objection to the proposal.

1.16 Objectors have also raised the concern that the area has been designated a flood risk area. It appears that this concern relates to the Indicative Flood Maps produced by the Environment Agency which identify large parts of Seaton Carew including much of Ruswarp Grove as a Zone 3 flood zone. It appears that these maps relate to concerns in relation to coastal inundation. The comments of the Environment Agency have been sought, however as the site is clearly located in a developed area it is considered unlikely that an objection on these grounds could be sustained.

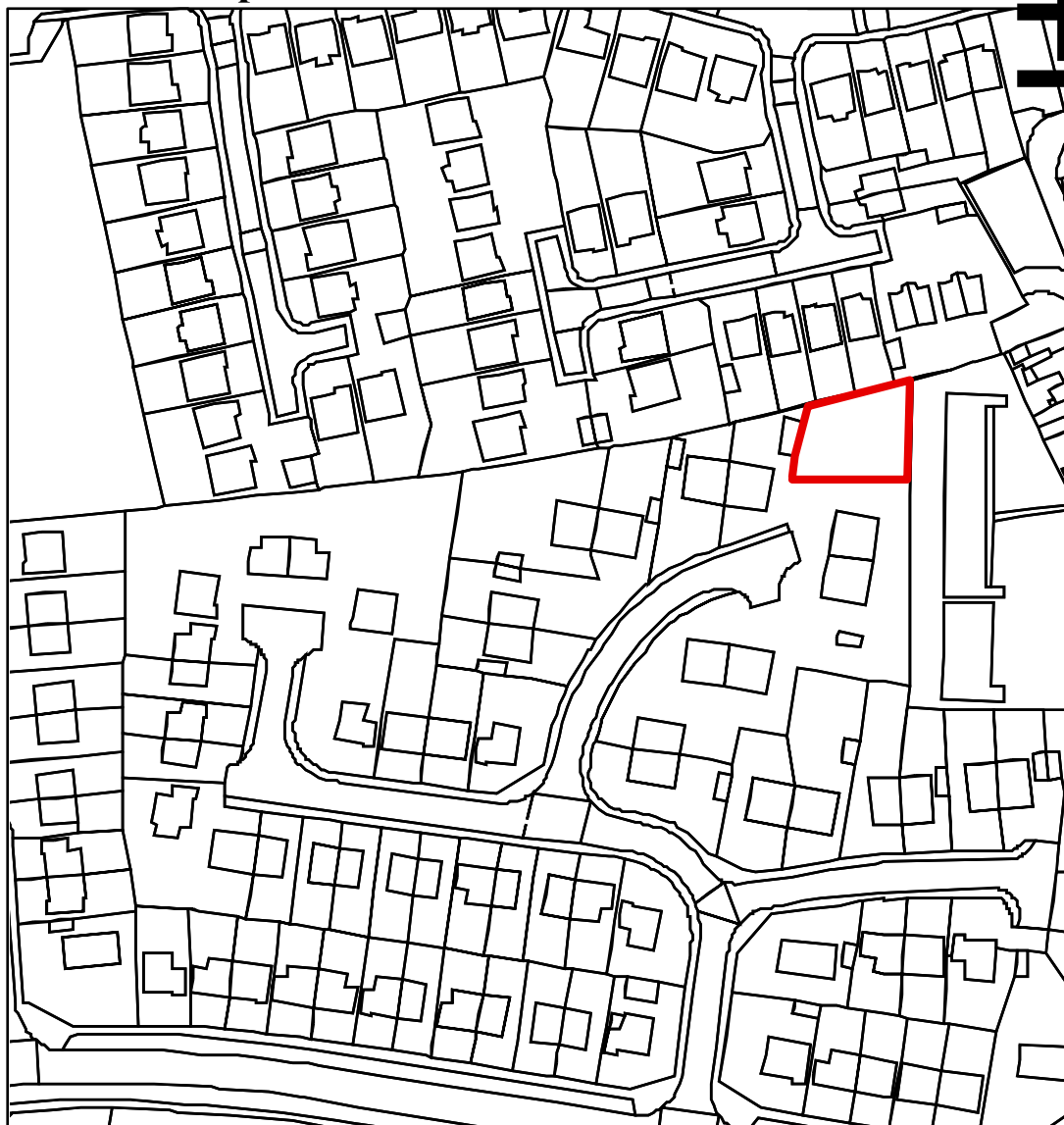
Trees

1.17 The site contains a number of mature trees on the periphery of the site. The Arboriculturalist has been consulted and considers that the dwelling could be accommodated without requiring the removal of the trees.

RECOMMENDATION – REFUSE for the following reasons

1. It is considered that the proposed relationship between the proposed development and the donor property would be unacceptable. It is considered that the use of the shared drive, the comings and goings associated with the new property, would have a detrimental impact on the living conditions of the donor property. The proposal is therefore considered contrary to policies Gen1 and Ho7 of the adopted Hartlepool Local Plan (1994) and policy Gep1 and Hsg12(A) of the emerging Hartlepool Local Plan 2005.
2. It appears that the proposed siting of the dwellinghouse would fail to meet the current guidelines in relation to separation distances between dwellings. The applicant has failed to demonstrate that these could be achieved. It is considered therefore that the proposal as submitted would represent an overdevelopment of the site which would adversely affect the living conditions of the adjacent occupiers by reason of the proximity of the development. It is also considered that the living conditions of the future occupants of the bungalow itself would be adversely affected by the surrounding development. The proposal is therefore considered contrary to policies Gen 1 and Ho7 and supplementary note 3 of the adopted Hartlepool Local Plan (1994) and policy Gep1 and Hsg12(A) and supplementary note 5 of the emerging Hartlepool Local Plan 2005.

30 Ruswarp Grove



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 6.1.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2005/5782	REV

No: 2
Number: H/2005/5990
Applicant: EK Investments 45 Courtland Avenue Ilford Essex
Agent: Stephenson Johnson & Riley 1 Enterprise House
 Thomlinson Road HARTLEPOOL TS25 1NS
Date valid: 05/12/2005
Development: Erection of 2 single storey shop units and alterations to
 car parking areas (resubmitted application)
Location: Elizabeth Way Shops Elizabeth Way Seaton Carew
 Hartlepool

The Application and Site

2.1 The application site is the privately owned local shopping parade at Elizabeth Way, Seaton Carew.

2.2 There are a number of small shops in the parade with flats above and a Spar supermarket at the northern end.

2.3 There are residential properties on three sides with community facilities and a nursery to the south.

2.4 The proposal involves the erection of a single storey extension to the side of the existing Spar supermarket to provide two self contained shop units. Both units are approximately 91 sq metres in floor area including storage and staff facilities.

2.5 Members may recall a similar application for 3 shop units (H/FUL/0634/03) which was refused in December 2003 on the grounds that the development would affect the amenities of residents of the adjacent bungalow, would be detrimental to the visual amenities of the area in terms of loss of open space and would be detrimental to highway safety by loss of parking spaces.

2.6 The applicant's subsequent appeal was dismissed. The Inspector considered that the development would unacceptably ham the living conditions of the resident of 3 Commondale Drive. The loss of green space was also considered to be unacceptable.

2.7 The inspector did not however accept that the proposed development would harm highway safety or the free flow of traffic in the area.

2.8 A further application for the erection of two single shop units (H/2005/5521) was refused on the grounds that the increase in traffic would affect on-site parking to the detriment of occupiers of nearby houses and highway safety. The proposed units by reason of siting would also create a secluded area which could lead to noise disturbance and the fear of crime to occupiers of the adjacent bungalow.

2.9 An appeal has now been received for this refused application.

2.10 The current application includes a comprehensive parking study together with a parking plan which shows 38 parking spaces formally set out. A copy of the supporting information and application will be made available in the Members' Room.

2.11 The application also includes a report from Cleveland Police regarding crime and fear of crime in the Elizabeth Way area.

Publicity

2.12 The application has been advertised by way of neighbour letters (44) and a site notice. To date, there have been:- 2 letter(s) of no objection and 11 letters of objection. The objections include:-

- 1 serious parking problems
- 2 no need for extra shops
- 3 would encourage gangs to hang about
- 4 would lead to crime
- 5 existing shops frequently become vacant
- 6 vandalism
- 7 loss of recycling facility
- 8 shops will have no rear entrance
- 9 disruption caused by construction works would be unacceptable
- 10 late night opening
- 11 security concerns
- 12 window cleaning difficult
- 13 refuse storage concerns
- 14 concerns about deliveries

Copy letters A.

The period for publicity expires before the meeting.

Consultations

2.13 The following consultation replies have been received:

Northumbrian Water - no objections

Head of Technical Services – awaited but informally no objections

Head of Public Protection & Housing – awaited but informally no objections

Health & Safety Executive – awaited but previously no objections

Planning Policy

2.14 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

Gen1 – lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

GEP1:- states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

COM10: states that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

Planning Considerations

2.15 The main planning issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plans and the impact of the proposals on neighbouring properties in terms of visual amenity noise and disturbance and on the street scene generally. Further considerations are the effect of the development on highway safety and parking and crime related issues.

2.16 The area surrounding the application site is predominantly residential in character including a mixture of houses and bungalows mostly built in the 1960's. The shopping parade has public parking to the front and side and access to the rear for servicing. Access to the flats is also to the rear.

2.17 The nearest residential property is a detached domer bungalow, 3 Comondale Drive, which is adjacent to the application site.

2.18 The proposed layout plan shows the new shop units to be 13.5m away from the side wall of the garden. At present there is a small area of open space adjacent to the bungalow with a medium sized apple tree close to the doorway leading to the first floor hairdressing salon.

2.19 The plan indicates the removal of some of the open space adjacent to 3 Commondale Road in order to provide replacement parking for the spaces lost to make way for the new building. Two of the new spaces are close to the front/side garden wall which is approximately 1m in height at this point. A small amount of grassed open space would also be lost on the Westerdale Road boundary to extend the existing parking. The existing recycling facility which currently takes up to 4 parking spaces will be re-located to a different location to the south of the shopping parade.

2.20 The proposed scheme also includes security lighting and a CCTV camera close to the hairdressing salon access, additional planting to the north of the site and a number of cycle stands.

2.21 The new building which would provide two small shop units, has been designed and located to minimise effects on the neighbouring bungalow in terms of visual amenity.

2.22 Although concerns have been raised regarding the use of the units, the size and limited storage space would impose restraints on the type of goods that could be sold. Separate permissions would be required to use the units as hot food takeaway shops. In any event, being a single storey extension to a two storey building, it would be very difficult to provide adequate ventilation and extraction units for cooking food for a takeaway use.

2.23 Whilst the current planning application is fundamentally the same as the previous one, the agent has submitted additional information with regard to highway safety, parking and crime in an attempt to overcome earlier concerns.

2.24 A parking study has now been carried out by a firm of engineering consultants.

2.25 The survey was undertaken over a period of six separate days. At each visit, cars parked within the car park and on Elizabeth Way and Westerdale Road were noted and photographed.

2.26 The times of the visits were chosen so that a full daily profile of cars parked at the site on any week day could be determined. The information gained has been analysed and the conclusion reached by the consultants is that there is spare capacity within the car park "at all times" and that the effect on Elizabeth Way and Westerdale Road is negligible. At present there are 38 parking spaces (if vehicles are parked properly). The car park is to be formally set out with all spaces marked in white paint (including the 8 informal spaces parallel to Elizabeth Way). The recycling bins are to be re-located to an area to the south of the site. A one way system will be established with vehicles entering the car park from Elizabeth Way and exiting onto Westerdale Road. Discussions are continuing about the spaces currently proposed closest to 3 Commondale Drive.

2.27 The Council's highway engineer has no concern regarding parking given the survey and as the proposals are in accordance with government advice set out in PPG13 (Transport). The improvements to the car park are welcomed.

2.28 With regard to the second reason for refusal, the agent has confirmed that Cleveland Police's Crime Prevention Officer has been consulted and has provided his report which includes comments and advice regarding the site and crime prevention. According to police records it would appear that there is very little reported crime in the area. This may be due to the installation of CCTV cameras which have been provided at the shops by Hartlepool Council in 2003.

2.29 The new CCTV camera will complement the current provision. Any concerns about overlooking can be overcome by virtue of programming. Discussions are continuing about this.

2.30 Although the applicant has indicated that no trees would be removed, it would appear that the apple tree (which could be taken out at any time) would not be retained. Discussions are also continuing about this.

2.31 Much more green space has been retained along Westerdale Road than in the previous application for 3 shop units and additional planting trees and shrubs is indicated adjacent to 3 Commondale Drive and Westerdale Road.

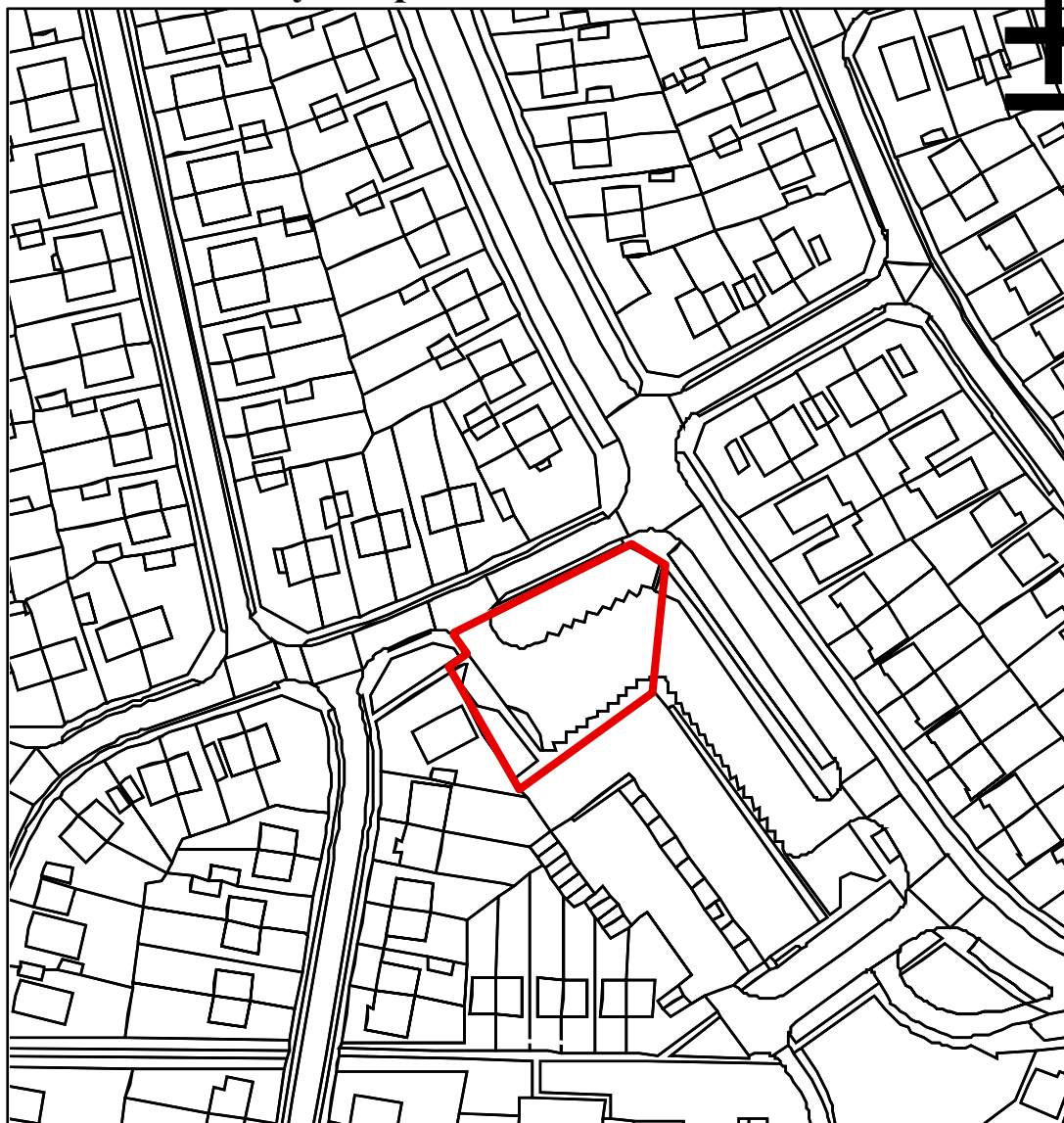
2.32 On the basis that A3 takeaways uses would require separate consent that the parking and planting arrangements closest to 3 Commondale Drive are amended and there is a scheme for tree planting and landscaping, there are no objection to the proposal.

RECOMMENDATION - Subject to no objections from the HSE APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. 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.
4. The premises shall only be used for general retailing purposes falling with Class A1 of the Schedule to the Town and Country Planning Use Classes Amendment Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.

5. The improvements to the car park including the one way system shall be completed before the shop units are constructed. All parking spaces are to be marked in white paint.
In the interests of highway safety.

Elizabeth Way Shops



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.11.05
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2005/5990	REV

No:

3

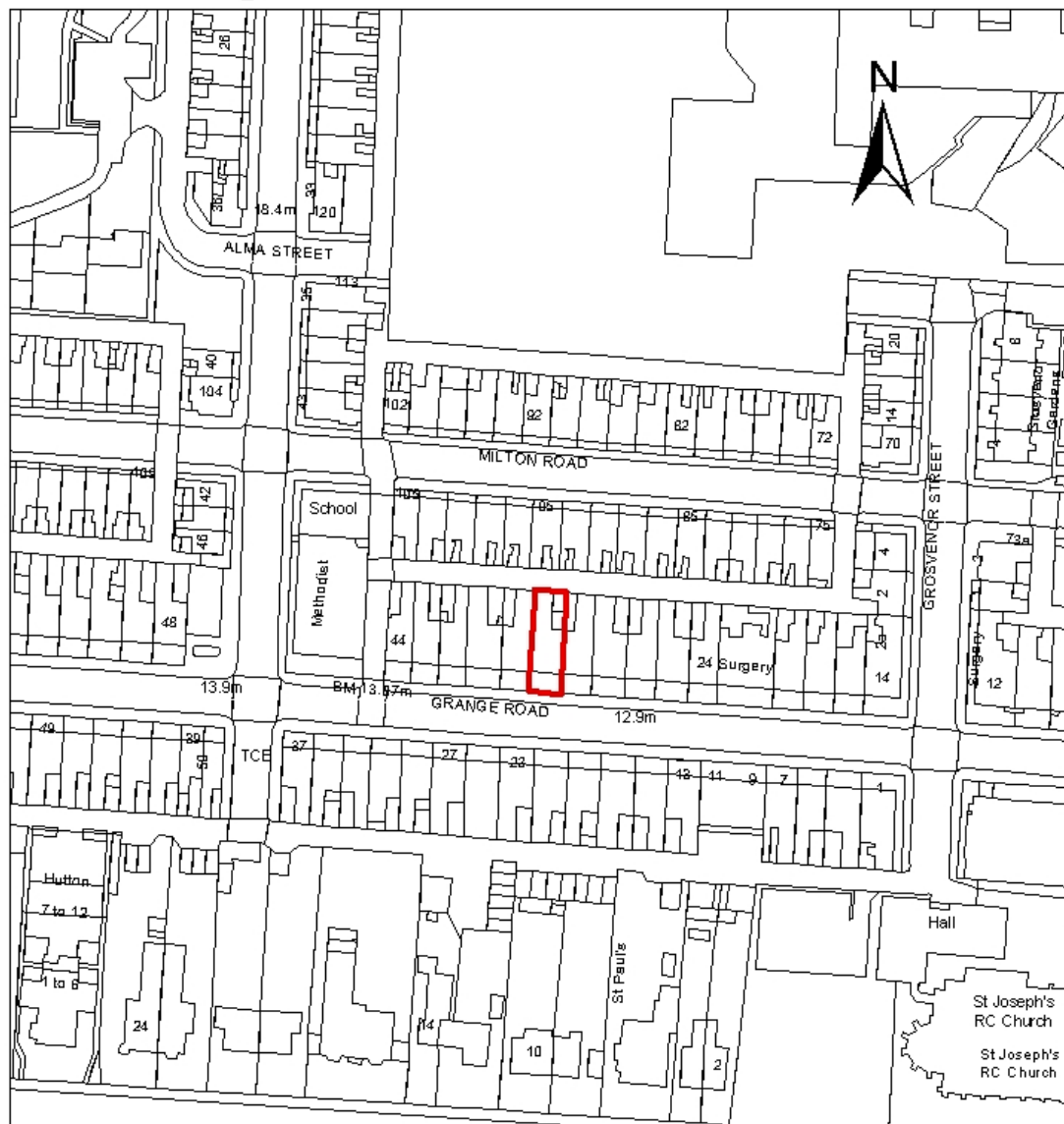
Number: H/2005/5387
Applicant: Mr I Miah 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Agent: 34 GRANGE ROAD HARTLEPOOL TS26 8JB
Date valid: 11/07/2005
Development: Provision of UPVC windows and door (retrospective application)
Location: 34 GRANGE ROAD HARTLEPOOL

Background

3.1 This application was reported to the planning committee of 31 August 2005 with a recommendation of refusal. It was deferred and has been subsequently deferred to allow time for further discussions with the applicant. The discussions are on going and are unlikely to be concluded before the meeting.

Recommendation **DEFER**

34 Grange Road



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.8.05
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5387	REV

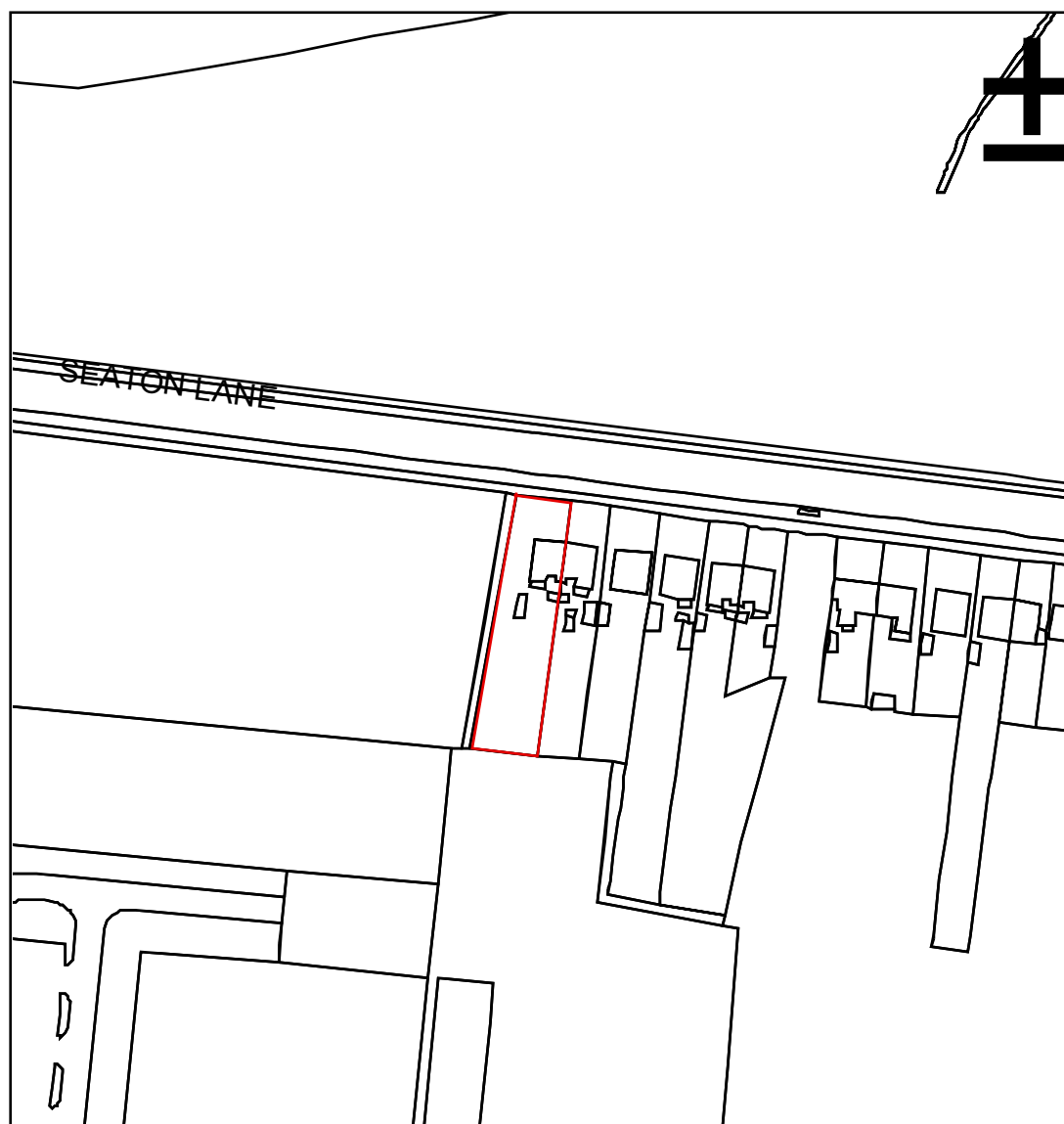
No: 4
Number: H/2005/5644
Applicant: Mrs J A J Boyle
Agent: Jackson Plan, Mr Ted Jackson
Date valid: 11 August 2005
Development: Outline application for the erection of a detached dormer bungalow
Location: 65 Seaton Lane, Hartlepool

Background

4.1 The above application was reported to the Planning Committee on 21 December 2005 when it was deferred at the applicant's request. Discussions are ongoing. It is recommended that the application be deferred.

RECOMMENDATION - Defer

65 Seaton Lane



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.11.05
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2005/5644	REV

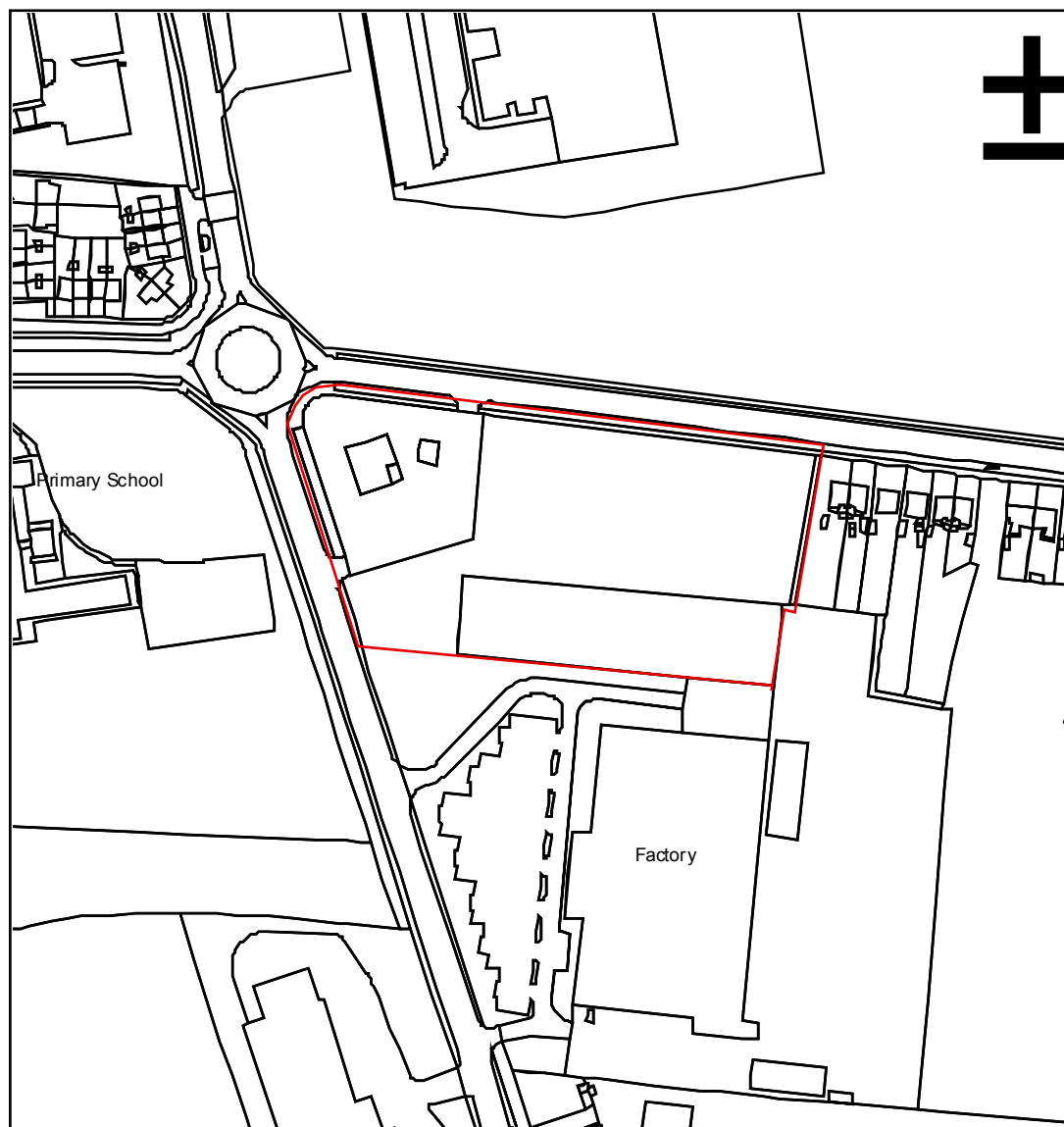
No: 5
Number: H/2005/5709
Applicant: Bellway Homes (NE) Ltd
Agent: Bellway Homes Limited
Date valid: 31 August 2005
Development: Erection of 70,2 and 3 bedroom houses and 12 flats
Location: Land at the former Golden Flatts, Public House and adjacent land Seaton Lane and Brenda Road Hartlepool

The Application and Site

5.1 The above application was reported to the Planning Committee on 21 December 2005 when it was deferred. Discussions are ongoing. It is recommended that the application be deferred.

RECOMMENDATION – Defer

Land at Brenda Road/Seaton Lane



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.11.05
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2005/5709	REV

No: 6
Number: H/2005/5744
Applicant: Dr Lustman
Agent: Storey SSP
Date valid: 10 October 2005
Development: Erection of enclosures to external stairs, including access gates
Location: The Fens Shopping Centre, Catcote Road, Hartlepool

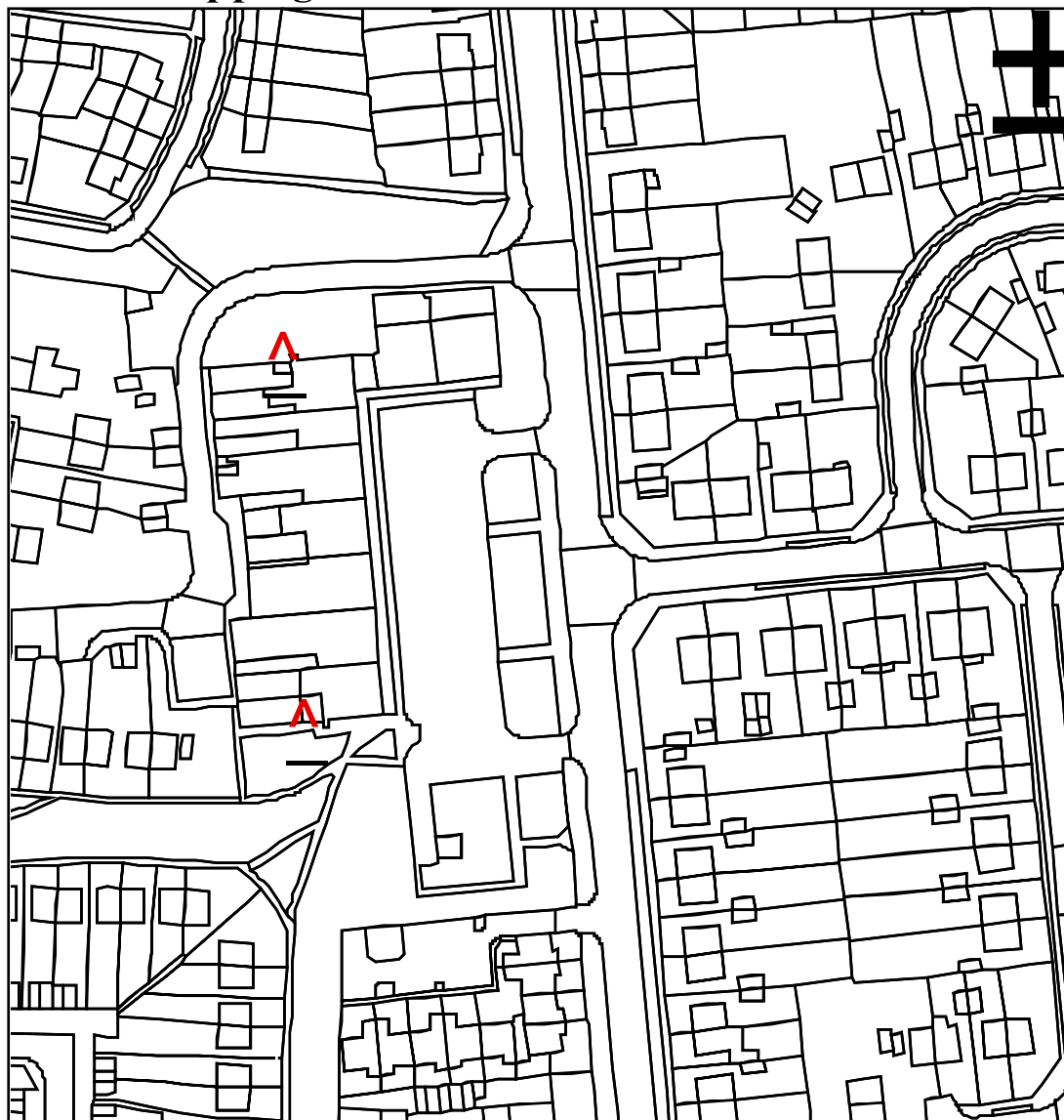
Update

6.1 The application was deferred at the 21st of December 2005 Planning Committee.

6.2 Given that further information has been requested from the applicant and Cleveland Police it is considered that the application should be deferred.

RECOMMENDATION – Defer

Fens Shopping Centre



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 15.11.05
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5744	REV

No: 7
Number: H/2005/5964
Applicant: Mr T Walker Woodburn Lodge Blakelock Gardens TS25 5QW
Agent: Woodburn Lodge Blakelock Gardens TS25 5QW
Date valid: 07/11/2005
Development: Application for a certificate of lawfulness for the erection of a detached garage to the rear
Location: Woodburn Lodge Blakelock Gardens Hartlepool

The Application and Site

7.1 This applicant seeks a Certificate of Lawfulness which would have the effect of confirming that the proposed development could be implemented without the need for planning permission.

7.2 The proposed development comprises the erection of a garage for which access is to be achieved via Redcar Close. It would incorporate existing brick pillars and would necessitate the removal of fence panels between those pillars in order to allow entry.

7.3 The applicant states that the structure is required for purposes incidental to the enjoyment of Woodburn Lodge. The garage would be situated more than 5 metres away from the dwelling and would not exceed 4 metres in height. He therefore considers that the garage would be permitted development under Schedule 2 Part 1 Class E of the General Permitted Development Order.

Publicity

7.4 Due to the nature of this proposal it is not a requirement to publicise the application. Notwithstanding this a site notice was placed, however no representations have been received as a result.

Planning Background

7.5 The site has an extensive planning history however the following cases are of direct relevance to this proposal:-

1. Enforcement Notice served against the creation of an unauthorised access to Woodburn Lodge from Redcar Close – Subsequent appeal dismissed. (October 2001)
2. Certificate of lawfulness approved for erection of detached recreation building to rear of Woodburn Lodge (2002)

3. 2 certificates of lawfulness refused regarding gates (2003 and 2004)
4. Certificate of lawfulness refused in relation to proposed detached garage – Subsequent appeal allowed (October 2005)
5. Enforcement Notices served in relation to alleged creation of new accesses to Woodburn Lodge from Redcar Close (August 2005 – appeals pending)

Planning Considerations

Access Considerations

7.6 Whilst on its face the garage appears to comply with the criteria specified in Part 1 Class E of Schedule 2 of the GPDO it is clear that bringing the development into use would necessitate the provision of access to the site from Redcar Close. Indeed the applicant states that he would utilise the existing access to Redcar Close.

7.7 The erection of the garage by its nature would appear to result in the creation of a point of access to it in the form of vehicle and pedestrian related doors. It is considered in consultation with the Council's Chief Solicitor, that access to the proposed garage in this location would not be provided for by the General Permitted Development Order and would therefore be unauthorised.

7.8 Indeed the creation of an access to Woodburn Lodge through various works including the installation of gates in an identical position to where the garage doors are currently proposed has previously been the subject of successful enforcement proceedings (see point 1 above). The creation of the access was deemed not to be provided for by the provisions of Schedule 2 Part 2 Class B of the General Permitted Development Order as the access point failed to provide a direct link with a highway.

7.9 The implementation of the garage doors would necessitate the removal of solid fence panelling. The construction of this panelling was a requirement of the previous enforcement notice (upheld at appeal) as a means of removing the unauthorised access.

7.10 It should be noted that the applicant has previously applied for Lawfulness Certificates in relation to the erection of two pedestrian gates along the same boundary. These applications were refused by the Planning Committee as they were also considered to create unauthorised accesses.

7.11 More recently an application for Certificate of Lawfulness to erect a similar detached garage in an alternative position but also accessed from Redcar Close was upheld at appeal (see point 4 above). The difference, however in that case was that the formation of the new garage was not inherently deemed to form an access. In the present case the access would appear to be part of the inherent design of the garage. However further discussion in the light of the various appeals are continuing.

Need Considerations

7.12 Part 1 Class E of Schedule 2 of the GPDO indicates that to be regarded as permitted development the proposed building needs to be 'required' for a purpose incidental to the enjoyment of the dwellinghouse.

7.13 The proposed building if constructed would represent a further unit of garage accommodation in addition to that which already exists, is proposed or has formal consent at the property amounting to at least 6 spaces. As such the proposed garage is not considered to be an objectively reasonable element, going beyond what might reasonably be required to serve a single domestic property.

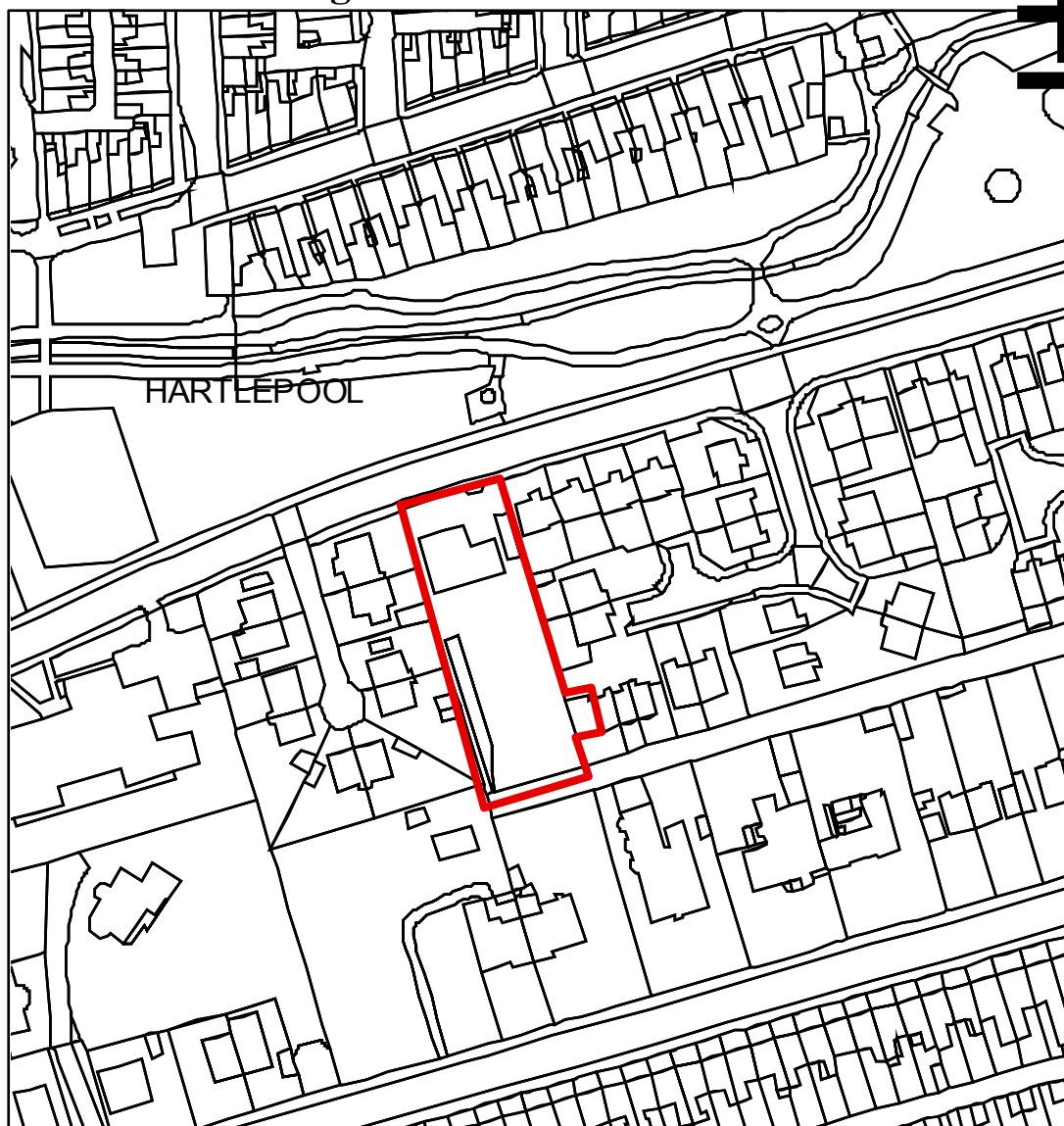
7.14 At present Woodburn Lodge has the benefit of an attached double garage to the side of the dwelling. There is a detached single storey building adjacent to the eastern boundary of the property. There is also a detached building recently constructed to the rear of the dwelling which was subject to a successful Certificate of Lawfulness application (see point 2 above). The plan for that development, submitted in accordance with the building regulation requirements, showed an area that might potentially be used for two sizeable garages.

7.15 Whilst the applicant states that the present proposal would replace rather than be additional to the double garage upheld on appeal there is no scope to secure such an outcome through the use of planning conditions. Discussions about the possible use of a planning agreement are continuing.

7.16 There are clearly complex technical issues in this case and discussions are continuing with the Chief Solicitor about them.

RECOMMENDATION – Update to follow

Woodburn Lodge



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05.01.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO Blakelock Rd	REV

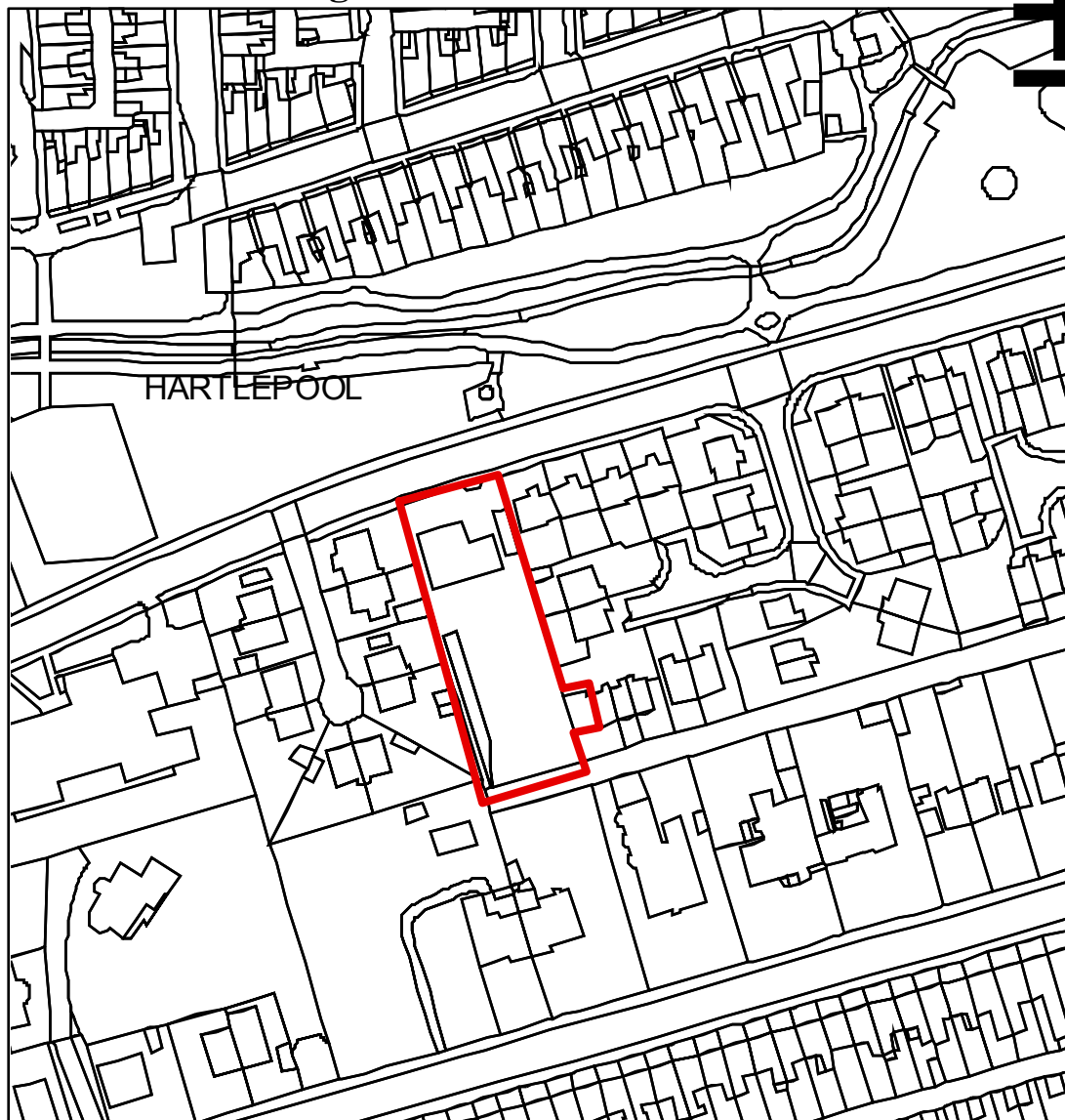
No: 7
Number: H/2005/5964
Applicant: Mr T Walker Woodburn Lodge Blakelock Gardens TS25 5QW
Agent: Woodburn Lodge Blakelock Gardens TS25 5QW
Date valid: 07/11/2005
Development: Application for a certificate of lawfulness for the erection of a detached garage to the rear
Location: Woodburn Lodge Blakelock Gardens Hartlepool

Update Report

The legal aspects of this case remain under consideration. It is therefore recommended that the application be deferred.

RECOMMENDATION - DEFER

Woodburn Lodge



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05.01.06
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO Blakelock Rd	REV

Report of: Assistant Director (Planning & Economic Development)

Subject: UNTIDY LAND AND DERELICT BUILDINGS –
A CO-ORDINATED APPROACH TO THEIR
IMPROVEMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of the progress on proposals to deal with derelict and untidy sites.

2. BACKGROUND

- 2.1 Members will be aware that consultants have been engaged to provide a report on the way to deal with derelict land or untidy buildings and land. Twelve sites have been specifically identified. This matter was deferred at the last meeting awaiting a final report.

- 2.2 The report has now been concluded. A copy will be made available in the Member's room. The sites looked at are:-

- 1) Golden Flatts PH, Seaton Lane
- 2) Longscar Centre, Seaton Carew
- 3) Crown House, Surtees Street
- 4) Former Gas Showroom, Victoria Road
- 5) Former Odeon Cinema, Raby Road
- 6) The New Fleece PH, Northgate
- 7) Victoria Buildings, Middlegate
- 8) Morrison Hall, Church Close
- 9) Old United Reform Church Durham Street
- 10) Throston Engine House, Old Cemetery Road
- 11) Niromax Wall, Mainsforth Terrace
- 12) Titan House, Comer Park Road/York Road

- 2.3 The report suggests various courses of action, initially mainly through risk warning letters, ultimately to enforcement action and direct action by the Council under various powers. Your officer's would clearly like to sort these matters out by agreement. However the problems associated with these sites are significant and in some cases long standing. Authority is therefore sought for officers to secure improvements to the building/sites identified in this report using all relevant powers, including if necessary direct action by the Council

3. RECOMMENDATION

- 3.1 Officer's be authorised to secure improvements to the buildings/sites identified in this report using all relevant powers including if necessary direct action by the Council.

Report of: Head of Planning and Economic Development

Subject: UPDATE ON CURRENT ENFORCEMENT RELATED MATTERS

1.1 During this four (4) week period eighty (80) planning applications have been checked.

1.2 Your attention is drawn to the following current ongoing issues:

1. A complaint against the parking/storage and sales of vehicles from a property in Westbourne Road, has again been received. The matter has been investigated previously on a number occasions when it was noted that because of the changing level of activity it was difficult to confirm a definite breach to amount to a change of use of the property requiring planning permission. On the evidence no more than casual parking/storage and sales of vehicles was being carried out and development had not occurred.

By the way of background planning enforcement car repair cases operating from a residential property are not always straightforward. It is often asserted that a vehicle repair use is ancillary to a dwelling house, or alternatively does not require permission by virtue of sec. 55(2)(a) of the Town and Country Planning Act 1990, which states that, the “use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such” is not development. Such “ancillary” or “incidental” use claims are normally only successful where a vehicle repair use is domestic in scale or is home based hobby. If a repair use at a house goes beyond the kind of activity that might be expected in a residential area, or there is an evident linkage to an activity or business away from the house, planning permission is usually required. There is no rule of thumb to be derived from numbers of vehicles etc and each case has to be considered on its merits. For information one particular case highlighted that the maximum number of cars to be stored and repaired at a residential property should be five or less to remain incidental to the enjoyment of the dwellinghouse.

2. A complaint about the continued use by a local parliamentary party of a property in South Road and displaying of adverts is being investigated. Developments will be reported to a future meeting if necessary.

1.3 Your attention is drawn to the closing number of one hundred and eighty eight (188) planning complaints received in 2005.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY EK INVESTMENTS
SITE AT ELIZABETH WAY SHOPPING CENTRE
SEATON CAREW TS25 2AX

1. PURPOSE OF REPORT

- 1.1 To advise Members of this planning appeal.
- 1.2 A planning appeal has been lodged against the refusal of the Local Planning Authority to allow the erection of 2 single storey shop units and alterations to car parking areas at the above mentioned site.
- 1.3 The appeal is to be decided by written representations and authority is therefore requested to contest this appeal.

2 RECOMMENDATION

- 2.1 Authority be given to officers to contest this appeal.

No: 1
Number: H/2005/5856
Applicant: Mr S Babul 45 Greenfield Drive Eaglescliffe Stockton On Tees TS16 OH
Agent: A1 Architectural Services 3 Abbotsford Court Fairview Ingleby Barwick STOCKTON TS17 5GF
Date valid: 25/10/2005
Development: Change of use of vacant offices to hot food take away (A5 use)
Location: 197 YORK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The site to which this application relates is a mid terraced two-storey property situated in a predominantly commercial area. The property is currently a vacant financial services office at ground floor.

1.2 The planning application seeks change the use of the building from a financial services office to a hot food takeaway (A5 use).

Publicity

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

1.4 The concerns raised are:

- a) Litter in York Road from the existing food outlets which already cause problems, possibility of rodents
- b) Lack of parking provision
- c) Illegal seating area which would encourage people to congregate
- d) Already 4 fast food takeaways within 70m
- e) Detract from the nature of ongoing refurbishment works in the area

Copy letters – (attached)

1.5 The period for publicity has expired.

Consultations

1.6 The following consultation replies have been received:

Head of Public protection and Housing – No objection

Head of Transportation and Traffic – No objection

Planning Policy

1.7 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2005 are relevant to the determination of this application:

COM18: states that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

COM4A: proposals for a range of uses will be permitted in edge of centre areas providing that they do not adversely affect the character and amenity of the area and that they accord with policies Com13A, Com14, Com18, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10. The policy sets out the 10 edge of centre areas and lists the range of uses which are considered acceptable and unacceptable in each. The policy indicates that no further hot food takeaways are appropriate in this location.

Ec19: States that proposals for shops, offices and business developments will normally be approved in this fringe area subject to developments being adequately serviced. Proposals generating significant numbers of visiting members of the public where on-site parking cannot be provided will not normally be permitted. Residential use of upper floors may also be approved.

Gen1: lists criteria against which all applications will be assessed. Those, where relevant, are appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, trees, landscape features, wildlife and habitats, and the need for high standards of design and landscaping.

Gen3: states that the Council will normally require provision to be made to enable access for all in all new development where public access can be expected, and in places of employment and wherever practicable in alterations to existing developments.

Gen4: 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.

GEP1: states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Where appropriate 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 as appropriate 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.

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

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

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

Planning Considerations

1.8 The main considerations in this instance is the effect of the proposed development upon the policies and proposals held within the adopted and emerging Hartlepool Local Plan, and on the surrounding area.

1.9 The recent modifications to the emerging Hartlepool Local Plan 2005 seek to restrict A5 uses on this part of York Road. However, given that the adjoining property (195 York Road) has recently received planning approval for the same proposed use, and that pre-application discussions were carried out prior to the implementation of the modifications it is felt that it would be unreasonable to recommend refusal in this case.

1.10 The Head of Public Protection has raised no objection to the application providing the premises are subject to extraction and ventilation requirements. These issues can be controlled through planning conditions, which are typical of similar developments within Hartlepool.

1.11 The Council's Head of Traffic and Transportation has indicated that the section of York road to which the premises is located on is subject to a traffic regulation order, which restricts waiting between 7am till 7pm. He has acknowledged that it would be likely for the proposal to generate more traffic than the existing use on the premises due to the nature of the proposal; however, it is considered that the proposed use would be unlikely to have major highway implications in this area.

1.12 The applicant has agreed to a restriction in hours of operation from 12 midday to 11:30pm every day apart from Sundays and Bank Holidays so it will be consistent with the planning conditions attached to planning application (H/FUL/0903/04) at 195 York Road for the change of use to a hot food takeaway.

1.13 It is for the reasons stated above that the application is recommended for approval.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 12:00 and 23:30 Mondays to Saturdays inclusive and at no time on Sundays or Bank Holidays.

-
-
3. In the interests of the amenities of the occupants of neighbouring properties. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.

Application No H/2005/5856
 Proposal Change of use of vacant offices to A3 use
 Location 197 YORK ROAD
 Case Officer Chris Pipe

SCANNED

14 DEC 2005



I/We* have received your letter and want to object/~~do not want to object~~* to the proposal.

I/We*~~want~~/do not want* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

At present there is an ongoing programme of refurbishment to improve & enhance the appearance of this area which supports a wide variety of businesses. As there are already many food take-away premises in this area, we feel that any more would detract from the nature of the development.

We also believe that no. 195 York Rd. is to be turned from offices into yet another takeaway shop, although no-one from this area has had any formal notification of this, nor chance to comment on the change of use. If you need more space, please continue over or attach additional sheets to this letter. ~~Also~~ with 2 extra takeaway shops the letter problem will also be increased & rat infestation may be a problem too.

Name	ERIC PORRITT	Mr/Mrs/Miss/Ms*
Signature	<i>E. Porritt</i>	
Address	Peak Computers 201 York Road	
Date	12-12-05.	
Telephone number	01429 233199.	
Email address		

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

For Official Use Only	
No objections	
Objections	✓
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	✓

3716dx

Application No H/2005/5856

Proposal Change of use of vacant offices to A3 use

Location 197 YORK ROAD

Case Officer Chris Pipe

I/We* have received your letter and want to object/~~do not want~~ to object* to the proposal.

I/We* want/do not want* to have the chance to speak to the Committee of Councillors if it is asked to consider this application.

Please use the space below to explain your concerns/reasons for objecting to the proposal.

2 litter in York Road from the number of food outlets already causes problems. we really need another

Dept. of Regeneration & Planning
 Bryn Hanson House, Hanson Square
 3 NOV 2005
 HANDED TO: REPLY
 FILE No:

If you need more space, please continue over or attach additional sheets to this letter.

Name	J GETTINAS	Mr/Mrs/Miss/Ms*
Signature	J Getty	
Address	Epilepsy Outlook 199 York Road	
Date	1-11-05	
Telephone number	01429 297007	
Email address	leana@epilepsyoutlook.freeseerve.co.uk	

Nb - It is not essential that we have your telephone number but it will help us if we need to contact you

* Please delete as appropriate

For Official Use Only	
No objections	
Objections	✓
Comments	
Petitions	
No. of signatures	
For/Against	
Wishes to speak	
Entered in computer	

C:\oracoms\pin\OCCUPIER.DOC 5 of 5

OBJECTION



Gill Scanlon/HBCDomino
05/12/2005 14:32

To: Christine Pipe/HBCDomino@HBCDOMINO
cc:
bcc:
Subject: Fw: Ref: H/2005/5856 197 York road, Hartlepool, change of use, OBJECTION

Gill Scanlon
Planning Technician
Ext 284317

----- Forwarded by Gill Scanlon/HBCDomino on 05/12/2005 14:31 -----



"Joseph Metcalfe"
<jmsureplan@msn.com>
23/11/2005 10:22

To: <developmentcontrol@hartlepool.gov.uk>
cc:
Subject: Ref: H/2005/5856 197 York road, Hartlepool, change of use, OBJECTION

Hartlepool Borough Council
Bryan Hanson House
Planning & Regeneration Dept
Chris Pipe

Sureplan Insurance
Joseph Metcalfe (Managing Director)
202 - 204 York Road
Hartlepool
Cleveland TS26 9EB
01429 869525

24-11-2005

Dear Sir,

Ref: Planning Application 197 York Road, Hartlepool, TS26 9EE
Change of Use to Hot Food Takeaway Your Ref: H/2005/5856

We wish to oppose the granting of change of use for the above property on the basis of the following reasons;

There are absolutely no parking facilities whatsoever in the area and this would clearly cause a major issue on a very busy part of York Road which is approaching the lights at Elwick Road.

Already 4 fast food takeaways within 70 meters.

No facilities for takeaway rubbish in the surrounding area.

The main part of our objection is outside the front of 197 York Road (1 meter) is a council flower bed with a cement surround, this clearly will be used as an illegal seating area for people to eat here food and throw away rubbish. Obviously this will also be an area where people will congregate in large numbers due to this seating facility on an evening

drinking and eating outside.

Please will you confirm receipt of this email to jmsureplan@msn.com

Yours Sincerely

Joseph Metcalfe

2
Number: H/2005/5822 and H/2005/5930
Applicant: Joseph Rowntree Foundation HT The Homestead 40
 Water End York YO30 6WP and Leebell Developments
Development: Erection of an Extra Care Retirement Village with
 associated car parking and modifications to S106
 Agreement
Location: Land West Of Easington Road Middle Warren Hartlepool

UPDATE

1. At your last meeting you approved applications for the Joseph Rowntree Care Village development and in principle to variations to the legal agreement governing the Middle Warren developments including those to enable the Rowntree development to proceed.

2. The decision on the variation of the legal agreement was minuted as follows:

Subject to no substantially different concerns to those already considered being raised before the appointed date minded to APPROVE but a final decision was delegated to the Development Control Manager in consultation with the Chair of the Committee if necessary

3. It has transpired following subsequent discussion with the applicant and other interest parties, that the minutes do not adequately reflect the authority given to officers to progress the amendments to facilitate the Rowntree development. Accordingly, it is considered that the following wording would more adequately reflect the agreed position.

Subject to no substantially different concerns to those already considered being raised before the appointed date minded to APPROVE but a final decision on this and the amendments necessary to the existing S106 agreement governing the Middle Warren development necessary to facilitate the Joseph Rowntree Care Village development be delegated to the Development Control Manager in consultation with the Chair of the Committee if necessary

4. In addition condition 10 of the Rowntree approval requires the details of the new road needed to serve the development to be agreed before development commences. This is considered too onerous and could delay the development. It is recommended that this timing requirement be omitted.

RECOMMENDATION: Members agree the proposed amendments as set out in paragraphs 3 and 4 of this report.