

# PLANNING COMMITTEE AGENDA



**Wednesday, 26<sup>th</sup> April, 2006  
at 10.00 a.m.**

**in the Council Chamber**

**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 1<sup>st</sup> March 2006 (*attached*)

**4. ITEMS REQUIRING DECISION**

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

- |     |             |                          |
|-----|-------------|--------------------------|
| 1.  | H/2006/0096 | 33 Chatham Road          |
| 2.  | H/2006/0112 | Hartley Street           |
| 3.  | H/2005/5639 | 17 Grange Road           |
| 4.  | H/2005/5387 | 34 Grange Road           |
| 5.  | H/2006/0050 | 98 Grange Road           |
| 6.  | H/2005/5411 | 86 Clifton Avenue        |
| 7.  | H/2006/0073 | Middlethorpe Farm        |
| 8.  | H/2004/1047 | Middlethorpe Farm        |
| 9.  | H/2006/0269 | Seaton Meadows           |
| 10. | H/2006/0228 | Barley Close             |
| 11. | H/2006/0169 | Baths Site, Seaton Carew |
| 12. | H/2006/0124 | Seaton Meadows           |
| 13. | H/2006/0019 | 24 Campbell Road         |

- 4.2 Creation of a new Public Bridleway at North Hart Farm, Hart Parish – *Director of Adult and Community Services*
- 4.3 Update on Current Complaints – *Head of Planning and Economic Development*
- 4.4 Appeal by Mr & Mrs Hopper, Meadowcroft, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Mr M Almond, Plot A, Overlands, High Throston, Hart Lane, Hartlepool – *Assistant Director (Planning and Economic Development)*

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

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

**EXEMPT ITEMS**

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

7. **EXEMPT ITEMS REQUIRING DECISION**

- 7.1 Church of the Nazarene, Lowthian Road, Hartlepool (Para 6) – *Assistant Director (Planning and Economic Development)*
- 7.2 Complaints Review (Para 6) – *Head of Planning and Economic Development*

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

29<sup>th</sup> March, 2006

### **Present:**

Councillor Bill Iseley (In the Chair)

Councillors Derek Allison, Stephen Belcher, Rob Cook, Bob Flintoff, Gerard Hall, Stan Kaiser, Jean Kennedy, Geoff Lilley, Dr George Morris, Carl Richardson, Ray Waller and Edna Wright.

Officers: Richard Teece, Development Control Manager  
Peter Devlin, Legal Services Manager  
Roy Merrett, Principal Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Paul Burgon, Enforcement Officer  
Chris Roberts, Development and Co-ordination Technician  
Ian Jopling, Transportation Team Leader  
Lyndsey Cooke, Monitoring Officer  
Jan Bentley, Democratic Services Officer  
Jo Wilson, Democratic Services Officer

### **124. Apologies for Absence**

Apologies for absence were submitted for Councillor Maureen Waller

### **125. Declarations of interest by members**

Councillor Derek Allison declared a personal and prejudicial interest in item H/2005/0083 Angus Street and indicated he would leave the meeting during consideration of this item.

Councillor Bill Iseley declared a personal and prejudicial interest in item H/2005/0026 White House and indicated he would leave the meeting during consideration of this item.

Councillor Geoff Lilley declared a personal and prejudicial interest in item H/2006/0049 Seaton Meadows and indicated he would leave the meeting during consideration of this item.

## 126. Confirmation of the minutes of the meeting held on 1<sup>st</sup> March, 2006

Confirmed

## 127. 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:-

<b>Number:</b>	H/2005/5639
<b>Agent:</b>	Malcolm Smith & Partners Havelock House 24 Victoria Road HARTLEPOOL
<b>Date received:</b>	06/01/2006
<b>Development:</b>	Installation of UPVC windows to front elevation and door and provision of downpipe and guttering (retrospective application)
<b>Location:</b>	17 GRANGE ROAD HARTLEPOOL
<b>Decision:</b>	<b>Deferred</b> to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area

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<b>Number:</b>	H/2006/0050
<b>Applicant:</b>	Mr A T Travis 98 GRANGE ROAD HARTLEPOOL
<b>Agent:</b>	Mr A T Travis 98 GRANGE ROAD HARTLEPOOL
<b>Date received:</b>	23/01/2006
<b>Development:</b>	Replacement of wooden sash windows to front elevation with UPVC
<b>Location:</b>	98 GRANGE ROAD HARTLEPOOL
<b>Decision:</b>	<b>Deferred</b> to enable the Conservation Advisory Committee

to review the merits of the Article 4 Direction in the Grange Conservation Area

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**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** to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area.

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**Number:** H/2005/5411

**Applicant:** Mr D Cook  
86 CLIFTON AVENUE HARTLEPOOL

**Agent:** Mr D Cook 86 CLIFTON AVENUE HARTLEPOOL

**Date received:** 20/05/2005

**Development:** Retention of UPVC windows to front elevation

**Location:** 86 CLIFTON AVENUE HARTLEPOOL

**Decision:** **Deferred** to enable the Conservation Advisory Committee to review the merits of the Article 4 Direction in the Grange Conservation Area.

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**Number:** H/2006/0112

**Applicant:** Hartlepool Borough Council  
Neighbourhood Services Bryan Hanson HouseHartlepool

**Agent:** Engineering Consultancy HBCB. Colarossi Bryan Hanson House Hanson Square HARTLEPOOL

**Date received:** 10/02/2006

**Development:** Formation of a car park

**Location:** Land To The North Of Hartley Street Murray Street Hartlepool

**Decision:** **Deferred** to give the applicant and objector(s) the opportunity to make representations to the Committee

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**Number:** H/2006/0019

**Applicant:** Mr & Mrs Haggan  
24 CAMPBELL ROAD HARTLEPOOL

**Agent:** Mr & Mrs Haggan 24 CAMPBELL ROAD HARTLEPOOL

**Date received:** 11/01/2006

**Development:** Erection of a two-storey playroom, utility, w. c. , bedroom and bathroom extension to side

**Location:** 24 CAMPBELL ROAD HARTLEPOOL

**Decision:** **Deferred** to give the applicant and objector the opportunity to make representations to the Committee.

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### **Councillor R 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 (Supporter for the Applicant) addressed the Committee in respect of the following application**

**Number:** H/2006/0026

**Applicant:** Mitchells & Butlers Retail Ltd  
C/O Agent

**Agent:** The JTS Partnership 1 The Drive Great Warley Brentwood

**Date received:** 13/01/2006

<b>Development:</b>	Retention of 2 Jumbrellas
<b>Location:</b>	THE WHITE HOUSE WOOLER ROAD HARTLEPOOL
<b>Decision:</b>	Members took the view that in the absence of any objections while the jumbrellas have been in place and subject to a temporary permission so that the position can be reviewed <b>Planning Permission Approved</b>

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The jumbrellas hereby approved shall be removed from the site and the land restored to its former condition on or before 31 March 2007 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless approval has been obtained to an extension of this period.  
To enable the Local Planning Authority to assess the impact if any of the jumbrellas in the interests of the amenities of the occupiers of adjoining residential properties.

The Committee considered representations in relation to this matter.

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### Councillor Iseley in the Chair

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

<b>Number:</b>	H/2006/0083
<b>Applicant:</b>	C M Yuill Ltd Cecil House Loyalty Road Hartlepool
<b>Agent:</b>	C M Yuill Ltd Cecil House Loyalty Road Hartlepool
<b>Date received:</b>	30/01/2006
<b>Development:</b>	Erection of 109 dwellings (amended scheme)
<b>Location:</b>	Between Angus Street/Hart Lane/Ernest Street/Duke Street Hartlepool
<b>Decision:</b>	Minded to approve subject to no objections from outstanding consultations and to a legal agreement under S106 of the Planning Act securing developer contributions for the improvement/provision of play areas and open space.

## **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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
4. 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.
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 accordance with the approved programme. 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 species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
7. No development shall take place until details of the proposed street lighting provision have been submitted to and approved in writing by the Local Planning Authority.  
In order to ensure that these details are acceptable.
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 'Redamation 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 Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

9. The proposed first floor windows(s) in the side elevations shall be glazed with obscure glass. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional window(s) shall be inserted in the side elevations of the dwelling houses without the prior written consent of the Local Planning Authority.  
To prevent overlooking.
10. No development shall commence until details of the proposed means for the disposal of surface water arising from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
In order to ensure that satisfactory measures of the disposal of surface water are in place.
11. Prior to the commencement of development the existing public sewer within/close to the site shall be accurately located. It shall be protected from damage before and during construction/demolition work unless otherwise agreed in writing with the Local Planning Authority.  
In order to ensure the existing public sewer system is accounted for during the development of the site.
12. Prior to the commencement of development details of any proposal to phase the development of the site shall be submitted to and agreed in writing with the Local Planning Authority.  
In order to ensure that any phased development does not detract from the amenity of the area.
13. Prior to the commencement of development details of the pergola structures to the front of the proposed bungalows shall be submitted and approved in writing by the Local Planning Authority.  
In order to ensure that these details are satisfactory.

14. Prior to the commencement of development details of the alley gates at the entrances to the alley to the rear of the properties fronting Sandringham Road shall be submitted and approved in writing by the Local Planning Authority. Thereafter the gates shall be provided no later than the final substantial completion of the development.  
In order to ensure that these details are satisfactory.
15. Unless otherwise agreed in writing by the Local Planning Authority all the doors and windows in the development shall be provided to meet secured by design principles.  
In the interests of security.
16. 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.

The Committee considered representations in relation to this matter.

**Amanda Senior (Representative of the Applicant) addressed the Committee in respect of the following application**

**Number:** H/2006/0031

**Applicant:** Mr Jonathan Gibson  
Three Rivers Charitable Three Rivers House  
Abbeywoods Durham

**Agent:** Brian Ashdown RIBA Mr. B. Ashdown 32 Claypath Durham City

**Date received:** 19/01/2006

**Development:** Erection of 18 flats with staff accommodation and erection of new church/parish centre

**Location:** ST COLUMBAS CHURCH DRYDEN ROAD  
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. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on

3rd March 2006, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
5. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.  
In the interests of visual amenity.
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.
7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
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 'Redamation 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 Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

9. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

**Councillor Belcher requested that his vote against the above application be recorded**

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<b>Number:</b>	H/2006/0128
<b>Applicant:</b>	Hartlepool Borough Council Adult And Community Services Civic CentreHartlepool
<b>Agent:</b>	Hartlepool Borough CouncilRichard Harland Parks And Countryside Municipal Buildings Church Square Hartlepool
<b>Date received:</b>	17/02/2006
<b>Development:</b>	Provision of 12 allotments including boundary fencing
<b>Location:</b>	BRIARFIELDS ELWICK ROAD HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

## **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. There shall be no sheds, greenhouses or other structures erected anywhere within the site without the prior written consent of the Local Planning Authority.  
In the interests of visual amenity.
3. Details of all walls, fences and other means of boundary enclosure other than those hereby approved shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

- In the interests of visual amenity.
4. The proposed hedge shall be planted within the first planting season following the grant of planning permission and shall thereafter be retained. If within a period of 5 years from the date of being planted the hedge becomes removed, seriously damaged or diseased it shall be replaced in the next planting season unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.
  5. No development shall take place until a scheme for the parking of vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority.  
In the interests of highway safety.
  6. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter unless otherwise agreed in writing by the Local Planning Authority the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.

The Committee considered representations in relation to this matter.

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

**Ian Fenny (Representative of the Applicant) and Iris Ryder (Objector) addressed the Committee in respect of the following application**

<b>Number:</b>	H/2006/0049
<b>Applicant:</b>	ALAB ENV Able House Billingham Reach Ind Estate Billingham
<b>Agent:</b>	Raymond Barnes MRTPI 39 Low Petergate York
<b>Date received:</b>	19/01/2006
<b>Development:</b>	Installation of treatment plant for the solidification/stabilisation of liquid wastes (revisions to approved scheme H/FUL/0043/03)
<b>Location:</b>	Seaton Meadows Brenda Road Hartlepool
<b>Decision:</b>	<b>Planning Permission Refused</b>

## **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. It is considered that in the absence of the comments of the Health & Safety Executive there is insufficient information to assess the full impact(s) if any of the development in the interests of the amenities of the area.

The Committee considered representations in relation to this matter.

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**Number:** H/2006/0124

**Applicant:** Alab Env Services Ltd  
Able House Billingham Reach Industrial Est Haverton Hill  
Rd Billingham

**Agent:** Alab Environmental Services Ltd Able House Billingham  
Reach Industrial Est Haverton Hill Road Billingham

**Date received:** 16/02/2006

**Development:** Provision of a tyre recycling centre

**Location:** Seaton Meadows Brenda Road Hartlepool

**Decision:** **Deferred** for the comments of the Health & Safety Executive

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**Mr Beddows (Applicant) and Mrs Darwin (Objector) address the Committee in respect of the following application**

**Number:** H/2006/0072

**Applicant:** Mr J Beddow  
2 THE CLIFF SEATON CAREWHARTLEPOOL

**Agent:** Mr J Beddow 2 THE CLIFF SEATON CAREW  
HARTLEPOOL

**Date received:** 13/02/2006

**Development:** Change of use to Hotel/Guest House

**Location:** 2 THE CLIFF SEATON CAREW 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. The number of letting rooms shall be restricted to four (4)  
In the interests of restricting the demand for on street parking and in the interest of amenity of neighbouring properties.
3. The guest house shall not be brought into use until a scheme for the parking of vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority.  
In the interests of highway safety.
4. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details.  
Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.
5. The guest lounges and dining room shall only be available for use by guests of the guests of the guest house hereby approved and shall not be made available for use by members of the general public.  
In the interests of restricting the demand for on-street parking and in the interest of the amenities of neighbouring properties.

The Committee considered representations in relation to this matter.

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**Councillor Johnson (Objector) addressed the Committee in respect of the following application**

<b>Number:</b>	H/2005/5185
<b>Applicant:</b>	John Watson Windows Ltd Usworth Road Industrial Estate Belle Vue Way Hartlepool
<b>Agent:</b>	John Watson Windows Ltd Usworth Road Industrial Estate Belle Vue Way Hartlepool
<b>Date received:</b>	09/03/2005
<b>Development:</b>	Provision of silo and heater, siting of 4 storage containers and caravan for night watchman (retrospective application)
<b>Location:</b>	JOHN WATSON JOINERY LTD USWORTH ROAD INDUSTRIAL ESTATE BELLE VUE WAY HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. A scheme to increase the height of the existing boundary fence alongside 11 to 15 Regency Drive shall be submitted to and approved by the Local Planning Authority and thereafter implemented within 2 months of the date of this permission.  
In the interests of visual amenity.
2. A detailed scheme of tree and shrub planting along that part of the Regency Drive boundary of the site where the silo is visible shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the date of this permission. 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.
3. Notwithstanding the submitted details the night watchman's caravan shall be resited within 2 months of the date of this permission to a position to be previously agreed in writing by the Local Planning Authority. Thereafter the night watchman's caravan shall only be sited in the agreed location.  
In the interests of the amenities of the occupiers of adjoining residential properties.
4. Notwithstanding the submitted details, the containers shall be resited within 2 months of the date of this permission to a position to be previously agreed in writing by the Local Planning Authority. Thereafter containers shall only be stored in the agreed location.  
In the interests of the amenities of the occupiers of adjoining residential properties.

The Committee considered representations in relation to this matter.

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**Gary Powell (Representative of the Applicant) and Elizabeth Gavillet (Objector) addressed the Committee in respect of the following application**

<b>Number:</b>	H/2006/0018
<b>Applicant:</b>	Kingfield Developments Kingfield House Surtees Street Hartlepool
<b>Agent:</b>	J W Dickinson Associates 2 Surtees Street HARTLEPOOL
<b>Date received:</b>	06/01/2006
<b>Development:</b>	Erection of 16 flats and associated works (resubmitted scheme)



**Location:** FINA SERVICE STATION POWLETT ROAD  
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 approved shall be carried out in accordance with the amended plans received on the 9th of March 2006, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no additional window(s) shall be inserted in any elevation without the prior written consent of the Local Planning Authority  
In the interests of the amenities of the occupants of neighbouring properties.
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. Details of all walls, fences and other means of boundary enclosure (including the entrance gates) shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.

8. No development approved by this permission shall be commenced until:
  - a. A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b. A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
    - i. a risk assessment to be undertaken relating to all receptors associated on and off the site that may be affected, and
    - ii. refinement of the Conceptual Model, and
    - iii. the development of a Method Statement detailing the remediation requirements.
  - c. The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.
  - d. A Method Statement detailing the remediation requirements, including measures to minimise the impact on all receptors, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on site. To protect all receptors and ensure that the remediated site is reclaimed to an appropriate standard.
9. If during the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, 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 details in the interests of protection of all receptors.
10. Upon completion of the remediation detailed within the Method Statement a report shall be submitted to the Local Planning Authority 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 all receptors by ensuring that the remediated site has been reclaimed to an appropriate standard.
11. The development of the site should be carried out in accordance with the approved Method Statement.

- To ensure that the development complies with the approved details in the interests of protection of all receptors.
12. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details. The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.
  13. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings 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.
  14. During the construction period, and where relevant afterwards, 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.
  15. Final location details of the wheelie bin store and cycle store shall be submitted to and agreed in writing by the Local planning Authority, thereafter the details shall be implemented prior to the occupation of the development.  
In the interests of highway safety.
  16. A scheme for security measures and external lighting shall be submitted to and approved in writing by the Local Planning Authority, thereafter the details shall be implemented prior to occupation of the development.  
In the interest of prevention of criminal behaviour.
  17. Prior to the commencement of the development hereby approved a detailed scheme for the discharge of foul and surface water flows shall be submitted to and agreed in writing by the Local Planning Authority and Northumbrian Water.  
To prevent pollution of the water environment.
  18. No development shall commence until a detailed scheme of existing and proposed site levels and finished floor levels has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

**Councillor Rob Cook requested that his vote against the application be recorded**

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**Number:** HFUL/2004/1047

**Applicant:** Mr TBrown  
Middlethorpe Farm HartHartlepool

**Agent:** Burns Architects Castle Eden Studios Castle Eden County  
Durham TS24 4SD

**Date received:** 20/12/2004

**Development:** Alterations to and conversion of barns to provide 5 studio dwellings

**Location:** Middlethorpe Farm Hart HARTLEPOOL

**Decision:** **Deferred** for a members site visit and to give the applicant and objector(s) the opportunity to make representations to the Committee

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**Number:** H/2006/0073

**Applicant:** Hartlepool Borough Council  
Bryan Hanson House Hanson SquareHartlepool

**Agent:** Hartlepool Borough Council Bryan Hanson House Hanson Square Hartlepool

**Date received:** 31/01/2006

**Development:** Alterations and extension of public right of way to provide footpath/cycle route including embankment works to facilitate access onto Hart/Haswell walkway

**Location:** Middlethorpe Farm Hart Hartlepool

**Decision:** **Deferred** for a members site visit and to give the applicant and objector(s) the opportunity to make representations to the Committee.

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**Number:** H/2005/5881

**Applicant:** Mr Mrs Tweedy  
1 PARK DRIVE HARTLEPOOL

**Agent:** Stephenson Johnson & Riley 1 Enterprise House  
Thomlinson Road HARTLEPOOL

**Date received:** 24/10/2005

**Development:** Alterations and erection of 2 storey extensions to provide study, bedrooms, en-suite, dressing room , gym, lounge, garage and new entrance

**Location:** 1 PARK DRIVE 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. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 02 Rev A and 03 received on 12 January 2006 unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and Country 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 elevation of the extension facing 31, 33, 41 and 42 Four Winds Court without the prior written consent of the Local Planning Authority.  
To prevent overlooking
5. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. It shall be retained on site for the duration of the works to implement the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of

site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

6. No development shall take place until the details of the methods to be employed for the installation of driveways and pathways within the construction exclusion zones (identified within the scheme submitted in accordance with condition 5) of retained trees in accordance with the principles of "No-Dig" construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme, thereafter, shall be carried out in accordance with the approved details.  
In the interests of the health and appearance of the preserved tree(s).

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2005/6025
<b>Applicant:</b>	Spencer Commercial Property Spencer House Millbrook Business Park Rainford St Helens
<b>Agent:</b>	Derek Stephens 17 Lowthian Road HARTLEPOOL
<b>Date received:</b>	20/12/2005
<b>Development:</b>	Change of use and alterations to form motor vehicle sales and repair centre
<b>Location:</b>	Unit B1 Sovereign Park Brenda Road Hartlepool
<b>Decision:</b>	<b>Planning Permission Approved</b>

## 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 approved shall be carried out in accordance with the amended plan(s) no(s) M4017/7A and M4017/8A received on 6th February 2006, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
3. If a vehicle washing facility is a feature of this development, an oil interceptor, of a type to be agreed in writing by the Local Planning Authority, shall be installed onto the foul sewer associated with any discharge from the washing facility. Once installed the oil interceptor shall be used in accordance with the manufacturers instructions and retained for the lifetime of the use.

- To prevent pollution of the water environment
4. Details of all signage to be provided on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved use  
In the interests of visual amenity.
  5. Notwithstanding the submitted details no vehicles shall be parked or displayed for sale in any of the amenity open space areas, planted or grassed areas within the application site.  
In the interests of visual amenity

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2005/5744
<b>Applicant:</b>	Dr Lustman 56 The Drive Gosforth
<b>Agent:</b>	Storey SSP Higham House New Bridge Street West Newcastle Upon Tyne
<b>Date received:</b>	10/10/2005
<b>Development:</b>	Erection of enclosures to external stairs, including access gates
<b>Location:</b>	The Fens Shopping Centre Catcote Road Hartlepool
<b>Decision:</b>	<b>Deferred</b> in anticipation of the application being withdrawn and the endlosures removed.

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<b>Number:</b>	H/2006/0122
<b>Applicant:</b>	Hartlepool Borough Council Technical Services Bryan Hanson House Hartlepool
<b>Agent:</b>	D Wilson Hartlepool Borough Council Bryan Hanson House Hartlepool
<b>Date received:</b>	14/02/2006
<b>Development:</b>	Construction of traffic signal controlled junction new link road and associated improvements
<b>Location:</b>	Land Adjoining And To The Rear Of Hart Lane Wiltshire Way Throston Grange Lane Hartside Gardens And Tarnston Road Hartlepool

**Decision:** Minded to approve subject to the following conditions and no objections from GONE as the proposal will result in the loss of open space which is owned by the Council

## **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. 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.
3. 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.

The Committee considered representations in relation to this matter.

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### **128. Update on Current Enforcement Related Matters** *(Head of Planning and Economic Development)*

Members were advised that during the four week period prior to the meeting fifty four (54) planning applications had been checked, requiring site visits resulting in various planning conditions being discharged by letter.

Members' attention was drawn to eleven (11) current ongoing issues detailed in the report.

**Decision** – The report was noted



**129. Appeal by Mr and Mrs Hopper, Meadowcroft, Hartlepool** *(Assistant Director (Planning and Economic Development))*

Members were advised that a planning appeal had been lodged against the refusal of the Planning Authority to grant outline planning permission for the erection of 4 detached dwellings at the above site. The appeal was to be decided by the hearing procedure and authority was requested for officers to contest the appeal.

**Decision** – That authority be granted to Officers to contest the appeal.

**130. Appeal by Mr P Ross, 5 Windsor Street, Hartlepool** *(Assistant Director (Planning and Economic Development))*

Members were advised that a planning appeal had been lodged against the refusal of the Planning Authority to grant planning permission for the change of use of 5 Windsor Street from a house to three flats. The appeal was to be decided by the written procedure and authority was requested for officers to contest the appeal.

**Decision** – That authority be granted to Officers to contest the appeal

**131. Local Government (Access to Information) Act 1985**

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

Minute 132 – 14 Redcar Close (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

Minute 133 – Breach of Condition – Plot 261, Wynyard Woods (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

Minute 134 – Signage Upon 14-16 Whitby Street (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction

under any enactment

Minute 136 – Enforcement Action – Niromax, Mainsforth Terrace (Para 6)  
– This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

- 132. 14 Redcar Close** (*Assistant Director (Planning and Economic Development)*) (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

**Purpose of Report**

To enable Members to decide whether there is a need to consider the Local Planning Authority's position on a planning application.

**Issue(s) for the consideration by the Committee**

The issues considered by members are set out in the exempt section of the minutes.

**Decision**

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

- 133. Breach of Condition – Plot 261, Wynyard Woods -** (*Assistant Director (Planning and Economic Development)*) (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

**Purpose of report**

To advise Members of a breach of planning condition in respect of the above property.

**Issue(s) for consideration by the Committee**

The issues considered by members are set out in the exempt section of the minutes.

**Decision**

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

- 134. Signage upon 14-16 Whitby Street** (*Assistant Director (Planning and Economic Development)*) (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

**Purpose of report**

To advise Members of a breach of planning control in respect of the above property.

**Issue(s) for consideration by the Committee**

The issues considered by members are set out in the exempt section of the minutes.

**Decision**

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

**.135. Any other Business of Urgency**

THE CHAIRMAN RULED THAT THE FOLLOWING ITEM SHOULD BE CONSIDERED BY THE COMMITTEE AS A MATTER OF URGENCY IN ACCORDANCE WITH THE PROVISIONS OF SECTION 100(B)(4)(b) OF THE LOCAL GOVERNMENT ACT 1972, IN ORDER THAT THE COMMITTEE COULD MAKE THE DECISION AT THE EARLIEST OPPORTUNITY

**136. Enforcement Action – Niromax, Mainsforth Terrace**

— *Head of Public Protection and Housing* (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment

**Purpose of report**

To advise members on recent developments in respect of the above premises and detail possible courses of action.

**Issue(s) for consideration by the Committee**

The issues considered by members are set out in the exempt section of the minutes.

**Decision**

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

BILL ISELEY

CHAIRMAN

**No:** 1  
**Number:** H/2006/0096  
**Applicant:** Mr/Mrs Khan 26-27 Front Street Concord Washington  
**Agent:** 118 Chaucer Close Gateshead  
**Date valid:** 06/02/2006  
**Development:** Alterations and use as a hot food takeaway  
**Location:** 33 Chatham Road Hartlepool

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### **The Application and Site**

1.1 The application proposal seeks a change of use to a hot food takeaway and alterations to 33 Chatham Road, Hartlepool.

1.2 The application site constitutes a vacant retail unit within a small parade of shops. The premises were previously used as a greengrocers and florist. The other units in the parade are occupied by a butchers, bakery, general store, post office and a Chinese takeaway.

### **Publicity**

1.3 The application has been advertised by way of neighbour letters (16) and a site notice. To date, there have been 4 letters of objection.

1.4 The concerns raised are:

- 1) Litter;
- 2) Congregation of youths;
- 3) Impact on the regeneration of the area;
- 4) Number of existing takeaways in the locality;
- 5) Noise and disturbance;
- 6) Traffic generation.

1.5 The period for publicity has expired.

### **Consultations**

1.6 The following consultation replies have been received:

**Hd of Public Protection & Housing:** No objection subject to restriction to daytime hours and the provision of adequate ventilation equipment

**Hd of Traffic & Transportation:** It would be difficult to sustain an objection on highways grounds in light of the previous use

**Planning Policy:** The premises are located outside the Raby Road Local Centre (Com10) and are also outside the late night uses (Rec13) area.

## 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.

Ec22: states that proposals for industrial, business and commercial developments or for their expansion in predominantly residential areas will not normally be permitted unless adequate servicing and parking arrangements are made and providing there is no significant detrimental effect on the amenities of neighbouring occupiers. Proposals for residential use will normally 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. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

## Planning Considerations

1.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, highways implications, and the impact on the surrounding properties.

1.9 The application site constitutes a vacant retail unit within a row of shops on Chatham Road. Although the site falls outside the Raby Road Local Centre, the use of the premises is considered appropriate in this location. The proposed development will result in a viable use for a vacant site within an existing parade of shops. There is an existing hot food takeaway within the parade and, as such it is considered that it would be difficult to sustain an objection on planning policy terms.

1.10 A number of concerns have been raised over the impact of the proposed development on the surrounding properties in terms of noise and disturbance. It is accepted that the proposed use would have the potential to generate significant levels of noise and disturbance late at night, to the detriment of residential amenity. It is therefore recommended that an hours restriction is placed on the proposed use to ensure that the premises do not open later than 8pm Mondays – Saturdays. The imposition of such a condition will ensure that there will be no significant impact on the neighbouring properties in terms of noise and disturbance. The applicant appears able to work with this constraint.

1.11 A number of the other units along Chatham Road currently open later than 8pm. However, it is considered that the potential for noise generation through running car engines, slamming doors, shouting etc. is much greater for a hot food takeaway than, for example, the nearby off-licence or general store which currently close later than 8pm. Therefore, it is deemed wholly appropriate to limit the hours of the proposed hot food takeaway to 8pm, despite the fact that the other units on Chatham Road open later.

1.12 There is currently no formal car parking associated with the premises. However, it would be difficult to sustain an objection on highways grounds in light of the previous use of the premises as a greengrocer and florist.

1.13 A number of concerns have been raised in relation to litter generation as a result of the proposed use. There are a number of litter bins located along the length of Chatham Road, and it is not therefore considered that litter generation will be a significant issue in this case.

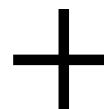
1.14 In terms of the issue of youths congregating outside the premises, the immediate locality is well lit and benefits from natural surveillance due to the presence of residential properties directly opposite the site. It is not therefore considered that the proposed development will lead to instances of anti-social behaviour.

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

## **RECOMMENDATION -**

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 08.00 and 20.00 Mondays to Saturdays inclusive and at no other time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
3. 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.



**33 Chatham Road**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12.04.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0096</b>	REV

**No:**  
**Number:** H/2006/0112  
**Applicant:** Hartlepool Borough Council Neighbourhood Services  
Bryan Hanson House Hartlepool  
**Agent:** Engineering Consultancy, HBC, Bryan Hanson House,  
Hanson Square, HARTLEPOOL  
**Date valid:** 10/02/2006  
**Development:** Formation of a car park  
**Location:** Land To The North Of Hartley Street, Murray Street,  
Hartlepool

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### **The Application and Site**

2.1 The application site constitutes an area of vacant land to the direct east of Murray Street. To the north and south of the site lie a number of commercial properties with frontage onto Murray Street. To the east of the site lie a number of residential properties along Hartley Close.

2.2 The application as originally submitted sought to provide 23 car parking spaces, including 3 disabled spaces. However, following comments from the Council's Traffic and Transportation Section, the scheme was amended and now seeks to provide 13 car parking spaces, including 3 disabled spaces. An area of planting has also been incorporated towards the north eastern corner of the site to safeguard the amenity of the residents at 11 Hartley Close.

### **Publicity**

2.3 The application has been advertised by way of neighbour letters (19) and a site notice. To date, there have been 3 letters of no objection and a further 3 letters of objection.

2.4 The concerns raised are:

- 1) Emergency access to flats and businesses;
- 2) Closure of Hartley Street;
- 3) Cost of parking for residents;
- 4) Access for deliveries and removal of household waste for tenants of the flats on Hartley Street

2.5 In addition, a petition, signed by 69 people, has also been received which raises the following concerns:

- 1 Cost of parking;
2. Limited access to and lack of parking associated with flats on Hartley Street.

2.6 The period for publicity has expired.

## Consultations

2.7 The following consultation replies have been received:

**Head of Public Protection and Housing:** No objection

**Head of Traffic and Transportation:** No objection

**Northumbrian Water:** No objection

## Planning Policy

2.8 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:

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.

COM11: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

En9: states that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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

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

## Planning Considerations

2.9 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and emerging Hartlepool Local Plans, highways considerations, and the impact on the surrounding properties

2.10 The application proposal will result in an active use for a vacant site along Murray Street. There are a number of commercial properties located along Murray Street, however, there is currently no formal car parking provision associated with the commercial properties and, as such, customers currently park on the roadside. The provision of a new car park in this location will help alleviate the need for customers to park along Murray Street and will provide a valuable asset to the area.

2.11 As originally submitted, a number of the parking bays on the east side of the car park were sub-standard. The original layout of the car park ensured that a long vehicle parked in the bay closest to the entrance may cause an obstruction for vehicles entering the car park. An amended scheme was therefore submitted which removed the car parking bay closest to the entrance of the site on the east side of the car park. Further final amendments to the bays closest to 11 Hartley Close are now proposed. There are not considered to be any major highways implications as a result of the proposed amended scheme.

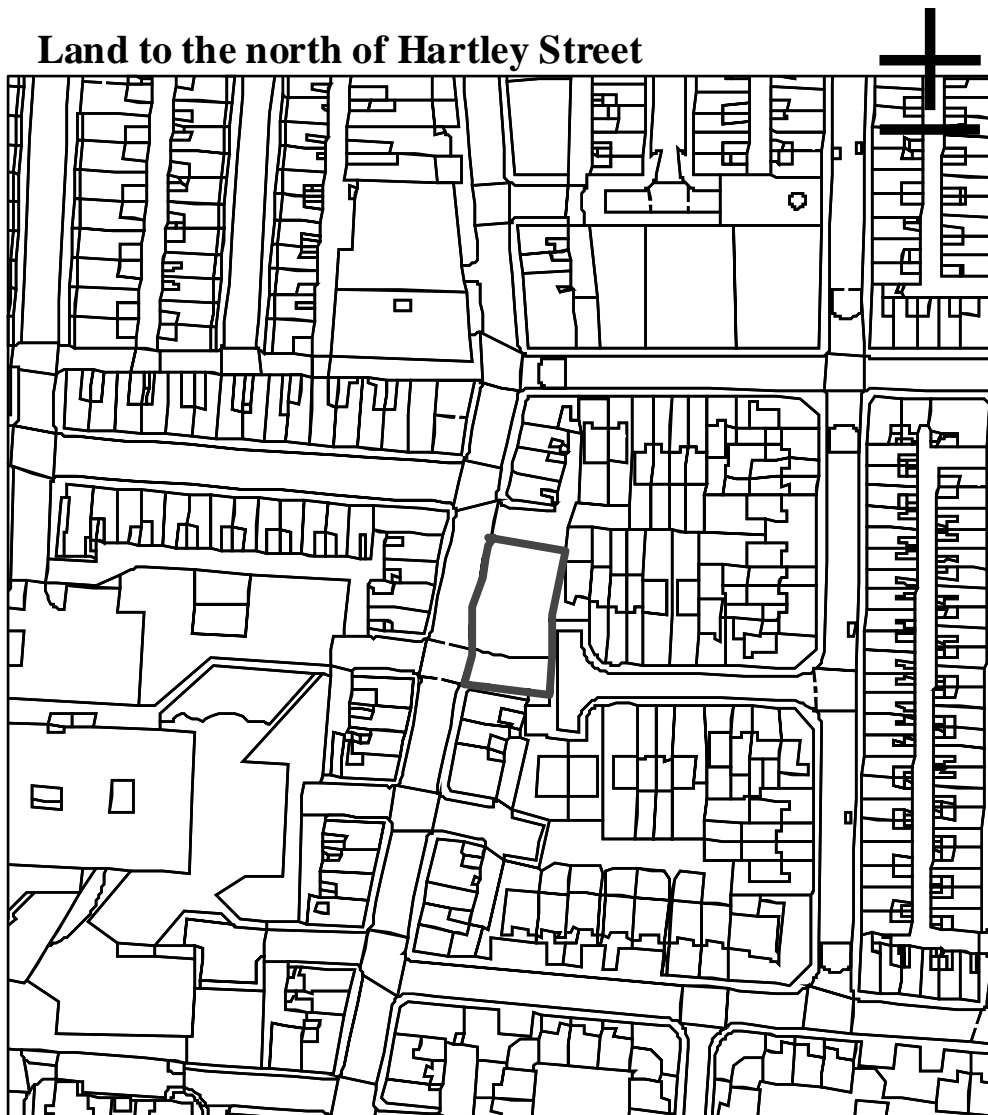
2.12 A number of concerns have been raised regarding the effect of the proposed car park on access to the existing flats on Hartley Street. However, the proposed development will retain a footpath with a width of approximately 2m between the proposed car park and the existing properties. This arrangement is considered wholly sufficient to allow easy access to the existing properties on Hartley Street. The question of charging for parking spaces is not a material consideration.

2.13 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 development hereby approved shall be carried out in accordance with the amended plan(s) no(s) PR162/1/PA rev A, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt

### Land to the north of Hartley Street



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0112</b>	REV

**No:** 3  
**Number:** H/2005/5639  
**Applicant:** Mr S Maxwell 17 GRANGE ROAD HARTLEPOOL TS26 8JE  
**Agent:** Malcolm Smith & Partners Havelock House 24 Victoria Road HARTLEPOOL TS26 8DD  
**Date valid:** 06/01/2006  
**Development:** Installation of UPVC windows to front elevation and door and provision of downpipe and guttering (retrospective application)  
**Location:** 17 GRANGE ROAD HARTLEPOOL

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## UPDATE

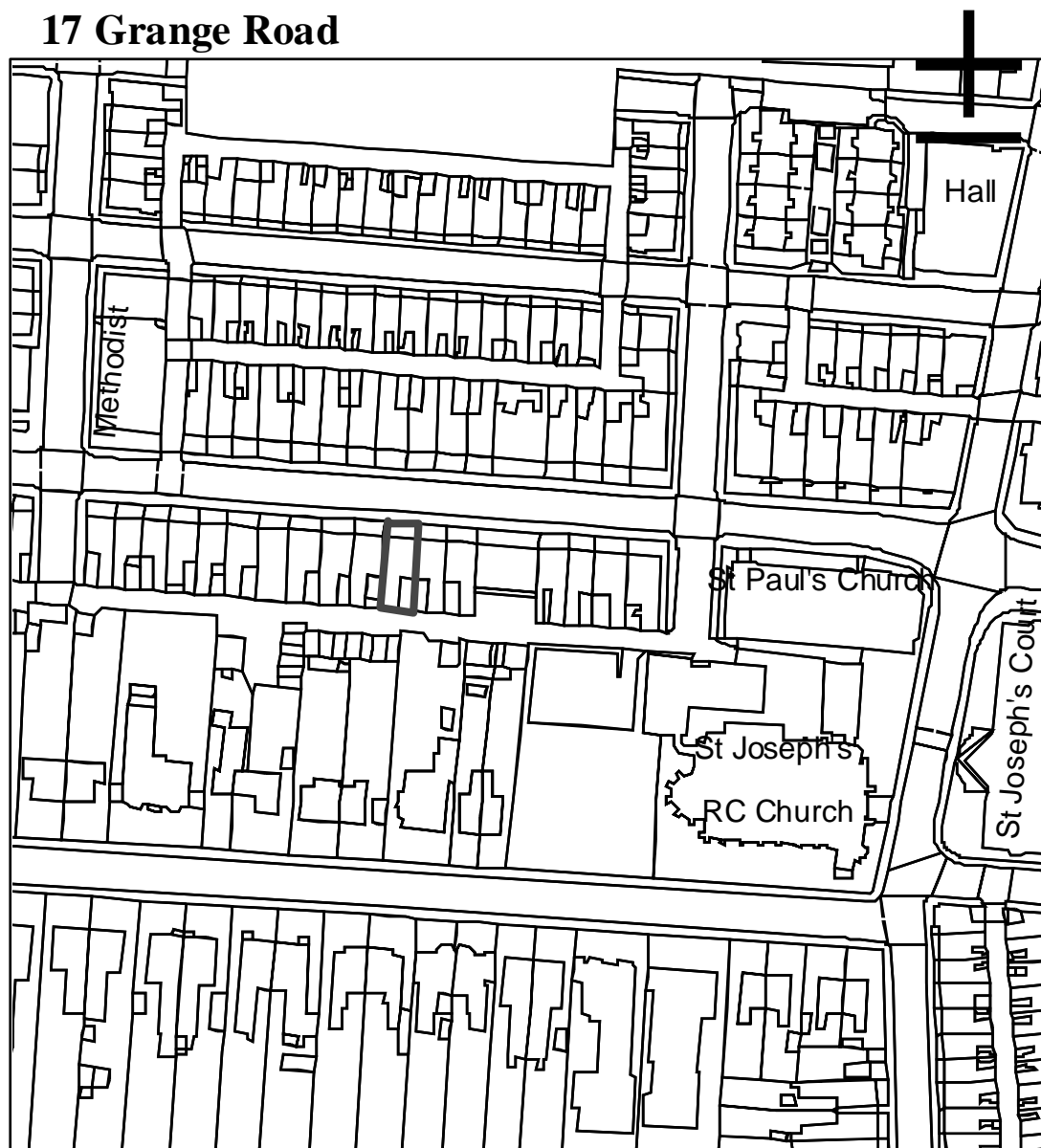
3.1 Members deferred the application at the previous Committee on the 29<sup>th</sup> of March 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

3.2 It is anticipated that the CAC will discuss the issue at its next meeting which is scheduled for early May.

3.3 These discussions will clearly have a bearing on the current case and it is recommended that the application be deferred.

3.4 The application will be referred back to committee following the CAC review with a full report and recommendation.

## RECOMMENDATION - Defer

**17 Grange Road**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5639</b>	REV

**No:** 4  
**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

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**UPDATE:-**

4.1 Members deferred the application at the previous Committee on the 29<sup>th</sup> of March 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

4.2 It is anticipated that the CAC will discuss the issue at its next meeting which is scheduled for early May.

4.3 These discussions will clearly have a bearing on the current case and it is recommended that the application be deferred.

4.4 The application will be referred back to committee following the CAC review with a full report and recommendation.

**RECOMMENDATION - Defer**



## 34 Grange Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

**No:** 5  
**Number:** H/2006/0050  
**Applicant:** Mr A T Travis 98 GRANGE ROAD HARTLEPOOL TS26 8JQ  
**Agent:** 98 GRANGE ROAD HARTLEPOOL TS26 8JQ  
**Date valid:** 23/01/2006  
**Development:** Replacement of wooden sash windows to front elevation with UPVC  
**Location:** 98 GRANGE ROAD HARTLEPOOL

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**UPDATE:-**

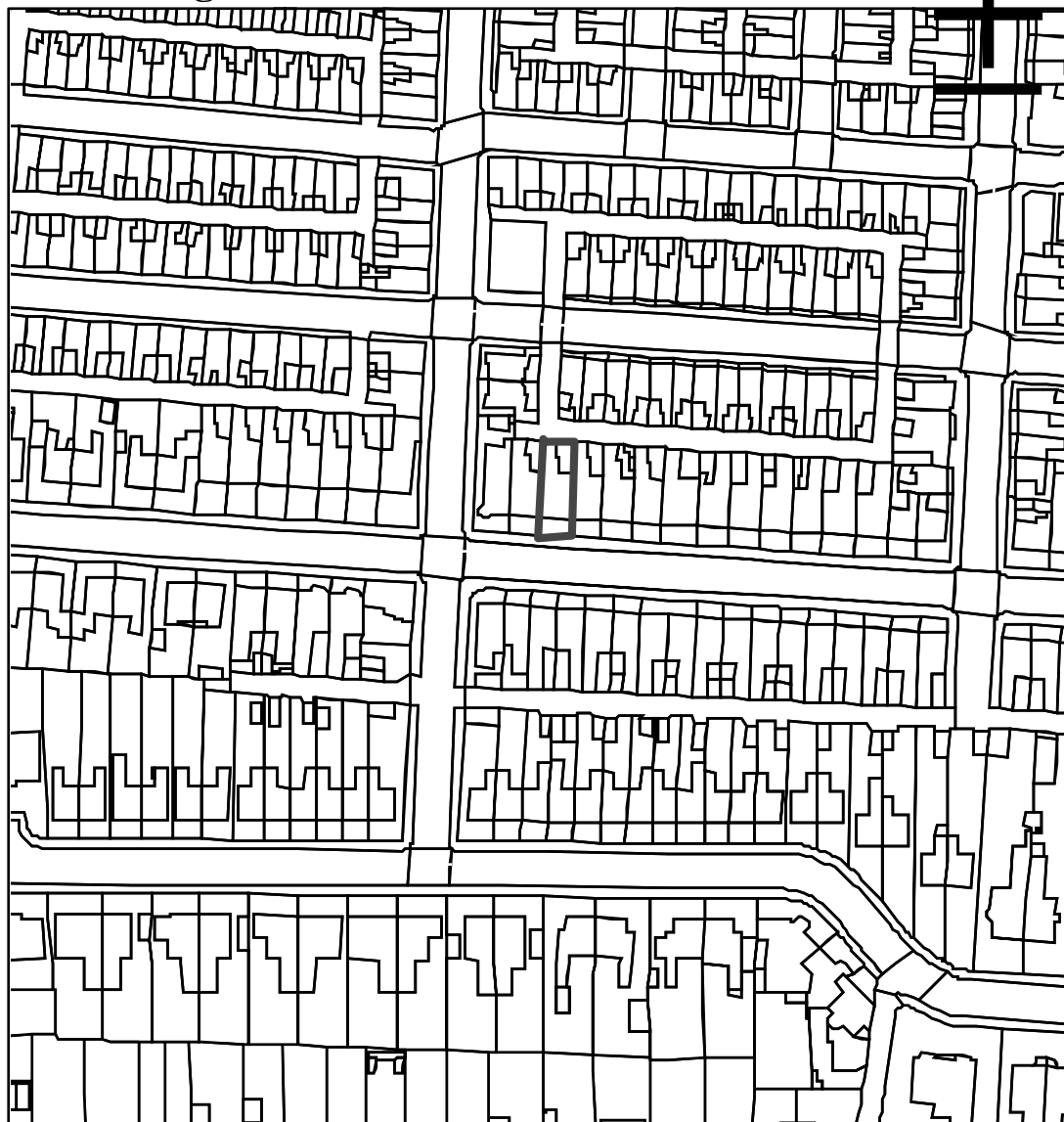
5.1 Members deferred the application at the previous Committee on the 29<sup>th</sup> of March 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

5.2 It is anticipated that the CAC will discuss the issue at its next meeting which is scheduled for early May.

5.3 These discussions will clearly have a bearing on the current case and it is recommended that the application be deferred.

5.4 The application will be referred back to committee following the CAC review with a full report and recommendation.

**RECOMMENDATION - Defer**

**98 Grange Road**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0050</b>	REV

**No:** 6  
**Number:** H/2005/5411  
**Applicant:** Mr D Cook 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP  
**Agent:** 86 CLIFTON AVENUE HARTLEPOOL TS26 9QP  
**Date valid:** 20/05/2005  
**Development:** Retention of UPVC windows to front elevation  
**Location:** 86 CLIFTON AVENUE HARTLEPOOL

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#### **UPDATE:-**

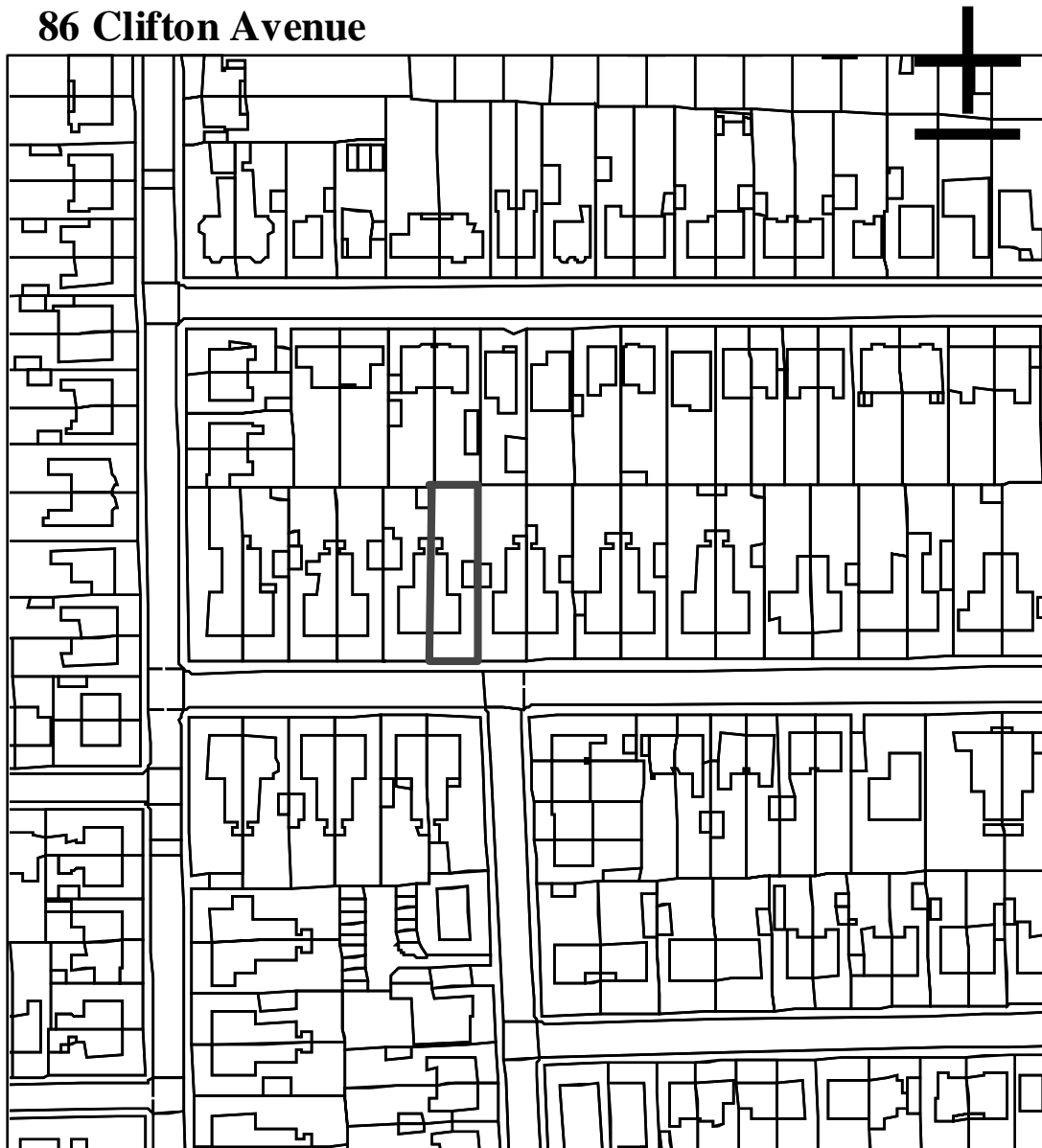
6.1 Members deferred the application at the previous Committee on the 29<sup>th</sup> of March 2006 to enable the Conservation Advisory Committee (CAC) to review the merits of the Article 4 Direction within the Grange Conservation Area.

6.2 It is anticipated that the CAC will discuss the issue at its next meeting which is scheduled for early May.

6.3 These discussions will clearly have a bearing on the current case and it is recommended that the application be deferred.

6.4 The application will be referred back to committee following the CAC review with a full report and recommendation.

#### **RECOMMENDATION - Defer**

**86 Clifton Avenue**

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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2005/5411</b>	REV

<b>No:</b>	7
<b>Number:</b>	H/2006/0073
<b>Applicant:</b>	Hartlepool Borough Council Bryan Hanson House Hanson Square Hartlepool TS24 7BT
<b>Agent:</b>	Bryan Hanson House Hanson Square Hartlepool TS24 7BT
<b>Date valid:</b>	31/01/2006
<b>Development:</b>	Alterations and extension of public right of way to provide footpath/cycle route including embankment works to facilitate access onto Hart/Haswell walkway
<b>Location:</b>	Middlethorpe Farm Hart Hartlepool

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## Background

7.1 This application was reported to the last Planning Committee when it was deferred following concerns raised by a member of the public that there may be a better route for the proposed footpath/cycleway.

### The application and the site

7.2 The application site includes a public right of way, farm land and woodland located to the north of Hart at Middlethorpe Farm. It is proposed to alter and extend an existing public right of way to create a continuous cycleway/walkway from the Hart to Haswell Walkway to Hart Village to provide an essential link in the development of a core strategic network of cycling and walking routes across the Borough. Part of the site is within a special landscape area and in the vicinity of the Hart to Haswell Walkway is designated as a Local Nature Reserve and a Site of Nature Conservation Importance.

7.3 The works proposed within the application can broadly be divided into four sections. The southern section of the works will involve the creation of a new 65m section of track effectively cutting an awkward corner off the existing public right of way from Hart. The next section will largely follow the existing route of the public footpath with a deviation alongside Deneside Cottage to ease the gradient. The next section will be a completely new section of track crossing fields to the north of the Middlethorpe Farm complex to enter woodland surrounding the Hart to Haswell Walkway. The fourth section will involve a switch back descent down to the Hart to Haswell walkway. This is currently a relatively steep descent and the switchbacks and the embanking of an intervening gully will provide a more gradual descent. For the most part the new track will be 3m wide and consists of dust topped limestone, a short section of the track which is used by farm vehicles will be surfaced in bitumen.

7.4 The proposed cycle/walkway link will also require the upgrade of the surface of the road to the south that links Middlethorpe Farm to Hart Village to enable a safe surface for cycling. This section lies outside the application site. The northern part of this road is privately owned and not adopted as public highway. The southern section is adopted as public highway. It is understood that parts of the road and

public footpath, along the route and to the south, which are currently designated as public footpath will need to be re-designated legally as cycleway.

### **Implementation**

7.5 Given the significant cost involved in the creation of the proposed cycle route, it is not proposed to construct the full route as one scheme. Instead the project will be phased over several years as funding becomes available. Local Transport Plan capital funding could be allocated for these works following the required portfolio holder approval. This would allow the creation of a footpath on the designated route in the short-term. In the longer term, the council will continue to seek match funding to upgrade the designated route to the required standard for cyclists. Given the link onto an existing National Cycle Route Network (NCN 14 at Hart to Haswell) and the significant wider benefits of the route, it is considered that a strong case could be made for external funding.

### **Related Applications**

7.6 An application at Middlethorpe Farm for alterations and conversion of barns to provide 5 studio dwellings at Middlethorpe Farm is also before members on this agenda. (H/FUL/1047/04). The applicant is offering the use of his land for the track as a planning gain package related to his own application.

### **Publicity**

7.7 The application has been advertised by neighbour notification (11) and site notice. The time period for representations has expired. Six letters of no objections were received. One letter of objection received.

7.8 One writer advises that he thinks the proposal would be a good idea.

7.9 The objector raises the following issues:

- 1) Farmer doesn't encourage access on the existing footpath
- 2) The Hart/Haswell walkway is used only by a minority
- 3) Motorbikes, quad bikes and horses will be attracted these are difficult to stop
- 4) Road links for cyclists from Hart Village are not ideal
- 5) Cost
- 6) Loss of trees & disturbance to wildlife
- 7) Peaceful & idyllic setting should be left as it is.

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### **Consultations**

**Head of Public Protection & Housing** : No objections.

**Northumbrian Water** : No objections.

**Head Of Property Services**: Borough Council own Hart/Haswell walkway.

**Ramblers Association** : The development is the first stage in the upgrading of FP Hart 11 from its southern terminus to the Hart to Haswell walkway to a shared cycle track. As importantly the improved 3m wide track from the footpaths southern terminus near Hart will provide much easier access for the less mobile, blind or partially sighted persons and other disabled persons. The car park near the church in Hart is conveniently situated. An order under the Cycle Track Conversion Act 1984 will require confirmation before the improved way can be used by pedal cyclists. No such order is required for the other users mentioned.

**Highways** : There are no major highway implications with this application.

**Hartlepool Access Group** : No objection.

**English Nature** : Thank you for consulting English Nature regarding the above application and for forwarding the supporting documentation, which shows the relevant species survey, impact assessment and mitigation proposals. The documentation provides recommendations regarding the timing and methodology to be used regarding mitigation for protected species on site. If these proposals are properly implemented then there should be no net loss to the populations within the area.

English Nature is of the opinion that these documents provide the necessary detailed information by which the Local Planning Authority can fully assess the proposals prior to determination of the application. I can therefore confirm that, subject to the imposition of the following appropriate planning conditions English Nature **withdraws its objection** to this development (made in my earlier letter of 24 February) in principle:

- No tree felling or scrub clearance will be undertaken during the bird breeding season (March to July inclusive) unless a checking survey by an appropriately-qualified ecologist demonstrates the absence of active nests.
- The ash tree identified by the Council's ecologist (Ian Bond, Hartlepool Borough Council) as carrying a risk of supporting roosting bats will be felled outside the hibernation period, following a detailed method statement provided by the council ecologist.

It is also suggested that soils containing woodland flora such as ramsons be retained on site and re-distributed on adjacent surfaces following completion of the works, in order to encourage re-colonisation by woodland flora.

**Engineers** : No comment.

**Tees Forest** : No comments received.

**Parish Council**: Raise concerns regarding the misuse of the cycleway by motor cycles and quad bikes and the status of the road north of Hart Farm.



## Planning Policy

7.10 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:

Co17: states that proposals for development having a significant effect on Sites of Nature Conservation Importance will not normally be permitted, although exceptions will be made for certain requirements including coastal protection measures. Where appropriate compensatory provision for nature conservation will be required.

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

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

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

Re6: states that a network of footpaths linking areas of interest within the urban areas and along the coastal fringes will be developed.

Rur14: states that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning Conditions may be attached and legal agreements sought in relation to planning approvals.

Rur16: states that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur17: safeguards this walkway from development not directly associated with its use as a major recreational route.

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

Rur20: states that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

Tra5: states that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

WL5: states that development which would directly or indirectly harm species protected by law and their habitats will not be permitted unless effective steps are taken to secure the protection of such species and their habitats.

WL8: states that development likely to have a significant adverse affect on locally declared nature conservation and geological sites (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise the harm to the site, enhance the remaining nature conservation interest and secure any compensatory measures and site management that may be required.

WL9: states that the Borough Council will seek to minimise or avoid any significant adverse impact of a development on the nature conservation interest of a site through the use of planning conditions or obligations where appropriate.

## **Planning Considerations**

7.11 The main planning considerations in this case are considered to be policy, impact on the Site of Nature Conservation Importance and impact on the special landscape area.

### **Policy**

7.12 The proposal involves improvements to the cycleway and footpath network and in principle such proposals are supported by Local Plan policies.

7.13 A new Hartlepool Cycling Strategy is currently being developed as an integral part of Hartlepool's second Local Transport Plan (LTP). This strategy includes the creation of a core network of cycling routes that includes a coastal route, a rural route, cross-boundary links and urban routes.

7.14 The 'coastal route' would provide a largely off-road/quiet road link from the Hart to Haswell Walkway to Hartlepool Power Station. The 'rural route' would provide a largely off-road/quiet road link around the west of the Borough from the Hart to Haswell Walkway in the north of the borough to Greatham Village in the south. A further link from Greatham Village to the Power Station would provide a complete circuit of the borough. Links to Durham from Hart to Haswell, to Billingham from Greatham Village provide the existing external links. In the longer term, links to Middlesbrough's Transporter Bridge could be provided from the Power Station and to Wingate from Elwick Village via a new bridge over the A19(T). The creation of this network would provide for the needs of all cyclists, whether cycling for journeys to work and shopping or health, recreation, leisure and fitness. Significant benefits from tourism could also be realised. This scheme would contribute towards many objectives of the Community Strategy.

7.15 The creation of the new cycleway/walkway route through Middlethorpe Farm is considered to be a core part of the development of the strategic core cycle route network in the longer-term. If the creation of this route through Middlethorpe Farm was not possible, the alternative less satisfactory option is to create a route from the Hart to Haswell walkway to Hart Village via Ocean Road and across the heavily trafficked Easington Road.

7.16 The proposal is considered to be acceptable in policy terms. The site lies within a Site Of Nature Conservation Importance and the Special Landscape Area and these matters are considered below.

#### Impact on the Site of Nature Conservation Importance

7.17 The part of the proposed cycleway as it descends through woodland to the Hart to Haswell Walkway is part Local Nature Reserve and part Site Of Nature Conservation Importance.

7.18 The Council's Ecologist has surveyed the site on several occasions and has submitted a report on the ecological considerations in relation to the proposal. The report addresses the potential impact of the development on relevant fauna and flora including bats, birds, badgers, great crested newts, otters, dingy skipper butterfly and white letter hairstreak butterfly.

7.19 The survey work included a survey of the trees to be removed and holes which might accommodate birds or bats. No bats were found to be present and whilst holes might be used on a temporary basis during the summer the Ecologist considers this to be of a low risk. None of the holes were considered large enough to accommodate nesting birds though the nesting could occur in the trees at the

appropriate season. No active badger setts are recorded in this area and no badger trails were recorded. Otters and great crested newts are not recorded in the area. The habitat in this section of the walkway is considered unsuitable for dingy skipper butterfly and no evidence of white letter butterfly was recorded. The ground flora in the area consists of Ramson, male fern, and hard shield fern all of these species are also found in the adjacent areas.

7.20 The report makes recommendations in relation to mitigation in order to minimise any impacts on the ecology of the site, in particular bats, birds and the white letter hairstreak butterfly and ground flora. In light of the Ecologists report English Nature has withdrawn its initial objection and makes similar recommendations to the Ecologist in relation to mitigation measures.

7.21 It is considered that the proposal will not unduly affect the nature conservation interest of the site. In light of the recommendations of English Nature and the Ecologist it is considered appropriate to impose a condition on any approval requiring the prior agreement of a method of working and timetable for the works and the subsequent restoration of the site. This general condition requiring working methods to be agreed can cover the specific recommendations of both the ecologist and English Nature.

#### Impact on the Special Landscape Area

7.22 For the most part the works will involve improvements to the existing track and the provision of a new 3m wide track across fields and it is not considered that the works will have a significant impact on the landscape.

7.23 The most significant engineering works are proposed within the woodland area in the vicinity of the Hart to Haswell Walkway where the embankment will be created. These works will take place in a well wooded cutting and it is considered therefore that any impact on the wider landscape will be limited. The works will however involve the removal of a number of Beech trees at the top of the embankment, the removal of semi mature Ash trees on the existing embankment and the removal of a stretch of young willow and elm trees. In the well wooded environs of the Walkway it is not considered these losses will be significant however the mature Beech grove at the top of the embankment forms an important landscape feature. The Landscape Planning & Conservation Section have suggested therefore that the cycleway be constructed to minimise any impact upon it. This would involve them agreeing the precise route, construction techniques to minimise disturbance to roots where necessary (hand digging) and tree protection measures for trees being retained this matters could be considered.

7.24 It is considered that the impact of the development on the Special Landscape Area would be acceptable.

#### Other Matters

7.25 An objector has raised various issues (summarised above). Some are addressed above or have been addressed in the previous report. It was described how the proposal would fit into long term plans for the development of strategic

cycleway networks and it was concluded that the proposal would have an acceptable impact on the Special Landscape Area. The landowner has confirmed his willingness to accommodate the development. In relation to cost this is essentially a matter for the applicant to consider and must be measured against the benefits such a proposal could bring. It has been explained how the works would be phased to spread the cost over a number of years and that a strong case for external funding could be made. In relation to the misuse of the footpath/cycle route by motorbikes and horses cyclists this is a problem that can occur. However measures can be taken to discourage misuse. The applicant has been asked to comment on this and it is not considered that this would be a valid reason to refuse the application.

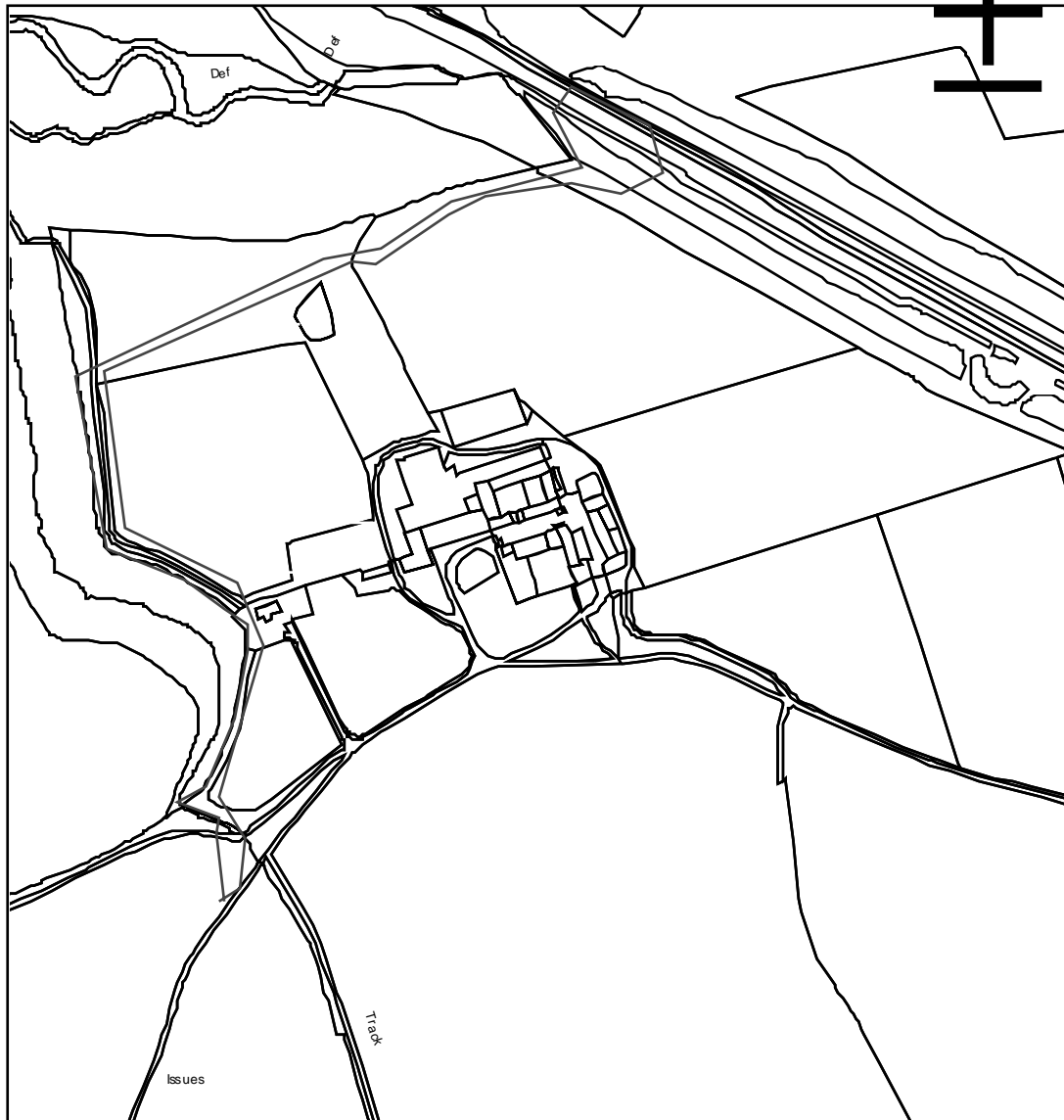
## **Conclusion**

7.26 The proposal is considered acceptable, however at the meeting on 29 March 2006 a member of the public raised concerns that there may be a better route for the footpath/cycle route and that the proposals should be amended. This issue is currently being explored and in light of this the recommendation has been left open. It is hoped an update report will follow.

## **RECOMMENDATION – update report to follow**

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## Middlethorpe Farm



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:3000</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2006/0073</b>	REV

**No:** 8  
**Number:** HFUL/2004/1047  
**Applicant:** Mr T Brown Middlethorpe Farm Hart Hartlepool TS27 3AB  
**Agent:** Castle Eden Studios Castle Eden County Durham TS24 4SD  
**Date valid:** 20/12/2004  
**Development:** Alterations to and conversion of bams to provide 5 studio dwellings  
**Location:** Middlethorpe Farm Hart HARTLEPOOL

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## Background

8.1 This application was last reported to Committee on 29 March 2006 when it was deferred as a member of the public raised concerns that there may be a better route for the related footpath and cycle route which is the subject of a related application (H/2006/0073). This issue is currently being explored.

## The Application and Site

8.2 Full planning permission is sought for alterations and conversions to bams to provide five studio dwellings.

8.3 Middlethorpe Farm is located to the north of Hart Village. It extends to some 200 acres and includes agricultural fields and woodland on the south side of Thorpe Bulmer Dene, which is a local site of nature conservation importance and is home to red squirrel. The farm is also within a designated Special Landscape Area. The owners wish to retire from farming and dispose of land and outbuildings

8.4 The main farm complex is located at the northern end of the holding. It consists of a range of traditional barns/stables and modern buildings. Also included within the holding is the farmhouse, an attached cottage and a detached dwelling located to the west side of the farm complex. Access to the site is taken from Easington Road (A179) and also from the south via a gated road from Hart. This road also carries a Public Right of Way (PROW) which passes through the farm. This route is in part a public bridleway but changes to public footpath only as it enters the applicants holding. The Hart to Haswell Walkway passes to the north/north east of the farm. This has recently been designated a Sustrans route as part of the national cycle network.

8.5 The proposal is to demolish a number of the large modern sheds located to the west and eastern side of the complex and a brick building located to the northern end. The range of single storey traditional buildings to the north of the farmhouse located around a courtyard will be converted to four dwellings, two four bedroomed and two three bedroomed. A traditional two storey building formerly a stable will be converted to a further four bedroom dwellinghouse. The dwellinghouses incorporate studios with separate accesses for owners who want to operate a business from the site.

8.6 As part of the proposal the applicant has offered to facilitate improvements to the public rights of way network in the area. In particular the conversion of a public footpath to bridleway/cycleway status linking Hart Village to the Hart to Haswell Walkway and a new link to avoid a steep climb in and out of the Dene. The applicant has also offered to contribute £20,000 to this scheme and also to allow for works to provide a grating across an access tunnel to protect a bat roosting site. New woodland planting with public access which was originally offered has since been withdrawn.

### **Related Applications**

8.7 A related application for planning permission for alterations and extension of a public right of way to provide footpath/cycle route including embankment works is also before members for consideration on this agenda (H2006/0073).

### **Publicity**

8.8 The application has been advertised by way of neighbour letters (9). To date, there have been 6 representations received. There are no objections but one writer raises the following:

- 1 Public road between North Hart Farm and the applicant's land needs maintenance.

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8.9 The time period for representations has expired.

### **Consultations**

8.10 The following consultation replies have been received:

Environment Agency: **No objections.**

Public Protection: **No objection.**

Northumbrian Water: **No objection**

**Landscape & Conservation:** None of the buildings to be converted would seem to offer the opportunity for barn owls to nest however in a location such as this which is close to known bat roosts and to woodland, the buildings have a high probability of supporting roosting bats. Therefore the buildings would require a bat survey undertaking, in accordance with English Nature guidelines, before any work commences. The bat survey should be done between April and September. There is no problem with the demolition of the Dutch barns as they are very unlikely to support roosting bats. In terms of planning gains under a section 106, I would want to see incorporation of some bat roosting features into the building conversions. In addition I would want to be consulted on any proposed access improvements to ensure that they did not conflict with biodiversity objectives and also on the design and species composition of the woodland planting. A colony of long eared bats has



been identified in a tunnel. This is the only known roost in the Borough and therefore is very significant. If the applicant was to protect the tunnel with grills, as part of the package of environmental improvements associated with their proposal, this would be a significant potential benefit.

A Natterer's bat has also been identified in the bat roost in the tunnel. This is only the second known roost in the whole of the Tees Valley. The tunnel is now a roost for 3 species of bat and it is the only known roost for each of those species in Hartlepool. It is probably fair to say that it is now the most significant bat roost that has been found in the Tees Valley.

**Head of Highways and Transportation:** The development requires a condition that the tracks from Hart Village and the Coast Road to the barn conversion and farm is limited to no more than 5 properties using them. The farmhouse and cottages should be restricted to the existing access to Hart. The barn development should be restricted to existing access to the coast road. The removal of this condition will only be allowed if one of the tracks is brought up to the Council's specifications for an adoptable road. Passing points should be provided at regular intervals.

"I fully support the proposals for improved countryside access at Middlethorpe Farm. These proposals would provide an essential link for walkers and cyclists from the existing Hart to Haswell Walkway. It would provide an important north-south strategic link that would continue to Hart Village, Dalton Piercy and beyond around the west of the borough.

In relation to the practicalities of the scheme, I would expect the surface to fit in with the surroundings, that is 3m construction with crushed aggregate and a dust surface. Access control measures (A Frames) would also be required at key locations. Fencing would also be needed to keep users to the path. Lighting would not be appropriate at this location. I would also require an upgrade of the surface of the existing track south of the farm to enable safe cycle access to Hart Village.

The access onto the Hart/Haswell walkway should be designed to meet the latest Disabled Discrimination Act guidelines on gradient etc. I understand that it may be possible to use land owned by Hartlepool Borough Council to reduce the gradient."

**Ramblers Association:** No comments on the conversions of the barns to 5 studios except that this would most likely lead to increased vehicular traffic along Hart FP 11.

**Network Rail:** No comments.

**Tees Forest:** Comments relate to proposed woodland which has now been withdrawn from the scheme.

**Community Services:** Most workable proposals for improved public access would be i) creation of two new public footpaths. ii) to upgrade the majority of the existing public footpath (Hart No 11) to cycleway status. iii) to create a new length of cycleway to create a link to the Hart to Haswell walkway.

Parks and Countryside are fully supportive of the proposals.

The scheme for improved access, to and around Middlethorpe Farm, would give greater benefits to a wider range of user groups, including the mobility and visually impaired community, as well as cyclists and pedestrians, be they regular users or visitors to the area.

The proposals fit, well, within the framework of the Rights of Way Improvement Plan, which is in the process of being written and will be published in 2007. I also think that the creation of and upgrade to cycleway status, for two of the routes, will work within the parameters/criteria, set out in the Local Transport Plan 2(2006 – 2011). I would advise that you discuss all aspects of the Local Transport Plan.

As to the practicality of construction, I think there would be a need to install access furniture, that fits within the context of area as well as being able to cope with any problems that could affect the area. The path construction could possibly comprise of crushed stone with a dust surface. All these issues would need to be addressed in the near future.

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

## Planning Policy

8.11 The following policies in the adopted Hartlepool Local Plan 1994 and the emerging Hartlepool Local Plan 2006 are relevant to the determination of this application:

Co18: identifies the site as being within a wildlife corridor where there is a need to ensure that the wildlife corridor network is maintained. Where development impinges upon a corridor provision should normally be made for enhancement or restoration to provide compensatory features for areas whose nature conservation interest has been lost or reduced.

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.

GEP12: states that, where appropriate, the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and

hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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.

HE14: states that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

RU11: states that the re-use of buildings in the countryside for purposes appropriate to the rural environment will only be permitted where it will not adversely affect the surrounding area, there will be no significant building works or outside storage, and where the road network and car parking are adequate.

RU13: states rights of way will be improved to form a network of leisure walkways, linking areas of natural or recreational interest, the villages, the coast and the urban area. Where appropriate car parks and picnic sites will be developed in association with this network. The line of the Castle Eden Walkway will be specifically safeguarded.

RU14: identifies the application site as being within a special landscape area where development will not normally be permitted unless it is sympathetic to the local rural character in terms of design, siting, materials and landscaping.

RU2: expansion beyond the defined village envelopes will not normally be permitted.

RU8: states that proposals for indoor leisure uses likely to generate noise or other disturbance will only be approved where they will not give rise to additional disturbance to neighbours, measures are taken to reduce noise and car parking is adequate.

RU9: states that proposals for new houses on single infill sites within small hamlets or groups of houses will only be permitted where visual intrusion is minimised and provided that siting, scale, design and landscaping are appropriate, the relationship of new and existing buildings is satisfactory; existing features are retained where possible and the road network and car parking are adequate.

Rur10a: states that farm diversification schemes will be permitted where any adverse effects on the best agricultural land are minimised, existing farm buildings are reused, there is no significant detrimental effect on amenity and they do not generate significant additional traffic onto rural roads and are consistent in their scale with their rural location.

Rur11: states that isolated new dwellings in the countryside will not be permitted unless necessary in relation to agricultural, forestry, or other approved or established uses in the countryside, and enterprise is economically viable and they are of a size commensurate with established requirements. The policy also sets out criteria for determining applications for new houses on single infill sites within hamlets or groups of houses and for one for one replacement dwellings. Infrastructure including sewage disposal must be adequate.

Rur13: states that proposals for the reuse of buildings in the open countryside will only be permitted where they are for commercial purposes appropriate to the rural environment, they will not adversely affect the surrounding area, there will be no significant building works or outside storage, where the road network, car parking and sewage disposal is adequate and they do not adversely affect species protected by law. planning conditions restricting future permitted development rights may be imposed to control the proliferation of farm buildings. Reuse of buildings involving a residential use need to demonstrate that reasonable attempts have been made to secure business reuse and that residential use is a subordinate part of a business scheme.

Rur14: states that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning Conditions will be attached and legal agreements sought in relation to planning approvals.

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

Rur2: states that expansion beyond the village limit will not be permitted.

Rur20: states that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

Rur6: sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

## **Planning Considerations**

8.12 The main planning considerations are considered to be policy, impact on the character and appearance of the traditional farm buildings, impact on the special landscape area, highways and impact on protected species.

### Policy

8.13 The development lies outside the Hart village envelope within a special landscape area.

8.14 The proposed housing is not specifically identified for agricultural or forestry workers and therefore strictly speaking in policy terms the proposal is contrary to national and local policies which seek to so restrict new housing in open countryside. Policies are more supportive of uses which involve the conversion of buildings to commercial use rather than residential. However the applicant is concerned that a purely commercial development would impact upon the nearby farmhouse and maintains that his attempts to advertise some of the farm buildings for commercial use in the past have been unsuccessful. The proposals do however incorporate studio space which potentially would allow a mixture of appropriate commercial and residential use.

8.15 In strict policy terms the proposal is contrary to policy. However in bringing forward the proposal the applicant has offered, as planning gain, to facilitate several wider benefits which are of significance these are:

- Improvements to the public right of way network. In particular the upgrading and extension of a public right of way to provide a footpath cycleway linking Hart to the Hart to Haswell walkway. (see related application H/2006/0073 also on this agenda).
- To contribute £20,000 to the delivery of this scheme.
- To allow the installation of grilles on a tunnel under the Hart to Haswell walkway which has been identified by the Ecologist as probably the most important bat roost in the Tees Valley

8.16 The improvements to the public right of way network have been the subject of extensive discussions since the application (item 3) was last considered by Members and the outcome of these discussions is the application before Members on this agenda. The creation of the new cycleway/walkway route through Middlethorpe Farm is considered to be a core part of the development of the strategic cycle route network in the longer-term and will have significant benefits in terms of public access and recreation for cyclists and people with disabilities. If the creation of this route through Middlethorpe Farm is not possible, the alternative is a far less safe and desirable option to create a route from the Hart to Haswell walkway to Hart Village via Ocean Road and across the heavily trafficked Easington Road.

8.17 In addition the proposal will secure the improvement and future of the traditional farm buildings, and through the removal of large modern buildings, visual improvements in the special landscape area these matters are discussed further below.

### Impact on the character and appearance of the traditional farm buildings

8.18 The proposed alterations to the traditional buildings are considered to be sympathetic and appropriate making good use of existing openings and retaining traditional features. The proposals will also secure the removal of the existing modern additions and buildings within the complex.

### Impact on the special landscape area

8.19 The removal of the substantial modern buildings within the farm complex will have a positive impact on the special landscape area. The applicant is moving out of farming and has confirmed that the land forming the holding would be rented out to neighbouring arable farmers or managed according to the new DEFRA code of good practice e.g. natural regeneration or grass. In such instances the applicant maintains that new farm buildings would not be required and this could be covered by a legal agreement.

### Highways

8.20 Highways have not objected to the proposal but require that the access to the five new properties be taken from Easington Road with the access to the existing properties taken from Hart. Passing places are also required. Suitable conditions can be imposed to satisfy their requirements.

### Impact on protected species

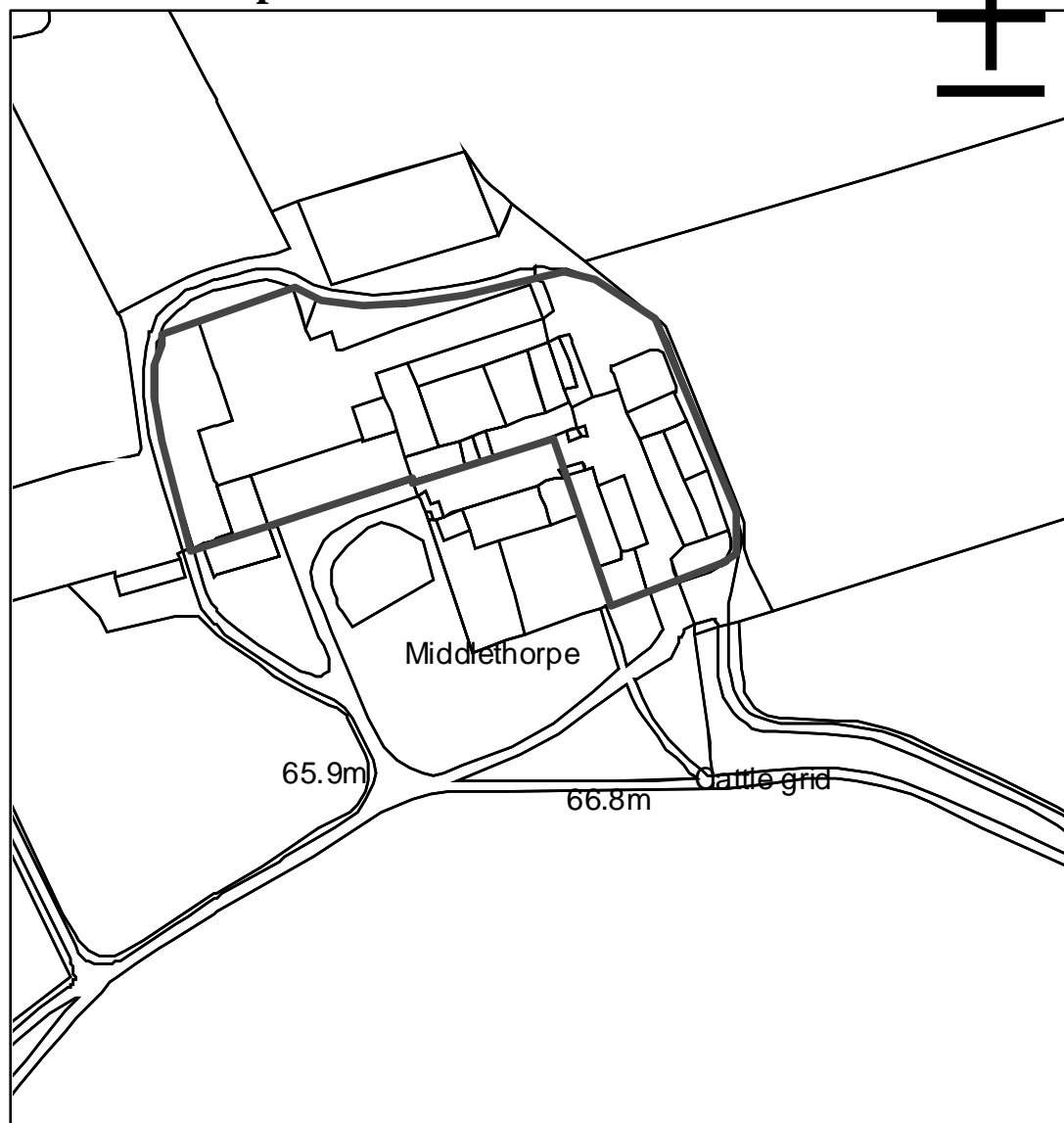
8.21 The barns on the site could potentially provide nesting/roosting sites for protected species. It is considered unlikely that the buildings would offer potential for use by barn owls the Ecologist however has asked that a bat survey be undertaken. This was requested some time ago and it is understood the applicant has the survey in hand. However unfortunately such surveys are best undertaken between April and September and therefore the results will not be available before the meeting. It is considered therefore that should members be minded to approve the application any approval should be subject to the receipt and consideration of a satisfactory bat survey.

### Conclusion

8.22 The application should strictly be recommended for refusal however the applicant has put forward offers to facilitate works which would have significant benefits to the planning of the wider area, in particular the strategic cycleway network. It is considered that these benefits are a material consideration which would outweigh the policy difficulties. However, these benefits are dependent on the success of the related application for the footpath/cycle route which is subject to outstanding issues and therefore an open recommendation. It is therefore

considered appropriate to leave this recommendation open at this time. It is hoped a final recommendation can be made in an update report before the meeting.

**RECOMMENDATION** – update to follow

**Middlethorpe Farm**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2004/1047</b>	REV



**No:** 9  
**Number:** H/2006/0269  
**Applicant:** ALAB ENV Able House Billingham Reach Ind Estate  
 Billingham TS23 1PX  
**Agent:** Able House Billingham Reach Ind Estate Billingham  
 TS23 1PX  
**Date valid:** 03/04/2006  
**Development:** Installation of treatment plant for the  
 solidification/stabilisation of liquid wastes (revisions to  
 approved scheme H/FUL/0043/03) (RESUBMITTED  
 APPLICATION)  
**Location:** Seaton Meadows Brenda Road Hartlepool

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## Background

9.1 At its meeting on 29 March 2006, the Committee refused consent for amendments to a waste treatment/ solidification plant at Seaton Meadows on grounds that insufficient information had been made available by the Health and Safety Executive (Nuclear Safety Directorate).

9.2 This application is an identical re-submission. A reconsultation exercise has been undertaken. Consultees have been informed that their previous responses will be taken as applicable to this application unless they indicate otherwise within 14 days. That 14 day period expires prior to the meeting.

## The Application and Site

9.3 In June 2003 the Planning Committee granted planning permission for the installation of a treatment plant for solidification / stabilisation of liquid wastes at Seaton Meadows subject to conditions.

9.4 The current application seeks a number of changes to the layout of the site and its structures along with an increase in the site area to 0.95 hectares. There are no alterations to the waste treatment processes including the method by which the plant will operate, means of access to the site and vehicle traffic flows and hours of operation already approved by virtue of the previous planning permission.

9.5 In essence the process involves entrapping waste in a concrete matrix utilising fly ash before disposal to the adjoining landfill site.

9.6 The principal changes are the separation of the consolidation plant from the tank farm so as to aid vehicle movement and the provision of steel profiled and concrete bunded enclosures for waste storage and drum storage bays. There would also be a bund around the drum and vehicle washing bay. The tank farm would comprise of 8 storage tanks, 4 more than previously approved. The tanks would have a maximum height of approximately 8 metres. An oil water separator, some 3.5

metres in height has been relocated to an above ground location. A further change is the deletion of the acid processing element of the scheme.

9.7 The consolidation plant would be connected to two powder silos containing the material used in the solidifying process. The silos in question are to be reduced in height from 25 metres to 10 metres above ground level.

9.8 The waste and drum stores would be contained by an enclosing structure comprised of a concrete bund and profiled cladding. The roof of the enclosure would slope from front to back to allow convenient access for lorries to reverse up to the respective bays before depositing their loads. The maximum height of the enclosing structures would be 8.5 metres and 9 metres respectively.

9.9 The site comprises a rectangular area situated adjacent to the screen embankment which runs alongside Brenda Road.

### **Publicity**

9.10 The application has been advertised by way of press notice and site notice.

9.11 None to date but three letters of objection were received in respect of the original refused application raising the following points:-

- 1) Insufficient information provided to assess health and safety implications including on users of the adjacent cycle way and footpath.
- 2) Concern that development could cause accidental release of contaminants into the atmosphere which could be harmful to local residents and workers on the nearby industrial estate.
- 3) Policy GEP 1 states that this development should be on previously developed land. The area should still be regarded as a greenfield site.
- 4) Concern about adverse effects due to noise emissions

Copy letters C

The period for publicity expires after the meeting.

### **Consultations**

9.12 The following consultation replies have been received:

**Environment Agency** – Operator of the plant will require a permit. This will contain all the necessary controls to prevent or minimise an environmental impact of the plant and its operation. It is understood that this application does not involve any discharge of liquid waste outside the site boundary.

**English Nature** – Awaited but previously indicated that the proposal would not be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar sites nor cause damage or disturbance to the Seaton Dunes and Common SSSI.

**Health and Safety Executive (Hazardous Substances Installation)** – Awaited but previously indicated that no objections

**Health and Safety Executive (Nuclear Safety Directorate)** – Comments awaited although comments are expected in time for the meeting.

**Northumbrian Water** – Awaited but previously indicated that no objections

**Head of Traffic and Transportation** – Awaited but previously indicated that no major highway safety implications

**Head of Public Protection** – As above this application is a revision of the scheme that was approved in 2003 and the process has not changed. All that has changed is the size and layout of the plant and some of the storage bays are now enclosed. The noise level from the mixing plant will not be a problem in this location as the site is well separated from any noise sensitive properties. I would therefore have no objections to this application.

## Planning Policy

9.13 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:

Ec5: states that proposals for business uses, general industry and warehousing will normally be approved in this area. General industry will only be approved in certain circumstances.

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

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

Rec8: identifies that this area will be developed for quiet recreational purposes.

## Planning Considerations

9.14 The main issues for consideration in this case are those that arise from changes to what has already been approved on the site i.e. changes to the scale and layout of the development which could give rise to visual amenity or noise emission issues. Comments attributable to individuals generally relate to their earlier consultation replies.

9.15 The principle of this development has already been accepted by virtue of the previous 2003 permission. The method for dealing with the storage and solidification of waste would be as approved and in any event will be regulated by an Environment Agency permit.

9.16 The proposed development area is part of the Seaton Meadows landfill site. There is planning permission to remove clay from this part of the site and to use the resulting void as part of the landfill operation. Indeed when the original planning permission was granted for the waste treatment plant in 2003, this was subject to a planning condition requiring the relevant apparatus to be removed in advance of extraction / landfilling. Given that the site is integral to and will eventually be utilised as part of the landfill operation the question of whether the site has greenfield status is considered not to be relevant.

## Emissions

9.17 The Environment Agency confirm that the permit will contain all the necessary controls to prevent or minimise any environmental impact of the plant and its operation. The applicant has also confirmed that there are to be no discharges of liquid / water outside the boundary of the facility which therefore satisfies the Environment Agency's second point.

9.18 With respect to impact of the proposed plant the Council's Public Protection officer recognises that noise impact from the mixing plant, which is stated to be 85 dba at source, would not cause a problem given that it is well separated from the nearest noise sensitive properties. With respect to concerns about the general risk of emissions from the site, this would be controlled through the Environment Agency's regulating powers.

9.19 It is for the Health and Safety Executive to raise any concerns regarding risk to health and safety. Their comments are awaited.

## Visual impact

9.20 The enlarged scale of the site and the separation of the tank farm from the consolidation equipment is not considered to be out of keeping with the wider Seaton Meadows site.

9.21 The proposed waste storage bay enclosure structure would at a height of 9 metre be quite tall but not out of keeping with the surrounding industrial landscape. The enclosure can be coloured to help reduce its impact. The adjacent perimeter embankment would also help to mitigate its impact.

9.22 The proposed mixing / consolidation plant and tallest storage silos would be a similar height, approximately 8.6 metres and 10 metres respectively. Their visual impact would however be less from Brenda Road as they are sited further into the site and from certain viewpoints would be screened by the bay enclosure structures.

9.23 Given that there are outstanding consultation responses an update report will be provided in advance of the Committee. In the event that there are no further objections received it is likely that the recommendation will be to approve subject to conditions.

**RECOMMENDATION** – APPROVE subject to the following conditions and no further substantially different objections being received within the outstanding publicity period.

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

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. 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 by 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 Redamation 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.

REASON: For the avoidance of doubt

3. The development shall only be operated in accordance with the principles outlined in Environmental Statement Appendix II submitted in support of application H/FUL/0043/03. Waste materials shown to be precluded from the site in that Statement shall not be treated at the plant.

REASON: In the interests of the amenities of the area.

4. The permission hereby granted shall permit the operation of the plant on the site during the lifetime of the tipping and land reclamation scheme approved under application H/FUL/0683/97. The plant shall be removed from the site when clay is due to be extracted from that part of the site where the plant is to be located, unless otherwise agreed in writing by the Local Planning Authority. Should the extraction of clay from the part of the site where the plant is to be

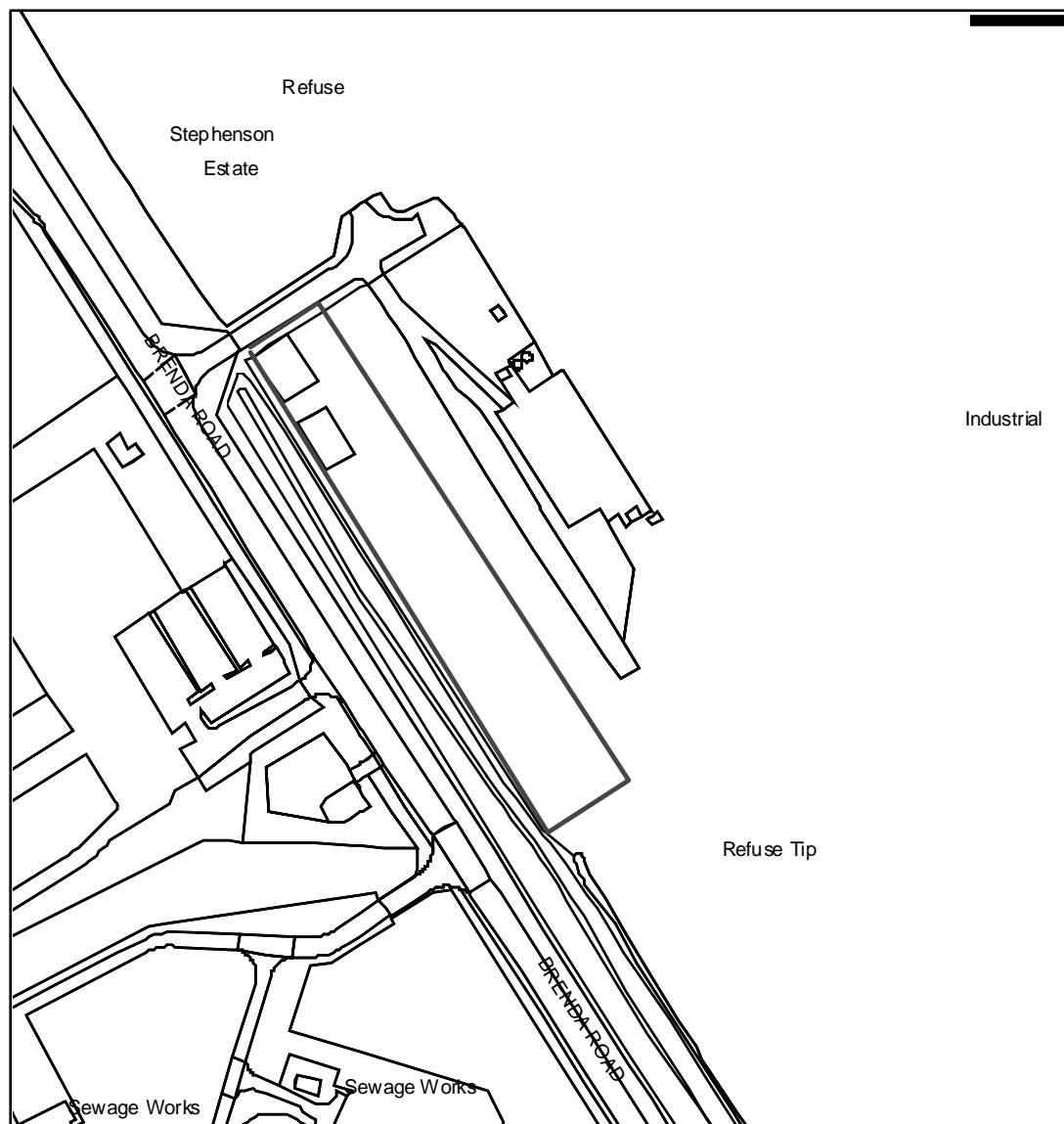
located be delayed by more than 6 months, the plant hereby approved shall be removed within 6 months and the land reinstated to its former condition.

REASON: For the avoidance of doubt

5. The waste storage and and drum storage bay enclosures shall have a coloured finish in accordance with details to be previously agreed with the Local Planning Authority prior to the development hereby approved coming into use.

REASON:- In the interests of visual amenity

## Seatons Meadows



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12.04.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0269</b>	REV

**No:** 10  
**Number:** H/2006/0228  
**Applicant:** Shepherd Homes Ltd Huntington House, Jocket Lane  
 Huntington York  
**Agent:** BSCP Smeaton House Holt Park District Centre Leeds  
**Date valid:** 21/03/2006  
**Development:** Replacement piling and related works  
**Location:** 4,5,6 7, 9,10,11 and 32 & 40 and 2,3 &18 BARLEY  
 CLOSE, MEADOWGATE DRIVE AND HAYFIELD  
 CLOSE HARTLEPOOL HARTLEPOOL

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### The Application and Site

10.1 The application relates to 12 two-storey detached dwellings located upon the recently built Eden Park housing estate. It is located to the south side of Hart Lane, close to the junction with Dunston Road. The properties are located upon Barley Close, Meadowgate Drive and Hayfield Close.

10.2 The original site received full planning approval for the erection of 123 detached houses (H/FUL/0308/99) in 1999. As the site had been a former landfill, specific planning conditions relating to gas protection measures and gas monitoring protocols were attached to the approval. Permitted development rights were removed from the site to ensure that any development has the necessary gas protection measures.

10.3 A number of different planning applications were subsequently submitted by different developers to supersede the original approval. All of the applications receiving planning approval have been subject to similar planning conditions to those which were placed upon the original approval.

10.4 Shepherd Homes Ltd constructed the properties to which this application relates under planning application H/FUL/0335/02 between 2001 and 2003.

10.5 The properties to which this application relates have shown visible signs of settlement problems. The applicant states that these issues were brought to their attention soon after completion of the properties in 2003. Initially works were undertaken upon the superstructure to repair damage, which was thought to be from shrinkage movement 'drying out' of the properties. It became apparent that the problems were associated with the settlement of the piles, which the applicant feels is a combination of factors including inadequate penetration of the piles into the boulder clay beneath.

10.6 The application seeks full planning approval for the re-piling of the properties to which this application relates. The proposed works involve the full internal underpinning of the property into the underlying gravel beds (approx 18m depth) and the re-creation of the gas membranes underneath the properties.



## **Publicity**

10.7 The application has been advertised by way of neighbour letters (59), 3 site notices. To date, there have been 6 letters of objection and 2 letters of comments :-

The concerns raised are:

1. The noise and disturbance associated with the proposed works.
2. Safety of children in the close whilst works are being carried out.
3. Access to properties will be restricted from the parking of commercial vehicles.
4. How will the sites be secured?
5. The foundations of nearby properties will be disrupted by the piling works.
6. Will there be compensation for living on a building site?
7. Dissatisfied with lack of information from the applicants.
8. That the gas membrane cannot be satisfactorily installed.
9. That the gas membrane under surrounding occupied properties may have been compromised.
10. That existing underground services have been damaged through continual ground movement.

The period for publicity expires before the meeting.

## **Consultations**

10.8 The following consultation replies have been received:

**Northumbrian Water** – Comments awaited but informally no objection

**Head of Public Protection and Housing** – Comments awaited but informally no objection

**Building Control** – Comments awaited

**Engineering Consultancy** – Comments awaited

**Chief Solicitor** - Comments awaited

## **Planning Policy**

10.9 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:

Gen 1 – 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.

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

GEP18 – states that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

Se13 – states that development on notified landfill sites and on adjoining areas affected by them will only be approved where there will be no demonstrable harm. Safeguarding measures, will, where appropriate be required to control emission of land fill gas and other contaminants.

### **Planning Considerations**

10.10 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plans, impact of the works upon the amenities of nearby residential properties, the integrity of gas protection measures and highway safety.

10.11 Clearly it is important that this matter is resolved as quickly as possible to avoid uncertainty. While there are a number of outstanding consultation responses from key consultees and that the period of publicity is yet to expire at the time of writing this it is anticipated that these will be available in time for the meeting.

**RECOMMENDATION** – UPDATE to follow

**Eden Park**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12.04.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0228</b>	REV

**No:** 11  
**Number:** H/2006/0169  
**Applicant:** The Mandale Group Mandale House Sedgwick Way  
Portrack Interchange Business Park Stockton  
**Agent:** Brown Smith Baker 1st Floor Morton House Morton Road  
Darlington  
**Date valid:** 03/03/2006  
**Development:** Erection of two restaurants and a bar  
**Location:** FORMER BATHS SITE CORONATION DRIVE  
HARTLEPOOL Hartlepool

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### The Application and Site

11.1 Full planning permission is sought for the erection of a building which is to comprise two restaurants and a bar on land off Coronation Drive, Seaton Carew.

11.2 The site covers a predominantly grassed area with an informal tarmac car park facing onto Coronation Drive. It is situated between the main coast road to Hartlepool and the promenade. The site extends southwards of the area that was at one time occupied by the now demolished Seaton Baths. It is situated at the northern gateway to Seaton Carew. To the north is the grassed esplanade with a small block of public toilets. The nearest housing is to the south at Wainwright Walk and Hornby Close.

11.3 There is a shallow fall in the level of the site away from the promenade towards Coronation Drive.

11.4 The proposed building would be a single storey structure (some 3.8 metres in height) comprising a central bar orientated parallel to the coastline. The ends of the building incorporating the restaurants would be angled towards the seafront. An outdoor dining terrace is to be provided on the seaward side of the building. The landform accommodating the building would be raised by approximately 1.7 metres.

11.5 The elevation treatment of the building would comprise curtain wall glazing and timber cladding. The roof would comprise a metal mono-pitched construction.

11.6 A car park with some 56 spaces would be accessed from Coronation Drive. Pedestrian access would also be available from the promenade.

11.7 The development would also incorporate a bin store some 4.6 metres by 9 metres. This would be timber clad to match the main building.

11.8 The applicant makes the following points in support of the application:-

- 1 The development aims to be a leisure regeneration initiative at the north end of the town.

- 2 The built form is intended to be low and horizontal to reduce visual impact on lea.
- 3 Landform to be remodelled in order to improve sea views and enhance commercial viability
- 4 Car parking provision does not meet highway standards as these are considered excessive given landscape context and proposed commercial / recreational uses. Intent is to reduce visual impact on lea.
- 5 Soft landscaping to comprise of reinstated grass to continue lea landscape.
- 6 Opening hours to be limited from 8 am to 11.30pm
- 7 No outside drinking and eating to take place on road side of development

## Planning history

11.9 The site has an extensive planning history.

11.10 In 1998, the Committee granted planning permission for a bar restaurant incorporating a mock galleon ship feature (that permission has now lapsed). The land in question was formerly owned by the Borough Council but was sold in order to enable the development to proceed.

11.11 In December 2003 a planning application for a mixed development on this site comprising pub, restaurant and residential apartments was withdrawn. The residential element of the proposal was in conflict with Local Plan Policy.

11.12 In July 2004 planning permission was refused for the erection of a pub and restaurant on the land on grounds that the development would be detrimental to the open character of the area and to the enjoyment of various pedestrian routes through the locality.

11.13 In January 2005 an identical scheme to the original mock galleon ship proposal was refused planning permission. A subsequent appeal against this decision was however upheld, and planning permission was granted subject to conditions.

11.14 The landform of this area has been extensively remodelled as part and parcel of scheme of coastal protection measures implemented during the late 1990s.

## Publicity

11.15 The application has been advertised by way of neighbour letters (27) and also by site and press notices. To date there have been 1 letter of no objection and 12 letters of objection. The concerns raised are:

- 1 The development would give rise to noise, disturbance and nuisance arising both from additional traffic including early morning deliveries and pub clientele. The tranquillity of the area would be spoiled.
- 2 The development would create a focus for anti-social behaviour e.g. joy riding as was previously experienced before the car park which formerly occupied this site was removed. The car park will become a tipping area.

- 3 The proposed development would be out of keeping with the open coastal setting of this location.
- 4 It would take away valuable open space and would be detrimental to public views currently available across the site. It would be counter-productive taking into account the substantial investment on environmental improvements in the locality.
- 5 The development would be out of character with the quiet northern side of Seaton Carew. It should be located at the southern end of Seaton Carew where there are many alternative properties that could be used.
- 6 The development is not acceptable in this greenfield location.
- 7 The increased level of traffic would be detrimental to highway safety. Parking could overspill onto Warrior Drive.
- 8 An additional pub is not required in this resort. There are already plenty of pubs and restaurants in Seaton Carew.
- 9 The building may not become occupied which will make it look shabby. There is a similar scheme elsewhere in Seaton Carew in an almost derelict condition giving the impression that a saturation point for such developments has been reached.
- 10 The Longscar Hall site should be used instead.
- 11 This would be an inappropriate proposal given that adjacent land is allocated for residential development.
- 12 This is an unsuitable development site due to its proximity to the sea. Development between the main seaside road and the shoreline would be very unusual and out of keeping.
- 13 The development would lead to increased litter.
- 14 The development would take the focus away from parts of Seaton more in need of investment? It would be damaging to the chances of regenerating the town.
- 15 It would establish an undesirable precedent. Planning permission should not be granted for speculative development. Hope it is not the intention of the Council to sell off foreshore for housing development. It could result in undesirable fast food outlets or a glorified wine bar.

(Copy letters A)

The period for publicity expires before the meeting.

## Consultations

11.16

**Head of Engineering** - Questions the suitability of the coast protection structure to afford protection to proposed development. Detailed study therefore required to determine suitability and drainage performance to overcome potential flooding problems. This is a very exposed and saline environment. The buildings here could be prone to aggressive erosion. The site should be investigated for contamination which if found to be present should be removed. Substantial abandoned culvert exist somewhere in north-east corner of the site.

**Head. Of Technical Services** - No objection in principle on highway grounds. Require the provision of a right turn lane on Coronation Drive. Risk assessment for servicing vehicles required. Indicate that parking provision on the site is sub-standard by some 14 spaces. Advocate planning agreement to secure improvements to public transport facilities so as to compensate. Development is on cycle route therefore provision should be made for 20 cycle parking spaces.

**Head of Public Protection:-** No objections subject to conditions requiring sound insulation/ no external music / adequate ventilation and hours of opening restrictions.

**Tees Archaeology** - No objection subject to a condition requiring a phased scheme of archaeological work

**Environment Agency** - No objection in principle subject to conditions either to secure minimum floor levels or details of flood protection measures in order to safeguard against the risk of flooding.

**Northumbrian Water** - No objection in principle.

**English Nature** - No objections raised. Confirm that it would not be likely to have a significant effect on either the features of the Cleveland Coast and Teesmouth Special Protection Area and Ramsar site or the Hartlepool Submerged Forest SSSI.

**Hartlepool Access Group** - Please ensure disabled access is achieved.

## Planning Policy

11.17 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:

Co14: states that proposals having a significant detrimental effect on the natural habitat or wildlife of Sites of Special Scientific Interest will not normally be permitted and that special account will be taken of the views of English Nature in such matters

Co17: states that proposals for development having a significant effect on Sites of Nature Conservation Importance will not normally be permitted, although exceptions

will be made for certain requirements including coastal protection measures. Where appropriate compensatory provision for nature conservation will be required.

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.

Ec29: identifies this site for development with appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

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

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

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

GEP7: states that particularly high standards of design, landscaping and, woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: states that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the



development. The policy lists examples of works for which contributions would be sought.

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

GN4: states that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

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

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

Rec9: states that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

Se14: states that on sites below the 5m contour line the Borough Council will in consultation with the National Rivers Authority seek to ensure that exceptional new developments take account of the need to restrict floor levels to a safe height above predicted tide levels and are unlikely to transfer any flood risk to other areas.

To4: identifies this area for commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

WL8: states that development likely to have a significant adverse affect on locally declared nature conservation and geological sites (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise the harm to the site, enhance the remaining nature conservation interest and secure any compensatory measures and site management that may be required.

## **Planning Considerations**

11.18 The main issues for Members to consider in this case are as follows:-

- 1 Would the development be acceptable in principle?
- 2 Whether the design of the development would cause harm to the open character of the surroundings?
- 3 Would the development lead to nuisance and disturbance ?

- 4 Would the development be acceptable in highway safety terms?
- 5 Would regeneration opportunities elsewhere within Seaton Carew be harmed?
- 6 Would recreational opportunities in the locality be compromised?

### **The principle of the proposed development**

11.19 The planning application site is within an area allocated in the Local Plan for commercial / recreational development. The adopted Local Plan states that the former Baths site to the north of Seaton Carew is suitable for commercial / leisure development of a less intensive nature including perhaps a restaurant or hotel.

11.20 A pub and restaurant would constitute commercial / recreational development and would therefore be consistent with the above principles.

11.21 The policy in the presently adopted plan of 1994 is also reflected in the emerging Local Plan (Policy To4) though the site area as shown on the proposals map is fractionally smaller. It is anticipated that the emerging Local Plan will actually gain adopted status prior to the meeting. Notwithstanding this no objection has been made to Policy To4 and as such it has significant weight in the decision making process.

11.22 Whilst it is recognised that there is no definition of what comprises development of a less intensive nature, the fact that the massing of the proposed building would be consolidated into a single block of single storey height, in contrast to several buildings being scattered across the site is considered to count in its favour. Its massing and design are considered to respect its open surroundings.

### **Character of the surroundings**

11.23 The site forms an integral part of what is a continuous linear strip of open space between the promenade and the coast road. There are open vistas northwards towards the Headland and in the direction of Seaton Bay to the south uninterrupted over some distance but for the small public convenience building immediately to the north of the site.

11.24 It must be conceded that any development on this site would be a departure from the generally open character of the surroundings. However a degree of change in character must be accepted as inevitable by virtue of the site being allocated in the Local Plan for commercial / recreation development.

11.25 What is proposed in this case is a single storey low rise building. It is purposefully devoid of 'vertical' design features with the exception of the three flagpoles. It is considered that this gives the building a modest and low key character which helps the building better assimilate into its open surroundings.

11.26 Although the building would be raised by over a metre to promote sea views, it lacks the flamboyant and obtrusive characteristics of the previous galleon ship

design. At the same time the use of the flags, timber clad elevation treatment and frontage glazing are regarded as adding interest to the development. There would be space for signage at either end of the building.

11.27 The design of the car park would incorporate block pavers allowing grass to grow within the intervening spaces. It is anticipated that this feature would help to maintain the low key nature of the design.

#### Implications for nuisance and disturbance

11.28 It is accepted that potential for disturbance to arise could be mitigated through adequate sound insulation measures, through restrictions on opening hours and through not permitting the playing of music in external areas of the establishment.

11.29 The proposed building would incorporate an external dining area which would be jointly utilised between the three operations. This area however is on the seaward side of the building and as such any potential noise arising from this area would be screened from the nearest residential properties ( Wainwright Walk and Hornby Close) and would not be expected to cause disturbance to residents there.

#### **Highway safety implications**

11.30 The Highway Engineer has not objected to the development on highway safety and parking grounds subject to two factors. Firstly he requires the provision of a dedicated right turn lane into the site in order to prevent traffic from tailing back towards the bend to the south which might otherwise pose a risk to approaching drivers not having sufficient notice to slow down. It is acknowledged that parking provision is deficient on the site by some 14 spaces however the engineer considers that a planning agreement to secure a financial contribution towards improvements in public transport services in the locality would compensate for this deficiency. The applicant is agreeable to finance improvements (some £2,800) to the design of bus stops in the vicinity of the site so as to promote disabled bus access. The site lies adjacent to the promenade which is part of the coastal cycle route. It is therefore considered important to provide for cycle parking on the site which can be secured through an appropriate planning condition.

#### Impact on regeneration opportunities in Seaton Carew

11.31 The development of the proposed Baths site is identified as part of the Seaton Carew Tourism Strategy which has been approved by the Council. The commercial development of the site would therefore be consistent with objectives of the strategy to help trigger the economic regeneration of the settlement.

#### Impact on recreational opportunities

11.32 The development of the site for the proposed uses is consistent with providing new recreational opportunities. The loss of opportunity to utilise this specific site for childrens informal play space is considered to be of little significance given the vast expanse of open coastal fringe that would remain and could be utilised as such.

### Other issues

11.33 Precedent – It is not considered that the proposed development would establish a precedent in this location given that the site is specifically allocated for development and that the foreshore area to the north is specifically protected within the Local Plan to remain as open space.

11.34 Access – The development would be subject to the Building Regulations which would ensure disabled access.

11.35 Flooding and coastal defence – the views of the Environment Agency are awaited.

### **Conclusion**

11.36 It is important to note that following the successful appeal there is now planning permission on this site to develop the pub / restaurant incorporating galleon ship feature.

11.37 This proposal is considered to be far less obtrusive and more in keeping with the open character of the site's surroundings. In the event that planning permission is granted a condition could be imposed specifically stating that this development supercedes the less desirable galleon ship proposal.

11.38 There are outstanding issues particularly relating to sea defences and flood implications. It is anticipated that these will be resolved before the meeting or through the imposition of conditions.

**RECOMMENDATION** - Subject to no objections from outstanding consultations Approve subject to the following conditions and a section 106 agreement securing improvements to local bus stops.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. Reason: 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. Reason: In the interests of visual amenity.
3. Prior to the development being commenced the highway shall be altered in order to provide a reservation area for vehicles seeking to turn right into the site from Coronation Drive in accordance with a scheme to be previously agreed by the Local Planning Authority. Reason: In the interests of highway safety.
4. Prior to the development being brought into use a risk assessment in relation to the servicing of the site shall be undertaken Reason: In the interests of highway safety.

5. Prior to the development hereby approved being brought into use a scheme for cycle storage on the site shall be i) submitted and approved by the Local Planning Authority and ii) implemented in accordance with the approved details. Reason: In the interests of encouraging access to the site by means other than the private car.
6. The development hereby approved shall not be open to the public outside the hours of 8.00am and 11.30pm. Reason: In order to protect nearby residents from potential noise and disturbance.
7. The development hereby approved shall incorporate noise insulation measures in accordance with a scheme to be previously agreed with the Local Planning Authority. Reason: In order to protect nearby residents from potential noise and disturbance.
8. No music shall be played anywhere on the premises or site which would be audible at the boundaries of the site. Reason: In order to protect nearby residents from potential noise and disturbance.
9. There shall be no external storage of empty bottles awaiting collection. Reason: In order to protect nearby residents from potential noise and disturbance.
10. 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 in relation to the development hereby approved 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 whenever food is being cooked on the premises. Reason: In the interests of the amenities of the occupants of neighbouring properties.
11. 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. Reason: In the interest of security and visual amenity.
12. The development hereby approved shall not be commenced until such time as a detailed study has been submitted to and approved by the LPA to determine the extent of any enhancements which may be required to the existing coast protection structure. No part of the development shall be inhabited until any recommendations contained with the aforementioned detailed study with respect to coast protection have been incorporated into the design and are substantially complete on site. Reason: To safeguard the site against flooding.
13. 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 an oil interceptor installed in

accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor. Reason: To prevent pollution of the water environment.

14. 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. Reason: To prevent pollution of the water environment.
15. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority. Reason: The site is of archaeological interest.
16. The applicant shall provide details of the flood protection measures to be used in the design of the property. Thereafter the measures shall be incorporated in the construction of the property. Reason: To reduce the risk of flooding.
17. No development shall proceed until a flood management plan has been submitted to and agreed by the LPA. Reason: To reduce the risk of flooding.
18. The development hereby permitted shall not be commenced until:
  - a) A desk-top study has been 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.

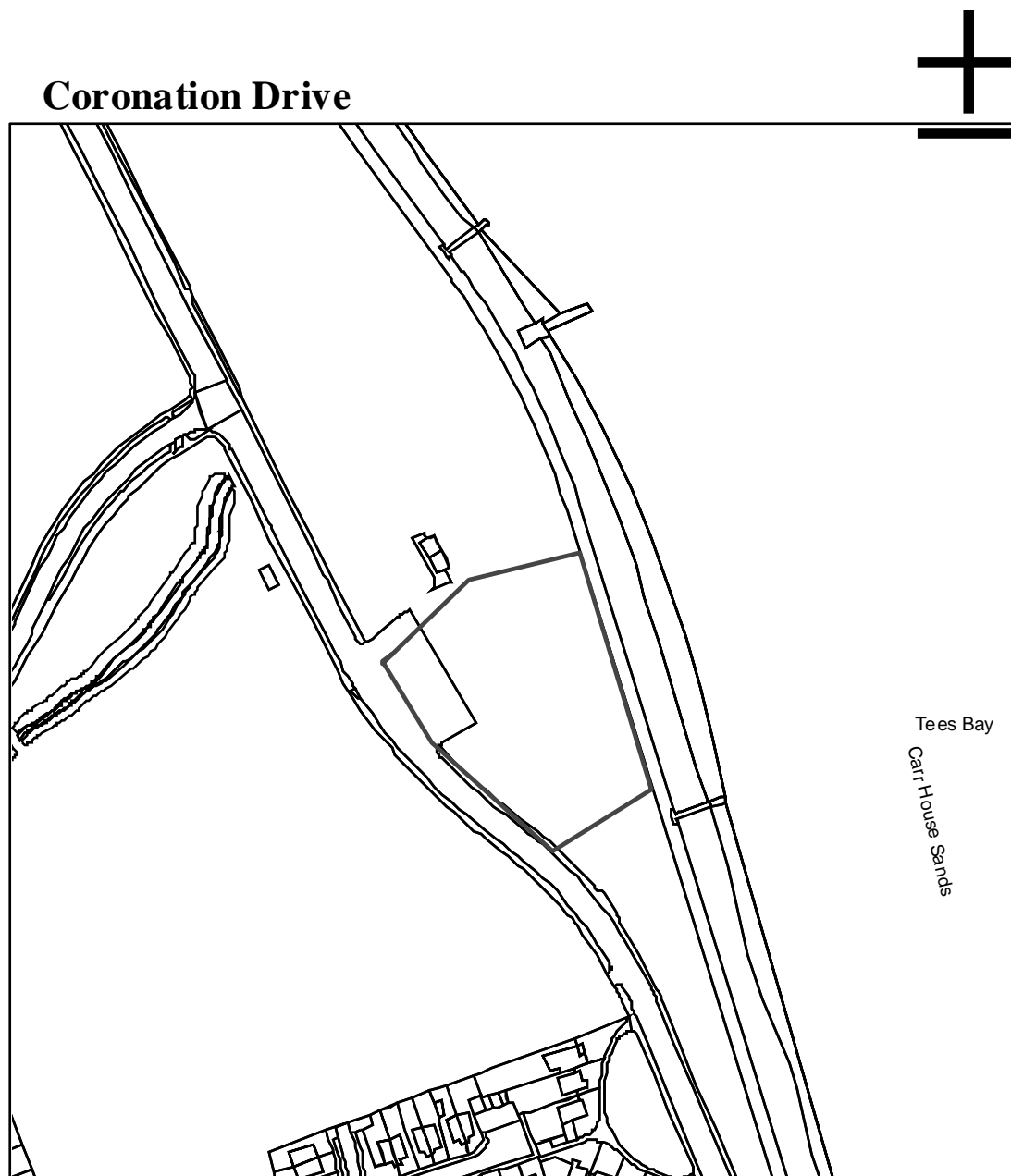
If identified as being required following the completion of the desk-top study,

- b) The application site shall be subject to a detailed scheme for the investigation and recording of contamination, and remediation objectives shall be 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') shall be submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement shall be 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.

Reason: To safeguard users of the site from the risk of contamination.

19. There shall be no collection or deliveries of bottles to the premises outside the hours of 8a.m. and 8p.m.

Reason: In order to protect nearby residents from potential noise and disturbance.



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>12.04.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2006/0169</b>	REV



**No:** 12  
**Number:** H/2006/0124  
**Applicant:** Alab Env Services Ltd Able House Billingham Reach  
 Industrial Est Haverton Hill Rd Billingham  
**Agent:** Able House Billingham Reach Industrial Est Haverton Hill  
 Road Billingham  
**Date valid:** 16/02/2006  
**Development:** Provision of a tyre recycling centre  
**Location:** Seaton Meadows Brenda Road Hartlepool

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## Background

12.1 This application was deferred at the previous meeting pending receipt of information from the H.S.E. ( Nuclear Safety Directorate)

## The Application and Site

12.2 Detailed planning permission is sought for the installation of a tyre shredding facility at the Seaton Meadows waste disposal site.

12.3 The facility would consist of two bunded compounds, one for the storage of whole tyres and the second for shredded tyres. The compounds would be linked by the shredding facility which would comprise the shredder linked to input and output conveyors.

12.4 The shredding facility would have a maximum height of 5.7 metres. The conveyor system serving the shredder would be some 32 metres in length.

12.5 The site would be located immediately south of the proposed waste treatment / solidification plant, considered elsewhere on this agenda and within the southwest corner of the Seaton Meadows complex.

12.6 The applicant states that the landfill site already receives shredded tyres, which can be used in the engineering of waste disposal cells. The material is used as a drainage layer to assist in the control of leachate liquids in the base of the cell.

## Publicity

12.7 The application has been advertised by way of a press notice and site notice. One letter of objection has been received in relation to the scheme making the following points.

1. Concern that dust generated by heavy traffic and tyre shredding associated with the use of the plant will adversely affect air quality.
2. Concerns that the presence of tyres and methane within the same site cause a potential safety and pollution risk in the event of a fire or explosion.

Copy letters B.

The period for publicity has now expired.

## Consultations

12.8 The following consultation replies have been received:

**English Nature** – Proposal would not be likely to have a significant effect on the interest features of the Teesmouth and Cleveland Coast SPA and Ramsar sites nor cause damage or disturbance to the Seaton Dunes SSSI.

**Environment Agency** – Flood risk issues remain under consideration. The risk of gas migration should be considered. As a precautionary measure the planning authority may wish to instigate the requirements of Annex 1 of Planning Policy Statement 23 and require a hazard investigation to be carried out prior to the issuing of planning permission.

**Health and Safety Executive ( Hazardous Installations Directorate)** – No objections

**Health and Safety Executive ( Nuclear Safety Directorate)** – Comments awaited

**Northumbrian Water** - No comments or objections

**Highway Engineer** - Considers there are no major highway implications

**Head of Public Protection** – Recommends a restriction on the height of any stockpiles of tyres and shredded materials. This plant will not result in any potential noise nuisance in this location. No objections to this proposal.

## Planning Policy

12.9 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:

Ec5: states that proposals for business uses, general industry and warehousing will normally be approved in this area. General industry will only be approved in certain circumstances.

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

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

Rec8: identifies that this area will be developed for quiet recreational purposes.

### **Planning Considerations**

12.10 The main issues for consideration in this case are policy related matters and environmental emissions and visual amenity.

### **Policy**

12.11 The site is an area considered suitable for this type of use.

### **Environmental emissions**

12.12 It is anticipated that there would not be any significant emissions to air resulting from the proposed shredding process. The applicant has indicated that the process involves the application of water to facilitate tyre cutting and that this would assist with preventing any dust arisings.

12.13 The applicant has confirmed that noise emissions at source would be 75 dba. Noise is not expected to be a problem at the nearest noise sensitive uses. The plant is enclosed by mounding which would help limit the impact of noise outside the site.

12.14 There has been no objection from either the Environment Agency or Head of Public Protection on emission related grounds.

### **Flood risk**

12.15 The applicant has produced a flood risk assessment which is accompanied by a ground levels plan. A majority of the site is at a ground level in excess of 5 metres A.O.D. Providing the site is made up to a ground level no less than 5 metres it is anticipated that the Environment Agency will have no objection on flood risk grounds. An appropriate condition can be imposed to ensure ground levels are raised accordingly to a height of 5m A.O.D. if this is the Environment Agency's requirement.

### **Landfill gas migration**

12.16 Planning Policy Statement 23 (PPS 23) which is concerned with planning and pollution control states that the controls under planning and pollution control regimes

should complement rather than duplicate each other. The proposed development is part of a broader site which is the subject of a landfill gas migration strategy. Notwithstanding this the development site is exposed to the air and not considered to present a risk to human health from the effects of gas migration. No buildings are proposed.

#### Visual amenity issues

12.17 The applicant has provided ground level information for the site and its surroundings. This clarifies the difference in height between the perimeter embankment (8 metres A.O.D approx.) and Tees Road ( 4 metres A.O.D) to be some 4 metres. The top of the shredding apparatus is therefore likely to be visible from the adjacent public highway but would not be obtrusive within this industrial location. It is considered desirable to control the stacking heights both for whole and shredded tyres within the site.

#### **Other matters**

12.18 With regard to traffic movements the site already receives deliveries of tyres and as such a material increase in the level of traffic entering Seaton Meadows would not be anticipated. Even if there were to be an increase it is unlikely that the effects would be significant.

12.19 Given that responses from various consultees are outstanding an update report will be provided prior to the meeting. It is likely that the recommendation in this case will be to approve the development unless objections are received.

**RECOMMENDATION** - APPROVE subject to the following conditions and to no objection being received from the Environment Agency or the Health and Safety Executive.

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

REASON: To clarify the period for which the permission is valid.

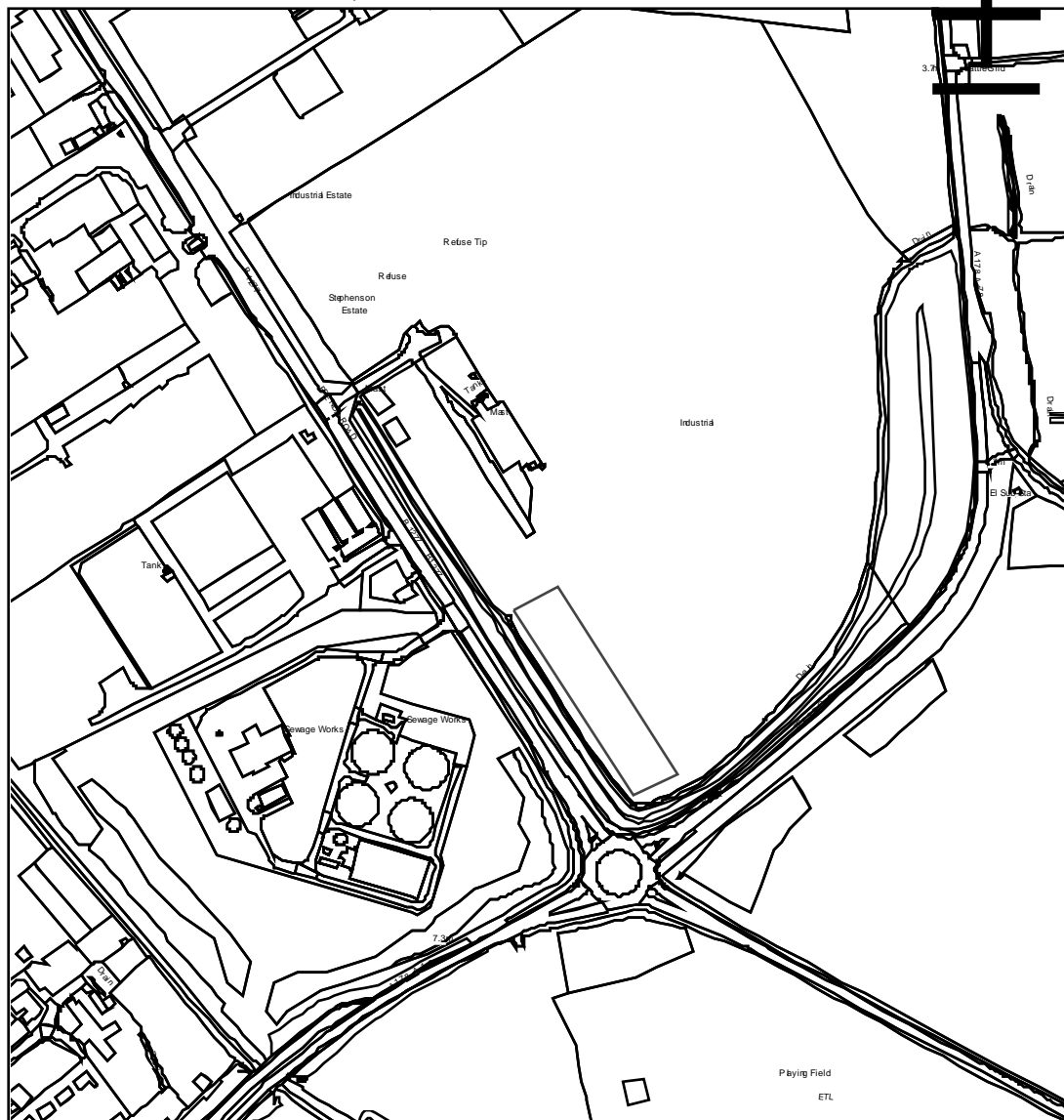
2. The storage height of whole and shredded tyres within the site shall be restricted to a height of no more than 3 metres to ensure that stockpiles of such material can at no time be seen from anywhere along Tees Road and / or Brenda Road.

REASON: In the interests of visual amenity.

3. No part of the surface area of the site shall be less than 5 metres A.O.D.

REASON: To protect the site from the risk of flooding

## Seaton Meadows, Brenda Road



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:4500</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0124</b>	REV

**No:** 13  
**Number:** H/2006/0019  
**Applicant:** Mr & Mrs Haggan 24 CAMPBELL ROAD HARTLEPOOL  
TS25 3AZ  
**Agent:** 24 CAMPBELL ROAD HARTLEPOOL TS25 3AZ  
**Date valid:** 11/01/2006  
**Development:** Erection of a two-storey playroom, utility, w. c. , bedroom  
and bathroom extension to side  
**Location:** 24 CAMPBELL ROAD HARTLEPOOL

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## Background

13.1 This application was reported to the meeting of 29 March 2006

13.2 The application was deferred at officer request to give the applicant and the objector the opportunity to make representation to the Committee.

13.3 The original report is reproduced below. Photographs taken from the objector's property from two locations are attached.

## The Application and Site

13.4 The property to which this application relates is a two storey semi-detached dwellinghouse located upon the corner of Campbell Road and Cullen Road. The area is predominantly residential in nature with a mix of semi detached and terraced properties.

13.5 The application seeks to demolish the existing single storey garage to the side and erect a two-storey extension to the side, to provide a ground floor utility and playroom and a first floor bathroom and bedroom. The proposal is to project from the east elevation of the existing dwellinghouse to a width of 3m. The proposed extension is to run the full depth and height of the existing house.

## Publicity

13.6 The application has been advertised by way of neighbour letters (3). To date, there has been 1 letter of objection

13.7 The concerns raised are:

1. Disturbance from development activities
2. Very intrusive upon property due to close proximity
3. Sunlight will be affected
4. Not in keeping with similar extensions in the area
5. Requests the use of frosted glass in the rear elevation
6. Windows in rear elevation should not be fire escape windows to minimise intrusion.

7. Would not want building work after 5pm during the week and not at all at weekends.

Copy letter E

13.8 The period for publicity has expired.

### **Consultations**

13.9 The following consultation replies have been received:

**Head of traffic and Transportation** – no objection providing the hard standing upon the front garden is carried out and retained

### **Planning Policy**

13.10 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:

En18: states that proposals not in accordance with the approved guidelines for residential development will not normally 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.

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

Hsg13(A): sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with approved guidelines will not be approved.

### **Planning Considerations**

13.11 The main issues to consider when assessing this application are the potential for loss of residential amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. The appearance of the proposed extension in relation to the existing dwellinghouse and the street scene in general will be assessed.

13.12 The proposal has been amended since originally submitted to reduce the width of the extension from 3.9m to 3m. The following considerations relate solely to the amended plans submitted.

13.13 The design of the proposed extension is considered acceptable by respecting the original character of the dwellinghouse in terms of style and scale. As the neighbouring property (3 Cullen Road) is at a right angle to the applicant's property, it is very unlikely a terracing effect will be created.

13.14 The proposal will be visible from the highway to the front. As the extension is to be set back from the road frontage by 9.3m it is considered unlikely that the extension will appear unduly dominant upon the street scene.

13.15 The separation distances (approximately 30m to the front and rear) associated with the proposed development in terms of window-to-window are acceptable.

13.16 The property has an existing high-close boarded boundary fence running along the shared boundary with 3 Cullen Road. The occupant of 3 Cullen Road has raised a number of objections to the proposal. One of the concerns is the potential overlooking upon the rear of the house and the rear garden area created by the proposed windows in the rear elevation of the extension. It is considered that any views from the ground floor glazed patio doors will be obscured by the existing high boundary fencing in between the two properties. With regard to the first floor rear window serving the proposed bathroom, the applicant has indicated that it will be obscurely glazed; a planning condition will be attached to any approval to ensure this.

13.17 The neighbour does have patio doors in the gable to a side patio area. While the new extension will bring the applicant's property closer it is considered it would be difficult to sustain an objection the proposal on grounds of dominance/overshadowing.

13.18 The objector has also raised concern over the potential noise and disturbance created from the proposed building works. This is always difficult to assess. Clearly weekend working takes place in many locations without significant problems and this enables developments to be completed quicker. There appears to be no reason why this should be limited in this case.

13.19 The applicant has indicated the provision of hard standing to the front garden area of the property to provide additional off street car parking facilities. Although the existing garage is to be demolished and not replaced within the two-storey extension, the Council's Highway Engineer has raised no objection to the application on highway safety grounds given the proposed provision of hard standing to the front. A planning condition will be attached to any proposal to ensure this.

13.20 Given the physical relationship and orientation of the neighbouring properties it is considered unlikely that the proposal will create any detrimental overshadowing or dominance issues upon the amenities of the occupants of surrounding properties.



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

**RECOMMENDATION** – APPROVE subject to the following conditions

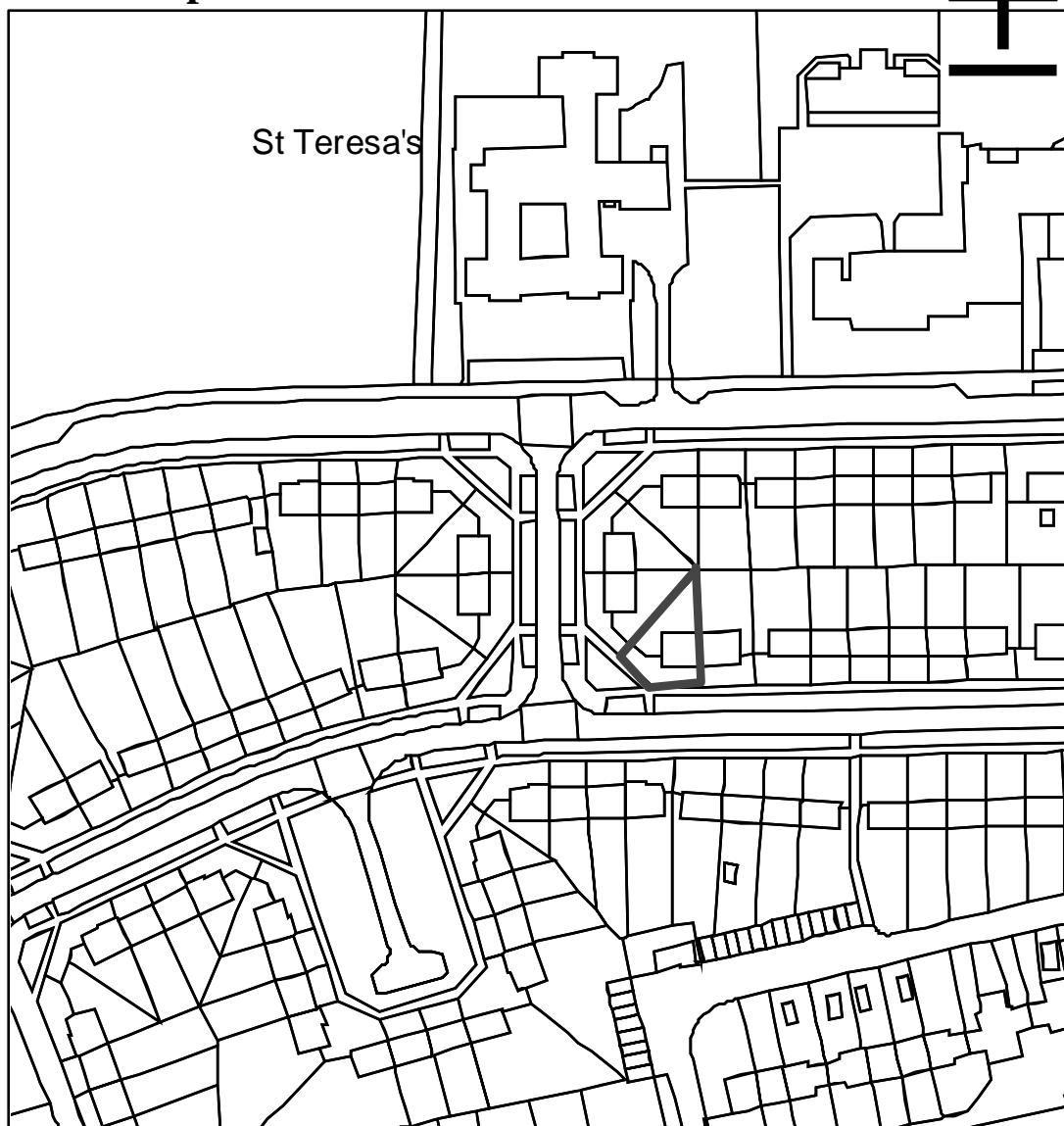
1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. Unless otherwise agreed in writing with the Local Planning Authority the first floor windows on the rear elevation for the bathroom and study shall be obscurely glazed at the time of their insertion and retained as such thereafter.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the provisions of the Town and Country 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 elevation of the extension facing 3 Cullen Road without the prior written consent of the Local Planning Authority.  
To prevent overlooking
5. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 24 February, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
6. The extension hereby approved shall not be brought into use until the proposed hardstanding area at the front of the property is in place. The hardstanding shall thereafter be retained during the lifetime of the development.  
To make adequate provision to off street car parking.

Photo 1 taken from inside the kitchen area at 3 Cullen Road with patio doors closed and camera up against the glass.



Photo 2 taken from patio doors open at 3 Cullen Road. The line above the garage outside indicates the position of the extension.



**24 Campbell Road**

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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>3.2.06</b>
	SCALE <b>1:2000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0019</b>	REV

**No:** 7  
**Number:** H/2006/0073  
**Applicant:** Hartlepool Borough Council Bryan Hanson House Hanson Square Hartlepool TS24 7BT  
**Agent:** Bryan Hanson House Hanson Square Hartlepool TS24 7BT  
**Date valid:** 31/01/2006  
**Development:** Alterations and extension of public right of way to provide footpath/cycle route including embankment works to facilitate access onto Hart/Haswell walkway  
**Location:** Middlethorpe Farm Hart Hartlepool HARTLEPOOL

---

### **Background**

- 1 This application appears on the main agenda at item 7.
- 2 The recommendation was left open pending discussions regarding an alternative route. Discussions are ongoing. It is hoped that they will be concluded before the meeting and a recommendation can be tabled at the meeting.

**RECOMMENDATION – REPORT** to be tabled at the meeting.

**No:** 8  
**Number:** HFUL/2004/1047  
**Applicant:** Mr T Brown Middlethorpe Farm Hart Hartlepool TS27 3AB  
**Agent:** Castle Eden Studios Castle Eden County Durham TS24 4SD  
**Date valid:** 20/12/2004  
**Development:** Alterations to and conversion of bams to provide 5 studio dwellings  
**Location:** Middlethorpe Farm Hart HARTLEPOOL

---

## **Update**

### **Background**

- 1 This application appears on the main agenda at item 8.
- 2 The recommendation was left open pending the outcome of discussions regarding the related application H/2006/0073. Discussions are ongoing. It is hoped that they will be concluded before the meeting and a recommendation can be tabled at the meeting.

**RECOMMENDATION – REPORT** to be tabled at the meeting.

**No:** 9  
**Number:** H/2006/0269  
**Applicant:** ALAB ENV Able House Billingham Reach Ind Estate  
Billingham TS23 1PX  
**Agent:** Able House Billingham Reach Ind Estate Billingham  
TS23 1PX  
**Date valid:** 03/04/2006  
**Development:** Installation of treatment plant for the  
solidification/stabilisation of liquid wastes (revisions to  
approved scheme H/FUL/0043/03) (RESUBMITTED  
APPLICATION)  
**Location:** Seaton Meadows Brenda Road Hartlepool

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### **Update**

1 The Health and Safety Executive (Nuclear Safety Directorate) have advised informally that they have no objections to the development. Formal confirmation is awaited.

**No:** 10  
**Number:** H/2006/0228  
**Applicant:** Shepherd Homes Ltd Huntington House, Jocket Lane  
Huntington York  
**Agent:** BSCP Smeaton House Holt Park District Centre Leeds  
**Date valid:** 21/03/2006  
**Development:** Replacement piling and related works  
**Location:** 4,5,6 7, 9,10,11 and 32 & 40 and 2,3 &18 BARLEY CLOSE,  
MEADOWGATE DRIVE AND HAYFIELD CLOSE  
HARTLEPOOL HARTLEPOOL

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## **Update**

- 1 A further 12 letters of objections and comments have been received since the original report was produced. The concerns are similar to those stated in the main body of the report. Any further letters will be tabled at committee.
- 2 The main considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, impact of the works upon the amenities of nearby residential properties, the integrity of gas membranes and highway safety. A site visit is arranged for Monday 24 April 2006.

## **Piling works**

- 3 The Council's Structural Engineer and Building Control Surveyors have viewed the proposed plans and are satisfied that the proposed piling works can be carried out without having an adverse effect upon the foundations of the surrounding properties. Additional information should be available at the site visit.

## **Gas membrane**

- 4 The Council's Engineering Consultancy and Building Control Surveyors have viewed the proposed plans and methodologies and are satisfied that there is sufficient scope within the proposal to re-create suitable gas protection measures. Five of the twelve houses to which this application relates have been subject to gas monitoring over a five day consecutive period. The results have shown that none of the properties investigated appear to be at risk from harmful landfill gas.
- 5 A number of planning conditions can be attached to any approval to ensure that the proposed works are carried out to a satisfactory standard and that the works are subject to gas monitoring tests pre and post construction. It is considered that pre-development testing is required to establish whether the existing gas membrane has been compromised due to the settlement.

## **Noise and disturbance**

6 A number of concerns have been raised by nearby residents regarding the potential noise and disturbance associated with the proposed works. It is acknowledged that such works would be unlikely to be carried out without a certain degree of noise and associated traffic movement. As the proposed piling works are to be carried out entirely within the properties and that the applicant has indicated the works will only be carried out between 8am and 5:30pm Monday to Friday and not at all at weekends it is considered unlikely that the works would create significant detrimental disturbance issues at times of the day/week where residents are most likely to expect a reasonable degree of peace and quiet.

7 A planning condition can be attached to any approval to restrict the hours of working.

### **Highway safety**

8 Nearby residents have also raised the traffic movements associated with the proposed works as a cause for concern. Whilst it is expected that there will be an increase in the movement of commercial vehicles this will be for a temporary period only and could not be sustained as a reason for refusal. It is also not considered that the number of vehicles upon the site at one time could be suitably enforced through planning condition. However, a condition can be attached to any approval to restrict the hours of delivery to the properties.

9 Discussions are continuing about a number of detailed aspects of the development. It is anticipated that a final recommendation will be made at the meeting.



**No:** 12  
**Number:** H/2006/0124  
**Applicant:** Alab Env Services Ltd Able House Billingham Reach  
Industrial Est Haverton Hill Rd Billingham  
**Agent:** Able House Billingham Reach Industrial Est Haverton Hill  
Road Billingham  
**Date valid:** 16/02/2006  
**Development:** Provision of a tyre recycling centre  
**Location:** Seaton Meadows Brenda Road Hartlepool

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### **Update**

1 The Health and Safety Executive (Nuclear Safety Directorate) have advised informally that they have no objections to the development. Formal confirmation is awaited.

**Report of:** Director of Adult and Community Services

**Subject:** CREATION OF A NEW PUBLIC BRIDLEWAY AT  
NORTH HART FARM, HART PARISH

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**1. PURPOSE OF REPORT**

- 1.1 To seek approval for the creation of a new public bridleway between the northern end of the adopted highway known as North Hart lane (Point A) and the southern end of the Public Footpath known as No. 11, Hart Parish (Point B). (**See Appendix 1**)

**2. BACKGROUND**

- 2.1 The dedication of the Public Bridleway would create an important link in a larger access initiative. The Countryside Action Team and Local Transport Team are looking into expanding the Public Rights of Way and Cycleway network throughout the Borough.
- 2.2 Part of the proposal, which could extend to beyond 5 – 10 years, intends to create a network of access routes linking the town to more of the countryside. The main proposal is for the creation of a coastal cycle route, as well as a countryside route west of the town. Both of these routes would run north/south in direction, linking in with the existing National Cycle Network. There would be links from the western fringe of Hartlepool to the western route.
- 2.3 Another important link that the Council is looking at is an east – west route that would link Summerhill Countryside Park, through Dalton Piercy, Elwick, across the A19 and eventually linking in with Public Bridleways that join the Castle Eden walkway (National Cycle Route No. 1).
- 2.4 This new bridleway would become an important section between the Hart to Haswell Walkway, Hart Village and thence to cycle routes running southwards on the western side of town. By entering into a creation agreement, a new public bridleway would be recorded onto the Definitive Map and Statement, thus removing a definitive map anomaly.

2.5 Legally, all public rights of way must either join another public right of way or start/finish at an adopted highway. The length of the bridleway would be 575 metres and would have a minimum width of 3 (three) metres.

2.6 It is felt that the new bridleway does not disadvantage any of the users and that all parties would benefit from the proposal, i.e.:

*The Landowner, as it will maintain the bridleway in accordance with highways Act 1980 section 25*

*The Council, as the creation provides a vital link in the proposed improvements to the public right of way and cycleway network as well as removing a legal anomaly from the definitive map:*

*Users, as it substantiates their right to use the new public right of way in accordance with its status.*

2.7 In the case of a public bridleway, the legal users are: Walkers, Cyclists and Equestrians. The Landowner, who owns North Hart Farm, agrees to this dedication as it would help to control and legally limit the users who would access the track.

### 3. FINANCIAL IMPLICATIONS

3.1 The Council is therefore proposing to pay for the costs related to the verification, completion and publishing of the creation agreement. The Rights of Way Budget would fund these costs. The costs for this agreement are likely to be approximately £550.00

3.2 The breakdown for this sum would be:-

1. Solicitors Fees, excluding VAT and Disbursements	£300.00
2. Publishing costs, excluding VAT	£250.00

3.3 Future consideration is that this new bridleway will become a vital link for the public right of way and cycleway network. Therefore it may become necessary to improve its surface to accommodate this future user pressure, through Local

Transport Plan funding. This would create a budget pressure for future maintenance beyond that of a normal bridleway

#### 4. LEGAL CONSIDERATIONS

- 4.1 There are no legal tests to be examined or met. The Council's Legal Section will, however, need to look at the Landowners title Deeds to verify that the land over which the route of the proposed bridleway runs is within the boundary of the Landowner's property curtilage.
- 4.2 As this dedication would be with the agreement of both parties – The Council and The Landowner - it is recognised that there has been no need to have consulted with the normally recognised group of consultees. However as a matter of courtesy, the Council would inform these consultees at the same time as the order would be published.
- 4.3 The needs for agriculture and forestry have been taken into account, in accordance with Highways Act 1980 section 29.
- 4.4 The creation agreement is made pursuant to Section 25 of Highways Act 1980 and is in consideration of the Council undertaking the maintenance of the bridleway as with the rest of Hartlepool Borough Council's public rights of way network.

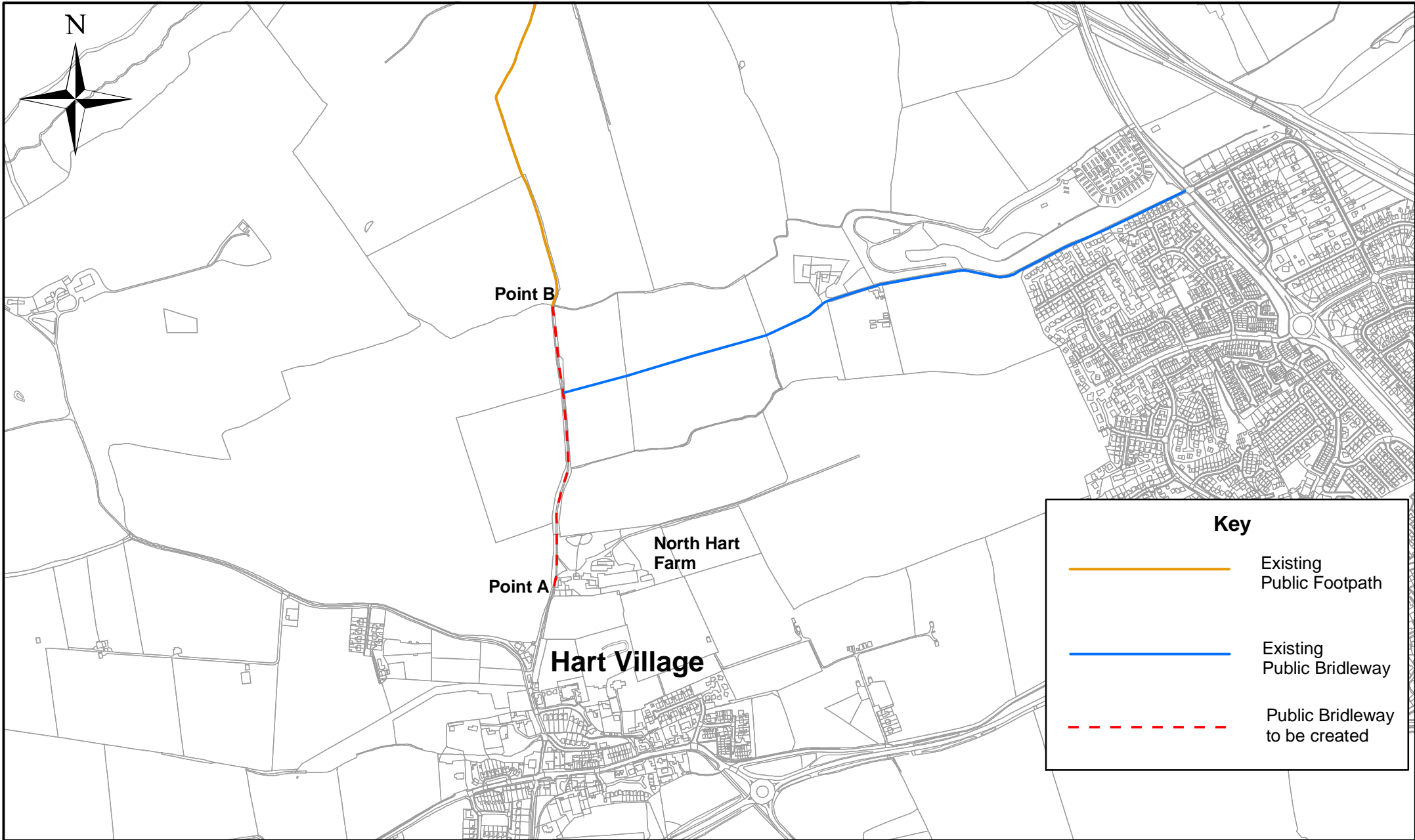
#### 5. RECOMMENDATIONS

That the Planning Committee approves of the Council entering into an agreement to create a new section of public rights of way between the northern end of the adopted highway known as North Hart lane (Point A) and the southern end of the Public Footpath known as No. 11, Hart Parish (Point B). This new public right of way would be a public bridleway, pursuant to Highways Act 1980 section 25. (**See Appendix 1**).

**CONTACT OFFICER:** Chris Scaife, Countryside Access Officer

Background Papers

Highways Act 1980



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**Sub Title:** New Public Bridleway  
**Scale:** 1:10,000  
**Date:** 15th December 2005  
**Drawn By:** Parks and Countryside

Hartlepool Borough Council  
 Parks and Countryside  
 Suite 8, Municipal Buildings  
 Church Square  
 Hartlepool, TS24 7EQ  
 Tel: 01429 523524  
 Fax: 01429 523450

**Report of:** Head of Planning and Economic Development

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## **1. PURPOSE OF REPORT**

- 1.1 During this four (4) week period, twenty four (24) planning applications have been registered as commencing and checked. Fifteen (15) required site visits resulting in various planning conditions being discharged by letter.

## **2. BACKGROUND**

- 2.1 Your attention is drawn to the following current ongoing issues:

1. A complaint about the parking of an unoccupied caravan in a lay-by on the approach road into Elwick has been investigated. The caravan was only being stored in the lay-by for a short time prior to the owner arranging appropriate transport to remove it to a registered site.
2. An officer enquiry about the erection of a steel palisade fence around the perimeter of a vacant piece of land on industrial land on Tofts Farm East Industrial Estate has been investigated. The landowner has been written to and the submission of a planning application is expected. Developments will be reported to a future meeting if necessary.
3. A neighbour complaint about a side and rear extension being erected at a property in Arncliffe Gardens has been investigated. The extension benefited from 'permitted development' rights and did not require planning permission.
4. A neighbour complaint about a scrap business operating from a residential property in Lamberd Road is being investigated. Developments will be reported to a future meeting if necessary.
5. An inquiry from an officer in Neighbourhood Services about the untidy condition of land in Warren Road/Skeme Road has been investigated. The landowner has agreed to clean up the land.
6. A neighbour enquiry about the erection of a 1.8 metre (6ft) high front boundary fence at a property in West View Road was recorded. The complainant subsequently called again indicating that the fence had been reduced to 1 metre (3ft 3in) and therefore does not require planning permission.

- 7) A neighbour complaint about the erection of a conservatory at a property in King Oswy Drive has been investigated. The conservatory benefited from 'permitted development' rights and did not require planning permission.
- 8) A Councillor complaint about the display of a sign advertising a building business operating from a residential property in Jesmond Gardens is being investigated. Developments will be reported to a future meeting if necessary.

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

**Subject:** APPEAL BY MR & MRS HOPPER,  
MEADOWCROFT, HARTLEPOOL

---

**1. PURPOSE OF REPORT**

- 1.1 To inform Members that the planning appeal lodged against the refusal of the Planning Authority to grant outline planning permission for the erection of 4 detached dwellings at the above site has been withdrawn.

**2. RECOMMENDATION**

- 2.1 That Members note the current situation.



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

**Subject:** APPEAL BY MR M ALMOND, PLOT A, OVERLANDS, HIGH THROSTON, HART LANE HARTLEPOOL

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**1. PURPOSE OF REPORT**


1.1 To advise members of a planning appeal decision

**2. THE APPEAL**

2.1 A planning appeal had been lodged against the refusal of the Local Planning Authority for the approval of reserved matters for the erection of a detached dwelling with integral garages.

2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. The Inspector concluded two main points, the first that the bulk of the proposal is acceptable and entirely consistent to what has already been built locally. Secondly, that the development would not unacceptably harm the living conditions of the future occupiers of the development to the east, in terms of possible overshadowing and loss of open outlook.

2.3 A copy of the decision letter is attached with this report.



# Appeal Decision

Site visit made on 14 February 2006

**by Robin Brooks BA (Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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

06 APR 2006

Date **- 4 APR 2006**

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**Appeal Ref: APP/H0724/A/05/1194009**  
**Plot A, Overlands, High Throston, Hart Lane, Hartlepool TS26 0UG**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by M Almond against the decision of Hartlepool Borough Council.
- The application, Ref. H/2005/5576, dated 14 July 2005, was refused by notice dated 14 October 2005.
- The development proposed is a residential unit.

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

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**Procedural Matters**

- Although the proposed development is described as above in the original application, it is more accurately described by the Council in the decision notice as "Approval of reserved matters for the erection of a detached dwelling with integral garages" and I adopt the latter accordingly.

**Planning Policy**

- Policy Gen1 of the adopted Hartlepool Local Plan 1994 sets out a number of matters that will be taken into account when determining planning applications including the external appearance of the development and its relationship with the surrounding area, and the effect on neighbours' amenity through visual intrusion. Policy Ho7, dealing specifically with proposals for housing, states that a proposal should be appropriate in scale to the locality, and located so as not to have a significant detrimental effects on the occupiers of both the new and existing development. Although the Council also cite the corresponding policies, GEP1 and Hsg12 (A), in the Revised Deposit Hartlepool Local Plan 2003, these do not add anything substantive so far as this appeal is concerned.

**Main Issue**

- The main issue, bearing in mind the aims of the above planning policies, is the effects that the proposed house would have upon the living conditions of future occupiers of development to the east, in terms of possible overshadowing and loss of open outlook.

**Reasons**

- The nub of the Council's case is that the proposed house would be excessive in scale and bulk, principally due to the size of its projecting south wing that comprises garages for 3 cars with living accommodation over, all under a pitched roof. However, the revised plans submitted in September 2005, prior to determination of the planning application, show the

## Appeal Decision APP/H0724/A/05/1194009

floor level of that wing lowered by 1.2m relative to the rest of the property and in my view this would significantly reduce the apparent scale and bulk of the property as a whole, in such a way that it would not be out of keeping with the substantial existing houses, both immediately adjacent, and in the cul-de-sac to the north. Although it does not address the issue of the bulk of the property, the Appellant's evidence on percentage plot coverage shows that that of the proposed dwelling is not at odds with that of others in the area; and I saw on my visit that some recently built properties close by are very large indeed, with 2-3 storeys, high-pitched gables and extensive roof planes. In this context I consider the scale and bulk of the proposal, as amended, to be acceptable.

5. Turning specifically to its likely impact on future occupiers of development to the east, only illustrative plans of the proposed siting of dwellings had been submitted when the appeal proposal was under consideration but full planning permission has since been granted for a house on the closest plot, immediately to the north east. The Council have supplied plans of that house, and I saw it under construction. At their closest the two properties would be about 14m apart but this is measured between the north eastern corner of the proposed house and the south western corner of the permitted dwelling. The main rear elevation of the former would face east whereas the closest windows in the former will be orientated to the south and to the west (and also in the latter case, towards the rear of an existing dwelling). Accordingly views of the proposed dwelling from the windows of that to the east would be essentially oblique, and in my judgement the two houses would be sufficiently separated, and so orientated, that the appeal proposal would not cause any significant loss of sunlight or appear over-dominant. Whilst seen from the garden of the house to the east the proposed house would appear sizeable, its overall bulk and the amount of space round about would in my view be entirely consistent with what has been built locally.
6. The plot immediately east of the appeal site is further away than that discussed above, its closest boundary being some 12m from the site of the proposed house. Accordingly, and in view of the size of that plot, I would not anticipate any problems of relationship between buildings in that direction. I conclude on the main issue that the proposed house would not unacceptably harm the living conditions of future occupiers of development to the east, in terms of possible overshadowing and loss of open outlook. It would therefore comply with the aims of Local Plan Policies Gen1 and Ho7.

**Conditions**

7. In addition to the standard time condition, the Council have suggested conditions withdrawing permitted development rights for extensions to the dwelling; requiring approval of details of materials, means of enclosure, landscaping, access and drainage; covering implementation of landscape works and protection of existing trees; and safeguarding the possible archaeological interest of the site. Given the size of the proposed dwelling, and the nature of the site, I consider that some restriction of permitted development rights is necessary and reasonable but what the Council seek is too broad in scope, and at odds with advice in Circular 11/95. I shall therefore apply a condition specifically related to development that would fall within Classes A-C of the Town and Country Planning (General Permitted Development) Order 1995. I have imposed conditions to cover all the other matters referred to, with detailed changes to the Council's

Appeal Decision APP/H0724/A/05/1194009

wording for clarity and in the light of national advice. Finally, for the avoidance of doubt I relate the permission specifically to the amended plans submitted in September 2005.

#### **Other Matters and Conclusions**

8. I have considered all the other matters raised in the representations including the Council's apparent concern that accommodation above the proposed garages might be used as a separate dwelling; the Appellant's revised proposals for a dwelling with a separate garage building; and the request from an owner of adjoining land that a condition be applied requiring provision of a means of structural support along the eastern boundary of the appeal site. On the first point, subdivision of the property so as to create a further dwelling would be development requiring planning permission, so that the Council would retain full control. On the second point, as I consider the appeal proposal to be acceptable on its own merits it is not necessary to compare it with the subsequent revised proposals. Thirdly, the Council do not address the question of structural support to boundaries and if this was a matter of concern it seems to me that it should have been addressed at the time outline planning permission was granted, rather than through consideration of reserved matters. I have seen nothing in the evidence before me to justify applying a condition at this stage.
9. I have also considered the effects of the proposal upon the trees to the western boundary covered by a Tree Preservation Order, but I judge them to be sufficiently far from the house to obviate any serious threats to their survival. None of these other matters cause me to change my conclusion on the main issue and I therefore allow the appeal.

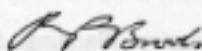
#### **Formal Decision**

10. I allow the appeal, and grant planning permission for the erection of a detached dwelling with integral garages at Plot A, Overlands, High Throston, Hart Lane, Hartlepool TS26 0UG in accordance with the terms of the application, Ref. H/2005/5576, dated 14 July 2005, and the amended plans submitted by letter dated 27 September 2005 [Refs. MA:WL:Plot A:01 (Rev. A), MA:WL:Plot A:02 (Rev. A) and MA:WL:Plot A:03], subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no works specified in Schedule 2, Part 1, Classes A-C of the Order shall be carried out without the prior written permission of the Local Planning Authority.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of all walls, fences and other means of boundary enclosure have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

## Appeal Decision APP/H0724/A/05/1194009

- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include any proposed tree and shrub planting; indications of all existing trees on the site and those to be retained, together with measures for their protection in the course of development; and construction details of the proposed access and hard surfaced areas. Development shall be carried out in accordance with the approved details and the access and hard surfaced areas shall be completed prior to occupation of the dwelling.
- 6) No development shall take place until temporary protection for any existing trees to be retained has been provided in accordance with details submitted and approved under Condition 5. Such protection shall be retained in accordance with the approved details until the development has been completed.
- 7) 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 dwelling, or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.
- 8) No development shall take place until details of foul and surface water drainage works have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be implemented in accordance with the approved details prior to occupation of the dwelling.
- 9) The developer shall give two weeks notice of commencement of development to the archaeologist nominated by the Local Planning Authority, and shall allow access at all reasonable times for observation of the excavations and recording of items of interest and finds.



INSPECTOR

