

PLANNING COMMITTEE AGENDA



7 November 2012

at 10.00 a.m.

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Brash, Cook, Fisher, James, A Lilley, G Lilley, Morris, Payne, Richardson, Robinson, Shields, Simmons, Thompson and Wells.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 10 OCTOBER 2012**
- 4. ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*

- 1 H/2012/0508 54 Kesteven Road, Hartlepool. *(page 1)*
- 2 H/2012/0518 Travel Lodge, The Lanyard, Hartlepool. *(page 10)*
- 3 H/2012/0461 Caretakers House, Former Brierton School, Brierton Lane, Hartlepool. *(page 17)*
- 4 H/2012/0507 The Mayfair Centre, Tees Road, Hartlepool. *(page 24)*
- 5 H/2012/0442 180 York Road, Hartlepool. *(page 31)*
- 6 H/2012/0522 61 Meadow gate Drive, Hartlepool. *(page 39)*
- 7 H/2012/0524 The Pink Domino, Catcote Road, Hartlepool. *(page 47)*
- 8 H/2012/0497 Old Friarage Field, Moor Terrace, Hartlepool. *(page 56)*
- 9 H/2012/0430 Land at Area 15 Middle Warren, Hartlepool. *(page 64)*
- 10 H/2012/0408 Land Adjacent to Merlin Way, Hartlepool. *(page 71)*

- 4.2 Appeal Ref: APP/H0724/A/12/2178005/NWF H/2011/0644 - Alteration to Existing Hot Food Takeaway and Change of Use to Two Flats on First and Second Floors - 44 Lister Street, Hartlepool – *Assistant Director (Regeneration and Planning)*

- 4.3 Update on Current Complaints - *Assistant Director (Regeneration and Planning)*
- 4.4 Proposed Diversion of Public Footpath No 11, Greatham Creek, Seaton – *Director of Regeneration and Neighbourhoods*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Annual Enforcement Update Report – *Assistant Director (Regeneration and Planning)* (para's 5 and 6)
- 7.2 Delegated Action under Section 215 of the Town and Country Planning Act (As Amended) - *Assistant Director (Regeneration and Planning)*

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 5 December 2012 at 10.00 a.m.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

10 OCTOBER 2012

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Marjorie James, Alison Lilley, Geoff Lilley, Dr George Morris, Linda Shields, Chris Simmons and Ray Wells.

In accordance with Council Procedure Rule 4.2 Councillor Brenda Loynes was in attendance as substitute for Councillor Paul Thompson.

Officers: Damien Wilson, Assistant Director, Regeneration and Planning
Chris Pipe, Planning Services Manager
Jason Whitfield, Planning Officer
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Chris Scaife, Countryside Access Officer
Dale Clark, Estates and Asset Manager
Derek Wardle, Arboricultural Officer
David Cosgrove, Democratic Services Team

224. Apologies for Absence

Councillors Brash, Fisher, Payne, Richardson, Robinson and Thompson.

225. Declarations of interest by members

Councillor Beck declared a prejudicial interest in Planning Application H/2012/0228 and addressed the Committee as a ward councillor on the application but did not enter into the debate or vote thereon.

Councillors Loynes and Wells declared personal interests in Planning Application H/2012/0341.

Councillor James declared a personal interest in Planning Application H/2012/0461.

Councillor Cook declared a prejudicial interest in Planning Application H/2012/0228 and left the meeting during its consideration.

226. Confirmation of the minutes of the meeting held on 12 September 2012

Confirmed, with the inclusion of apologies for absence for consideration of exempt items be amended to include A. Lilley who left the meeting prior to the consideration of these matters.

227. Planning Applications *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager submitted three planning applications for the Committee's determination as set out below. It was noted that Planning Application H/2012/0461 Caretakers House, Brierton School, Hartlepool had been withdrawn from the agenda.

Number:	H/2012/0465
Applicant:	Mr D Clarke Estates Department Bryan Hanson House
Agent:	Mr D Clarke, Hartlepool Borough Council Estates Department, Bryan Hanson House
Date received:	30/08/2012
Development:	Incorporation of land into residential gardens
Location:	56-76 Kipling Road and 16 Gladys Worthy Close HARTLEPOOL
Decision:	Planning Permission Approved subject to the following:

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority on 30/08/2012.
For the avoidance of doubt.
3. Details of all proposed 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.
Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The residential curtilage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or

business shall be carried out therein.

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

Dale Clark, Property Services Manager was present to answer questions from the Committee.

Number:	H/2012/0228
Applicant:	Miss Leah Remington Groundwork North East, Linthorpe Cemetery Lodge, Burlam Road, MIDDLESBROUGH
Agent:	Groundwork North East, Miss Leah Remington, Linthorpe Cemetery Lodge, Burlam Road, MIDDLESBROUGH
Date received:	25/06/2012
Development:	Erection of boundary fencing, provision of car park, tree planting, improvements to footpath network, provision of skateboard/BMX facility and wetland scrape
Location:	Land at Clavering Park Easington Road HARTLEPOOL
Decision:	Planning Permission Approved subject to the following:

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans: 300/55F L001 Rev C, 300/55F L002 (Location Plan), 300/55F L002 (Skatespot Layout), 300/55F L003 and details received by the Local Planning Authority on 03 05 12 and 300/55F L004 received on 25 06 12.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity and to ensure natural surveillance is retained.
4. The car park hereby approved shall not be brought into use until a 3m radius has been provided in accordance with details to be first agreed

in writing by a Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

In the interests of highway safety.

5. No development shall commence until a storm water drainage scheme has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details prior to the commencement of development.
In the interests of flood risk.

Councillor Paul Beck addressed the Committee as Ward Councillor and a supporter of the proposal.

The Applicant, Miss Leah Remington was present at the meeting

Number:	H/2012/0341
Applicant:	British Telecom Plc C/O Agent
Agent:	Dalton Warner Davis LLP, Mr Edward Buckingham, 21 Garlick Hill LONDON
Date received:	19/07/2012
Development:	Revised permanent access track and siting of permanent anemometer mast up to 80m in height in relation to consented wind farm (H/2009/0231)
Location:	Red Gap Farm, Sunderland Road, Wolviston BILLINGHAM
Decision:	Minded to APPROVE subject to the completion of a deed of variation to the original legal agreement under S106 of the Planning Act and the following:

CONDITIONS AND REASONS

1. The development hereby permitted shall be begun before the expiration of four years from the date of this permission.
As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions.
2. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter unless otherwise agreed in writing by the Local Planning Authority the development and the land restored to a condition to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

To prescribe the exact period of permissible operation and to enable the local planning authority to identify a starting point for the operation of the development.

3. The development hereby approved shall be carried out in accordance with the following plans and documents received by the Local Planning Authority:

"Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation)" dated March 2009

"Supplementary ES supporting information" received 18 06 2009

"Environmental Report" dated June 2012

"Planning Design and Access Statement" dated June 2012

"836_001_m_003_C" received 02 07 12

"836_001_m_007" received 02 07 12

"Figure 3.6" received 02 07 12

"Figure 3.8" received 02 07 12

For the avoidance of doubt.

4. The Local Planning Authority shall be provided with not less than 14 calendar days written notice of the date upon which it is proposed to commence any part of the development hereby approved.
To allow the local planning authority to verify that all conditions have been complied with prior to the commencement of development and to advise the developer of anywhere compliance remains outstanding.
5. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

a) The programme and methodology of site investigation and recording;

b) The programme for post investigation assessment;

c) Provision to be made of analysis of the site investigation and recording

d) Provision to be made for publication and dissemination of the analysis and records of the investigation

e) Provision to be made for archive deposition of the analysis and records of the site investigation

f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The site is of archaeological interest.

6. No habitat removal shall take place during the period 1 March - 31 July in any year unless a survey is carried out on behalf of the developer in

accordance with a methodology approved in advance by the Local Planning Authority and that survey confirms that no nesting birds are within 50m of any habitat clearance area. The survey shall be repeated at no more frequently than monthly intervals between 1 March and 31 July during the construction period.

To conserve protected species and their habitat.

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

In the interests of the amenities of the area.

8. Pursuant to condition 7, all planting, seeding or turfing measures set out in the approved Construction Method Statement shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

In the interest of the amenities of the area.

9. No development shall commence until a Surface Water Management Strategy (SWMS) has been submitted to and approved in writing by the Local Planning Authority. The SWMS shall include: 1) chemical pollution control measures for the storage and handling of oils, fuels, chemicals and effluent on site, 2) a water quality, drainage and flow strategy, 3) an emergency management and unforeseen events strategy, to include measures to respond to flooding and pollutant spill events. The development shall be carried out in compliance with the approved SWMS which may be varied from time to time with the written approval of the Local Planning Authority.

In the interests of the amenities of the area.

10. Unless otherwise agreed in writing by the Local Planning Authority, the construction of the development shall not commence until such time as the traffic management arrangements contained in the Construction Traffic Management Plan Report No RTA054183-02 Version 6 dated 30 November 2009 have been implemented to the satisfaction of the Local Planning Authority.

To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as

- part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
11. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site's decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires unless variations are agreed with the written approval of the Local Planning Authority.
In the interests of the amenities of the area.
 12. The movement of abnormal loads to the development site via the trunk road network shall not commence until such time as an Abnormal Loads routing plan has been implemented to the satisfaction of the Local Planning Authority in consultation of the Highways Agency. To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
 13. In the event that the turbines permitted by H/2009/231 are dismantled and removed as per condition 16 of permission H/2009/0231, the hereby approved road shall also be removed and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
 14. No development shall be carried out within 50m of any groundwater spring.
To ensure protection of the groundwater resource.

The Applicant's Agent, Mr R Williams was present at the meeting.

Number:	H/2012/0461
Applicant:	Mr Colin Rowntree Catcote Road HARTLEPOOL TS25 4EZ
Agent:	Hartlepool Borough Council Mr Colin Bolton Building Design & Management Bryan Hanson House Hanson Square HARTLEPOOL TS24 7BT
Date valid:	31/08/2012
Development:	Erection of a single storey extension to provide teaching facility and change of use of caretaker's house to provide an 'experience space'
Location:	Caretaker's House Former Brierton School Brierton Lane HARTLEPOOL HARTLEPOOL

Decision: **Withdrawn from the agenda to allow further discussion**

228. Advice in relation to Voting on Planning Applications (*Chief Solicitor*)

At the conclusion of the consideration of the Planning Applications, the Commercial Solicitor reminded Members of their responsibilities as set out in the Planning Code of Conduct when considering making a decision contrary to the advice being given by Planning Officers. Members were required if refusing or approving an application against officer recommendation to outline the appropriate planning reasons for the proposal before the vote is taken. The Ombudsman has said in relation to previous matters that 'the reasons should be clear and convincing and be material planning considerations' (paragraph 19.1 of the Planning Code of Conduct). It was indicated by the Commercial Solicitor that the advice was being reiterated to Members at the Chair's request to clarify the reasons required when Members were agreeing an alternative to the recommended decision.

Decision

That the advice be noted.

229. Black Path, Grayfields; Request for Closure Report (*Director of Regeneration and Neighbourhoods*)

The Countryside Access Officer reported that the 'Black Path' was situated between the southern boundary of Grayfields Recreation Ground and the northern boundary of Chester Road Allotments. Anti-social behaviour and criminal activity arising within the neighbouring Chester Road Allotment site had recently prompted a review of current security arrangements. As part of this review the Council had been asked to look at whether the 'Black Path', situated between the southern boundary of Grayfields Recreation Ground and the northern boundary of Chester Road Allotments, could be permanently closed.

The report set out the consultation that had been undertaken on the proposed closure of the path and detailed the responses received, the majority of which were in favour of keeping the path open. The report also set out the options for the committee in terms of keeping the path open or closing it as requested by the allotment holders. The report set out details of the current security arrangements which included the opening and closing of the gates at either end of the section of the path that ran behind the allotment site as part of the council's security contract and also the diversions that would be put in place should the path be closed.

Immediately prior to the meeting and at the request of the Chair, Members of the committee had undertaken a site visit to assess the proposed closure. The Chair also expressed his concern that the appendices to the report had been printed separately and placed in the Members Library as he considered

that they were essential to Members reaching a decision on this issue.

In relation to the anti-social behaviour problems, Members questioned if the erection of the security fence to the rear of the allotments had reduced the instances of anti-social behaviour. The Countryside Access Officer indicated that the majority of the complaints were prior to the fence having been erected. The request for the closure had been made in February of this year which was after the date of the erection of the fence.

Members were concerned that the request for the closure came after expensive measures had been put in place to protect the allotment site. There was clear evidence that the public wished that the path remain open. The Chair expressed concern at the level of dog fouling in the area and suggested that some enforcement may be required.

In light of the results of the consultation exercise, Members proposed that the path remain open.

Decision

That the request from the Chester Road Allotments Association for the closure of the Black Path on the northern boundary of the allotment site be not acceded to and that the path remain open.

230. Monitoring Report on the Planning Advisory Service (One Stop Shop) *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager reported on the current arrangements for the Planning Advisory Service (the 'One Stop Shop'), in light of the decision to charge for non-householder developments. The Planning Committee previously requested that a monitoring report be provided as an update on the effectiveness of the implementation of the charging policy after 6 months of implementation, this was presented to the Planning Committee on the 20th June 2012. The scheme has now been in place for nearly 1 year and further update was provided to Members.

The Officer reported that the service was proving to be well used by the public and that the introduction of charges had not had an adverse effect on enquiries as had been experienced in other areas. Of particular note since the introduction of charges 1st October 2011 to the 24th September 2012 an income of £10,558 (excluding VAT) had been received, which was in excess of what was projected. In relation to the affect that charging for this service had had on the amount of complaints received, it was highlighted that there had been no increase.

It was considered by officer's that the charges levied, which were based on the scale of development, were set at the correct level and that the generation of income was welcomed. A report was being prepared for the Portfolio Holder to request continuation of charging and, should the Portfolio Holder agree to this, a report would be provided to the Planning Committee on an annual basis in order that the Committee could monitor progress.

Members welcomed the report indicating that it reflected the quality of the advice being given by officers. Members also welcomed the income generated and indicated that the income should be retained within the division. The Chair suggested that the committee forward its support for the retention of the charging regime to the Portfolio Holder.

Decision

1. That the report be noted.
2. That the report submitted to the Portfolio Holder include this Committee's support for the retention of the charging scheme.

231. Member Involvement in Pre Planning Application Discussions *(Assistant Director (Regeneration and Planning))*

The Assistant Director, Regeneration and Planning reported that constructive pre-application discussions between potential applicants and planning officers had long been recognised as helping to ensure all relevant considerations were addressed when an application was submitted, and to potentially speed up the determination of an application and bring more certainty into the process.

Officers could benefit from a degree of Member guidance on emerging proposals of a significant scale and from Members being more fully informed as this may well be able to assuage any unfounded fears their local communities may have as a proposal emerges.

The Assistant Director indicated that Member involvement in the pre-application stage was challenging and must be carefully handled. Darlington Borough Council, as well as other Local Authorities, operated a system to allow Members to be involved constructively on proposed developments in advance of planning applications being submitted and it was now proposed that a similar system be introduced in Hartlepool.

The Assistant Director highlighted that Member engagement in pre-application discussions was not intended to bring forward their views on the proposal as such. Members may or may not be in a position to give a preliminary view on a proposal, but they would be advised that they should not express a view which may pre-determine their position in the event that they will be a member of the Planning Committee determining the application. If a Member decides to express anything but a clear preliminary view, or at this stage decides to represent a view on behalf of their community or ward in support of their community champion role, then their pre determination would require them to stand aside from the determination of any subsequent planning application.

The document 'Positive Engagement - A Guide for Planning Members' promotes the involvement of Members in pre-application discussion stating 'The engagement of local Members as leaders and representatives of the community is vital in the delivery of positive outcomes from the planning

process.' The document also advises Members on 'safeguards' for involvement, these are also covered in Hartlepool Borough Council's Planning Code of Practice.

Members expressed their support for the proposal indicating that with some of the larger scale developments, having a clearer understanding of a developer's proposals would be of great assistance to Members decision making. There was concern expressed that developers did frequently change their views on a development during its construction and what was stated at the outset may be quite different to what happened towards the end of a development. The definition of what constituted the 'local community' to some developments was also questioned. Some developments could be of significance to the whole town.

The Assistant Director agreed that each development would bring its own definition of the 'local community' and each would be judged individually. Members stated their view that such discussions could allow a greater opportunity for visioning the future of Hartlepool, particularly with some of the large scale developments sites in the Core Strategy. Members indicated that they supported the proposals but agreed that appropriate training of Members did need to be undertaken before such a practice was introduced.

Decision

That the Planning Committee support the formulation of a Pre Application Development Forum for proposals which are of a significant scale and complexity to necessitate such an event and this be referred to Constitution Committee to ensure the process is set up in a transparent manner.

232. Relaxation of Permitted Development Rights *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager reported on the government's proposed changes to permitted development rights and sought the Committee's support to submitting an objection to the government's proposals when they were put out to consultation. The Officer indicated that at this time it was understood that the government would only be allowing a four week period for consultation and dependent on the dates of the consultation, there may not be an opportunity to bring the full details of the proposals to a scheduled Planning Committee meeting.

Members expressed their concerns at the government's proposals as detailed within the report and commented that they could give rise to a huge number of complaints and neighbour disputes. Members also expressed their concern in relation to the proposals and conservation areas. It was not clear from the government if there would be any protection retained for conservation areas.

It was proposed that when the consultation proposals were received, that the Chair in conjunction with the Assistant Director, Regeneration and Planning and the Planning Services Manager draft a response to the government

reflective of the views of Members.

Decision

That the Planning Committee are minded to object to the proposed changes to Permitted Development Rights for Householders, and delegate the formal wording of the objection and comments to the Chair in consultation with the Assistant Director, Regeneration and Planning and the Planning Services Manager.

233. Potential Nomination to List 34 Westbourne Road

(Assistant Director (Regeneration and Planning))

The Planning Services Manager reported subsequent to Minute No. 215 of the previous meeting when Members considered two applications relating to 34 Westbourne Road. At the meeting Members questioned the process for listing the Vicarage at 34 Westbourne Road with Secretary of State (for Culture, Media and Sport) as being of architectural and local importance.

Based on the criteria set down for listing buildings which was set out in the report, it was not felt that 34 Westbourne Road would qualify as being of national interest, though it was currently recognised as being a building of local significance to Hartlepool and as such is a locally listed building.

Members questioned the actual process of having a building nationally listed and the costs associated. The Planning Services Manager indicated that there were minimal costs associated with nominating a building as it simply relied on a letter of nomination being submitted. A Member of the committee believed that the building should be nominated. There was concern expressed during the previous meeting by objectors to the planning applications for the whole site that the building was to be demolished. Other Members considered that a failed bid to list may actually count against the building and considered that its position as being locally listed was sufficient at this time.

Decision

That the Planning Committee notes that on the basis of criteria laid down to assess the potential to list a building, 34 Westbourne Road is not of a quality which would merit nomination as a listed building.

Councillor James requested that her vote against the above recommendation be recorded.

234. Appeal By Mr. McHale, 16 Hutton Avenue

(H/2011/0598) *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager advised members of the outcome of an appeal lodged against the refusal of planning consent against officer recommendations for alterations and change of use from nursing home to 28 no. bed students accommodation (hall of residence) (C1 Use) including

alterations to windows, doors and roof lights at 16 Hutton Avenue.

The appeal was decided by written representations. The inspector allowed the appeal concluding that the proposal would preserve the character of the conservation area and would not adversely affect highway safety. Whilst there would be some implications for the living conditions of residents, the Inspector was satisfied that these could be safeguarded through the use of conditions. A copy of the appeal decision was submitted with the report. The Planning Services Manager highlighted that no application for costs was sought by the applicant.

Decision

That the report be noted.

235. Appeal By Mr Jonathan Ayres, Appeal Ref: APP/H0724/A/12/2182316 Site At: 29 Courageous Close, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager reported that a planning appeal had been submitted against the council decision to refuse planning permission for a two storey extension at 29 Courageous Close. The refusal related to an application for the erection of a two storey extension at the rear of the above property to provide a garden room with bedroom above. The decision was a delegated decision in consultation with the Chair of Planning Committee and copy of the delegated report was submitted with the report. The appeal was to be dealt with by the written representation procedure and authority was therefore requested to contest the appeal.

Decision

That the Assistant Director, Regeneration and Planning be authorised to contest the appeal.

236. Tree Preservation Order No. 230 - 4 Hartville Road, Hartlepool *(Assistant Director (Regeneration and Planning))*

The Planning Services Manager reported that on 19 June 2012 a Tree Preservation Order (TPO) was made under the Council's emergency powers to protect 10 Sycamore trees and 1 Common Ash tree at the above site. This followed speculation that the site could be developed. During the consultation process when making the Order, an objection had been received thus requiring that the Order be brought to the Planning Committee for determination.

The main concerns raised by the objector were that the TPO arose only after an informal enquiry into the Council's One Stop Shop. The issues of Tree Preservation Orders did not arise when some trees on the site were removed previously because of neighbour complaints. The Council was also acting on behalf of the owner and had a duty of obtaining "best value" in respect of the owner's assets which were being disposed of. There were also no formal

plans for the site at present and that when plans were drawn up for the site the vendor would consider the trees within the plans.

The site on which the trees were growing had become progressively overgrown. In June 2011 the Council's User Property and Finance Team informed the Arboricultural Officer that they were dealing with the land on behalf of the owner and requested advice on tree maintenance. As a result an inspection of a hedge and trees obstructing the highway was carried out. A work instruction was raised for the Council's Parks and Countryside Section to carry out work to remove the obstruction from the Highway under the 1980 Highways Act. At the same time three trees which had a history of causing branch and root related damage to the adjacent property of 15 Verner Road were removed.

There was concern that as the site was unoccupied, the trees may be felled or damaged. Following an inspection earlier in the year, the Arboricultural Officer decided that a number of the trees should be protected by TPOs. The proposed TPOs related to 11 of the 22 trees on the site.

Some Members were concerned that the TPOs would prejudice any potential development of the site. It was, however considered that the TPOs would protect not only the trees but the street scene as the all the TPOs related to trees on the periphery of the site.

Decision

That Tree Preservation Order No. 230, as reported, be confirmed.

237. Update on Current Complaints *(Assistant Director (Regeneration and Planning))*

Members' attention was drawn to ten current ongoing complaints which were being investigated. Developments would be reported to a future meeting if necessary. The following Member requested feedback on a complaint identified in the report:

Councillor Ainslie – complaint 3

Decision

That the report be noted.

238. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business 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 matter could be dealt with without delay.

Seaton Carew Conservation Area Consultation

The Planning Services Manager reported that as had been discussed at previous meetings, a consultancy group had been provided by Newcastle University to review Seaton Carew's Conservation Area boundary, as part of this exercise a consultation exercise was to be carried out in Seaton Carew on the Conservation Area. The consultancy group comprises a small group of four post graduate students who would undertake the consultation and prepare a report for the Committee as part of their continuing studies.

Members welcomed the report but had concerns in relation to the supervision of the students during the consultation and also the potential issues the consultation may bring forward. The Planning Services Manager assured Members that there would be appropriate supervision of the students and their work at all times. The terms of the consultation would be managed and the students subsequent findings would be brought back to Members.

The Planning Services Manager stated that the any recommendations from the consultation would only be that and the authority would not be 'painted into a corner' by the results of the consultation exercise. The consultation exercise would be similar to that undertaken in Stranton and Grange prior them becoming Conservation Areas and that exercise was also carried out by students.

Decision

That the report be noted.

239. Local Government (Access to Information) (Variation Order) 2006

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

Minute 240 – Enforcement Action – Car Park to the Rear 3, 5 and 7 Tower Street Hartlepool – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

240. Enforcement Action – Car Park to the Rear 3, 5 and 7 Tower Street Hartlepool (*Assistant Director (Regeneration and Planning)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely paragraphs 5 & 6.

The Planning Services Manager reported on proposed enforcement action following the issuing of a S.215 Notice on the property.

Decision

Details of the enforcement action approved are set out in the exempt section of the minutes.

The meeting concluded at 12.25 p.m.

CHAIR

No: 1
Number: H/2012/0508
Applicant: James Barnecutt 23 Park Road HARTLEPOOL TS24 7PW
Agent: James Barnecutt 23 Park Road HARTLEPOOL TS24 7PW
Date valid: 21/09/2012
Development: Demolition of single storey garage, erection of two storey extension to side and single storey extension to the rear and front to provide garage, sitting room, kitchen, bedrooms, canopy to front and the provision of render to the property (amended description)
Location: 54 KESTEVEN ROAD HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 A planning application proposing a similar extent of development was approved earlier this year (27/09/2012). The difference between the application proposed and the previous approval is minor and comprises the addition of a render finish to the whole of the property and an alteration to the design of the proposed single storey extension adjoining the rear of the two storey side extension proposed. The proposed single storey extension chamfers in 45 degrees adjacent the boundary with 52 Kesteven Road.

1.3 The planning application has been 'called-in' for consideration by committee following an email received by a Member outlining the following concerns regarding the proposal:

1. Not in keeping with neighbouring premises.
2. Danger of overlooking
3. Separation distances
4. Danger that the street starts to look "Terraced".

1.4 A site visit to view this application prior to decision by committee was requested and has been arranged for the morning of the Planning Committee.

SITE CONTEXT AND PROPOSAL

1.5 The application site, 54 Kesteven Road, is a two storey detached property with gardens to the front, rear and side. It is sited upon a generous corner plot and

located within an estate of similar style properties. The property is bounded to the north and east of the site by residential dwellings.

1.6 Planning permission is sought for the construction of a two storey side extension and a single storey rear and front extension to provide a garage, sitting room, dining room, kitchen, bedrooms and canopy to the front elevation of the property. A further single storey element will project beyond the rear wall of the two storey extension which would be chamfered in at a 45 degree angle adjacent the boundary with 52 Kesteven Road. The eaves to the two storey extension will match those of the original dwellinghouse.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (7). To date, there have been 4 letters of no objection received. The officer has also received a telephone call from a further neighbour who has not provided a formal written response raising no objection.

1.8 The period for publicity for an additional property consulted with regard to the proposal is still outstanding (72 Kesteven Road) and expires prior to the Committee meeting.

CONSULTATIONS

1.9 The following consultation replies have been received:

Traffic and Transportation – There are no highway or traffic concerns with this application.

PLANNING POLICY

Local Policy

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

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

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

Emerging Local Plan

1.11 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

Regional Policy

1.12 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

1.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

1.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the potential for loss of amenity of the occupants of neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposals in relation to the existing dwellinghouse and, more generally the character of the streetscene.

Principle of Development

1.15 Policy Hsg10 of the adopted Hartlepool Local Plan makes provision for the extension and alteration of dwellings subject to a series of criteria, namely, that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene. This is echoed in the emerging plans policies.

1.16 It is considered that the proposed extensions to the dwelling can be suitably accommodated in the proposed location without impacting negatively on the outlook and privacy of the occupants of neighbouring properties. The proposal is not considered to be contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006. The justification for this reasoning is outlined in further detail in the remainder of this report.

Residential Amenities

1.17 Policies GEP1 and Hsg10 of the adopted Local Plan requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook.

1.18 Whilst four letters of no objection and one telephone call outlining no objections have been received from neighbouring properties, in particular 52 and 56 Kesteven Road. Notwithstanding this; it is prudent for the Local Planning Authority (LPA) to consider the impact the proposals will have on the aforementioned properties and whether or not a significant impact will be created of a level that the LPA could sustain a refusal.

1.19 Of particular consideration in the determination of this application are the impacts of the proposed development upon the amenities of the occupants of the neighbouring property of 52 Kesteven Road. Also key to consider in the determination of the application is the previous approval at the site for a similar scale of works to those proposed.

1.20 The projection of the proposed two storey extension (approximately 2.9m beyond the rear wall of the aforementioned neighbouring property) and the adjoining single storey extension (approximately a further 0.9m before chamfering in 45 degrees and extending a further 1.5m, therefore there is a total projection including two storey works of 5.5 metres beyond the rear wall of 52 Kesteven Road) relative to

neighbouring property and the impact this will create upon the living conditions of the occupants of the property requires careful consideration. Notwithstanding this, on balance, it is considered that, the physical relationship and orientation of the property is such that it is considered unlikely that the proposals would create any significant detrimental overshadowing/overlooking or dominance issues upon the living conditions of the occupants of 52 Kesteven Road. Whilst it is acknowledged that the proposal is large and will have an impact on the outlook of the neighbouring property from the rear kitchen window it is not considered that the impact upon the property will be of a level so to sustain a refusal. Moreover, it is not considered that the additional single storey element of the works proposed to that previously approved will create any further detrimental impact upon the occupants of 52 Kesteven Road given the design of the extension, chamfering away from the party boundary. The justification for this reasoning is outlined below.

1.21 The Hartlepool Local Plan 2006 (Supplementary Note 4) states that, “In the case of semi-detached and detached houses, where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5m from the main wall of the property will normally be permitted. A larger extension may be allowed where a greater degree of separation exists between the properties”.

1.22 The proposed two storey extension projects approximately 2.9m beyond the rear wall of 52 Kesteven Road, the single storey element of the works upon the boundary makes the total projection at ground floor level 4m, before the extension chamfers away from the boundary at an angle of 45 degrees. The proposal is located approximately 1m from the boundary. Whilst the proposal does not strictly accord with the aforementioned guidance it is considered acceptable in terms of the impact it will create upon 52 Kesteven Road.

1.23 The rear windows of 52 Kesteven Road at first floor level are offset approximately 4m from the party boundary. Given the separation and use of the rooms to which the windows serve it is not considered that the proposed extension will unduly affect the amenity enjoyed by the occupants of the dwelling at first floor level in terms of outlook or loss of light to a level whereby the Local Planning Authority could sustain a refusal.

1.24 The closest window to the party boundary of 52 Kesteven Road at ground floor level serves a kitchen. Whilst the proposed extension (both single storey and two storey) will feature in the outlook of this window and will create an impact upon the amenity of the occupants it is not considered that the impact created will be of an excessive level to substantiate a reason for refusal in this instance. Part of the consideration in arriving at this reasoning is having regard to the detailed relationships and the guidance with regard to single storey and extensions as laid out in the General Permitted Development Order (GDPO) 1995 as amended.

1.25 In terms of the proposed two storey element of the works given the physical relationship is not considered it will be unduly prominent from the centre of the ground floor kitchen window closest to the application site.

1.26 In terms of the remaining single storey element of the works located upon the party boundary. The GDPO allows for the enlargement, improvement or other alteration of a dwellinghouse subject to a number of criteria. With relevance to this application is the ability for a detached dwellinghouse to erect a single storey extension projecting up to 4m beyond an original rear wall. Whilst it is acknowledged that the proposed works do not consist of a purely 4m single storey solid brick extension upon the party boundary or that the works project off an original rear wall, officers consider it prudent to rationale the guidance with regard to other scenarios which could feasibly occur (two detached dwellinghouses in line with one another) and the impact a four metre projection with an eaves height of 3m and a total height of 4m would create upon outlook of neighbouring property. The Government in publishing the aforementioned Order considered that a four metre projection would not create an unacceptable impact upon the amenity of neighbouring occupants. It is not considered that the additional single storey works proposed beyond those previously approved by way of the addition of a chamfered design will create any additional impact upon the neighbouring property of 52 Kesteven Road. It is considered unlikely that this element of the works will be visible from the aforementioned rear window given the angle at which the extension chamfers away from the party boundary.

1.27 It is not considered that the proposal will be unduly harmful to outlook or will unduly affect the amount of sunlight entering the kitchen of the aforementioned neighbouring property.

1.28 In terms of the works outlined above and the remainder of the proposed works it is not considered that the proposed development would unduly affect the amenity of 56 Kesteven Road. Whilst it is acknowledged that there is a side window located at first floor level of the aforementioned property it is not considered that the proposed works will create any significant impact upon amenity, particularly with regard to overlooking. The proposed two storey extension is located in excess of 10m from the side elevation of the property.

1.29 With regard to the remaining residential properties in the vicinity located to the front and side of the dwellinghouse it is not considered that the proposed works will create any impact upon living conditions. The property is located upon a corner plot and benefits from ample separation distances to the front and side.

Highway Considerations

1.30 The Traffic and Transportation Section have raised no highway or traffic concerns. The proposal retains a garage and off street parking.

Streetscene and Design

1.31 Whilst the proposed extensions are large it is unlikely that they will appear unduly large or incongruous upon the streetscene as a result of the development. The design of the proposals are considered to be appropriate and in keeping with the appearance with properties located in the immediate vicinity. In terms of the provision of a render finish to the property this is also considered to be acceptable subject the colour of the render being agreed. A materials condition has been

attached requiring samples of all materials to be agreed in this instance. It is prudent to state that the provision of render upon properties in the immediate area is not uncommon. It is not considered that the proposed works will result in the street having a terraced appearance.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.33 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 Implications.

REASON FOR DECISION

1.34 It is considered by Officers that the proposal on balance, in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

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 permitted shall be carried out in accordance with the amended plan and details received by the Local Planning Authority on 21/09/2012 (Existing and Proposed Plans and Elevations - dwg no: 12JB:KR:20), 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 (including a render sample) being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows shall be inserted in the elevation of the extension facing 52 Kesteven Road without the prior written consent of the Local Planning Authority.
To prevent overlooking.

BACKGROUND PAPERS

1.35 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are

available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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54 KESTEVEN ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000

Date : 24/10/12

Drg No: h/2012/0508

No: 2
Number: H/2012/0518
Applicant: C/o Agent
Agent: Signet Planning Ltd. Mr Alastair Willis 26 Apex Business Village Annitsford Newcastle-upon-Tyne NE23 7BF
Date valid: 02/10/2012
Development: Variation of condition no 2 of planning application H/2011/0307 to allow alteration to approved highway layout, building scale and mass and car park layout
Location: TRAVELODGE THE LANYARD HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 Planning consent was granted in January this year (19/01/2012) for the erection of a 65 bedroom hotel and restaurant/bar facility. The application relates to three principal alterations to the previously approved scheme (H/2012/0307). These include an alteration to the approved highway and parking layouts, relating to a conflict between the approved layout and the wider revised masterplan proposal for the Trincomalee Wharf proposal which are expected to be submitted in due course. In addition to the highways and parking alterations, there has been a slight increase in the overall building massing.

2.3 The planning application has been called-in for consideration at Planning Committee by a Member who has provided the following comment:

- *Need members to be clear that this (the road) will be to adoptable standards.*

PROPOSAL AND SITE CONTEXT

2.4 As outlined above, the proposal seeks to vary the previously approved highway and parking layout. Whilst the parking layout has been amended the same number of parking spaces will be provided by way of the proposed revised scheme. In terms of the massing of the building there has been a slight increase in the overall height of the building by approximately 1m from that previously approved.

2.5 The application site covers some 2.01 hectares of land situated off the Lanyard. At the time of writing this report the hotel has almost been completed. The hotel is five storeys in height and includes 65 bedrooms, a reception area and a restaurant and bar area. The hotel as constructed measures approximately 19.2m in height. The elevations of the hotel are made up of a mixture of high performance cladding

sheets, coloured renders, art stone dressings, double glazed window framed windows and decorative concrete blocks to the ground floor.

PUBLICITY

2.6 The application has been advertised by way of neighbour letters (141) and site notices (x2). To date, there has been one response of no objection received.

2.7 The period for publicity is outstanding but expires prior to the committee meeting (01/11/2012). Any further representations received will be tabled at the meeting accordingly.

CONSULTATIONS

2.8 The following consultation replies have been received:

Traffic and Transportation - The proposed car park layout is acceptable, (the provision of 3 disabled spaces meets with minimum requirement for a hotel development of this size). Improvements have been made to the junction radii to the overflow car park to the north of the Hotel.

The highway layout is acceptable at present, however it should be brought to the developer's attention that the Trincomalee Wharf development will connect into this section of highway, it will be a requirement that this section of road becomes part of the adopted highway network, and as such should be constructed to adoptable standards.

There are no further Highway or traffic concerns.

Conservation Officer - Regarding the above application for a variation in condition no 2. I would have no comments to make.

Environment Agency – We have no objections to the proposed variation. The applicant should ensure that any changes to the site layout do not affect proposed evacuation routes which may have been agreed with the emergency planners pursuant to condition 20 on the original application H/2011/0307, or that any alterations can be agreed with them to still ensure safe evacuation during a flood event.

PLANNING POLICY

Local Policy

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the

plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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

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

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

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.

Emerging Local Plan

2.10 There are no policies in the emerging Hartlepool Local Plan (anticipated to be 2013) that supersede the current Local Plan policies relevant to the determination of this application.

Regional Policy

2.11 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

2.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the

role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

2.13 The main issues for consideration in this instance are the appropriateness of the proposed variations in terms of the policies and proposals held within the Development Plan and in particular design, height, massing, highway and traffic considerations and the impact on nearby premises/properties.

Principle of Development

2.14 The principle of development upon the site has already been established by way of the planning consent which is seeking to be varied by way of this application (H/2011/0307). In terms of the proposed variations it is considered that the proposed alterations to the highway and parking layouts are acceptable. Furthermore, it is not considered that the increase in height of the hotel by approximately 1m has created any detrimental impact upon of the amenities of nearby properties/premises, the nearby Conservation Area or the general character of the area as a whole.

The Trincomalee Wharf Masterplan

2.15 The variation to the highway layout has been proposed owing to a conflict between the approved layout and the wider masterplan proposals. For clarification part of the proposed site to which this application relates is the subject of a resolution to grant planning permission (H/2007/0918) for a mixed commercial, residential and leisure scheme. It is prudent to outline that the resolution to grant planning permission for the Trincomalee Wharf site is for an outline application with the scale of the development being approved. All other matters are reserved and there is an indicative masterplan that the Council considered as part of the application. The pending outline application and masterplan approach has been subject to several discussions with Officer's prior to the submission of this planning application.

Design and Layout and Effect On Neighbouring Properties/Premises and the Area in General

2.16 With regard to the revised appearance of the hotel as constructed it is considered by officers that the additional height of the building from that previously approved is acceptable. A high quality modern design has been achieved through

the use of modern products and durable materials. This has ultimately resulted in a building which is modern and striking and appropriate to the location on which it will be sited. It is not considered that the building as constructed is excessively high.

2.17 In terms of the relationships with properties within and around the site the layout of the hotel as constructed still meets or exceeds the Council's guideline separation distances. It is not considered that the development has significantly unduly affected the amenity of neighbouring properties in terms of loss of light or privacy. Whilst it is acknowledged that the development appears prominent within the views of the surrounding area, particularly from Church Street and Hartlepool Railway Station it is not considered that the impact upon outlook, views or general amenity is by any means incongruous or detrimental. In addition to the above, the Conservation Officer has raised no objections.

Highway Considerations and Parking Provision

2.18 The revised highway layout has in turn resulted in a revision of the parking layout of the car park area for the hotel as approved. Notwithstanding this, the same number of car parking spaces has been proposed by way of the proposed revised scheme. The Traffic and Transportation Section has advised that the car park layout is acceptable. Furthermore, this Section has raised no objection to the revised road layout.

2.19 In terms of the comments outlined by a Member regarding the adopting of the access road, the Traffic and Transportation Section has advised that the Trincomalee Wharf development will connect into the section of highway as proposed and it will be a requirement that this section of road becomes part of the adopted highway network, and as such should be constructed to adoptable standards. With regard to this, the applicant has stated that the road is being constructed to adoptable standards in consultation with the engineers department, and that Jomast will seek to have the road adopted in due course. Notwithstanding the applicant's intentions, it is prudent to state that there is no requirement for the highway as proposed serving the hotel to be constructed to adoptable standards. The applicant could feasibly retain the roads as a private access.

2.20 With further regard to the proposed car parking provision for the hotel the original planning consent (H/2011/0307) is subject to a Section 106 legal agreement requiring the relocation of the car parking area to the north of the hotel in the event that a building is permitted on a revised masterplan and is implemented. To summarise, the legal agreement will ultimately make the parking area to the north of the hotel 'temporary' until a scheme for a development on the site is approved at which point the car parking must be relocated to accommodate the development approved. The Officer has been in discussion with the Council's Legal Section who has confirmed that the S106 agreement will still apply to the proposed variation if approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.22 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 Implications.

REASON FOR DECISION

2.23 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report. The proposed conditions to be attached will have due regard to the conditions attached to the original approval. However, given the complex nature of the wording of the conditions to be attached in light of the discharge of many of the original conditions and the commencement of development on site, it is considered prudent in this instance for the Planning Services Manager to agree the final wording of the conditions following the committee meeting.

RECOMMENDATION – APPROVE subject to the final wording of the conditions to be attached being delegated to the Planning Services Manager.

BACKGROUND PAPERS

2.24 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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TRAVELODGE



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HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:3000

Date : 24/10/12

Drg No: H/2012/0518

No: 3
Number: H/2012/0461
Applicant: Mr Colin Rowntree Catcote Road HARTLEPOOL TS25 4EZ
Agent: Hartlepool Borough Council Mr Colin Bolton Building Design & Management Bryan Hanson House Hanson Square HARTLEPOOL TS24 7BT
Date valid: 31/08/2012
Development: Erection of a single storey extension to provide teaching facility and external alterations, change of use of caretaker's house to provide an 'experience space' and the use of the temporary coach park (approved under planning consent H/2010/0039) for parking by staff and visitors together with the formation of a drop-off/collection facility for pupils (amended description)
Location: Caretaker's House Former Brierton School Brierton Lane HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

3.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

3.2 This application was reported to the last Planning Committee at which time it was deferred in order for further information and consultation responses to be considered. The relevant information has now been considered and the report has now been amended and updated accordingly.

PROPOSAL AND SITE CONTEXT

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

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

3.5 The proposal involves the erection of a modest single storey extension (lobby) to link to the existing craft block and adjoining garage, and alterations of these buildings to provide a teaching facility. It is also proposed to change the use of the former caretaker's house to provide an 'experience space' which is anticipated will aid in developing life skills. This proposal also includes the installation of security fencing to provide additional security; the fencing proposed is similar to the fencing already in situ.

3.6 The application also included the use of the adjacent coach park which was approved in 2010 (H/2010/0039) for a temporary period (expired March 2012). A number of alterations and improvements were carried out under the approved scheme in order to improve the area and to mitigate against noise and disturbance to local residents. A management plan was also adopted.

3.7 The reason for the proposed works is to accommodate Catcote Futures which provides a specialised teaching facility for young people (post 19 years) with learning difficulties. The space available at the Catcote School site is extremely limited and as a result of an increased demand for educational provision for young people aged between 11 and 19 it has become necessary for Catcote Futures to look for alternative accommodation.

3.8 The application is presented to Members as the proposal involves a change of use of a Council owned building. There are no objections to the scheme.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (11) and site notices (2). To date, there have been no objections received.

The period for publicity expires prior to the meeting, should any representations be received after the writing of this report they shall be tabled accordingly.

CONSULTATIONS

3.10 The following consultation replies have been received:

Public Protection – no objections.

Traffic and Transportation – no objections.

PLANNING POLICY

Local Policy

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

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

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

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

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

Emerging Local Plan

3.12 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

Regional Policy

3.13 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

3.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from

the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

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

Principle of Development

3.16 In terms of policy the works are considered to be both appropriate and acceptable. The site has had a long established educational use until recently and the re-use of the buildings for Catcote Futures is therefore considered to be in accordance with current and emerging Council policy and National Policy guidance contained within the NPPF.

Impact on surrounding area

3.17 The proposed works which include refurbishment, a small lobby extension and new gates and fencing are also considered to be acceptable in terms of visual amenity. The buildings are well distanced (60m) from the nearest residential properties located on the south side of Brierton Lane. The use of the former caretaker’s bungalow will involve no physical alterations. Again this is fairly well distanced from residential properties, the closest being almost 30m to the south. It is unlikely that the use of this former bungalow for teaching life skills to pupils would have a detrimental impact in terms of noise and disturbance.

3.18 The Council’s Principal Environmental Protection Officer has offered no objections to the scheme. As there have been no complaints regarding the use of the coach park, he is satisfied that the continued use for cars, mini bus and coaches is appropriate provided that the acoustic fence is retained.

3.19 It is unlikely that the proposal would have a significant impact on the street scene in general in terms of visual amenity.

Highways

3.20 In terms of highway safety, the use of the former coach park for the parking of cars and the school mini bus is considered to be acceptable. No objections have been raised by the Council's Highway Engineer. It should be noted that as a condition of the approval for this coach park, the area fronting onto Brierton Lane was landscaped and a 2m high acoustic fence was erected to mitigate against noise and disturbance from the coach park. This is considered to be an appropriate method of screening the car park.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.22 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.23 The development is likely to contribute to reductions in crime and anti-social behaviour. The application includes the provision of new gates and fencing which will make a positive contribution to the security of the buildings and their users.

REASON FOR DECISION

3.24 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

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. The development hereby permitted shall be carried out in accordance with the plans (Drawing No's: 701/57/002 Rev B, 701/57/003 rev 9, 701/57/004sk2 Rev C, 701/57/005, 701/57/006, 701/57/008 and 701/57/010) and details received by the Local Planning Authority on 23 and 31 August 2012, 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) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The acoustic fence between Brierton Lane and the car park shall be retained as approved and maintained in its present position for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

3.25 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

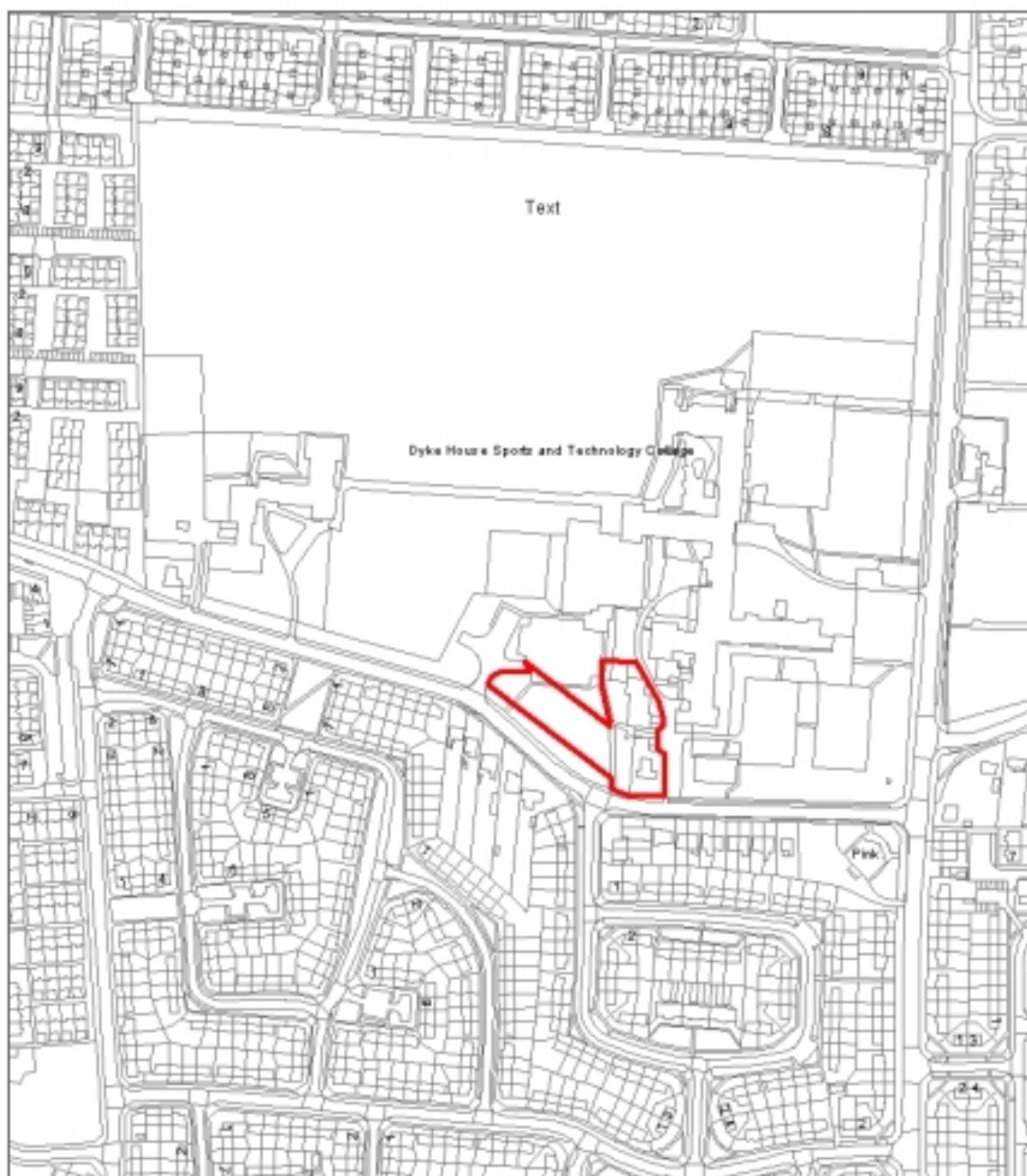
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CARETAKERS HOUSE, BRIERTON SCHOOL



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 28/09/12

Drg No: H/2012/0461

No: 4
Number: H/2012/0507
Applicant: Mr Brian Morton Mayfair Centre Seaton Carew
HARTLEPOOL TS25 1DE
Agent: Collective Design Mr Simon McIlwraith 21 Kepple Street
Dunston GATESHEAD NE11 9AR
Date valid: 01/10/2012
Development: Display of five halo illuminated signs, one roundel back lit
and halo illuminated, two flat mounted stainless steel
signs and 12 flagpoles
Location: The Mayfair Centre Tees Road HARTLEPOOL

PURPOSE OF REPORT

4.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

4.2 The application site relates to the Mayfair Centre on Tees Road. The Mayfair has recently been granted planning permission (H/2011/0459) for mixed use development for the erection of 244 dwellings and the redevelopment of the Mayfair Centre to incorporate D2, A1, A3 and A4 uses including erection of two air domes, alterations to shop and Mayfair Centre building including new balcony, alterations to car park, formation of various mounds, formation of golf course, children's play areas, new lighting, alterations to vehicular entrance and landscaping including amenity open space.

4.3 The application for adverts associated with the above development has been referred to Committee by a Councillor for reasons of the potential distraction upon vessels along the coast line and shipping channel from the illuminated signage.

PROPOSAL AND SITE CONTEXT

4.4 The application seeks advertisement consent for the provision of 8 illuminated signs and 12 flag poles. The illuminated signage consists of:-

- 2 Halo illuminated signs to boundary entrance wall 1.05m x 3.7m x 0.050m
- 1 Halo illuminated front sign to shop 0.130m x 1.7m x 0.050m
- 1 Halo illuminated round sign logo to wall of shop 1.045m x 1.045 m x 0.070m
- 1 Halo illuminated sign above front balcony 1.75m x 2.20m x 0.050m
- 1 Halo illuminated above main entrance to Mayfair 7.620m 0.120m x 0.120m
- 2 Halo illuminated signs to the Mayfair building front wall 0.200m x 2.250m x 0.020m

4.5 The signs will have a luminance level of 800 cd/m this is in line with guidance of luminance levels for this area.

4.6 The site is located along the main Tees Road on the boundary of Seaton Carew. The entrance to the site will have 3 walls defining the entry points. The signage is to be allocated to the Mayfair building, the retail building and the entrance walls.

4.7 The signs on the front entrance wall will be visible from the highway, the signs on the Mayfair centre and retail unit will be partially screened by the proposed golf dome and the residential bungalow, but will be visible within the site.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (2) and a site notice. To date, there has been 1 letter of no objection.

The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

Head of Traffic and Transportation – No objections

Ecology – Flag poles could have the potential to discourage the SPA birds that feed on the site if they were to be sited in an inappropriate location, the proposed location is considered unlikely to create a problem.

PLANNING POLICY

Local Policy

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

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

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

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.

Emerging Local Plan

4.11 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

ND5: States that advertisements should be appropriately located and of an appropriate scale and size. The policy highlights that they will not have an adverse impact either individually or cumulative on the building, land or surrounding area and would not impact upon public safety.

Regional Policy

4.12 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

4.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect

existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

4.14 When considering advertisements only those which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

PLANNING CONSIDERATIONS

4.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the effect of the proposal on the surrounding area and highway safety.

Principle of Development

4.16 The Mayfair has recently been given approval for major redevelopment within the site. The proposed signage has been designed to be in keeping with the area and functional in nature.

Visual Amenity

4.17 In addition to the illuminated signage on the entrance wall and buildings the proposal includes the provision of twelve flag poles which will be erected at the site entrance. On the double walled entrance there will be 4 poles either side of the entrance opening and on the single walled entrance there will be 4 poles.

4.18 The flag poles will be securely fixed through the ground and stand behind the wall at 30 degree separation. The flag poles will be at a height of 7.620m from floor to the head of the pole and will fly flags relating to Sport England, the FA etc.

4.19 Taking into account the siting of the advertisements it is considered that the proposals are appropriate for the area and are functional. The majority of the illuminated advertisements are not clearly visible from the wider public areas surrounding the site. It is not considered that the advertisements create any detrimental impact upon the visual amenity of nearby premises or road or footpath users within close proximity of the site of a level which appears cluttered and incongruous. Furthermore, it is not considered that the advertisements or flag poles detract from the character of the area in general.

Highway Safety

4.20 The Traffic and Transportation Section have raised no highway or traffic concerns regarding the display of the advertisements.

4.21 There are only two wall entrance signs and flagpole signs that will be clearly visible from Tees Road. The remaining signs within the site will be partially obscured by the proposed golfing dome and the residential property within the site. The signs although illuminated are low key and should not be a distraction to motorists. With regard to the concerns raised regarding potential distraction the signs may have on vessels along the coast and shipping channels. PD Ports have been consulted and a response is awaited, however notwithstanding this it is considered that the advertisements are positioned a significant distance from the coast line and should not have an adverse impact upon the shipping lane or other traffic along the coast.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.22 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.23 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

4.24 There are no Section 17 Implications.

REASON FOR DECISION

4.25 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than two 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 21 September 2012 Drg No: BM/SC/220/03, BM/SC/220/09, BM/SC/220/010, BM/SC/220/11 Rev A, BM/SC/220/012A, BM/SC/220/013 Rev C, and BM/SC/220/014, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The maximum intensity of the illuminated sign(s) shall not exceed 800 cd/square metre.
In the interests of visual amenity.

BACKGROUND PAPERS

4.26 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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The Mayfair Centre H/2012/0507



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

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Scale: 1:5000

Date :

Drg No:

Drawn: JT

No: 5
Number: H/2012/0442
Applicant: Mr Atilla Ozcan 1 Sharp Crescent DURHAM DH1 1PE
Agent: Mr Ted Jackson 7 Amble Close HARTLEPOOL TS26 0EP
Date valid: 20/08/2012
Development: Variation of condition No 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days per week
Location: 180 York Road HARTLEPOOL

PURPOSE OF REPORT

5.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

5.2 The application site is an existing takeaway with a flat above located in York Road. The property sits within a block of 5 commercial units with residential units above, although it is unclear from the officer site visit as to whether the units above were occupied as residential or used as storage space.

5.3 The application site was originally a retail unit (A1). In 2000 planning permission was refused (H/FUL/0557/00) for a hot food takeaway. The applicant appealed and in 2001 the hot food takeaway was granted planning permission on appeal with an hours restriction of 8am – 23.30pm Mondays to Saturday (inclusive), and at no time on Sundays or Bank Holidays.

5.4 In 2006 a temporary permission was given (H/2006/0401) to allow opening 7 days a week 8am till midnight. This temporary permission has lapsed.

5.5 The application has been referred to Committee by a Councillor for reasons of the potential impact on the surrounding area.

PROPOSAL AND SITE CONTEXT

5.6 The application seeks the variation of opening hours 8am – 2am 7 days per week. In support of the application the applicant states he has operated beyond the approved hours for in excess of five years without detrimental effects. That the complaint arose from a competitor. The applicant also has advised that without the additional opening hours the use would be uneconomic and employment would be lost.

PUBLICITY

5.7 The application has been advertised by way of neighbour letters (2) and a site notice. To date, there have been no letters of objection or comments received.

5.8 The period for publicity has expired.

CONSULTATIONS

5.9 The following consultation replies have been received:

Public Protection - This hot food takeaway is located in close proximity to residential properties in Lister Street and York Road. It is outside of the late night area as identified in the local plan and core strategy in an area where we would not usually approve this type of use beyond midnight. There are a number of other similar uses in the area with hours restrictions that restrict their opening hours to before midnight. In my opinion approving this application would probably result in a knock on effect in that the other hot food takeaways in the locality would also wish to open later in order to be able to compete. I am therefore of the opinion that this application should be resisted.

Police – With regard the above planning application the Police have had no recent reports of incidents of crime or disorder that are linked to the premises. However the proposed increased opening times would have the potential to increase the risk of incidents of crime and disorder as a result of more customers using and leaving the premises under the influence of alcohol which could result in increased demands on the Police resources.

PLANNING POLICY

Local Policy

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

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

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will

not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

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

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

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

Emerging Local Plan

5.11 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

RC2: States that the town centre will continue to be the primary commercial centre in the Borough. In accordance with policy RC1 the Borough Council will seek to diversify, support and protect the town centre as the sequentially preferable location for main town centre uses. Appropriate uses will only be allowed provided they do

not adversely affect the character, appearance, function and amenity of the area and that they are in accordance with Policy ND4. The primary shopping area will be the sequentially preferable location for existing and new A1 shopping development. Other uses will only be permitted in the primary shopping area where it is demonstrated that they do not impact on its retail function. The re-use of upper floors will be encouraged provided it would not impact on the area's retail and commercial function. The Council will seek to enhance the vitality and viability of the town centre.

RC6: States that late night uses will be permitted only within the Church Street/Marina area subject to criteria relating to design, amenity issues and the function and character of these areas.

Regional Policy

5.12 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

5.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

5.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity of neighbouring properties.

Principle of Development

5.15 The site lies within the defined Town Centre but is at its very edge in an area characterised by mixed commercial uses with an element of residential uses above the premises. Residential properties are also located nearby.

5.16 The current local plan policies and the emerging policies advise that late night uses (after midnight) will only be supported in the Church Street area and south west area of the Marina. The site is not located within these areas.

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

Impact on the amenity of neighbour properties

5.18 The application site lies in close proximity to residential properties, particularly Lister Street to the east and flats above commercial premises on York Road. It lies outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006 and the emerging Local Plan.

5.19 There are a number of hot food takeaways within the area that have restrictions on opening hours, it is also acknowledged that there are a number of takeaways without restrictions which are long standing uses.

5.20 It is acknowledged that temporary permission granted to 180 York Road to operate on a Sunday has lapsed. However the owner is staying open beyond the hours that have permission and is therefore in breach of planning permission, this is a separate issue and will be investigated.

5.21 In recent years Inspectors decisions and decisions on planning applications, have acknowledged the sensitivity of areas where commercial uses give way to residential areas, and have consistently maintained a midnight time limit on opening hours in relation to takeaway and restaurant premises in such areas.

5.22 The police have advised that late night hot food takeaways have the potential to increase the risk of incidents of crime and disorder as a result of more customers using and leaving the premises under the influence of alcohol which could result in increased demands on the Police resources.

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

Other matters

5.24 It is unfortunate that the applicant feels the only way to make the business viable is to open longer hours. However there are sound planning reasons that the hours restriction should be maintained and recent appeal decisions confirm this. It is not considered that the personal circumstances of the applicant should outweigh these concerns.

5.25 The closure of the premises would be unfortunate; however it is not considered that any desire to keep the business open at all costs would outweigh the valid planning concerns discussed above.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.26 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.27 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

5.28 There are potential Section 17 Implications arising from the proposal which are outlined in the response of Cleveland Police.

REASON FOR DECISION

5.29 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION - REFUSE

1. The application site lies in close proximity to residential properties and is outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan (2012). It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of the morning. The proposal would be contrary to policies GEP1, Com12 and Rec13 of the adopted Hartlepool Local Plan 2006 and policies ND4, RC2 and RC6 of the emerging Hartlepool Local Plan 2012.

BACKGROUND PAPERS

5.30 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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180 YORK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000

Date : 24/10/12

Drg No: HI/2012/0442

No: 6
Number: H/2012/0522
Applicant: Mr Mark Evans 61 Meadowgate Drive Hartlepool
Cleveland TS26 0RH
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 03/10/2012
Development: Erection of a single storey dining room and kitchen
extension to rear (resubmitted application)
Location: 61 MEADOWGATE DRIVE HARTLEPOOL
HARTLEPOOL

PURPOSE OF REPORT

6.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

6.2 The application site was subject to a recent planning application (H/2012/0330) for an identical extension to that now proposed. The application was refused in accordance with the Council's scheme of delegation on 17 September 2012 for the following reason:

"It is considered that the proposed rear extension will significantly and detrimentally impact upon the amenity of the residents of 59 Meadowgate Drive in terms of overshadowing and outlook and would set a dangerous precedent on the estate for large, overbearing extensions, contrary to policies Gep1 and Hsg10 of the Hartlepool Local Plan."

6.3 This application has been called-in by a Member to allow Planning Committee to consider the proposal in light of the recent Government announcements regarding potential changes in permitted development rights. Notwithstanding this, Members should note that the Ministerial Statement on the matter was issued on 6 September 2012, some 11 days before the previous application was determined. Members will therefore wish to note that the potential implications of the Government announcement were taken into account in the determination of the original application. Members will also recall they resolved on 10 October 2012 for the Council to object in principle to forthcoming consultation on the potential changes on the basis of the information announced to date, notably including the notion of doubling the size of extensions to be allowed for under permitted development rights and the potential impact this will have on neighbouring properties.

6.4 For Member's clarification, part 20 of the Council's adopted 'Planning Code of Practice' deals with repeat applications for development previously refused. The code states that the principles which can be distilled from numerous Ombudsmen cases on this matter are:

- that there is perversity or maladministration if a Local Planning Authority approves an application which had previously been refused where there has not been a significant change in planning circumstances;
- the perversity of approving an application which has been previously refused where there has been no significant change in the planning circumstances, is maladministration if insufficient weight has been given to Officer's recommendations and Central Government guidance, and there is a failure to give and record reasons for the Authority's change of mind.

6.5 Members must therefore be advised that a serious risk of challenge is posed by a failure to give and record clear and convincing planning reasons for the approval of planning applications for which there is a history of refusals by the Council where there has been no significant change in the planning circumstances. Therefore, if Members are minded to approve an application for a development previously refused, clear, justifiable reasons for the change in planning circumstances must be given.

6.6 The property has previously had planning permission for a "L" shaped rear garden room measuring 4.1m X 9.6m at its largest point (HFUL/2004/0473). This permission however was never implemented and has lapsed. It also pre-dated the current Council policy set out in the Local Plan (2006). More recently, permission was gained and subsequently implemented to convert the garage into a family room at the front of the property (H/2007/0692).

PROPOSAL AND SITE CONTEXT

6.7 The site to which the application relates to is a large modern property on the Eden Park estate, Hartlepool. The area is primarily residential but properties on the estate have previously had problems with subsidence and the ingress of gas. As a result, all the properties on the site have had all permitted development rights removed.

6.8 The application seeks planning permission for a single storey rear extension comprising of a dining room and kitchen enlargement. The extension is proposed to extend 5m from the rear wall, with a width of 9.6m. It is proposed to have a parapet wall extending to a height of 3.3m. No windows will be located in either of the side elevations whilst folding patio doors and two windows will be located in the eastern elevation opening out onto the garden.

PUBLICITY

6.9 The application has been advertised by way of neighbour letters (3). To date, there have been one letter of concerns received regarding potential party wall damage during construction works.

Copy Letters A

6.10 The period for publicity expires before the meeting. Any additional correspondence received will be provided to Members prior to the meeting.

CONSULTATIONS

6.11 The following consultation replies have been received:

HBC Engineering Consultancy – No comments received.

HBC Building Control – The gassing details provided with the Building Control application appear to be satisfactory.

HBC Arboricultural Officer – Number of young trees included in TPO166 at the site however they will not be affected by the proposed development.

PLANNING POLICY

Local Policy

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

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

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

Emerging Local Plan

6.13 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

Regional Policy

6.14 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

6.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

6.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposal upon the amenity of neighbouring properties by way of overshadowing, dominance, outlook and overlooking.

Residential Amenity

6.17 The rear garden of the application site is relatively substantial and slopes away from the property. Beyond the rear garden there is a tree belt. As a result, it is considered that the proposed rear extension can be easily accommodated on site without compromising available garden area for the present residents or those in the future.

6.18 To the immediate south of the application site is 63 Meadowgate Drive. Both properties have large, east facing rear gardens. There is a slight stagger between the properties with the application property sitting beyond the rear of the adjacent

property. The dwellings are orientated in such a way that the rears of the properties are angled away from one another. As a result, the impact of the proposal is likely to be reduced and therefore it is considered that the 5m projection will not be significantly prominent from the rear of 63 Meadowgate Drive or overly detrimental in terms of overlooking, overshadowing or outlook.

6.19 To the immediate north of the site is 59 Meadowgate Drive. The properties are gable to gable and with a gap of approximately 2.8m between. A close boarded 1.8m high wooden fence runs the length of the shared boundary between the two. There is a slight stagger between the properties with the application property set back approximately 0.5m from the adjacent property. Whilst minor, this stagger is likely to increase the impact of the development on 59 Meadowgate Drive. At 3.3m high, 5 metres long (5.5m taking into account the stagger) and approximately 1.5m from the shared boundary it is considered that the proposal will lead to an unacceptable degree of overshadowing and dominance with regards to the nearest habitable window on the rear of the adjacent property, contrary to Gep1 and Hsg10 of the Hartlepool Local Plan (2006) which state that development should not unduly affect the amenity of neighbouring residents.

6.20 The 45° rule is a common principle with a history of planning case law used to assess the impact of a proposal on light/visual to the neighbouring properties. This is whereby a line is drawn at a 45° angle from the closest habitable window (in the neighbouring property) which in this case is a kitchen window. If any of the development extends beyond the 45° line then it is considered likely to contribute to overshadowing. Due to the slight stagger between the properties in this case the final 1 metre of the development will extend beyond the line. Therefore, taking into account the height of the proposal, 3.3m, which is substantially greater than would usually be expected on a single storey extension, it is considered that the maximum possible projection without detrimentally overshadowing the neighbouring property would in this instance be 4m. Whilst it is acknowledged that overlooking is unlikely to be an issue the impact of the extension is still considered to be unacceptable due to the potential for significant overshadowing and the potential for the extension to be significantly dominant in the outlook from the kitchen window to the detriment of neighbouring residents.

6.21 There are a number of properties directly to the rear of the site on Knightsbridge Gardens. Whilst the ground slopes down towards these properties from the applicant's dwelling it is not considered that the proposal will be detrimental in terms of the amenity of the residents. The properties will have a separation distance in excess of 20 metres and the presence of a mature hedge on the boundary ensures that overlooking will be kept to a minimum.

Visual Amenity

6.22 The works will be located entirely at the rear of the property so will not be visible from the nearest highway. As a result, it is not considered that the proposal will be detrimental to the street scene.

Other Issues

6.23 No comments have been received from the Engineers regarding the proposed gas protection measures however comments from the Council's Building Control section indicate that adequate gas protection measures are proposed under the Building Regulations to be incorporated into the foundations and then checked on site by a suitably qualified specialist. The Council's Arboricultural Officer has also examined the plans due to the presence of a number of TPO trees in the area beyond the rear garden. There are no objection to the works.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.24 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.25 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

6.26 There are no Section 17 Implications

REASON FOR DECISION

6.27 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is unacceptable as set out in the report.

RECOMMENDATION - REFUSE

- 1) It is considered that the proposed rear extension will significantly and detrimentally impact upon the amenity of the residents of 59 Meadowgate Drive in terms of overshadowing and outlook and would set a dangerous precedent on the estate for large, overbearing extensions, contrary to policies Gep1 and Hsg10 of the Hartlepool Local Plan.

BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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61 MEADOWGATE DRIVE



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HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000

Date : 24/10/12

Drg No: H/2012/0522

No: 7
Number: H/2012/0524
Applicant: Farmfoods Ltd 7 Greens Road Blairlinn Cumbemauld G67 2TU
Agent: CPLC Associates Ltd Mr Warren Cooper 87a Station Road Bishops Cleeve Cheltenham GL52 8HJ
Date valid: 04/10/2012
Development: Demolition of Pink Domino Public House and erection of a new food retail store (Class A1) and associated external works
Location: THE PINK DOMINO CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

7.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

7.2 The application seeks consent for the construction of a new Farmfoods store on the site of the Pink Domino Public House. The proposed store will be approximately 499m² gross internal area, of which 410m² will be used for sale and the remainder is backshop and partitioning. Customer car parking will be provided along with an area for deliveries. Farmfoods are a privately owned grocery business, specialising in frozen food and other mainly long shelf-life groceries and currently have in excess of 300 stores throughout Great Britain. The proposed new store will create approximately 15 new jobs, which will be both part time and full time.

PROPOSAL AND SITE CONTEXT

7.3 The site to which this application relates extends to approximately 0.64 acres (0.26ha) and is presently occupied by the Pink Domino Public House. The Pink Domino is a purpose built public house constructed as part of a post-war public housing development located at the junction of Brierton Lane and Catcote Road. It was constructed in the mid-late 1950's. The walls are constructed of red brick with a combination of hipped roofs and smaller areas of flat roof. The building is located on a prominent corner site and is identified as a heritage asset as it is one of the towns locally listed buildings

7.4 The proposed development will result in the demolition of the Pink Domino public house and its replacement with a modern purpose built retail unit. The retail unit would be approximately 499m². The development includes parking for 29 cars. The proposed building would be located in the south eastern part of the site and will measure some 28m in depth at a width of approximately 19m. The roof to the building will be sloped measuring 3.3m at its lowest point rising to a maximum height of 5.2m fronting Catcote Road.

PUBLICITY

7.5 The application has been advertised by way of neighbour letters (32), site notices (x2) and press advert. To date, there have been 18 representations received consisting of 16 letters of objection, 1 letter of comments and 1 letter with no observation outlined other than the request to be able to speak at the committee meeting.

The concerns raised are:

1. The loss of a social amenity which has raised thousands of pounds over recent years for local charities. The public house is a very sociable meeting place for all ages. It is very rare that police are called for any trouble.
2. Road Safety – There will be an increased loading of traffic on Brierton Lane and Catcote Road, the developer is not using the local area as a catchment, but the whole of Hartlepool. Also taking into account the new housing development at the top of Brierton Lane this junction will be totally overloaded.
3. The volume of traffic generated at the junction with Catcote Road and Dalkeith Road.
4. The impact traffic generation will have on emergency vehicles
5. The area is already very busy with traffic not just at peak periods due to the sports hall in Brierton Lane especially at the weekend. People already park on grass verges and across public footpaths at present.
6. There is already a good mix of shops from the north end at Oxford road to the South end at the Fens.
7. Enterprise Inns are responsible for the 'time warp image' they want to portray due to lack of investment and continual increase in rents and charges when a tenant has been succeeding.
8. The proposal is purely to fund the bank balance of the current owners.
9. Too many pubs have already been lost due to the greed of large organisations. A possible buyer is interested in the premises. So as a council please explore this route before allowing demolition.
10. People lives will be blighted by the extra noise and traffic that will be generated.
11. There is already large amount of freezer shops in the area.
12. Anti-social behaviour by way of congregating youths.
13. Concerns regarding the loss of another public house
14. The amount of existing empty retail units available elsewhere in the town.
15. Loss of property values
16. Economical impact on surrounding retail premises
17. A budget chain retailer will not support the local economy effectively.
18. The overall planning of the Brierton School site has not yet been determined and this should be part of an overall planning policy on the adjacent site
19. Opening hours
20. Noise and disturbance from deliveries and customers.
21. Consideration should be given for part of the Brierton School site to be sold to Farmfoods.
22. Storage and collection of waste

23. There are existing employers on site contrary to the information outlined by the applicant
24. Impact on trees and hedges on site
25. The information submitted with the application outlines that no residential units will be lost, this is incorrect.
26. The information submitted with the application is totally biased against the building and does its best to belittle its local listing
27. The existing building does have a pleasant appearance and fits in well with the surrounding area
28. The statement of limited community role is obviously conjured up by people who do not know. Several social societies are run from the establishment.
29. Just because the building is of local significance does not mean that a decision to demolish it should be taken by persons who have no local connection and do not have to live in the area.
30. Social and environment benefits stated to be the result of the proposal appear to be far stretched
31. People will use roadside parking whilst visiting the proposed shop causing congestion and using parking places set up for local residents.
32. The artist's impression picture shows a building completely out of step with the surrounding area with hedge and ornamental trees missing.
33. The development will take away part of our local heritage.
34. The proposed building does not fit in with its surroundings
35. There will be extra pollution from vehicles using or servicing the store.
36. Increase in litter
37. Access implications for existing residents in close proximity to the site
38. Building has a covenant on it to be a public house for 100 years
39. A huge loss to the community, a much greater loss than the addition of another retail unit which, no doubt in a few years would end up another empty unit, unlike the Pink Domino which has remained open for some 50 plus years.
40. Hartlepool Council has an obligation to ensure a balance of resources is provided to the people that it serves.

Copy Letters D

The period for publicity is still outstanding and expires prior to the committee meeting. Any further representations received will be outlined in a comprehensive update report.

CONSULTATIONS

7.6 The following consultation replies have been received:

Traffic and Transportation – Comments awaited

Economic Development – Comments awaited

Engineering Consultancy – Comments awaited

Conservation Officer – Comments awaited

Public Protection – I would have no objections to this application subject to the following conditions;

- An hour's restriction on deliveries to between the hours of 7:00am and 9:00pm
- An hour's restriction on opening hours to those applied for in the attached application.
- A condition requiring an acoustic fence to the boundary between the application site and the neighbouring residential properties.

Property Services – Comments awaited

Building Consultancy – Comments awaited

Northumbrian Water- Comments awaited

Cleveland Police – Comments awaited

Environment Agency – The Environment Agency has assessed this application as having a low environmental risk. We do not therefore wish to make substantive comments in relation to this proposal.

The applicant should note that an acceptable method of foul drainage disposal would be connection to mains sewer. If for any reason this is not proposed we would wish to be re-consulted.

Tees Archaeology – The Pink Domino was nominated for and included on the 'Locally Listed Buildings of Hartlepool' in 2011. This suggests that it has value to the local community and is a heritage asset (NPPF Annex 2).

The planning application is accompanied by a heritage statement. This provides a case for the demolition of the building.

I have no major objection to the demolition of the Pink Domino but would recommend that a full photographic and descriptive record is made as a condition of planning consent (should it be granted). This will allow for a publicly accessible archive to be created that advances our understanding of the building (NPPF para 141).

PLANNING POLICY

Local Policy

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

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking

requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should to conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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.

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

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

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Emerging Local Plan

7.8 The 2006 Local Plan is in the process of being replaced by the 2012 Local Plan. Currently the 2012 Local Plan is at Submission stage and has been through significant public consultation to reach this stage. As a result the policies in the 2012 Local Plan hold significant weight when determining planning applications. Where 2006 Local Plan policies are proven to not be in accordance with the NPPF or are out of date regard should be given to the emerging 2012 Local Plan policies. However, with regard to this specific application the policies used from the 2006 Local Plan are still up-to-date and robust and as a result there is no need to refer to the emerging 2012 Local Plan policies.

Regional Policy

7.9 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

7.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive

and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

7.11 Paragraph 24 states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The proposals are in broad accordance with the Local Plan 2006 and as a result there will be no requirement to undertake a sequential test as advocated by the NPPF. Similarly there will be no requirement to undertake a retail impact assessment.

PLANNING CONSIDERATIONS

7.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the demolition of the building, the principle of the proposed use, siting, design, noise and disturbance, anti-social behaviour considerations, highway and traffic considerations and the impact on nearby premises/properties.

7.13 As a number of consultee responses are awaited it is considered prudent to provide a comprehensive update report on all matters.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.14 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.15 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. The final scheme will be designed with the reduction of crime and anti-social behaviour in mind.

RECOMMENDATION – UPDATE REPORT TO BE PROVIDED

BACKGROUND PAPERS

7.16 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

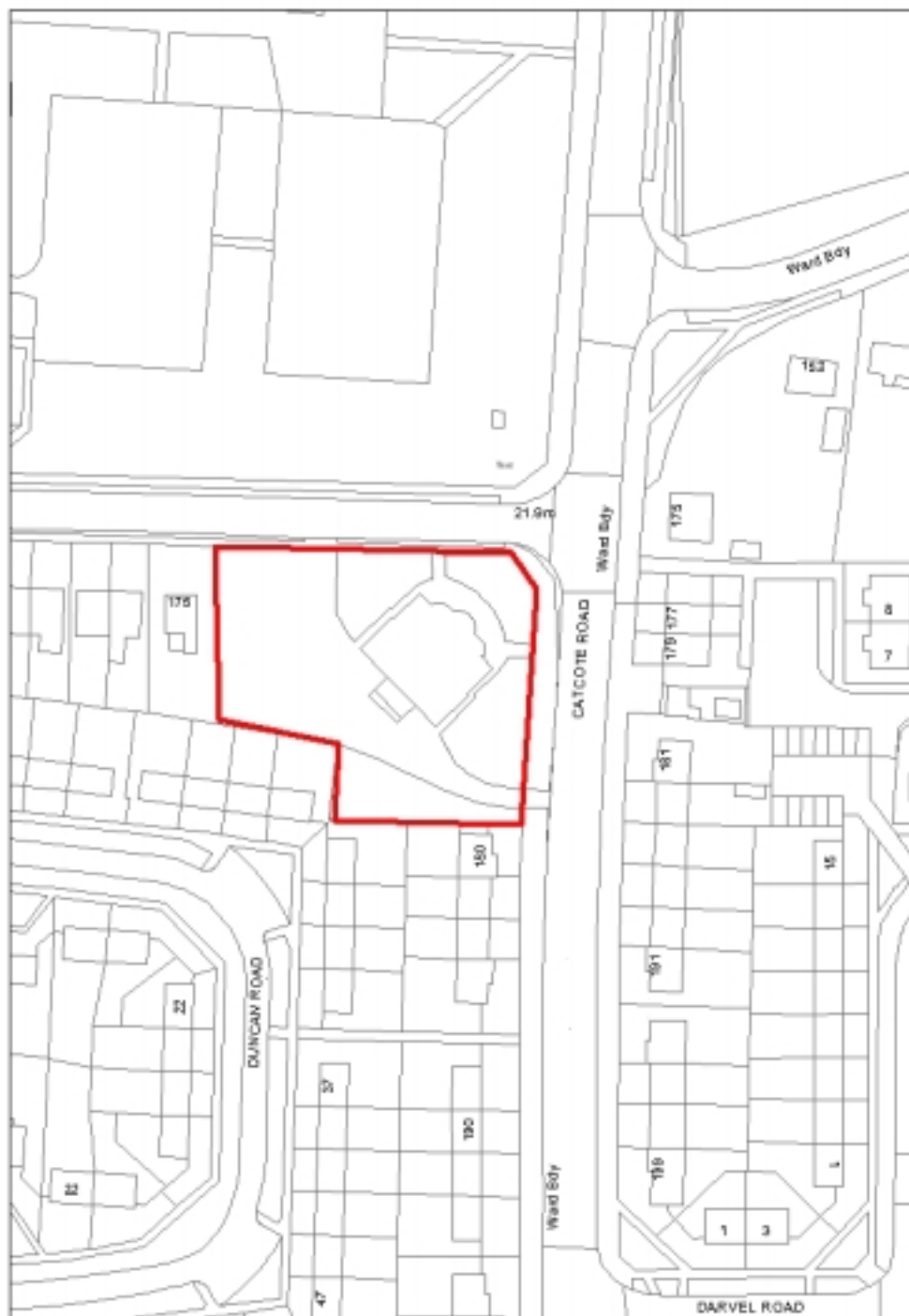
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PINK DOMINO PH



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
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 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000

Date : 24/10/12

Drg No: H/2012/0524

No: 8
Number: H/2012/0497
Applicant: Mr S Fawcett 5 Brooklime Close Bishop Cuthbert
HARTLEPOOL TS26 0WH
Agent: Mr S Fawcett 5 Brooklime Close Bishop Cuthbert
HARTLEPOOL TS26 0WH
Date valid: 28/09/2012
Development: Siting of metal container in north east corner of field for
storage of rugby equipment
Location: Old Friarage Field Moor Terrace HARTLEPOOL

PURPOSE OF REPORT

8.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

8.2 Hartlepool Boys Brigade Old Boys club have applied for planning consent for the siting of a metal container on the Old Friarage Field, Headland, Hartlepool. The land is owned by the Henry Smith Education Trust. The container will be used for the storage of rugby equipment and will be capable of being locked.

PROPOSAL AND SITE CONTEXT

8.3 The proposed container will be sited in the north east corner of the field and will measure 6m x 2.4m x 2.6m. The applicant has stated that the container will be painted dark green.

PUBLICITY

8.4 The application has been advertised by way of neighbour letters (42), site notice and press advert. To date, there has been one response of no objection received.

8.5 The period for publicity is still outstanding but expires prior to the committee meeting. Any further representations received will be tabled at the meeting.

CONSULTATIONS

8.6 The following consultation replies have been received:

Tees Archaeology – There will not be a direct physical impact on archaeological deposits - no objections.

Conservation Officer - No objection to the siting of the proposed storage container in the position on the Friarage Field. The siting should not be permanent but on a temporary basis as both the Heugh Gun Battery site and the area around the Friarage Manor House are likely to be subject to change. The Battery is looking to revise the internal arrangement of its site with the aid of further Heritage Lottery Fund grant and the area around the Manor House will be marketed soon for housing development backed by a development brief. With both of these imminent I would suggest that a temporary consent of three years rather than five be considered which can be renewed again if there is no change to the Battery or Manor House sites.

A condition requiring details of the paint colour will control the final colour scheme which should be as unobtrusive as possible.

Headland Parish Council – Comments awaited.

Sport England - Comments awaited.

PLANNING POLICY

Local Policy

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

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

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

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

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

HE2: Encourages environmental improvements to enhance conservation areas.

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

Emerging Local Plan

8.8 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

NE1: The Borough Council will safeguard green infrastructure within the Borough from inappropriate development and will work with partners actively to improve the quantity and quality of green infrastructure and recreation and leisure facilities throughout the Borough based on evidence of local need. Over the plan period this will mean enhancing green infrastructure and addressing the identified shortfall in the amount or quality of green existing infrastructure.

HE1: The Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Area.

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

Regional Policy

8.9 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

8.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

8.11 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the potential for loss of amenity of the occupants of neighbouring properties in terms of possible outlook issues by way of the siting of the container. Also necessary to be assessed will be the appearance of the proposal in relation to the Headland Conservation Area, the character of the streetscene in general and the loss of the open space upon which the container will be sited.

Principle of Development

8.12 The proposed container will be visible from residential properties surrounding the site. Notwithstanding this, the nearest residential properties upon Moor Terrace are located in excess of 100m from the proposed siting of the container. It is not considered that the appearance of the container will appear incongruous upon the outlook of residential properties to a level whereby significant detriment will be created. Whilst the container will be in close proximity to the Heugh Gun Battery it is not considered that the container will appear unduly large or incongruous when set against the backdrop of the wider open space. It is not considered that the siting of the container will unduly impact upon the character or appearance of the Conservation Area or any of the heritage assets located within it. The principle of development in this instance is therefore considered acceptable.

National Policy With Regard To Heritage Assets

8.13 The NPPF does not contain an express presumption in favour of the conservation of designated heritage assets as PPS5 did, but the presumption in

favour of sustainable development is a presumption in favour of development that meets the objectives and policies of the NPPF, which has one of its twelve core principles the conservation of heritage assets. 'Great weight' should be given to the objective of conserving designated heritage assets.

8.14 Given the conservation objective, all harm, from demolition to harm through development within the setting of a designated heritage asset, requires 'clear and convincing justification'. Loss of a grade II building should be exceptional and grade I and II* buildings, and loss of other highly valued designated heritage assets should be wholly exceptional. Non-designated archaeological sites of demonstrable equivalence to scheduled monuments should be treated as designated heritage assets.

8.15 Conservation areas are designated heritage assets, so great weight should be given to their conservation also. There is a positive obligation to look for opportunities to enhance or better reveal the significance of a conservation area. Total loss of a designated heritage asset or substantial harm to it (physical harm or harm through development within the setting), can be justified either on the grounds that the harm is necessary to deliver public benefits that outweigh that harm, or because the asset is demonstrably non-viable and it is better to free-up the site than keep the asset.

Amenity

8.16 It is not considered that the proposed siting of the container would significantly detract from the character and appearance of the Conservation Area or the listed buildings located in close proximity. As outlined above, the container will be sited in excess of 100m from the nearest residential properties located upon Moor Terrace. Given the separation distances associated with the proposal relevant to the residential properties it is not considered that any significant detrimental impact will be created upon the living conditions of the occupants of the aforementioned properties.

8.17 Whilst the container would be visible from Friar Street, approximately 200 metres away from the proposed siting of the container, and in several other locations surrounding the site, it is not considered that the container will appear incongruous upon the streetscene. It is prudent to state that a large brick wall which surrounds the site will assist in screening views at street level from Moor Terrace and from all other public areas surrounding the site, including the Heugh Battery.

Impact upon the Character of The Conservation Area

8.18 The site to which the application relates is located within the Headland Conservation Area. As outlined earlier in this report the NPPF defines Conservation Areas as designated heritage assets. The Council's Conservation Officer has raised no fundamental objection to the application subject to the container only being granted temporary consent and a further condition being attached controlling the final colour of the container.

8.19 With regard to the above, it is considered that the proposed container is appropriate in the context of the site and the Conservation Area as a whole. As outlined above the container will be screened from the surrounding areas by way of a large brick wall. The applicant has stated that the container will be painted dark green. A suitably worded planning condition has been suggested in this regard. In terms of the Conservation Officers comments it is acknowledged that the siting of the container should not be permanent. It is prudent to state that the Local Planning Authority has historically only granted temporary consents for similar structures throughout the town. Therefore a planning condition has been suggested requiring the container to be removed from the site on or before the 28th September 2015 unless an extension to this time is agreed in writing by the Local Planning Authority.

8.20 Further to the consideration of the proposed container, The NPPF outlines that the substantial harm of a heritage asset can be justified on the grounds that the harm is necessary to deliver public benefits. Whilst it is prudent to state that officers do not consider that the proposed container would cause any significant harm, it is considered that the provision of the container will have significant benefits for the running of the rugby club making a positive impact for its members.

Loss of Open Space

8.21 Whilst the siting of the container will result in the loss of an area of open space this is considered to be acceptable in this instance. Given the location of the area of open space to be lost coupled with the use of the container in association with the playing of a recreational activity upon the wider site it is considered that the temporary loss of the open space can be justified.

Archaeology

8.22 Tees Archaeology has raised no objections to the siting of the container.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.24 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

8.25 There are no Section 17 Implications.

REASON FOR DECISION

8.26 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report having regard to all other material considerations. In particular the key material planning considerations relating to the impact of the proposal on the amenity of the surrounding area, Conservation Area and loss of open space.

RECOMMENDATION – Minded to APPROVE subject to the conditions outlined below and any other representations received after the committee meeting being considered by the Planning Services Manager including comments from Sport England.

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 28/09/2012 (Proposed plan titled: Steel Storage Containers and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The steel container hereby approved shall be painted dark green and remain dark green for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity
4. The storage container hereby approved shall be removed from the site and the land restored to its former condition on or before 28th September 2015 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained for an extension of this period.
In the interests of visual amenity and to allow the Local Planning Authority to assess the container in light of experience. The container is not considered suitable for permanent retention on the site.

BACKGROUND PAPERS

8.27 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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FRIARAGE FIELD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:3000

Date : 24/10/12

Drg No: H/2012/0497

No: 9
Number: H/2012/0430
Applicant: PERSIMMON HOMES PERSIMMON HOUSE
BOWBURN NORTH INDUSTRIAL ESTATE BOWBURN
DURHAM DH6 5PF
Agent: MR M RICHARDSON PERSIMMON HOMES
PERSIMMON HOUSE BOWBURN NORTH INDUSTRIAL
ESTATE BOWBURN DH6 5PF
Date valid: 06/08/2012
Development: Application for approval of reserved matters for the
erection of 159 dwellings with associated access road,
parking and landscaping
Location: LAND AT AREA 15 MIDDLE WARREN HARTLEPOOL

PURPOSE OF REPORT

9.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

9.2 On 3 March 1997, an outline planning permission was granted for residential development with associated open space, community use and shops on the wider Middle Warren site. A number of subsequent reserved matters applications have been submitted as the estate has progressed.

PROPOSAL AND SITE CONTEXT

9.3 The site to which the application relates is an area of vacant land, to the east of Merlin Way. To the north of the site is the latest phase of housing which is currently under construction. To the east is additional vacant land earmarked for future phases of housing. To the south is the access road to Hartfields, beyond that the site of the neighbourhood park and further housing. To the west is Merlin Way and the properties contained upon it.

9.4 This application seeks approval of reserved matters for the erection of 159 dwellings along with associated access, parking and landscaping. The scheme originally proposed 162 dwellings, however, this has been reduced following revisions to the layout of the scheme.

9.5 The scheme contains a mixture of 3 and 4 bedroom, two storey attached and detached homes. The size and design of the dwellings is broadly in keeping with the wider Middle Warren estate, however, in terms of appearance the dwellings are proposed to benefit from contemporary design features. The main elevations of the

properties contain architectural details such as render, canopies and balconies in a modern design, offering a contrast to the existing dwellings found on the estate.

PUBLICITY

9.6 The application has been advertised through three rounds of consultation following receipt of amended plans. This has been carried out by way of neighbour letters (268). To date, there have been 11 letters of objection, including a 53 name petition from residents of Hartfields. It should be noted that one letter of objection indicated that the objection would be withdrawn in the event amended plans were submitted revising access arrangements on Merlin Way which has been the case.

9.7 The concerns raised include:

- Parking issues
- Increase traffic and traffic problems
- Neighbourhood park should be moved to the site
- Design
- Impact upon access for emergency vehicles
- Anti-social behaviour

9.8 To date, seven letters of no objection have been received and two letters of comments regarding highways issues.

Copy Letters C

9.9 The period for publicity is ongoing. Any additional responses will be provided to members prior to the meeting.

CONSULTATIONS

9.10 The following consultation replies have been received:

HBC Arboricultural Officer – Landscaping generally acceptable. Recommend small areas of shrub planting to be included on corners of some plots.

HBC Building Consultancy – No objections.

HBC Engineering Consultancy – Comments awaited.

HBC Housing Services – Comments awaited.

HBC Public Protection – No objections.

HBC Parks and Countryside – No objections.

HBC Traffic and Transportation – Comments awaited.

Cleveland Police – Recommend Secured by Design although site is in an area of lower than average crime rate.

Cleveland Fire Brigade – No objections. Vehicle access to be in accordance with requirements of Part B of the Building Regulations.

Environment Agency – No objections.

Hartlepool Water – Comments awaited.

Northumbrian Water – No objections.

PLANNING POLICY

Local Policy

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

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

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

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

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

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

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.

Emerging Local Plan

9.12 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

LS1: The development of Hartlepool will be based on a strategy of maintaining a compact urban form with most expansion being concentrated in areas adjoining the existing built up area.

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

Regional Policy

9.13 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

9.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising

twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

9.15 Paragraph 49 states that, *"housing applications should be considered in the context of the presumption in favour of sustainable development."*

PLANNING CONSIDERATIONS

9.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the effect on the amenity of neighbouring properties, the effect on the character of the surrounding area and highway safety.

9.17 A number of key consultation responses, including from the Council's Traffic and Transportation team are awaited to the amended plans. Furthermore, publicity is ongoing.

9.18 On that basis, it is considered prudent to provide a comprehensive update report setting out the relevant planning considerations and recommendation to Members following receipt of the outstanding responses and any neighbour replies received in the interim.

EQUALITY AND DIVERSITY CONSIDERATIONS

9.19 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.20 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. The final scheme will be designed with the reduction of crime and anti social behaviour in mind.

9.21 There are no other Section 17 Implications.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

9.22 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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AREA 15 MIDDLE WARREN



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

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Scale: 1:5000

Date : 24/10/12

Drg No: H/2012/0430

No: 10
Number: H/2012/0408
Applicant: Mr S Burn Persimmon House Bowburn North Industrial Estate BOWBURN Co Durham DH6 5PF
Agent: Mr S Burn Leebell Developments Persimmon House Bowburn North Industrial Estate BOWBURN DH6 5PF
Date valid: 13/08/2012
Development: Hard and soft landscaping including installation of play facilities to neighbourhood park
Location: Land adjacent to Merlin Way HARTLEPOOL

PURPOSE OF REPORT

10.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

10.2 On the 3rd March 1997 Hartlepool Borough Council granted outline planning permission for the Middle Warren development subject to a Section 106 legal agreement and a condition which required a neighbourhood park to be developed in the area identified for a neighbourhood park on the Master Plan.

10.3 It was always envisaged that a car park would be provided within the neighbourhood park and as such an application was approved by Members in February 2009 which comprised the provision of a GP surgery within Hartfields and also involved the development of a car park with 62 car parking spaces within the area allocated for the neighbourhood park. The car park is complete and comprises 21 spaces associated with the doctors surgery (which is operational), and 41 spaces associated with the proposed neighbourhood park. The neighbourhood car park will be adopted by the Council and managed accordingly.

10.4 An application was submitted in March 2010 seeking consent for the final details of the neighbourhood park. The application was deferred following a Member's site visit to allow for further discussions between the residents of Hartfields and Leebell Developments. That application remains in abeyance.

PROPOSAL AND SITE CONTEXT

10.5 The application site is within the approved Middle Warren development and comprises an area of land west of the Joseph Rowntree's development of Hartfields, to the north, west of the site is proposed future residential development, which was recently minded to approved by Members, to the south lies the Green Wedge.

10.6 The application seeks consent for the final design and appearance of the play facilities proposed for the neighbourhood park. The scheme comprises two play areas for approximate age groups up to 5 years old and 5 years old and older, a multi use games area (MUGA), rockworks structure and bandstand. The final layout and design of the neighbourhood park has been subject to extensive consultation. The proposed equipment has been significantly influenced by the consultation process. The design and layout of the facilities has been altered since the previous application to take into account the concerns of Hartfield's residents. For example, the MUGA has been moved further west from Hartfield's in the interests of mitigating noise concerns of residents.

PUBLICITY

10.7 The application has been advertised by way of neighbour letters (1874). To date, there have been 13 objections received including a 53 name petition from residents of Hartfields. The concerns raised include:

- Increase in traffic;
- Increase in noise;
- Increase in litter;
- Potential for anti-social behaviour;
- Potential for vandalism;
- Impact upon house prices;
- Too close to retirement village;
- Users of park may use retirement village;
- Impact upon car parking;
- Park is out of keeping with the quiet residential estate;
- Park better suited elsewhere on the estate;
- Access for emergency vehicles may be compromised;
- Lack of demand for facilities;
- Issues over funding during current economic climate;

10.8 To date there have been five letters of comments received. The comments include:

- Traffic flow concerns, particularly in relation to Merlin Way;
- Concerns about anti-social behaviour;
- Concerns over wording of the planning application description;
- Appropriate policing and maintenance required;
- MUGA should be designed to reduce impact of air borne noise;
- Welcome footpath link with green wedge;
- Concerns over omission of CCTV;
- Concerns over bandstand being focal point for anti-social behaviour;
- Comments on proposed location of planting.

10.9 To date there have been 23 letters of support have been received. The points raised include:

- Excellent development;
- Long overdue;

- Lack of existing facilities;
- Needed for children to develop play and social skills;
- Promised the park would be built some years ago;
- Play area needs to be protected from spending cuts and maintained for future generations;
- Facilities would enhance the environment;

10.10 In addition to the above, 41 letters of no objections have been received.

10.11 Finally, a 176 resident survey has been submitted by Middle Warren residents. The outcome of survey shows 1 resident against the park, 4 residents for the park but against the location, 1 indifferent and 170 in support of the park.

Copy Letters B

10.12 The period for publicity has expired.

CONSULTATIONS

10.13 The following consultation replies have been received:

HBC Arboricultural Officer – Landscape scheme uses species that will survive in this area and will enhance it. No objections.

HBC Engineering Consultancy – No comments received.

HBC Neighbourhood Services – No comments received.

HBC Parks and Countryside – The application shows a good selection of public access paths proposed. Satisfied these paths will enhance the public access to and through the new development site, connecting with the open spaces to the south and the rest of the housing development site. No objections.

HBC Public Protection – No objections subject to an hours restriction on the MUGA to no later than 9pm.

HBC Traffic and Transportation – The existing car park is well used and at times the park may lead to parking on the adjacent highway.

Cleveland Police – Design and management of the development should reduce the opportunities for crime and disorder. It is important to have some form of demarcation of the site from the green wedge. Lighting can greatly assist the opportunities for good natural surveillance from the nearby dwellings and help to alleviate the fear of crime. Although there will be lighting from the car parking area and surrounding roads I am not certain this will provide sufficient lighting of the play site. Any landscaping should not reduce natural surveillance nor provide hiding places or allow rubbish to accumulate. The site should be well maintained and a rapid response to repairs and graffiti. Materials and Structures should be robust and vandal resistant and not provide ammunition to cause damage or harm.

Ramblers – No objections.

Tees Archaeology – No objections.

PLANNING POLICY

Local Policy

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

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

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

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

GN2: Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

Rec3: Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Emerging Local Plan

10.15 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND2: The Borough Council will seek to ensure, in accordance with the spatial vision of this plan, that everyone now and in the future has access to community facilities which meet the Borough's infrastructure, educational, social, leisure and health needs. This will involve the maintenance and improvement of existing facilities, where practicable and also the provision of new facilities in the future to complement new developments and to improve their sustainability.

ND4: The Borough Council will seek to ensure developments are of a high quality design.

NE1: The Borough Council will safeguard green infrastructure within the Borough from inappropriate development and will work with partners actively to improve the quantity and quality of green infrastructure and recreation and leisure facilities throughout the Borough based on evidence of local need. Over the plan period this will mean enhancing green infrastructure and addressing the identified shortfall in the amount or quality of green existing infrastructure.

Regional Policy

10.16 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Governments intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

National Policy

10.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PLANNING CONSIDERATIONS

10.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the effect of the proposals upon the surrounding neighbours and highway safety considerations.

Principle of Development

10.19 A Master Plan was developed in 1997 to accompany the outline planning permission for the Middle Warren housing development. The Middle Warren development was always designed on a comprehensive basis encompassing more than just housing. It did identify sites for a green wedge (an extensive open space area), a neighbourhood park, additional areas of open space and landscaping. These are provided for by a legal agreement. It was always envisaged that these facilities would be phased.

10.20 Members may recall that as part of the negotiations leading to the approval of the Joseph Rowntree 'Hartfields' application it was agreed that some of the facilities in the adjacent neighbourhood park would be provided earlier than anticipated. As such the car park comprising 62 car parking spaces with 21 of these spaces to be associated with the doctor's surgery at Hartfields has been provided and is in situ.

10.21 The location of the proposed neighbourhood park has not altered since the original approval in 1997 and Hartfields was approved with the knowledge that the neighbourhood park would be provided on the adjacent site. The Joseph Rowntree Housing Trust were fully aware of the location of the park prior to its development.

10.22 Objectors have raised concerns that the site is not near adjacent housing, however it should be acknowledged that the areas to the west and north of the application site are allocated for housing. Members will recall that they were minded to approve the reserved matters application on the site directly to the west for 49 dwellings on 18 July 2012. The application is to be approved shortly following completion of a deed of variation to the Middle Warren section 106 agreement. An application is also on today's agenda for reserved matters approval on land to the north-west of the site for 162 dwellings (H/2012/0430).

10.23 The layout of the park has taken into account its relationship with the Green Wedge and a footpath is proposed to link the two. There is also an area identified as a 'kick about' area south of the proposed park (which already has approval as part of the Green Wedge development) this is considered to complement the park.

10.24 The Section 106 legal agreement required the provision of 2 play facilities for age groups up to 5 years and ages 5 years and older, a list of equipment was stipulated. In addition the park was to include a multi use/tennis facility, car park, sports/community pavilion, street furniture and landscaping with associated items.

10.25 Discussions have been held between residents, the Council and Leebell since 2006 regarding the final design of the neighbourhood park and in 2006 a variation to the legal agreement was entered into which fixed a cost to the play equipment rather than specify the play items this effectively allowed the residents to have more say in the final design of the play equipment/park.

10.26 In April 2007 the Middle Warren Residents Association held a drop in day, which asked residents for suggestions as to what equipment should be provided within the park. This allowed residents to formulate a 'wish list' of desired equipment.

10.27 Based upon this 'wish list' consultations began with manufacturers, whilst the same financial restrictions applied to all manufacturers the design of the park differed considerably. In order to determine the preferred scheme it was considered that each manufacturer should present their proposals to residents. Accordingly on the 8th December 2008 a presentation was held at Hartfields in front of representatives from the local community including children from Throston Primary School, residents and staff of Hartfields and Council Officers. At the end of the presentation there was a consensus of opinion that the final choice of play equipment manufacturer should be with the children.

10.28 The children from Throston Primary school opted for Record RSS as manufacturer and accordingly the design was taken forward and the previous application was been submitted on that basis. However, due to the length of time that has lapsed since the consultation and for commercial reasons the manufacturer of the equipment has changed to SMP (Playgrounds) Ltd. Whilst there have been some alterations to the play equipment proposed, it is considered the proposed scheme still achieves the aims of the original proposal and suitable replacement equipment is identified.

10.29 Whilst the scheme has been amended to take into account the concerns raised during the consideration of the previous application, re-siting the equipment over a larger site to mitigate potential impacts upon Hartfields, the crux of the original scheme remains in that it provides a toddler and junior play area, bandstand, MUGA and path network as identified in the resident's 'wish list'.

Amenity

10.30 It should be noted that once the neighbourhood park is developed the Council would adopt the park and control its day to day running. The play elements as indicated are separated from Hartfields by a car park and the Council's Public Protection Team have raised no objections on amenity grounds subject to the MUGA being closed at 9pm. As such it is unlikely the scheme will give rise to significant noise impacts upon the residents of Hartfields or potential residents of new housing to the west.

10.31 Comprehensive landscaping schemes have been provided which shows significant tree planting to the eastern boundary, adjacent to the car park. It is considered that long term, this barrier will provide a sufficient visual break to mitigate any significant overlooking of apartments within Hartfields by users of the park.

10.32 Some objections have focused on the use of toilet and amenity facilities within Hartfields. It is understood that the restaurant/café, shop, toilet facilities are open to the general public, and that as part of Hartfields original planning approval a 'Community Use Agreement' has been entered into by Hartfields to facilitate public access.

10.33 It should be noted that CCTV is no longer proposed as part of the application as was the case previously. However, it is considered that sufficient natural surveillance of the park will be achieved by the dwellings directly to the west, the

proposed dwellings directly to the north and from Hartfields to the east. Cleveland Police have raised no objections to the proposal. Whilst concerns regarding the potential misuse of the play area and potential anti-social behaviour are acknowledged, it is considered that there is sufficient natural surveillance to reduce crime and/or anti-social behaviour.

Highways

10.34 It is considered that the scale of the Park and Green Wedge is such that the 41 car parking spaces which have already been provided in anticipation of the development of the park are more than sufficient.

10.35 The Council's Traffic and Transportation Team has no objection to the proposed development.

Other Issues

10.36 Concerns regarding impact upon property prices are not material planning considerations.

EQUALITY AND DIVERSITY CONSIDERATIONS

10.37 A number of elements of the play equipment are designed to be compliant with the Disability Discrimination Act (1995).

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

10.38 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. The final scheme will be designed with the reduction of crime and anti social behaviour in mind.

10.39 CCTV was proposed as part of the original proposal, although it is not a requirement of the S106 agreement, however, the Council's Community Safety Team indicated during pre-application discussions that it is unlikely that the Council will be able to justify installing a public space CCTV camera at the play area as it would not comply with the Information Commissioners Code of Practice for CCTV criteria. The Community Safety Team have indicated that if the developer were to install CCTV it would require an agreement for the camera to be connected to the Council system for 10 years. The developer has indicated that the cost implications would exceed the money set aside for CCTV provision, and any additional financial requirements from CCTV provision would result in the reduction of playing equipment from the scheme. As such the applicant no longer proposes CCTV as part of the development.

10.40 On that basis it is considered appropriate that funding will be received to support the inclusion of the Neighbourhood Park within the scope of play site inspection and maintenance programmes currently carried out in the Borough. The funding may also cover a contribution towards continued monitoring of the site or other security measures that may be deemed necessary in the future. A deed of

variation to the original S106 legal agreement is proposed to secure the funding towards monitoring and security measures.

REASON FOR DECISION

10.41 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – Minded to APPROVE subject to following conditions and a deed of variation to the S106 agreement to secure monitoring and security contributions:

1. The development shall be completed no later than 31 May 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. The development shall be carried out in accordance with the following plans submitted to the Local Planning Authority:
 - 74582/00506 C received 25 07 12
 - 74582/00509 A received 25 07 12
 - 74582/005010A received 25 07 12
 - MWNP-001 received 06 08 12
 - 74582/00507 A received 13 08 12
 - 74582/00508 B received 13 08 12
 - 74582/005011 received 13 08 12
 - 74582/005012 received 13 08 12
 - Design and Access Statement received 13 08 12
 - SMP Quotation received 13 08 12
 - Q-02100-Z2ZO-C received 13 08 12
 For the avoidance of doubt.
3. The development hereby approved shall be carried out having regard to the following:
 1. Initial Conceptual Model
The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.
 2. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of

the findings must include:

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

3. Submission of Remediation Scheme

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

4. Implementation of Approved Remediation Scheme

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

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

5. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 2 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 3 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 4 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

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

4. Details of all walls, fences and other means of boundary enclosure be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
5. Final details of the 'Rockworks' structure and the sculpture indicated on the footpath through the park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details within the timescale specified for completion specified in condition 1, unless otherwise agreed in writing by the Local Planning Authority.
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 completion of the development. 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. Final details of the bandstand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details within the timescale specified for completion in condition 1, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

BACKGROUND PAPERS

10.42 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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NEIGHBOURHOOD PARK, MIDDLE WARREN



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

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Scale: 1:5000

Date : 24/10/12

Drg No: HI/2012/0408

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No:	7
Number:	H/2012/0524
Applicant:	Farmfoods Ltd 7 Greens Road Blairlinn Cumbernauld G67 2TU
Agent:	CPLC Associates Ltd Mr Warren Cooper 87a Station Road Bishops Cleeve Cheltenham GL52 8HJ
Date valid:	04/10/2012
Development:	Demolition of Pink Domino Public House and erection of a new food retail store (Class A1) and associated external works
Location:	THE PINK DOMINO CATCOTE ROAD HARTLEPOOL

7.1 This application appears as item 7 on the main agenda. The report was left open for further consideration of the material planning considerations and also to allow for the receipt of outstanding consultation responses. The period for publicity is still outstanding. Any further responses received will be provided to Members at the meeting.

7.2 Circa 158 Letters of objection (in several instances multiple letters of objection have been received from the same property) have been received since the original report was written. The further areas of concern raised in addition to those outlined in the original report include:

1. The loss of the pub will be to the demise of community spirit
2. Concerns regarding the need for another shop in the area
3. Space for delivery wagons is limited
4. Increased traffic generation will put children in danger
5. Concerns regarding the distance many elderly residents would have to travel to another public house
6. Increased pollution from freezer units and increased car journeys
7. Concerns regarding the impact on the local economy
8. The retail store will be of no community benefit

Two letters of support have been received.

Copy Letters D

7.3 The following consultation responses have been received:

Traffic and Transportation - The proposed parking provision for the development is within the HBC Design Guide and specification guidelines. In order to prevent customers from parking on the highway to the detriment of highway safety, parking restrictions will be required to be implemented at the Catcote Road / Brierton Lane junction at the Developers expense.

This development on its own would not require the upgrading of the Catcote Road / Brierton Lane junction, there are however plans to signalise this junction following as

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part of future development plans, this development would be compatible with these improvement works.

Any improvements to the access onto the highway would require the developer to obtain the relevant road opening permit.

Economic Development - no objections for the proposals to redevelop the site for retail use.

Engineering Consultancy – No objections subject to conditions with regard to drainage and ground contamination

Northumbrian Water – No comments to make on the application

Cleveland Police - Police have no objections to this development but would recommend that measures are put in place to reduce any potential incidents of crime and disorder. These would include measures to protect from theft of any copper piping to the air conditioning unit. Comprehensive coverage of CCTV internally to the store and externally to the entrance and cycle stand area. The CCTV must be capable of producing images that can be used in a court of law. Store layout should take into consideration the risk of shoplifting at the premises. I would recommend that security standard of doors and windows comply with the standards outlined by Secured by Design in the attached document. An appropriate monitored intruder alarm which complies with ACPO security Policy and able to obtain a unique reference number should be installed.

Hartlepool Civic Society - The Pink Domino Public house was built after the Second World War at a time of austerity, it is therefore no surprise that, for inspiration, the architects harked back to the height of the Art Deco period of the 1920s and 30s before the War. As such, it is an excellent example of the period, with little external alteration. Symmetrical and with interesting detailing, all entirely befitting its use and location and it has a distinct quality. It was designed to make the most of the corner site and is certainly a notable local landmark, the quality of which is far superior to that of the new structure proposed in this application.

The Farmfoods store is a steel frame metal clad shed of a form more in keeping with an industrial location unlike the existing structure which, like the surrounding housing, is of traditional brick construction. The proposed construction offers nothing to the locality, being purely designed for easy and quickness of construction and least cost to the developer.

The applicant's declaration that their proposed building is of 'high quality' and 'will improve the appearance of the area' or 'that it will blend into the street' are, in the opinion of the Civic Society, ludicrous and laughable and might be considered insulting to the owners of the existing properties in the area. The proposed building is of the meanest design, of no architectural quality whatsoever and gives nothing to those who seek to take pride in their town – in short a cultural insult.

While the Pink Domino, is not considered of such rarity of architectural significance to be of national importance and therefore not listed as such, the local list does

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recognise the local contribution this building makes and its interest as an example of its period and form in Hartlepool.

There are some unusual thoughts on community and community use included in this application – the suggestion that a cut price supermarket comes even close to the function of social gathering and meeting place for immediate community when compared to a public house is highly doubtful. It is liable to attract an increased traffic flow on the corner, with all the possible comings and goings causing far greater disturbance for the local community.

The Brierton Lane/Catcote Road junction is a difficult staged-junction already – increased use immediately on the junction is going to provide elevated hazards. The junction is also a key junction for the urban extension proposed in the Core Strategy for Hartlepool – and would need to be upgraded as such – how will the presence of the supermarket affect this – and would this not hold out a lifeline for the existing use as a public house.

The proposed site sits almost equal distance from three local shopping centres, namely Brierton Shops and those on Catcote Road at Wynyard Road and the top of Oxford Road. The case for any need for a retailer of this sort on this corner is very doubtful – there is ample choice at the those three existing local centres which are all within easy walking distance.

This stand-alone retail outlet is contrary to the stated objectives of the Borough Council and planning policy to support existing local centres. The proposed Farmfoods facility is remove from the Town Centre and would certainly pose a serious risk to the function of one or more of the three local centres. We would welcome Farmfoods taking one of the numerous empty units that existing in more suitable locations around the town. This application is an example of company expansion at least price.

While the Civic Society would greatly regret the loss of the Pink Domino as a local landmark and community facility – if loss is totally unavoidable, the site would be much better-suited and sustainable as a housing site. This would be more in keeping with existing adjacent users.

Planning Considerations

Demolition of the Locally Listed Building

7.4 The Pink Domino public house is a designated heritage asset being one of the buildings, sites or structures in the Hartlepool Local List. The entry in the Local List indicates that the building dates from the mid 20th century. The building has Art Deco influences in the detailing of windows and to the external brick work.

7.5 The building dates from the mid 20th century. The Art Deco design influences in the overall design and appearance of the Pink Domino are therefore very derivative as the building was not built at the high point of the Art Deco design movement.

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7.6 As an identified heritage asset paragraphs 131 and 132 in the NPPF are relevant to the heritage assets retention and re-use and paragraphs 133 and 134 are relevant to the consideration of the loss of any heritage asset by alteration or complete redevelopment. It is considered prudent to outline that whilst The Pink Domino is part of the Hartlepool Local List, the significance of the building is therefore lesser than heritage assets contained in nationally generated list of bindings and sites.

7.7 Paragraph 131 of the NPPF indicates the desirability of sustaining and enhancing heritage assets by putting the asset to a viable new use compatible with their significance and the positive contribution that conserved and re-used heritage assets can make to sustainable communities and local economic vitality. Paragraph 132 considers the balance between the significance of the heritage asset and the proposed development. The greater the significance of the heritage asset then the greater weight should be given to the assets retention and if possible re-use.

7.8 Paragraph 133 of the NPPF considers the relevant issues to be considered if the total loss of a heritage asset is proposed as part of the re-use of a site. Local planning authorities should refuse consent unless it can be demonstrated that substantial public benefits can be achieved that outweigh the loss of the heritage asset, or as stated in the NPPF all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

7.9 In terms of the first bullet point outlined above, as stated previously the building is currently being used as a public house. Notwithstanding several neighbour representations received with regard to the lack of investment in the public house by the current owners or their intentions, the information submitted in support of the application outlines that Enterprise Inns (the owners) have been struggling with the site in recent years. Two tenants have failed to meet their bills in the past two years and recently Enterprise has only been able to charge a rent of £1 per week. Sales have continued to fall despite a considerable subsidy. The applicant has stated that the building is in need of major investment including new toilets, drains, roof repairs and comprehensive redecoration and refit. The supporting information states that even with investment the pub would remain dependant on declining drink sales and Enterprise did not consider any additional investment to be worthwhile and marketing of the site started in January 2012. The only offer received by Enterprise was by Farmfoods Ltd. No alternative uses, including continuation of the public house, have been forthcoming. Officers in the determination of the application have assessed the information outlined above and on balance it appears as though the use of the building as a public house is no longer viable and the marketing of the site for any

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alternative uses has offered up no other options other than the proposal currently being considered in this application.

7.10 With regard to the second bullet point outlined above, the supporting information submitted with the application outlines that the applicant has explored the potential for re-using the existing building for the proposed retail use. The applicant concluded that it is not possible to undertake the proposed retail operation in the existing building in a manner that is viable either in terms of the cost of alterations/adaption's nor in terms of the running costs of the operations. Officers have considered the key factors outlined by the applicant in arriving at the determining against conversion and on balance consider that this would not be feasible given the various operational requirements.

7.11 The applicant has advised that there is no known grant-funding or form of charitable or public ownership that would be available to preserve the Pink Domino. The Council's Conservation Officer has outlined that this is highly unlikely as the other more significant heritage assets which are also unused within Hartlepool are unable to attract grant funding.

7.12 Officers consider, on balance, that the loss of the building, whilst regrettable is outweighed by the benefit of the proposed use of the site. Given the commercial difficulties currently being faced by the current owners of the site it is considered that the proposed development will ensure the continued use of the site. Furthermore, the proposed development will provide new employment for 15 staff.

7.13 It is considered prudent to state that the Council's Conservation Officer has raised no objections to the proposed development. To summarise, on balance, it is not considered that the Local Planning Authority could sustain a refusal based on the demolition of the building in this instance given the considerations outlined above.

The Loss of a Social Facility

7.14 Several letters of concern have been received with regard to the loss of the public house and the social and community implications this will have on its patrons and the general public in the area.

7.15 Whilst the loss of the public house and the impacts this will have on the community is regrettable. Officers consider that there are still several other public houses, social clubs and community facilities available in the local area which would be available for use by the existing patrons. Whilst it is regrettable that the use of the public house as a social venue will be lost it is not considered that a reason for refusal could be sustained in this instance on these grounds given the remaining facilities located in the area.

Impact on Local Economy

7.16 Several letters of objection have been received with regard to the impact the proposed development will have on shops located in the immediate area and the general economy.

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7.17 Paragraph 24 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing local centre and are not in accordance with an up-to-date Local Plan. For the avoidance of doubt a sequential test is a planning principle that seeks to identify, allocate or develop certain types or locations of land before others. For example, brownfield housing sites before greenfield sites or town centre retail sites before out-of-centre sites. The proposals are in broad accordance with the Local Plan 2006 and as a result there will be no requirement to undertake a sequential test as advocated by the NPPF. Similarly there will be no requirement to undertake a retail impact assessment.

7.18 Notwithstanding the above, Officers have consulted with the Council's Urban Policy Team with regard to the potential impacts upon surrounding local centres. It is prudent to state that the Urban Policy Team survey the town centre and local centres annually to assess their performance. The local centres in close proximity to the Pink Domino were assessed in September 2012. The vacancy rates within the local centres of Wynyard Road, Catcote Road and Brierton Lane were low; therefore it is considered that the centres and the shops within them are functioning relatively well.

7.19 Whilst it is acknowledged that the proposed development could potentially impact upon the function of several shops in the local area it is not considered that the impact will be of a level whereby the Local Planning Authority could sustain a refusal.

7.20 Moreover, it is considered prudent in the context of this report to state that the current Use Classes Order allows for the change of use of a public house to other uses falling within Classes A1, A2 and A3, including general retail uses, without a requirement for planning permission. Therefore, if the proposals were merely to convert the property and no extensions of the property were proposed, planning permission would only be required for external alterations or operational development within the site.

Design

7.21 The NPPF sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.22 The adopted Hartlepool Local Plan 2006 states that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Officers are in agreement that the provision of the site

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for a retail unit is acceptable. The site layout is considered to be acceptable in design terms. The reason for this justification is outlined below.

7.23 Concerns have been raised regarding the appearance of the proposed retail unit. On balance, it is considered by Officers that the design of the retail unit is acceptable. The proposed building is a modern single storey retail building, whilst it contrasts with the two storey dwellinghouses located in immediate area, it is typical of the type of building which accommodates a modern retail unit and the proposed design is considered acceptable in this location it should be noted that the building is similar to the retail unit located on the former Shakespeare public house site. It is considered that the design of the building and layout is acceptable and that the proposal will have an acceptable impact on the visual amenity of the area. It is considered that the layout of the retail unit upon the site has been designed in such a way so to restrict the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it.

Residential Amenities

7.24 The property is bounded to the west, south west and south by residential properties and there are also residential properties to the east on the other side of Catcote Road which face the site.

7.25 In considering the impacts on the amenity of neighbours the physical impact of the development and issues arising from its use must be considered.

7.26 In terms of the physical impact of the development the proposed building is single storey with a sloped roof. Given the design of the development and the relationships with the nearby neighbours, in particularly the separation distances involved, it is not considered that the development will unduly affect the amenity of the neighbours in terms of loss of light, privacy, outlook or in terms of any overbearing effect to a level whereby the Local Planning Authority could sustain a refusal. In terms of the relationships with residential properties located around the perimeter of the site the layout complies with the Council's guideline separation distances. Whilst several windows will directly overlook the proposed retail unit and site it is not considered that the proposed impact upon amenity of the occupants of the properties will be unduly oppressive.

7.27 Whilst it is acknowledged that the development will appear prominent within the outlook of the rear/side windows of several properties and views of the surrounding area, particularly from Catcote Road and Brierton Lane it is not considered that the impact upon outlook, views or general amenity will be so significant to sustain a refusal. It is considered that over time the development will assimilate itself into the wider area.

7.28 In relation to the use of the premises concerns have been raised that the development will give rise to nuisance. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. The Police and Public Protection have raised no objections to the proposals subject to conditions (acoustic fencing, hours of operation, hours of deliveries etc). It is considered that with appropriate conditions

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any concerns could be addressed.

Noise and Disturbance

7.29 A number of concerns have been raised regarding the opening times of the shop and the potential for noise and disturbance from deliveries and customers upon the occupants of nearby residential properties.

7.30 It is again prudent to state that the use of the existing public house could be converted to that of a general retailer without prior planning consent should no extensions be proposed. It is not considered that the proposed building or its use would lead to a level of noise and disturbance greater than that of the existing public house. Notwithstanding this, the Head of Public Protection has advised attaching a condition requesting an acoustic fence to the boundary between the application site and the neighbouring residential properties. A suitably worded planning condition has been suggested.

7.31 It is proposed to condition the hours of opening to those which were applied for, 07:00 hrs to 22:00 hrs Monday to Friday, 07:00 to 20:00 hrs on a Saturday and 10:00 to 16:00 hrs on Sundays and Bank Holidays the hours proposed are complimentary to that of the existing public house. It is not considered that the noise and disturbance created will be of a level which would significantly impact upon the amenity of the occupants of nearby residential properties. The Head of Public Protection has recommended an hours restriction on deliveries to between the hours of 7:00am and 21:00 hrs. It is not considered that the delivery of goods to the premises will create any detrimental impact upon the amenity of the occupants of neighbouring premises

7.32 The Head of Public Protection has raised no objections to the proposal.

Traffic and Transportation

7.33 It is proposed that access to the site will be taken from Brierton Lane, within the site 29 car parking spaces will be provided. The proposed parking formation will also allow for delivery vehicles to safely enter and exit the site in a forward gear, clear of all the parking spaces proposed.

7.34 Concerns have been raised by objectors in relation to the increased traffic generation, highway safety implications, and the impact on existing accesses and parking arrangements in the immediate vicinity.

7.35 The Council's Traffic and Transportation Section have advised that the proposed parking provision for the development is within the HBC Design Guide and specification guidelines.

7.36 Traffic and Transportation have advised the imposition of a traffic regulation order controlling parking on Catcote Road/Brierton Lane in order to prevent any issues of highway safety. It is considered that this matter could be conditioned were the scheme acceptable.

UPDATE

7.37 Traffic and Transportation have also advised that the development on its own would not require the upgrading of the Catcote Road / Brierton Lane junction, there are however plans to signalise this junction following as part of future development plans, this development would be compatible with these improvement works. Further discussion with regard to future development plans in the area will be discussed in the remainder of this report.

7.38 In highway terms the proposal is considered acceptable.

Crime

7.39 Cleveland Police have been consulted on the proposal and have made recommendations in relation to security and CCTV provision. Concerns have been raised that the development might attract antisocial behaviour. It is acknowledged that such concerns can arise however the building replaces a public house on the site from which potentially similar nuisances could arise. It is considered that with appropriate conditions covering the relevant security measures described and through the appropriate management of the premises these matters could be addressed.

Future Development Proposals

7.40 As outlined in several neighbour concerns received there are possible future redevelopment proposals for sites at the top of Brierton Lane and the Brierton School site. In the longer term, as outlined in the Traffic and Transportation section of this report there are proposals to realign and improve the adjacent Catcote Road/ Brierton Lane junction. The Council's Urban Policy Section has advised that a developer contribution should be sought to contribute to the overall costs of the environmental works required on the frontage of the development site once the junction realignment works have been carried out. It is anticipated that, once complete, the parcel of land will incorporate landscaping, grassed areas, tree planting, ornamental planting and an area of public art. Of these costs it is anticipated that the area of public art will cost approximately £5,000. These environmental improvements will significantly enhance the setting of the development site.

7.41 As a result of the improvement to the development site it is recommended that a contribution of £5,000 be sought, as a contribution for public art, from the developer to contribute to the overall costs of the environmental improvements.

7.42 With regard to the comments received advising that consideration should be given to selling part of the Brierton School site to Farmfoods and this application should form part of the wider master planning of the school site. Whilst it is acknowledged that the erection of the retail unit upon part of the school site would resolve several of the concerns received, it is prudent to state that such a proposal would in its own right not be straightforward from a planning policy perspective. Notwithstanding this, it is prudent to state that the Local Planning Authority is duly bound to consider the merits of the planning application as submitted.

Landscaping and Boundary Enclosures

UPDATE

7.43 Notwithstanding the information submitted by the applicant the Local Planning Authority consider it prudent to attach a planning condition requiring the submission of a landscape scheme by way of condition.

7.44 Concerns have been raised regarding the loss of the existing planting upon the site and Officers acknowledge that this is regrettable; it is prudent to state that at present the Council have no control at present over the removal of the existing planting.

7.45 The applicant has advised that the existing close boarded fence will be retained and repaired/replaced as necessary to provide a seamless barrier to the residential properties. Furthermore, the applicants have outlined that a knee rail fence to the road boundaries will prevent pedestrian movements across landscaping and also define the edges of the site within the streetscene. Given that the Council's Head of Public Protection has requested an acoustic fence it is considered that the existing fence in situ will be replaced, a suitably worded planning condition has been suggested. In terms of the knee rail fence proposed upon the road boundaries Officer's consider that a small brick wall with railing would be a more appropriate boundary treatment which will prevent any desire lines being created upon the main road frontages this would reflect the similar retail development on Seaton Lane recently approved. A suitably worded planning condition has been attached in this regard.

Other Matters

7.46 Concerns have been received regarding the increased pollution created from the freezer units and the increased car journeys by customers to and from the site. It is not considered that any increase in pollution by way of the proposed development will be significantly greater than that of existing/potential pollutants owing to the existing use of the site. It is not considered that the Local Planning Authority could sustain a refusal on this basis.

7.47 Officers have received concerns with regard to a covenant upon the building. It is prudent to state that the presence of a covenant on the building is not a material planning consideration and therefore does not impact upon the determination of this application. The issue is a civil matter.

7.48 Concerns have been raised with regard to the storage of waste at the site and the increase in litter. Officers consider it prudent in this instance to attach planning conditions requiring schemes for the storage of refuse and the provision of litter bins to be submitted.

REASON FOR DECISION

7.49 Whilst the loss of the building is regrettable it is considered by Officers on balance that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report subject to the conditions outlined below.

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RECOMMENDATION – APPROVE subject to the conditions below

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 04/10/2012 (Existing and Proposed Plans - Drawing No's: LP-100, SP-200, SP-201, FP-301, EL 401, SP-202 and FP-303), 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. The gross internal floorspace of the retail unit hereby approved shall not exceed 499 square metres as outlined within the application form.
In the interest of the vitality and viability of nearby local centres.
5. The retail unit hereby approved shall not be extended in any way, including through the addition of any mezzanine floor.
In the interests of the vitality and viability of nearby local centres
6. The area(s) indicated for car parking on the proposed site plan (29 spaces of which 2 are parent and child and 2 are disabled) received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) hereby approved, shall be provided before the development is brought into use and thereafter shall be kept available for its intended use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
7. Notwithstanding the submitted details 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.
8. 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 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

UPDATE

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.

9. Prior to the development hereby approved being brought into use an acoustic fence shall be erected in accordance with details and in a location to be first agreed in writing with the Local Planning Authority. The fence shall thereafter be retained at all times.
In order to safeguard residents living near the site from potential noise emissions.
10. In addition to the acoustic fence required by way of condition 9 and notwithstanding the details submitted prior to the occupation of the retail unit 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. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
11. The premises shall only be open to the public between the hours of 07:00 to 22:00 hrs Monday to Friday, 07:00 to 20:00 hrs on a Saturday and 10:00 to 16:00 hrs on Sundays and Bank Holidays
In the interests of the amenities of the occupants of neighbouring properties.
12. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
13. Prior to the commencement of development a scheme providing details and locations for CCTV cameras upon the retail unit shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details before the unit is occupied and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.
14. Prior to the commencement of development a scheme providing details and locations of external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.

UPDATE

15. Notwithstanding the submitted details the final siting and design details, including final details of the enclosure around the units as shown on the approved Proposed Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) of the refrigeration and air conditioning units proposed for the retail unit hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the visual amenity and the amenities of the occupants of neighbouring properties.

16. The use hereby approved shall not commence until proposals for the storage of refuse within the site, including bins for customer use, have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties and the visual amenity of the area.

17. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - 1 The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 No development shall take place other than in accordance with the approved Written Scheme of Investigation
 The building is of historic significance the specified record is required to mitigate impact.

18. Prior to the occupation of the development the existing entrance onto Catcote Road as shown on the Existing Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-200) shall be removed as shown on the Proposed Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) and the footway restored in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the retail unit hereby approved being brought into use.
In the interests of highway safety and the visual amenity of the area.

19. The retail premises hereby approved shall not be brought into use until a "prohibition of waiting order" has been implemented on Brierton Lane and Catcote Road at the developers expense in accordance with details first submitted to and approved in writing by the Local Planning Authority.

UPDATE

In the interests of highway safety.

20. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

UPDATE

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

21. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site (including the design of the systems and measures incorporating SuDS principles in accordance with the draft national standards and any attenuation) shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To ensure that the site is adequately drained.

UPDATE

22. Notwithstanding the submitted information prior to the commencement of the development hereby approved final details of the cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be retained at all times in accordance with the approved details for the lifetime of the development.

To ensure that there is sufficient cycle parking facilities for users of the development.

BACKGROUND PAPERS

7.50 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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UPDATE

0No: 9
Number: H/2012/0430
Applicant: PERSIMMON HOMES PERSIMMON HOUSE
 BOWBURN NORTH INDUSTRIAL ESTATE BOWBURN
 DURHAM DH6 5PF
Agent: MR M RICHARDSON PERSIMMON HOMES
 PERSIMMON HOUSE BOWBURN NORTH INDUSTRIAL
 ESTATE BOWBURN DH6 5PF
Date valid: 06/08/2012
Development: Application for approval of reserved matters for the
 erection of 159 dwellings with associated access road,
 parking and landscaping (Amended Plans Received)
Location: LAND AT AREA 15 MIDDLE WARREN HARTLEPOOL

UPDATE

9.1 This application appears as item 9 on the main agenda. The report was left open to allow for receipt of outstanding consultation responses. Publicity is ongoing, any further responses received will be provided to Members at the meeting. One additional letter of objection has been received since the original report. The concerns raised include:

- Design;
- Noise;
- Anti-social behaviour;
- Traffic and highway safety issues;
- Site should be used for play park.

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9.2 The following consultation responses have been received:

HBC Traffic and Transportation – HBC design guide requires garages to be a minimum 6 x 3 metres in order for them to be considered as a parking space. None of the garages meet that requirement. May lead to garages not being used for parking.

PLANNING CONSIDERATIONS

9.3 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Local Plan (2006), National Planning Policy Framework and the relevant material planning considerations including, the effect on the amenity of neighbouring properties, the effect on the character of the surrounding area in design terms and highway safety.

Principle of Development

UPDATE

9.4 The principle of residential development on the site has been established by virtue of the original outline consent.

Residential Amenity

9.5 The closest existing residential properties are those undergoing construction to the north of the site. The separation distances to those properties are 20m. The Hartlepool Local Plan (2006) allows for a minimum of 20m. It is unlikely therefore that the proposed dwellings will have a significant effect on the amenity of those properties to the north by way of overlooking, overshadowing, dominance or outlook.

9.6 The closest existing residential properties to the west are those on Merlin Way. The separation distances to those properties are in excess of 30m. The Hartlepool Local Plan (2006) allows for a minimum of 20m. It is unlikely therefore that the proposed dwellings will have a significant effect on the amenity of those properties on Merlin Way by way of overlooking, overshadowing, dominance or outlook.

9.7 Separation distances between the proposed properties are acceptable in accordance with the guidelines set out in the Hartlepool Local Plan (2006). The layout has been revised to improve relationships between some of the properties. It is considered that the layout of the scheme is acceptable, providing sufficient amenity space and incidental open space within the site, ensuring sufficient standards of amenity for future occupiers.

Design

9.8 The design and density of the proposed development is in keeping with the wider Middle Warren estate. The area is characterised by large detached and semi-detached modern dwellings contained within compact street scenes. In terms of appearance the proposed dwellings incorporate contemporary elevations, with features such as wood cladding, render and balconies, in contrast to the more traditional, brick elevations on the estate at present. It is considered that the proposed design will offer a positive mix of styles within the estate and will not appear unduly out of keeping or incongruous.

9.9 The development is proposed to have an open plan front garden aspect, therefore it is considered prudent to impose a condition removing permitted development rights for means of enclosures facing any highways to ensure the appearance of the estate is maintained. The layout of the development is such that the houses do not benefit from very large gardens and have some degree of staggers, it is therefore also considered prudent to removed permitted development rights to extend the houses, as this could potentially be detrimental to the amenities of adjacent plots.

Highways

9.10 The Council's Traffic and Transportation section has assessed the scheme and is largely satisfied that it complies with the Hartlepool Design Guide for highways. The revised Design Guide does indicate that garages ought to be a minimum of 6m x 3m to encourage residents to use them as off-street parking spaces.

UPDATE

9.11 The applicant has indicated however, that providing garages of such a size would be unfeasible and potentially threaten the viability of the development as it would reduce the numbers available. Notwithstanding that the applicant has not provided calculations to demonstrate that is the case. Furthermore, however, the applicant has cited the recently approved development on land at the Mayfair, Seaton Carew where the garage size in the revised design guide was not adhered to. On balance it is acknowledged that the layout is deficient in terms of the design guide, however, given the existing situation on the estate and recent approvals on other sites within the Borough, it is not considered that a refusal could be justified on the basis of the garage size. In all other respects the application is considered acceptable in highways terms.

Other Issues

9.12 A number of objectors have indicated their concern over the proposed neighbourhood park (an application for which appears on this agenda as item 10) and that the proposed housing should be 'swapped' with the neighbourhood park site. The location of the park has been set since the original outline application and master plan and is set out in the legal agreement. The car park for the neighbourhood park has been implemented between Hartfields and the proposed site. Relocating the park away from the car park would have access and highway/pedestrian safety issues. A refusal of this application on the basis that the neighbourhood park should be located on the application site would not be justifiable.

REASON FOR DECISION

9.13 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – Minded to APPROVE subject to minor alterations to layout and the following conditions, with the final decision delegated to the Planning Services Manager:

1. The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority: MW15-001 (Rev C) received 26 10 12, MW15-003 (Rev B) received 24 10 12, WS-WD07, SU-WD07, RFB-WD01, RSB-WD01, CR-WD01, CC-WD07, CD-WD07, MW15-TSE01 received 19 09 12 and 'Location Plan' received 06 08 12.

For the avoidance of doubt.

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. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

UPDATE

3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

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

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

5. 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.

6. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site.

For the avoidance of doubt.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

UPDATE

BACKGROUND PAPERS

9.14 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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PLANNING COMMITTEE

7 November 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL REF: APP/H0724/A/12/2178005/NWF
H/2011/0644
ALTERATION TO EXISTING HOT FOOD TAKEAWAY
AND CHANGE OF USE TO TWO FLATS ON FIRST
AND SECOND FLOORS
44 LISTER STREET, HARTLEPOOL, TS26 9LF

1. PURPOSE OF REPORT

- 1.1 To advise members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.
- 1.2 The appeal was allowed. The Inspector concluded that the proposed refuse arrangements were acceptable in highway safety terms.
- 1.3 A copy of the Inspector's decision and the original officer's report is attached.

2. RECOMMENDATION

- 2.1 That members note the decision.

DELEGATED REPORT

Application No H/2011/0644

Proposal Alteration to existing hot food takeaway and change of use to two flats on first and second floors

Location 44 LISTER STREET HARTLEPOOL



PS Code: 13

DELEGATION ISSUES	Neighbour letters:	20/02/2012
1) Publicity Expiry	Site notice:	22/02/2012
	Advert:	n/a
	Weekly list:	26/02/2012
	Expiry date:	22/03/2012
2) Publicity/Consultations The application has been advertised by site notice and neighbour notification (3). No objections have been received. The period for publicity has expired.		
Traffic and Transportation – Recommend refusal. Refuse collections for the properties on Lister Street are taken from the rear alleyway. The first and second floor flats do not have direct access to the rear. As such the potential for refuse to be left, uncollected, on the pavement to the front of the property, could obstruct use of the footway to the detriment of highway safety.		
Housing – No objections received.		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy Com4: Edge of Town Centre Areas GEP1: General Environmental Principles GEP2: Access for All GEP3: Crime Prevention by Planning and Design Hsg3: Housing Market Renewal Hsg7: Conversions for Residential Uses Hsg9: New Residential Layout - Design and Other Requirements Comments: No planning policy objections.		
6) Planning Consideration The site to which this application relates is a hot food takeaway located on Lister Street. The property is one of three commercial units on a block, located close to the junction with York Road. The application seeks consent for alterations to the ground floor hot food takeaway to re-instate an existing door opening to facilitate the subdivision of the ground floor to provide a flat to the rear. Consent is also sought to provide two bedroom flats at first and second floor. The ground floor flat has direct access to the rear for refuse storage. The first and second floors have been allocated refuse storage internally.		

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DELEGATED REPORT

towards the front of the property.

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

In terms of the minor alterations to the hot food takeaway, it is considered that they are acceptable. The hot food takeaway is an existing use and the works will help bring a vacant unit back into use. It is unlikely that the works will impact on the amenity of neighbouring properties.

Policy Hsg8 of the Hartlepool Local Plan (2006) states that proposals for the residential use of upper floors of properties in commercial areas will be approved provided that the further development of the commercial activities is not prejudiced. Parking requirements in areas served by public transport will be relaxed.

On the basis of policy Hsg8 it is considered that the principle of residential development is acceptable.

It is considered that the provision of the flats is unlikely to impact on the amenity of neighbouring properties in terms of overlooking or noise and disturbance. Lister Street is characterised by a mixture of commercial and residential properties. It is unlikely that the proposal will impact on the character or function of the area.

Refuse collections on Lister Street are taken from the rear alleyway serving the property. This is the current collection route for the properties and also those on York Road. The proposed first and second floor flats have been allocated internal storage to the front hallway for refuse. It is considered that this has the potential to result in refuse being sited to the front of the property, in turn remaining uncollected. It is considered that it is unreasonable for upper floor residents to carry refuse from the front of the property to the rear for collection, the distance is well in excess of the 30m allowed for under the Building Regulations. It is therefore considered that the potential for refuse to be sited on the highway to the front of the property would result in an obstruction to pedestrian use of the footpath which will in turn have a significant detrimental impact on highway safety.

Conclusions

With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations set out above, it is considered that the potential harm to highway safety as a result of refuse being left to the front of the property outweighs the benefits of the proposal and as such is recommended for refusal.

7) Chair's Consent Necessary	Y
9) Recommendation	REFUSE

CONDITIONS/REASONS

1. The proposed layout of the upper floor flats could result in uncollected refuse being sited on the public highway to the front of the property to the detriment of highway safety, contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006).



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DELEGATED REPORT

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Principal Planning Officer

I consider the scheme of Officer/Chair delegation to be
appropriate/inappropriate in this case



Signed:

Dated:

Chair of the Planning Committee

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Appeal Decision

Site visit made on 1 October 2012

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

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

Decision date: 12 October 2012

Appeal Ref: APP/H0724/A/12/2178005

44 Lister Street, Hartlepool, Cleveland TS26 9LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Singh against the decision of Hartlepool Borough Council.
 - The application Ref H/2011/0644, dated 13 December 2011, was refused by notice dated 7 June 2012.
 - The development proposed is the conversion of hot food takeaway to form 3 no flats and hot food takeaway.
-

Decision

1. The appeal is allowed and planning permission granted for the conversion of hot food takeaway to form 3 no flats and hot food takeaway at 44 Lister Street, Hartlepool, Cleveland TS26 9LF in accordance with the terms of the application, Ref H/2011/0644, dated 13 December 2011, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 2 0 (amended to show internal refuse storage arrangements) and Drawing no 3 0, both dated 25/11/11.
 - (3) The development shall not be brought into use until a scheme for the sound insulation between the existing ground floor commercial use and the residential flats hereby permitted has been submitted to and approved in writing by the local planning authority. The approved sound insulation scheme shall be implemented before the development is brought into use and retained as such thereafter.
 - (4) Details of facilities for the extraction of fumes and cooking odours from the premises, including a scheme for the prevention of odour penetration through the building, shall be submitted to and approved in writing by the local planning authority. The residential flats hereby permitted shall not be occupied until the facilities have been installed in full accordance with the approved details. Thereafter the facilities shall be retained in accordance with the approved details and
-

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Appeal Decision APP/H0724/A/12/2178005

maintained and serviced in accordance with manufacturer's specifications.

Preliminary Matter

2. A drawing of amended proposed floor plans, showing internal refuse storage arrangements appears to have been submitted during the processing of the application. This drawing, however, has the same reference and date (Drawing no 20 dated 25/11/11) as the (presumably) earlier drawing. I have based my decision on this later drawing, showing the refuse storage arrangements, and this is the plan referred to in the decision above.

Main Issue

3. Based on the Council's reason for refusal, the main issue is whether the proposed arrangements for on-site refuse storage would be likely to have an unacceptable effect on the safety of users of the adjacent highway.

Reasons

4. In its reason for refusal, the Council cites Policy GEP1 saved from the Hartlepool Local Plan (Local Plan). This indicates that, when determining planning applications the Council will have due regard, among other things, to the effect on highway safety. This Policy is not in conflict with the provisions of the National Planning Policy Framework (NPPF), which refers to securing good standards of amenity for all and creating safe and secure layouts which minimise conflicts and avoid street clutter. I have given the Policy due weight in determining this appeal.
5. The appeal property is one unit in a terrace of 4 located on the edge of the town centre. Each unit takes off the back of the footway, which, at this point is some 1.8 metres wide, separating the properties from regulated roadside parking bays. It is clear that existing refuse collection arrangements are from the rear lane accessed from Caroline Street. The proposed upper floor flats would be provided with internal refuse storage arrangements, but would not have direct access to the rear lane, requiring refuse to be carried to the rear lane for collection – a distance of some 34 metres. I acknowledge that this may tempt occupants to leave refuse for collection on the footway at the front of the property. However, in my view, this is primarily a management issue and other legislation exists to deal with potential obstructions on the highway. Even were refuse to be placed here for collection, I have seen no evidence that this would lead to significant danger or even inconvenience for pedestrians using the footway along what is essentially a side road, which, at the time of my visit, did not appear to have significant footfall. I do not consider that any problems, which may arise, would in any way justify a refusal of permission in this instance.
6. I, therefore, conclude that the proposal would not have any unacceptable effect on the safety of users of the adjacent highway and would not conflict with Local Plan Policy GEP1.
7. In reaching the conclusion that the development is acceptable, I have also taken into account the fact that the proposal would result in the creation of residential accommodation in a sustainable location on the edge of the town

Appeal Decision APP/H0724/A/12/2178005

centre. The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should bring back into use empty buildings and normally approve planning applications for change to residential use from commercial buildings.

8. The Council has suggested 6 conditions in the event of the appeal being allowed. In addition to the standard time limit for the commencement of the development, I agree that a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of securing a satisfactory development. However, as the proposal involves primarily internal alterations, a condition requiring approval of the external materials is clearly unnecessary. I shall, however, impose conditions to give effect to the Council's suggestions regarding the protection of future residents from noise and fumes/cooking odours from the ground floor takeaway facility.
9. Subject to those conditions, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowdon

INSPECTOR

PLANNING COMMITTEE

7 November 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
- 1 Officer monitoring recorded prolonged residential use of overnight stay facilities and the same use extended into the managers flat in breach of a condition linked to a planning approval for a hostel and place of worship establishment on Whitby Street.
 - 2 A Councillor complaint regarding approved building works encroaching onto council owned land and materials stored on it. The land in question is located on the corner of Murray Street and Elliott Street.
 - 3 A neighbour complaint regarding the roofing over a rear yard on Penarth Walk Street.
 - 4 Officer monitoring recorded the erection of a banner displayed on a boundary fence on the corner of Middleton Road and Marina Way has been investigated. The banner had been displayed in breach of the recent advertisement consent and taken down by the persons answerable.
 - 5 A neighbour complaint regarding the erection of a conservatory to the rear of a property on Tunstall Avenue.
 - 6 A member of the public raised concerns regarding soil excavated from mounding identified as green space on Tees Road has been investigated. The said excavation works are illustrated on the approved plan incorporating landscape works to reinstate the mound. No action required.
 - 7 A neighbour complaint regarding new houses not being built in accordance with the approved plan and removal of trees on a housing development site on Seaton Lane has been investigated. The trees in question are not protected by a Tree Preservation Order therefore the permission of the Council was not required. The approved landscape scheme provides tree/shrub cover to be

returned to the site. A site inspection confirmed the correct house type was being built in its approved position.

- 8 A neighbour complaint regarding the erection of an extension to the side of a residential property on St Andrews Grove has been investigated. The works in question benefitted from permitted development rights not requiring planning permission, however building regulations approval are required.
- 9 A neighbour complaint regarding a training and assessment centre in Hart being used for different uses in breach of condition restricting its use purely to a training and assessment centre.
- 10 Officer monitoring recorded a rundown vacant residential property on York Road.
- 11 An anonymous complaint regarding the erection of fencing to incorporate land surrounding an electric substation on Merlin Way.
- 12 An Economic Development Officer recorded burning of waste on the grounds of an industrial unit on Hunter House East Industrial Estate. The complaint has been redirected to the Public Protection Team for investigation and action if necessary.
- 13 A neighbour complaint regarding an untidy rear garden at a residential property on Tunstall Avenue. A previous complaint regarding an overgrown tree to the front of the property was investigated and resolved by pruning works carried out to the tree in question.
- 14 Officer monitoring recorded the incorporation of council owned land into the garden of a property on Harvester Close. The complainant has been redirected to the Property Services team for investigation and action. Land ownership powers would provide the primary remedy in this instance.
- 15 An anonymous complaint regarding the erection of a wooden structure erected in the rear garden of a residential property on Southgate.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

7th NOVEMBER 2012



Report of: Director of Regeneration and Neighbourhoods

Subject: PROPOSED DIVERSION OF PUBLIC
FOOTPATH No 11, GREATHAM CREEK,
SEATON

1. PURPOSE OF REPORT

- 1.1 This report seeks the approval for the making and subsequent confirmation of the diversion of Public Footpath No 11, Greatham Creek, Seaton as shown in the plan, placed at the end of this report.

2. BACKGROUND

- 2.1 On the 1st June 2012 the Council, as Highway Authority, received an application to divert a section of the Public Footpath No. 11 that runs by the side of Greatham Creek. The plan submitted as part of the application is shown in **Appendix 1**.
- 2.2 The application was made by Halcrow Group Limited, on behalf of the Environment Agency on the grounds that the diversion was necessary to enable the formation of realigned flood embankments and creation of a new tidal habitat area and associated works. Planning Permission was granted by the Planning Committee, for these works, on 5th March 2012.

3. PROPOSALS

- 3.1 The proposed diversion, shown in the attached plan, is to re-route:
- A southern section of Public Footpath No. 11 on the new realigned flood embankments just to the north of its present position. The existing footpath will be then breached in two places to allow the tidal flooding of the low lying land.

- 3.2 The remaining section of the old alignment of the footpath will become a permissive footpath with the benefit of allowing users to still access strategic viewing areas on the untouched sides of the breach points. The section between the breaches will not be accessible.

4. LEGAL CONSIDERATIONS

- 4.1 An order under Section 257 of the Town and Country Planning Act 1990 may, if the competent Authority is satisfied that it should so do, provide:
- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
 - for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- 4.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:
- 4.3 Landowner/Public Interest
The application was made by the developer, acting as agents for the Environment Agency in their own interest. The application also stated that the diversion is a result of considerable consultation by the Environment Agency with local groups (Teesside Bird Club) and local residents (Greatham Village). The diverted path is needed, to provide a more enjoyable and safe route for people to use to access the tidal habitats around and next to Greatham Creek. The diversion is required so that two breaches can be made in the existing flood bank, so allowing the low lying area of land behind this bank to naturally flood during tidal movements of Greatham Creek.
- 4.4 Termination Points
The diversion does not alter the termination point of the path at either end of the route but allows for the realignment of the flood bank defence system to a more northerly position.

4.5 Consideration of the order to divert.

When considering the order of diversion, the Council may consider that the order is satisfactory and works providing a positive addition to the rights of way network being in the interests of the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

4.6 Consideration of the Rights of Way Improvement Plan

When looking at the legal considerations for this diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management upon the conclusion of the order. The diverted route is already owned and managed by the existing landowner (the Environment Agency).

5. FINANCIAL IMPLICATIONS

5.1 The cost of diversions to the landowner will be approximately £2,500.00

5.2 Hartlepool Borough Council have considered and concluded that the applicant should pay for the full cost, as quoted to them in 2011.

6. DIVERSITY

6.1 It is believed that there are no Diversity issues or constraints in relation to the diversion of the public footpath at Greatham Creek flood bank realignment site.

7. ACCESS/DDA

7.1 Hartlepool Access Group has been consulted. In its opinion all reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

8. CONSIDERATION OF AGRICULTURE AND FORESTRY

8.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at Greatham Creek flood bank realignment site.

9. CONSIDERATION OF BIODIVERSITY

- 9.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Greatham Creek flood bank realignment site.

10. CONSULTATIONS

- 10.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any objections to the proposals concerned. A full list of consultees is provided as **Appendix 2**.
- 10.2 Both Hartlepool Access Group and the Ramblers Association have requested that alternative route be a width of at least 2 metres,

11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 11.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.
- 11.2 Section 17 states:
- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*
- 11.3 The Community Safety Implications, in respect of the diversion of the public footpath at the Greatham Creek flood bank realignment site, have been taken into account and that all has been reasonably done to prevent crime and disorder.

12. RECOMMENDATIONS

- 12.1 That the Planning Committee:
- approves the making of a Diversion Order to implement the proposal as shown in attached plan;
 - If no objections are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,

- If any objections are received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation

13. REASONS FOR RECOMMENDATIONS

- 13.1 Town and Country Planning Act 1990 section 257 requires a competent Authority to consider the authorisation of a diversion order of a public footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out
- 13.2 On the 5th March 2012 planning permission was granted to the Environment Agency for the Formation of realigned flood defence embankment, creation of a tidal habitat area and associated works on land at Greatham Creek (H/2011/0643).
- 13.3 To carry out and finalise these works a public footpath is required, for part of its route, to be diverted away from the existing flood defence embankment and onto the newly formed flood defence bund. This will allow two points of the existing bund to be breached to allow tidal flooding to take place.
- 13.4 The public footpath is designated as Public Footpath No.11, Seaton and runs from the former Sharwoods site, Greatham to the road bridge over Greatham Creek, Tees Road (A178).

14. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE

- 14.1 All appendices quoted within this report are now printed separately with a number of copies placed in the Member's Library, Civic Centre
- 14.2 The Appendices referred to are listed below:
- Appendix 1 - Plan submitted with the application to divert the aforementioned public footpath.
 - Appendix 2 - A list of all parties consulted as part of the process to consider the application to divert this path.

15. BACKGROUND PAPERS

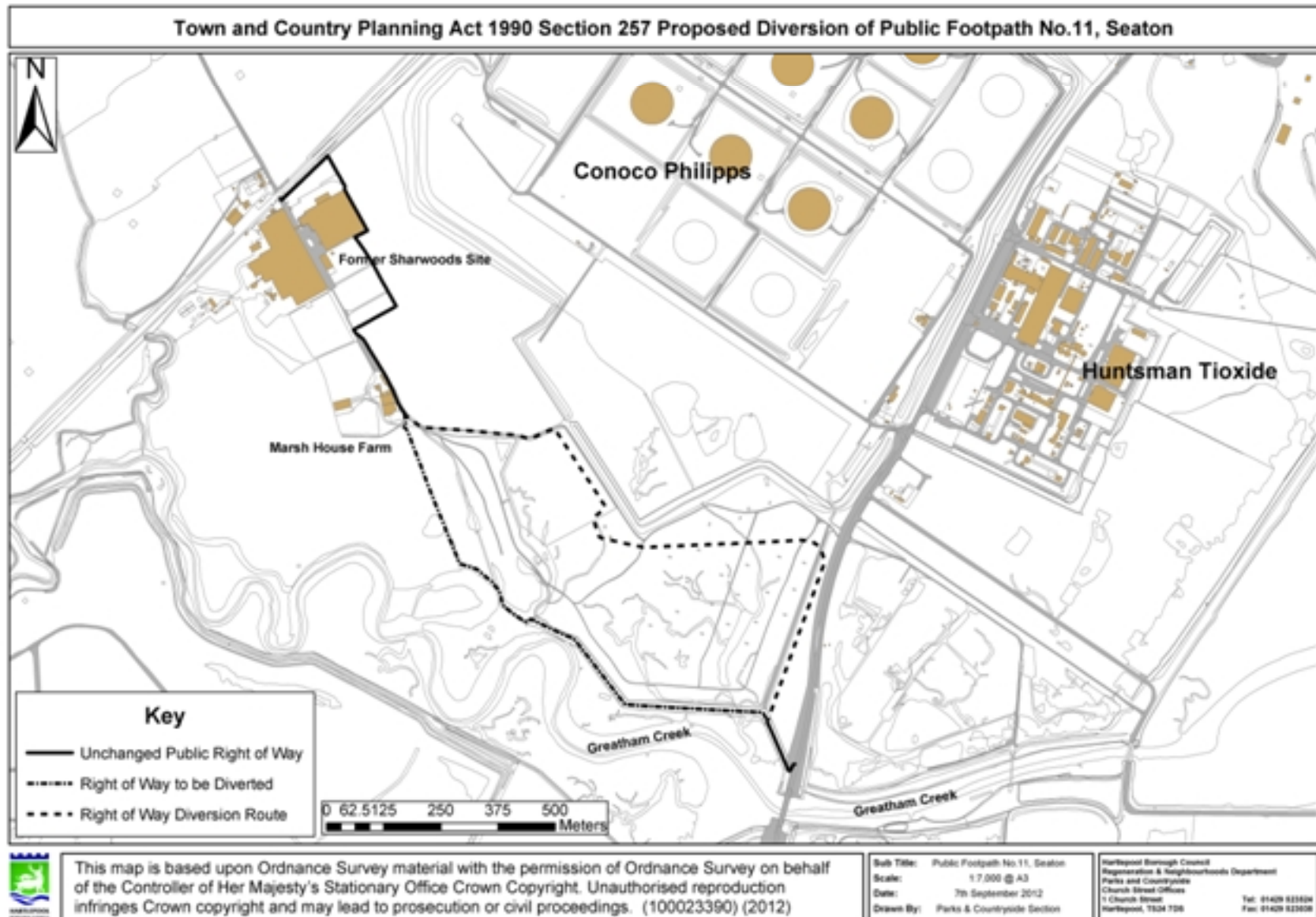
- 16.1 There are no background papers.

16. CONTACT OFFICER

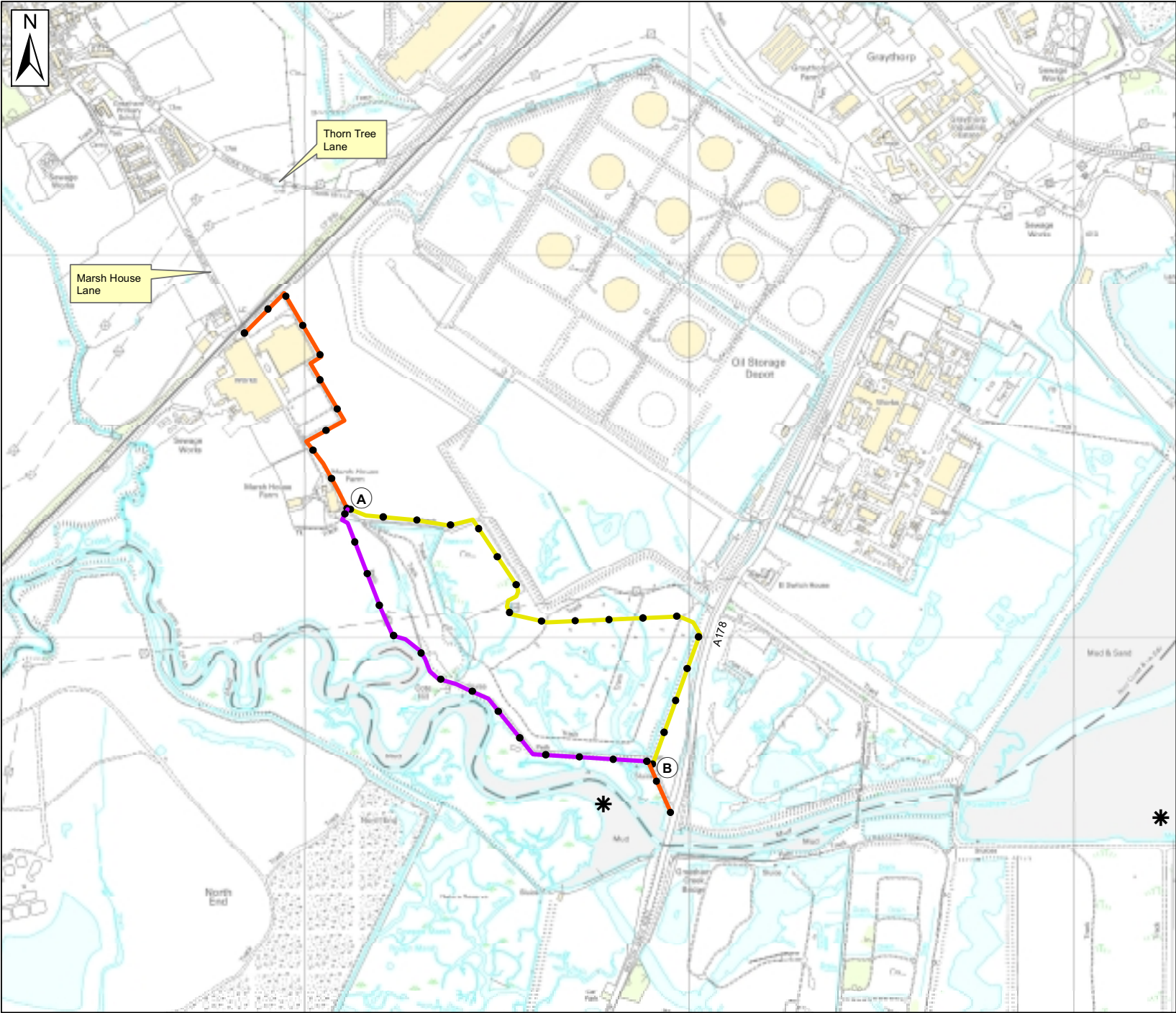
Denise Ogden
Assistant Director (Neighbourhood Services)
Hartlepool Borough Council
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

Tel. 01429 523800

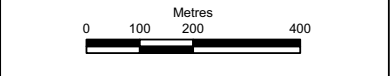
Email. denise.ogden@hartlepool.gov.uk



APPENDIX 1



- Legend**
- * Seal Haul Outs
 - Section of Existing Footpath to be Extinguished
 - Existing Footpath
 - Footpath Diversion



Rev.	By	Date	Description

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Project :
Greatham Managed Realignment

Drawing :
Figure 14.1 Public Footpaths and Proposed Diversion

Drawn By : CD	Date : 22/06/2012
Checked By : DL	Date : 22/06/2012
Approved By : DL	Date : 22/06/2012
Drawing No. : -	Revision : A
Drawing Scale : 1:10,000	Plot Scale : 1:10,000 @ A3

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Appendix 2 – Public Footpath No.11, Greatham Creek, Seaton

List of Consultees during consultation 2012

Ward Members: Councillor B Loynes
 Councillor G Morris
 Councillor R Wells

Portfolio Holder: Regeneration and Neighbourhoods – The Mayor

Ramblers Association
Hartlepool Access Group

Hartlepool Borough Council Services:

Ecology
Tees Archaeology
Planning
Apparatus
Street Lighting
Property Services

Utilities:

Environment Agency
Hartlepool Water Authority
National Grid
Northern Gas Networks
Northern Power Grid: Middlesbrough and National Offices
Northumbrian Water Authority
Telecom Open Reach (BT)
 Virgin Media