

PLANNING COMMITTEE AGENDA



6 February 2013

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 9 JANUARY 2013

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 - 1 H/2012/0600 High Tunstall School, Elwick Road, Hartlepool. (page 1)
 - 2 H/2012/0422 Hartlepool Historic Quay, Maritime Avenue, Hartlepool. (page 9)
 - 3 H/2012/0516 48-50 Montague Street, Hartlepool. (page 17)
 - 4 H/2012/0427 Tanfield Road, Hartlepool. (page 25)
 - 5 H/2012/0548 Former Filling Station, 361 Stockton Road, Hartlepool (page 42)
- 4.2 Neighbourhood Plan Boundary Designations – *Director of Regeneration and Neighbourhoods*
- 4.3 Appeal at 23 Jesmond Road Hartlepool Change of Use From Shop to Hot Food Takeaway - (H/2012/0543) - *Assistant Director (Regeneration and Planning)*
- 4.4 Complaints Update - *Assistant Director (Regeneration and Planning)*



5. ANY OTHER 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 6 March 2013.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9 January 2013

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Keith Fisher, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Robbie Payne, Carl Richardson, Jean Robinson, Linda Shields, Paul Thompson and Ray Wells.

In accordance with Council Procedure Rule 4.2 Councillor Sheila Griffin was in attendance as substitute for Councillor Chris Simmons

Also present: Christopher Jones, Gillian Lipinski, Jennifer Marriott, Ben Stephenson and Dr Susannah Gunn – Newcastle University

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Richard Trow, Planning Officer
Jason Whitfield, Planning Officer
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Angela Armstrong, Principal Democratic Services Officer

260. Apologies for Absence

Apologies for absence were received from Councillor Chris Simmons.

261. Declarations of interest by Members

Councillor Ray Wells declared a personal interest in minute 263 – H/2012/0547.

262. Confirmation of the minutes of the meeting held on 5 December 2012

Confirmed.

263. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2012/0600
Applicant:	Mr Ian Ness High Tunstall College of Science, Elwick Road, HARTLEPOOL
Agent:	High Tunstall College of Science, Mr Ian Ness, Elwick Road HARTLEPOOL
Date received:	26/11/2012
Development:	Erection of a new vehicle maintenance and construction workshop and associated external works including the provision of a flammable liquid store and fencing
Location:	HIGH TUNSTALL COMPREHENSIVE SCHOOL, ELWICK ROAD, HARTLEPOOL
Decision:	Deferred to allow Members to carry out a site visit prior to determination of the planning application. This will take place immediately before the meeting of the Planning Committee on 6 February 2013.
Number:	H/2012/0491
Applicant:	RANJIT SINGH 2 GROSVENOR COURT, INGLEBY BARWICK, STOCKTON ON TEES
Agent:	SJD ARCHITECTS LTD, HAMPDON HOUSE, FALCON COURT, PRESTON FARM BUSINESS PARK, STOCKTON ON TEES
Date received:	27/09/2012
Development:	Change of use of existing building and erection of extensions to provide nine self contained apartments (AMENDED PLANS RECEIVED) (PLEASE NOTE AMENDED DESCRIPTION)
Location:	LAND ADJACENT TO AND 85 STATION LANE HARTLEPOOL
Representations:	Mr A Hutchings (Objector) and Mr S Dodds (Applicant's Representative) were in attendance and addressed the Committee accordingly.

Decision: **Planning Permission Refused – The Planning Committee considered and discussed at length the officer report and recommendation, the Committee considered representations made and after consideration, the Planning Committee took the view that it could not support the application as they were concerned regarding the potential exacerbation of traffic/parking problems already experienced within Byland Grove due to the inadequate access to the application site. The Committee also took the decision in light of concerns relating to the fear of crime relating to the conversion of the building to flats. Planning Permission was therefore Refused.**

REASONS FOR REFUSAL

1. It is considered that the proposed development would be served by an inadequate vehicular access to the detriment of highway safety, the free flow of traffic and the amenities of the occupiers of houses adjoining or near the application site contrary to policies GEP1, Hsg7 and Hsg9 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the proposed development could engender a fear of crime contrary to policy GEP3 and Hsg7 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

Number: H/2012/0547

Applicant: Mr Andrew Haygarth
Low Throston House, Netherby Gate,
HARTLEPOOL

Agent: Mr George Hind, 100 Spalding Road,
HARTLEPOOL

Date received: 16/10/2012

Development: Erection of a detached bungalow (resubmitted application) (amended plans received 14 Nov 2012)

Location: Low Throston House Netherby Gate,
HARTLEPOOL

Representations: Mr G Hind (Applicant's representative) was in attendance and addressed the Committee accordingly.

Decision: **Planning Permission Approved**

Councillor Marjorie James abstained from voting on the above planning application and requested that this be recorded.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plan(s) '2', '3', and '4' received on 18/10/2012, '1b' received on 16/11/2012 and '1a' received on 17/12/2012.
For the avoidance of doubt.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. 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.
7. 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.

8. 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.
9. The site is of archaeological interest
No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
10. The site is of archaeological interest
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 (8) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
11. The site is of archaeological interest
Notwithstanding the approved details the final extent of the curtilage associated with the hereby approved dwelling shall be submitted to and agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
12. The drainage shall be carried out in accordance with sheet 1b received on the 16/11/2012.
In the interest of protecting the scheduled ancient monument and in the interests of providing adequate drainage for the development.

The Committee considered representations in relation to this matter.

Number: H/2012/0537

Applicant: Mr Terence Bates
24 Westbourne Road, HARTLEPOOL

Agent: Mr Terence Bates, 24 Westbourne Road,
HARTLEPOOL

Date received: 12/10/2012

Development: Change of use of agricultural land to equestrian use, erection of stables and siting of caravan

Location: BRIERTON MOORHOUSE FARM, DALTON BACK LANE, HARTLEPOOL

Representations: Mr T Bates (Applicant) was in attendance and addressed the Committee accordingly.

Decision: **Planning Permission Approved subject to the further consideration by the Planning Services Manager of the comments of the National Grid and subject to the following conditions and any conditions arising from these considerations**

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 (PL-SB-01 Existing Site Plan, PL-SB-02 Proposed Site Plan, PL-SB-03 Proposed Plans And Elevations, Untitled Plans & Elevations of stables at 1:100, 1:10000 Plan showing red line site area and other land in applicant's ownership in blue, 1:5000 Plan showing red line site area and other land in applicant's ownership in blue) and details received by the Local Planning Authority on 10th October 2012, as amended in respect to the details of the proposed construction of the schooling arena and equestrian arena by the details entitled "Construction details of proposed all weather riding", and in respect to the details of fencing, by the plans received at the Local Planning Authority on 26th November 2012, as amended in respect to the details of the proposed caravan by the details received at the Local Planning Authority on 11th December 2012, as amended in respect to the vehicle parking layout by the plan entitled "Proposed allocated parking for 6 Wagon/Trailers & 15 Car Parking Bays" received at the Local Planning Authority on 2nd January 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted details the development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.
To prevent pollution of the water environment.
4. Before the development is brought into use the approved vehicle parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.

5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
7. Details of all 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.
8. The occupation of the caravan shall be limited to a person solely or mainly employed in the equestrian business operating from the unit (Brierton Moorhouse Farm identified by the areas shaded red and enclosed blue on the 1:10,000 plan submitted to the Local Planning Authority on 10th October 2012), together with any resident dependents.
To ensure that the caravan is not used as general residential accommodation.
9. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the general public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site operates in a way which will not be detrimental to the amenities of the area and highway safety.
10. There shall be no burning of materials or waste at the site.
In interests of the amenities of the area.
11. No fixed jumps shall be erected at the site.
In the interests of the visual amenity of the area.
12. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenities of the area.
13. No floodlight(s) of any type shall be used or erected at the site unless in accordance with details first agreed in writing by the Local Planning

Authority.

In the interests of the amenities of the area.

14. The caravan hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of three years from the date of this permission, 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 to an extension of this period.
The building is not considered suitable for permanent retention on the site.
15. No Tannoy of any type shall be used or erected at the site.
In the interests of the amenities of the area.

The Committee considered representations in relation to this matter.

Number: H/2012/0422

Applicant: Ms Marie Daurat
Hartlepool Borough Council, Sir William Gray
House, Clarence Road, HARTLEPOOL

Agent: Hartlepool Borough Council, Ms Marie Daurat, Sir
William Gray House, Clarence Road,
HARTLEPOOL

Date received: 25/10/2012

Development: Use of car park to hold weekly car boot
sales/farmers markets on Saturday mornings from
8am to 1pm and other temporary events on an ad
hoc basis

Location: Hartlepool Historic Quay Maritime Avenue
HARTLEPOOL

Representations: Ms K Hammond (Applicant's representative) was in
attendance and addressed the Committee
accordingly.

Decision: **Deferred for further information on highways
and parking arrangements**

The Committee considered representations in relation to this matter.

Number: H/2012/0599

Applicant: Mr Frank Stokle
14 Oxford Street, HARTLEPOOL

Agent: Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert,

HARTLEPOOL

Date received: 22/11/2012

Development: Change of use of first floor together with first floor extensions and alterations to form residential unit to be used in conjunction with existing club premises (part retrospective)

Location: FORMER YACHT CLUB, FERRY ROAD,
HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

- (1) It is considered that the proposed residential unit is sited within an area allocated for industrial uses in the submitted Hartlepool Local Plan submission document June 2012 and in close proximity to the boundary of The Port Enterprise Zone Local Development Order and would result in the introduction of a residential use which could impose constraints on the existing industrial land uses contrary to policy GEP1 of the Hartlepool Local Plan 2006 and policies ND4 and EC6 of the submitted Hartlepool Local Plan submission document June 2012.
- (2) It is considered that a residential unit would result in an incompatible use within an industrial area which would be detrimental to the living conditions of the occupants of the residential unit in terms of noise, disturbance, odours, dust and vibration contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006 and policy ND4 of the submitted Hartlepool Local Plan submission document June 2012.

Number: H/2012/0555

Applicant: MR DRESAEI
DALTON PIERCY ROAD, HARTLEPOOL

Agent: Mr George Hind, 100 Spalding Road, Hartlepool

Date received: 23/10/2012

Development: Conversion of barn and kennels to detached dormer bungalow

Location: THREE GATES FARM DALTON PIERCY ROAD
HARTLEPOOL

Representations: Mr T Jackson (Applicant's Representative) was in attendance and addressed the Committee accordingly.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. The proposal is considered to be contrary to policy Rur12 of the adopted Hartlepool Local Plan 2006 and paragraphs 14, 55, 196 and 197 of the NPPF and HSG3 of the emerging Local Plan (Submission Document) June 2012. The site is outside any defined development area. It is not considered that the development would meet any of the circumstances which would support a dwelling in this unsustainable rural location:
 - (i) No evidence has been submitted to demonstrate that there is an essential need for a rural workers dwelling in the local area.
 - (ii) The outbuildings do not constitute a heritage asset which would be worthy of preservation or securing its future use.
 - (iii) The development would effectively be a new build and not be a re-use of redundant/disused buildings which would enhance the immediate setting.
 - (iv) The proposed dwelling is not of an exceptional/innovative design or construction.

The Committee considered representations in relation to this matter.

Number: H/2011/0242

Applicant: G O'Brien & Sons Ltd
Cleadow Lane, EAST BOLDON

Agent: BHP Develop Eldon Chambers, 23 The Quayside,
NEWCASTLE UPON TYNE

Date received: 09/05/2011

Development: Alterations to existing industrial building to raise the height by five metres

Location: Former Eastmans Site, Brenda Road,
HARTLEPOOL

Decision: **Minded to APPROVE subject to the following conditions but with the final decision on the scope and detailed content of the planning conditions delegated to the Planning Services Manager**

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 (Site Location Plan, Building Elevations, Plan of existing building, Proposed Building Elevations, Proposed Roof Plan, Plan of Proposed Building) and details received by the Local Planning Authority on 28th April 2011, 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 some variation is otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. The building shall be used only for purposes falling within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
For the avoidance of doubt.
5. Notwithstanding the details submitted prior to the operation of any B2 use on the site details of proposed noise attenuation measures including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The noise attenuation measures shall thereafter be implemented in accordance with the details and timetable so agreed.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and particularly nearby residential properties.

The Committee considered representations in relation to this matter.

Number: H/2011/0550

Applicant: G O'BRIEN & SONS LTD
EAST BOLDON

Agent: R & K WOOD PLANNING LLP, MRS KATIE WOOD,
1 MEADOWFIELD COURT, MEADOWFIELD
INDUSTRIAL ESTATE, PONTELAND

Date received: 27/10/2011

Development: Application for extension of time limit for planning application H/2008/0155 for removal of condition 2 attached to application EZ3/7/HO/577/83 to allow general industrial use (B2 use)

Location: FORMER EASTMANS SITE BRENDA ROAD
HARTLEPOOL

Representations: Ms K Wood (Applicant's Agent) and Mr O'Brien (Applicant) were in attendance and addressed the Committee accordingly.

Decision: **Minded to APPROVE subject to the following conditions but with the final decision on the scope and detailed content of the planning conditions delegated to the Planning Services Manager**

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 site shall be used only for purposes falling within Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
For the avoidance of doubt.
3. Notwithstanding the details submitted prior to the operation of any B2 use on the site details of all proposed plant and machinery to be operated on the site and proposed noise attenuation measures including a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The noise attenuation measures shall thereafter be implemented in accordance with the details and timetable so agreed and retained for the lifetime of the development unless some variation is otherwise approved in writing by the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and particularly nearby residential properties.
4. The details/method of external storage within the site of all aggregates and soils, vehicles, plant, machinery, skips and containers, including locations, design of bays, screening and heights, shall be agreed in writing by the Local Planning Authority before any new use is commenced. Thereafter the development shall be carried out in accordance with the approved details, unless some variation is otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity, the amenities of the occupants of neighbouring properties and the amenity of the area.
5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced

in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. Prior to the undertaking on the application site of any proposed B2 use details of 1) a dust suppression scheme, 2) wheel washing facility shall be submitted to, and approved in writing by the Local Planning Authority. The dust suppression scheme and wheel washing facility so approved shall be implemented in accordance with the approved details before the B2 use commence(s) and shall thereafter remain operational and be available for their intended use at all times during the lifetime of the development unless some variation is otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity and highway safety.
8. The use hereby approved shall not commence until proposals for the storage of refuse within the site 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.
9. Prior to the commencement of any B2 use of the site details of all proposed hardstandings and related drainage shall be submitted to and approved in writing by the Local Planning Authority. The hardstandings and associated drainage shall thereafter be in accordance with the details so approved.
In the interests of visual amenity, to prevent flooding and water pollution.
10. No burning of waste or materials shall take place on the site.
In the interests of the amenities of the occupants of neighbouring properties.
11. No deposition, processing or storage of waste or recycled/recovered materials shall take place outside any building on the site except for the storage of aggregates/soils which shall be in accordance with the details agreed in condition 4 of this permission.
In the interests of the amenities of the occupants of neighbouring properties.
12. No crushing of materials shall take place outside any building on site other than between the hours of 08:00 and 18:00 and in accordance with the dust suppression scheme approved under the provisions of condition 7 of this permission.
In the interests of the amenities of the occupants of neighbouring properties.
13. 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.
14. For the avoidance of doubt this permission relates only to the use of the site and does not authorise the erection of new buildings or

alterations to existing buildings, other than in accordance with any details approved in connection with condition 4.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

264. Seaton Carew Conservation Area Boundary Review – Presentation and Feedback Session *(Newcastle University)*

As part of their university studies, students from Newcastle University had been invited to undertake an independent review of the boundary of the Seaton Carew Conservation Area with a view to strengthening the Council's position in terms of decision making and policy formation.

The students provided a detailed and comprehensive presentation which reviewed the current boundary of the Conservation Area and the potential implications of de-designating the area. An initial analysis of the area along with recent planning history was provided. A public consultation exercise including residents and key stakeholders was undertaken and the key results of this were included within the presentation.

The presentation concluded with the following proposed recommendations:

- (1) Removal of modern infill;
- (2) Removal of the area to the south of Church Street;
- (3) Extend the boundary to include Vesper House (8-16 evens Queen Street);
- (4) New design guidance for shop fronts;
- (5) A more proactive approach to enforcement be undertaken against poor alterations and maintenance.

A lengthy discussion took place during which Members thanked the students for an excellent, very informative presentation which highlighted a number of areas for consideration and possible further consultation. The potential implications of business premises being included within the Conservation Area and their future development in view of the promotion of Seaton Carew as a tourism area were discussed. However, it was noted that there had been a number of positive developments along The Front, Seaton Carew and whilst it was recognised that there may be some minor design issues, being included within a Conservation Area had not stifled the development of these business premises.

It was noted that the removal of the Bus Station from the Conservation Area was suggested due to it already being protected as a Grade II Listed Building. However Members considered that as the Bus Station and Clock Tower were such iconic buildings, they should remain within the Conservation Area in the spirit of conservation and for public perception.

The Planning Services Manager confirmed that a final report would be

prepared by the students for submission to the University as part of their studies. This will then form the basis of further discussions and provide Members with something to build on when considering the future of the Seaton Carew Conservation Area.

The students were thanked for the informative and detailed presentation and for their hard work in compiling this information which would prove extremely useful during the consideration of the future of the Seaton Carew Conservation Area.

Decision

The content of the presentation was noted.

265. Relaxation of Permitted Development Rights for Homeowners and Businesses *(Assistant Director, Regeneration and Planning)*

Members were advised of the response sent on behalf of the Planning Committee with regard to the proposed changes to Permitted Development Rights as delegated to the Planning Services Manager in consultation with the Chair of the Planning Committee and the Assistant Director, Regeneration and Planning at the Planning Committee on 10 October 2012.

Members commented that this was an excellent report and hoped that the Department for Communities and Local Government would take on board the content.

Decision

The response to the Department for Communities and Local Government's consultation 'Extending permitted development rights for homeowners and businesses' was noted.

266. Appeal at Benknowle Farm, Benknowle Land, Hartlepool *(Assistant Director, Regeneration and Planning)*

Members were notified of an appeal that had been lodged against the Council's refusal of planning permission to allow the erection of an agricultural building extension incorporating a grain store (retrospective application) and to seek authority for officers to contest the appeal. The application was refused against officer recommendation by Members of the Planning Committee.

Decision

Authority was given for officers to contest the appeal.

267. Appeal at 180 York Road, Hartlepool Ref: APP/H0724/A/12/2188722/NWF Variation of Condition No 2 of Planning Application H/FUL/0557/00 to allow opening until 2am, 7 days a week (*Assistant Director, Regeneration and Planning*)

Members were notified of an appeal which had been lodged against the Council's refusal of planning permission to allow the variation of condition no 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days a week at 180 York Road and to seek authority for officers to contest the appeal. The application was refused by Members of the Planning Committee. The original officer's report was attached by way of Appendix.

Decision

Authority was given to officers to contest the appeal.

268. Any Other Items which the Chairman Considers are Urgent

None.

269. 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 270 – Enforcement Action: The Former Yacht Club, Ferry Road, 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 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).

270. Enforcement Action: The Former Yacht Club, Ferry Road, 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 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).

Authorisation was sought to issue an enforcement notice in respect of The Former Yacht Club, Ferry Road, Hartlepool.

Decision

Details can be found in the exempt section of the minutes.

271. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 2.11 pm

CHAIR

No: 1
Number: H/2012/0600
Applicant: Mr Ian Ness Elwick Road HARTLEPOOL TS24 0LQ
Agent: High Tunstall College of Science Mr Ian Ness Elwick Road HARTLEPOOL TS24 0LQ
Date valid: 26/11/2012
Development: Erection of a new vehicle maintenance and construction workshop and associated external works including the provision of a flammable liquid store and fencing
Location: HIGH TUNSTALL COMPREHENSIVE SCHOOL ELWICK 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 The application was deferred from the last planning committee on the 9 January 2013 to allow members to carry out a site visit prior to the consideration of the application.

PROPOSAL AND SITE CONTEXT

1.3 The application site is the HighTunstall College of Science located at the junction of Elwick Road and Dunston Road at the western end of the town.

1.4 The site which lies within a predominantly residential area comprises a wide variety of modern school buildings, mostly flat roofed of one and two storey.

1.5 There are residential properties to the north in Blaise Garden Village, to the east in Elwick Road and Woodlands Grove and to the south in West Park.

1.6 The proposal involves the erection of a single storey building between the existing swimming pool and the youth centre which are located at the eastern boundary of the site on an area of land which formerly housed a small garage block (now demolished).

1.7 The building would be used to deliver vocational training for the school, its neighbouring secondary school partners and for the community and will provide purpose built accommodation for motor vehicle maintenance and construction workshops. The facility will allow the school to develop courses on site to develop skills and qualifications for students to progress at 16 years of age.

1.8 The information provided states that the intention would be to also provide high quality vocational training after school hours and in holiday periods for adult training and development.

1.9 The new building consists of two adjoining workshops for construction and car maintenance with vehicular access from the existing service road. The flat roofed building measures 18.8m by 7.5m. The garage half of the building will have 2 roller shutter doors facing west onto the school and a single personnel door on the north elevation facing the swimming pool. This part of the structure will be 5.1m in height. The south element of the building which is to be used for construction purposes will have a roller shutter door facing the school and a set of double doors facing south. This part of the building is 3.6m high.

1.10 The building will be constructed in bands of contrasting facing brickwork with powder coated steel doors and roller shutters. There are no windows in the structure.

1.11 The site will be made secure with 2.4m high security fencing and gates – powder coated twin wall fencing. A small separate structure is proposed within this secure compound to the west of the workshops. This will be constructed in brick with steel doors and measure 1.678m by 0.890m with a height of 1.05m. This is to be used as a flammable liquids store for small amounts of petrol/fuel required for the vehicle maintenance courses. The doors to this small building will be secured with a padlock.

1.12 A disabled drop off only parking bay is to be formed immediately to the west of the building together with a concrete lay-by parking space.

1.13 The hours of operation requested are 7am to 9pm Monday to Friday.

PUBLICITY

1.14 The application has been advertised by way of neighbour letters (22) and site notice. To date, there has been one letter of objection. The concerns raised are:

- 1) The school site is starting to look like an industrial estate
- 2) There are so many added on buildings
- 3) This is a residential area demanding high rates of council tax
- 4) Detrimental to our environment
- 5) Does not seem to be much thought given to the surrounding area.

Copy Letters C

The period for publicity expires before the meeting

CONSULTATIONS

1.15 The following consultation replies have been received:

Traffic and Transport – no highway or traffic concerns

Public Protection - This development is situated some considerable distance from the nearest residential properties intercepted by a main road. The site is secure and there are proposed restrictions on the hours of operation. I would therefore have no objections to this application.

Sport England – No comments

PLANNING POLICY

Local Policy

1.16 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.

Emerging Local Plan

1.17 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

1.18 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

1.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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

1.20 The main planning considerations 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 works on the school itself, on neighbouring properties and the street scene in terms of amenity and on highway safety.

Principle of development

1.21 The site is located in a well established residential area towards the western boundary of the urban area. The proposal involves the erection of a modest sized building for educational use in order for the school to offer a more varied range of skills for the community. The principle of the development would therefore be in accordance with policy.

1.22 The NPPF which encourages sustainable development states that the planning system must do everything it can to support sustainable economic growth. Paragraph 72 states that weight should be given to the need to create, expand or alter schools. The proposed development would provide additional

educational/vocational facilities in a well established area in order to serve the local community.

Siting and design

1.23 The proposed building is to be sited close to existing school buildings between the former youth club and the swimming pool and on a site which formerly housed a double garage.

1.24 The building is simple in design and will blend in with the existing school buildings. The actual site of the building is lower than the street level on Elwick Road. The land slopes down from the main road towards the school buildings and at street level there is a high fence with hedges and trees which offer a degree of screening. Notwithstanding this however, dwellings opposite the site on Elwick Road and at the entrance to Woodlands Grove are situated on an elevated site which overlooks the school complex.

1.25 The separation distances to these neighbouring properties range from approx 78m to 86m and in view of this it is considered that the siting and design of the new building would have little impact on the visual amenities of either neighbouring residential properties or on the street scene in general.

Impact on neighbouring properties

1.26 The Council's Principal Environmental Protection Officer has offered no objections to the development in terms of noise and disturbance. As previously mentioned, the new building is sited more than 70m from the nearest dwelling. Although the proposal involves construction and engineering activities, the hours of operation will be until 9pm weekdays with no use proposed at the weekend.

1.27 The site is separated from dwellings to the east and north by Elwick Road which is a busy road in constant use throughout the day and night. Houses in West Park to the south are screened by fences, trees and shrubs and present their side elevations to the site. In view of this, it is considered that any noise generated by the new use would be insignificant over the noise generated by the road and by the school itself. The school itself generates a degree of noise throughout the day from outside activities and comings and goings by visitors and vehicles.

1.28 The proposed scheme also includes the provision of a small brick store to the west of the new building which will provide secure storage for flammable liquids such as petrol that will be used in connection with the workshop. This facility will be secured by padlocked metal doors and will be located between the new workshops and the existing school buildings. Further the store will be located within the compound surrounded by 2.4m high fencing.

1.29 The storage of flammable liquids is covered by The Petroleum Consolidation Act 1928 which states that for the storage of more than 15 litres of petroleum a petroleum licence will be required. The applicant has confirmed that only small quantities of fuel (less than 15 litres) will be stored if and when required for the workshop.

Highway Safety

1.30 Lay by parking has been provided within the compound for one vehicle together with a disabled space for drop off only. The new building is accessed from the existing service road within the site. No objections have been raised by the Council's Highway Engineer in terms of parking or highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.32 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.

1.33 Security measures have been included as part of the application. Therefore there are no Section 17 implications.

REASON FOR DECISION

1.34 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. 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.
3. The development hereby permitted shall be carried out in accordance with the plans numbered 717/50/ARCH/001, 717/50/ARCH/003 rev A, 717/50/ARCH/004 rev D, 717/50/ARCH/005 and 717/50/ARCH/008 rev B and details received on 22-11-2012 by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.

5. The workshops shall only be used between the hours of 0700hrs and 2100hrs Mondays to Fridays inclusive and at no time on Saturdays, Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

3.35 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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HIGH TUNSTALL COMPREHENSIVE SCHOOL



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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:1000
Date : 17/12/12
Org No: HI2012/0600

No: 2
Number: H/2012/0422
Applicant: Ms Marie Daurat Sir William Gray House Clarence Road
HARTLEPOOL TS24 8BT
Agent: Hartlepool Borough Council Ms Marie Daurat Sir William
Gray House Clarence Road HARTLEPOOL TS24 8BT
Date valid: 25/10/2012
Development: Use of car park to hold weekly car boot sales/farmers
markets on Saturday mornings from 8am to 1pm and
other temporary events on an ad hoc basis
Location: Hartlepool Historic Quay Maritime Avenue
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 This application was deferred at the last meeting in order for further information to be provided to Members in respect of the impact of temporary events on parking and the highway network. Further comments have been provided from the Council's Highways, Traffic and Transport Manager and are discussed in the appropriate section later in the report. It is also noted that the applicant has indicated that the farmers markets are to be held monthly rather than fortnightly as previously indicated.

PROPOSAL AND SITE CONTEXT

2.3 The application relates to the car park of the Hartlepool Maritime Experience, located within the Marina area, to the east of Anchor Retail Park and to the north of The Highlight.

2.4 To the north of the site is The Highlight retail park, to the north west of the site are the residential apartments on Harbour Walk.

2.5 The application seeks consent for the use of the car park for car boot sales between 8am and 1pm every Saturday, farmer's markets between 8am and 1pm monthly and for ad hoc temporary events which have in the past included the vintage car rally, the bi-annual Maritime Festival and the Race for Life. Individual events will require varying amounts of the car park to be taken up. A degree of car parking will remain available within the site during events.

PUBLICITY

2.6 The application has been advertised by way of neighbour letters (1) and site notice. To date, there have been no objections.

2.7 The period for publicity has expired.

CONSULTATIONS

2.8 The following consultation replies have been received:

HBC Economic Regeneration – No objections.

HBC Public Protection – No objections subject to hours restriction and an annual limit to the number of ad hoc events.

HBC Traffic and Transportation – Close to town centre and excellent public transport links. The site has historically been used for large events, although such events will cause disruption to the highway system, this can be managed and disruption kept to a minimum. Temporary events managed through ISAG which Highways have an input in. Some events may require traffic restrictions and road closures. Restricting these potential events to a maximum of 6 per year would be acceptable. There would therefore be no Highway or Traffic concerns with this application.

Hartlepool Water – No comments received.

Cleveland Police – No comments received.

PLANNING POLICY

Local Policy

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

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

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

schemes and where practical in alterations to existing developments.

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

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

Emerging Local Plan

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

SUS1: When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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.

RC1: The Borough Council has identified and defined a hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations throughout the Borough. The defined hierarchy and sequential preference of the centres in the Borough are:

- 1) The Town Centre, then;
- 2) The Marina, then;
- 3) Edge of Town Centre Sites, then;
- 4) Local Centres.

Proposals for main town centre uses in excess of 200m² gross floorspace, not located in the town centre or a sequentially preferable centre, will be required to provide a robust sequential assessment. Proposals in excess of 500m² will require a retail impact assessment. Proposals not located in a sequentially preferable centre which would have the potential to undermine a centre's vitality and viability will not be permitted.

RC3: The Borough Council will seek to support, protect and enhance the Marina. In accordance with policy RC1, after the town centre, the Marina, will be the next sequentially preferable locations for A1 – A5, B1, C1, D1 and D2 and theatres and nightclubs.

LT1: The Borough Council will work with key partner organisations to develop leisure and tourism facilities, including high quality accommodation. Major leisure and tourism developments which are likely to attract large numbers of visitors should be preferably located within the following established key tourist areas: Town Centre; The Marina; Seaton Carew; or The Headland. Development at the Marina will be a key priority for the Borough Council. The area will continue to develop as a major visitor attraction and new developments which complement and build on the success of the Maritime Experience will be encouraged. The Borough Council will work pro-

actively to help develop schemes which would enhance the historic nature of the Headland. Seaton Carew will be promoted and developed as a tourism destination.

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 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

2.12 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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

2.13 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 proposals upon residential amenity and highway safety.

Principle of Development

2.14 Policy RC3 of the emerging Local Plan highlights the Marina as the next sequentially preferable location after the town centre for uses including retail. Policy RC1 sets out the retail hierarchy. The Local Plan makes clear that the Council will need to be satisfied that proposals for main town centre uses are located in a sequentially preferable centre and that proposals do not impact on the function of the main town centre. It is considered that whilst there is a retail element to car boot sales and farmers markets, their transient and temporary nature means they are

unlikely to be suitable as a town centre use given the lack of available and suitable space. The proposal is therefore in accordance with Policy RC1 and RC3 in that it is located within a sequentially preferable location.

2.15 Policy LT1 of the emerging Local Plan indicates that leisure and tourism developments which are likely to attract large numbers of visitors should be located within the key tourist areas, including The Marina. The policy goes on to state that development at the Marina will be a key priority. It is therefore the proposal to use the site for temporary events is in accordance with policy LT1.

2.16 The principle of the development in policy terms is considered acceptable.

Amenity

2.17 The closest residential properties to the site are located in excess of 100m to the north-west within the flats upon Harbour Walk. Conditions are proposed to restrict operating hours of any temporary events, and also to limit the number of temporary events which can take place in any one year. It is considered that the conditions offer sufficient mitigation to preclude any significant detrimental impacts upon those residents closest to the site. The Council's Head of Public Protection has raised no objections to the proposals.

Highway Safety

2.18 The Council's Highways Traffic and Transport Manager is satisfied that there is adequate car parking available within the area to accommodate temporary events on the site, including events which use the majority of the existing car parking on the site. Each individual event will require differing car parking levels which will be determined in consultation with the Hartlepool Independent Safety Advisory Group (ISAG). The size of the event may warrant, in consultation with and through an ISAG recommendation that additional, temporary, traffic management may be required to prevent significant impacts upon the highway network, for example parking restrictions on Maritime Avenue and road closures including Maritime Avenue. A number of past events have also taken advantage of a park and ride system to reduce the level of vehicular traffic within the town centre and it is anticipated that this will be continued for appropriately sized events. It is not envisaged that either the level of traffic associated with car boot sale or Farmer's Market would warrant restrictions or closures to surrounding roads, however, parking implications will be monitored as events progress. If experience shows that there is a problem caused by either of these events the Council's Traffic Section will work with the Events Team to ensure that appropriate constraints are implemented at subsequent events.

2.19 The plans provided show the maximum amount of the site which will be required which retains an area for public car parking. It is proposed to impose a condition which requires this area to be retained only for car parking. Although it is acknowledged that certain events will increase demand for car parking well beyond the capacity of the parking areas shown, the site is located close to the Town Centre and within the Marina where there is good accessibility to public transport, including the road and rail transport interchange to the south and public car parking is also

available off-site. The applicant has indicated that for previous large scale events, for example the Maritime Festival, the Council have negotiated the use of third party land for car parking. In addition, previous events have resulted in the closure of Maritime Avenue. The limit to not more than 6 temporary events per annum will reduce overall impacts on the highway network. The Council's Traffic and Transportation section have raised no concerns with the proposals and on balance, the application is considered acceptable in respect of highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.20 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.21 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.

2.22 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour, offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection.

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.

RECOMMENDATION – APPROVE subject to the following conditions

1. The use(s) to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plan(s) no(s) E/G/559 and E/G/560 received by the Local Planning Authority on 25 10 12 and plans no(s) E/G/547 (1:5000) and E/G/547 (1:1250) received by the Local Planning Authority on 01 08 12.
For the avoidance of doubt.
3. The car boot sale and farmers market hereby approved shall only be open to the public between the hours of 07:00 and 17:00 Saturdays and at no other time.
In the interests of the amenities of the occupants of neighbouring properties.
4. Temporary events hereby approved shall only be open to the public between the hours of 07.00 and 23.00 and at no other time.
In the interests of the amenities of the occupants of neighbouring properties.

5. Not more than six temporary events shall be held on the site within a calendar year. No single event shall exceed 14 days in duration.
For the avoidance of doubt.
6. Visitor car parking shall be provided in the areas shown blue on approved plan 'E/G/560' and 'E/G/559'.
In the interests of highway safety.

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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HISTORIC QUAY



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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:2000
Date : 17/12/12
Drg No: H/2012/0422

No: 3
Number: H/2012/0516
Applicant: Mrs G M Waugh 48 - 50 Montague Street HARTLEPOOL
TS24 0NH
Agent: Mrs G M Waugh 48 - 50 Montague Street HARTLEPOOL
TS24 0NH
Date valid: 22/11/2012
Development: Installation of replacement windows and doors
Location: 48 - 50 Montague Street 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 NONE

PROPOSAL AND SITE CONTEXT

3.3 The application site is a mid terraced property located within the Headland Conservation Area. The area which is predominately residential.

3.4 Although some of the properties in the street have maintained their traditional timber windows and doors, some are upvc traditional style windows and some are modern upvc.

3.5 The proposal involves the removal of the original timber sliding sash windows and doors to the front and rear of the property and their replacement with double glazed upvc windows and composite doors. The proposal includes the removal of the sashes from the bay window and framing at both ground and first floor so the timber head of each bay remains. These windows and the frames are to be replaced in upvc.

PUBLICITY

3.6 The application has been advertised by way of neighbour letters (5) a press notice and site notice. To date, there have been no responses received.

3.7 The period for publicity has expired.

PLANNING POLICY

Local Policy

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

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

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.

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.

To2: Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

Emerging Local Plan

3.9 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.

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.

SUS1: The presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Regional Policy

3.10 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

3.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

3.12 The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

3.13 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

3.14 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

PLANNING CONSIDERATIONS

3.15 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 impact of the works on the house itself, the street scene in general and on the Headland Conservation Area in terms of visual amenity.

Impact on Headland Conservation Area

3.16 At a local level the Planning Committee approved a policy relating to replacement windows in 2009. In this instance the relevant sections of this policy are as follows,

Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

Any planning application for replacement or alteration of non-traditional windows on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged however the use of modern material will be accepted providing that the window is of design (i.e. pattern of glazing bars, horns etc), proportion and scale matching those of an original traditional window.

The main issue of consideration is the impact the proposal will have on the Headland Conservation Area. The Headland Conservation Area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the domestic residential architecture.

The detail and standard of joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on later sash windows for decoration and strength. Some of the earlier types of multi-paned sash windows are found on early dwellings, particularly those in the Town Wall area. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors

are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

Windows to be replaced

3.17 This property has retained windows in a similar arrangement to the original. Timber sliding sashes with a two storey bay window at the front of the property, along with a single sash window at first floor level. The arrangement to the rear has been altered slightly with one ground floor and three first floor sash windows.

The proposed alterations to the windows are as follows:

- 1) replace the traditional sliding sash timber window to the front with a UPVC traditional style and opening mechanism.
- 2) replace the traditional sliding sash timber windows to the rear with UPVC traditional style and opening mechanism.

The above works meet the policy guidelines therefore they are considered acceptable.

- 3) At the front of the property it is proposed to remove the sashes from the bay and framing at both ground and first floor so the timber head of each bay remains. The windows and the frames are to be replaced in UPVC.

3.18 This element of the proposal is contrary to the planning policy agreed by Planning Committee and would harm the character and appearance of the conservation area for the following reasons.

3.19 UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC bay will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

3.20 The changing appearance of timber would be particularly prominent in a situation where the window is part timber and part UPVC. In particular the heads of the bay will age and always retain a different appearance to the frames that are proposed to be set within them.

3.21 The detailing to a UPVC bay window differs to a timber bay. In particular the UPVC bay appears to have an additional fascia detail that sits under the sill and the framing of the windows have detailing running the length of the frame which is not found on bay windows in this street.

3.22 It is usual that bay windows be painted in a palette of traditional colours that add variety and interest to the appearance and character of the conservation area.

In this conservation area this detailing adds to the character of the area. UPVC bay windows would not provide this variety of colours which would change the character of the area considerably. In addition it would be difficult with the aging of the wood to achieve a colour match between the head of the bay and UPVC window. The importance of painted timber in this conservation area was acknowledged in a recent appeal Ref; APP/H0724/A/11/2156692 at 12 – 14 Montague Street. The Inspector noted that ‘the characteristic treatment of sash windows in the area is for the windows themselves to be painted white and the sash boxes and frames to be picked out in a contrasting, often primary colour it is considered that it makes an essential contribution to the character and appearance of the conservation area.’

Doors to be replaced

3.23 The front of the property features two, four panelled timber doors. The proposal is to change one of these doors to a four panelled composite door with a wood grain appearance.

3.24 The material used for the proposed door shows the imprint of a timber effect on the surface which would not be found on a traditional timber door. In addition to this the material is distinctly different to timber and would not change or weather as timber does over time. The modern material would particularly stand out as it would be side by side with a timber door, which is not proposed to be replaced.

3.25 To the rear of the property the proposal is to replace both a single door and a set of French doors with alternative doors using modern materials. Both of these doors are modern additions.

3.26 A composite door is proposed for the single door with the upper two panels glazed. For the reasons outlined above composite doors do not have the finer characteristics of a timber door. Although the door is replacing a modern door the NPPF states that proposals in conservation areas should make ‘a positive contribution to local character and distinctiveness’. Therefore in the context of the conservation area the use of a composite door in this instance is not appropriate.

3.27 The French doors are multi-paned double doors with a fanlight over. The proposal is to replace these in UPVC. Whilst the doors installed are modern they have retained the vertical emphasis found in the fenestration of these dwellings. The proposal shows a reduced number of panes, creating a somewhat horizontal appearance to the door. It is not clear from the information submitted if the glazing bars are raised and applied to the glazing or if they will be placed between the two panes. In this instance the proposed French doors have a modern appearance in their styling which is uncharacteristic of this conservation area.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.29 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.

3.30 There are no Section 17 implications.

REASON FOR DECISION

3.31 It is considered by Officers that the proposal would harm the character of the conservation area in that they would not make a positive contribution to local character and distinctiveness and would neither preserve nor enhance the character of the Headland Conservation Area. In the context of relevant planning policies and material planning considerations the proposal is not acceptable as set out in the Officer's Report.

RECOMMENDATION - REFUSE

1. It is considered that the proposed windows and doors by reason of their design, and detailing would detract from the character and appearance of the building and the Headland Conservation Area contrary to policies GEP1 and HE1 of the adopted Local Plan (2006).

BACKGROUND PAPERS

3.32 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:

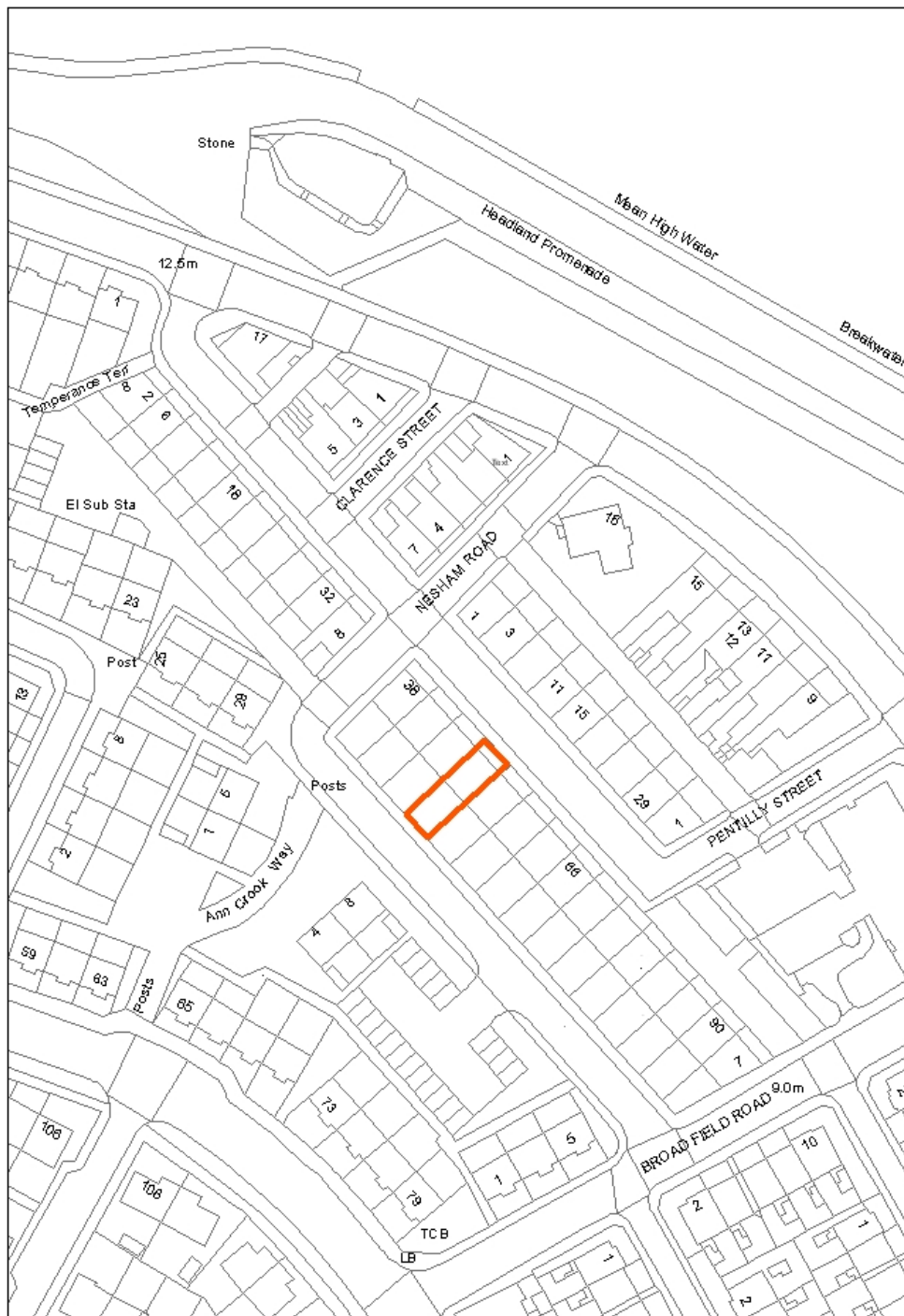
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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48-50 MONTAGUE STREET



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 : 24/2/13

Drg No: H/2012/0516

No: 4
Number: H/2012/0427
Applicant: GLEESON DEVELOPMENTS LTD DEFENDER COURT
 SUNDERLAND ENTERPRISE PARK SUNDERLAND
 SR5 3PE
Agent: CHRIS DODDS GLEESON DEVELOPMENTS LTD 5
 DEFENDER COURT SUNDERLAND ENTERPRISE
 PARK SUNDERLAND SR5 3PE
Date valid: 02/08/2012
Development: Demolition of existing buildings and erection of 45 No.
 residential dwellings with associated works (amended
 scheme)
Location: LAND AT TANFIELD ROAD TANFIELD 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 NONE

PROPOSAL AND SITE CONTEXT

4.3 The application site is the former Council depot located between Stockton Road and Stranton Cemetery. The site has been used for many years in connection with Tanfield Nursery providing a growing and maintenance facility for the Council. The site which forms an elongated triangular shape is accessed from Tanfield Road to the north with the Tanfield Nursery retail facility and Lodge also to the north. There is housing to the east on Stockton Road and Yarm Close. The main Stranton Cemetery lies immediately to the west. There are a number of bungalows on Tanfield Road itself.

4.4 Whilst the area is predominantly residential in character there are a few commercial properties to the south on Stockton Road including the Travellers Rest PH, a takeaway shop and a car wash. There is also a repair garage (Glenesk) on the east boundary of the site located at the head of Yarm Close cul de sac. This is a long established use and has been operating in the area for many years.

4.5 The site is currently arranged in two distinct parts. The north part contains the buildings and the south part is used for parking vehicles and plant and the storage of materials. Buildings include a range of poly tunnels, glass houses, storage containers and a brick built staff amenity block none of which are considered to be of

any architectural or historic merit. The depot uses will be relocated to alternative facilities within the town.

4.6 As originally submitted the application proposed the erection of 48 dwellings with associated works. A number of amendments have now been made to the layout and the scheme will now be considered for the erection of 45 dwellings with associated works.

4.7 Due to the shape of the site the layout has been arranged along a central access road with one small cul de sac. The site will be accessed from the north only via Tanfield Road directly opposite the Stranton Nursery retail unit.

4.8 The development will provide a range of 2 storey family homes including 10 house types ranging from 2 bedroom semi detached to 4 bedroom detached all of which have gardens and private parking. Many of the dwellings have garages.

4.9 A small area of open space has been included in the design with landscaping/planting throughout the site. The existing concrete post and mesh fencing which separates the site from the cemetery will be removed and replaced with 1.8m high close boarded timber fencing.

4.10 Five affordable housing units have been allocated within the site and will be transferred to an RSL (registered social landlord) to be provided as both rented and intermediate units. Intermediate housing is homes for sale and rent provided at a cost above social rent but below market levels. These can be shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent but not affordable rented housing.

4.11 A number of supporting documents have been provided with the application including a sustainability statement, statement of community involvement, tree survey, security statement, flood risk assessment, affordable housing statement and site waste and construction management statement.

PUBLICITY

4.12 The application has been advertised by way of neighbour letters (55), site notices (3) and press advert. To date, there have been 21 letters of objection from 14 addresses to the original scheme and 2 to date to the amended scheme.

The concerns raised to the original scheme include:

- 1) access onto Tanfield Road will cause traffic chaos and congestion
- 2) residents don't need this housing
- 3) additional noise and disturbance
- 4) Tanfield Road will be unable to cope with additional traffic
- 5) Tanfield Road will be used for parking
- 6) the new dwellings should be bungalows
- 7) too many new houses on site
- 8) will affect privacy of adjacent bungalows
- 9) we will be overlooked by new properties

- 10) will lose early evening sun from house and garden
- 11) no emergency access route
- 12) traffic from funerals should be respected
- 13) character of area would be lost
- 14) will underground tanks be removed?
- 15) there are bats and other wildlife in the area which would be affected
- 16) the new houses will right on top of the cemetery and funerals could be disturbed with noise from houses and gardens
- 17) we dont know who will buy the houses
- 18) a new access should be provided onto Brierton Lane
- 19) there are serious problems with flooding in the area and this development will make it worse
- 20) we feel betrayed by the approach of the Council regarding the concerns of residents
- 21) Tanfield Road was never built to take this much traffic
- 22) we have complained a number of times to the Council about the drainage but nothing has been done
- 23) the land should be part of the cemetery
- 24) certain properties will be vulnerable from crime
- 25) devaluation of properties in the area
- 26) a bat survey should be carried out
- 27) properties at the south end of the site are prone to serious flooding even though the Council have laid land drains
- 28) the Councils Development Brief has not been adhered to particularly with regard to the provision of bungalows
- 29) not enough respect has been paid to the proximity of the cemetery and crematory
- 30) one of the new dwellings would be too close to the rear of my property which is only 3.5m from the boundary of the site
- 31) the density of the development is too high
- 32) there is a strip of land at the east boundary of the site (Council owned) which will become a problem
- 33) we may have to move in order to get the peaceful retirement we expected
- 34) we feel our concerns have been totally ignored
- 35) there are not enough parking spaces in the site
- 36) too many different businesses/uses for the site

The objections to the amended scheme include:-

- 1) the residents of Tanfield Road and the surrounding area all object to the amended proposal due to the extra volume of traffic
- 2) how many times do we have to object to the proposal
- 3) traffic congestion
- 4) use of cemetery as cut through

Copy Letters B

The period for publicity expires before the meeting.

CONSULTATIONS

4.13 The following consultation replies have been received:

Neighbourhood Services – No response received

Traffic and Transport – The proposed access is onto Tanfield Road, which links up with Stockton Road. Tanfield Road has a width of 7.3 metres is more than acceptable to accommodate the proposed traffic increase from this development and the existing uses of the Nursing and Cemetery. This would have minimum impact on the highway network.

The roads/footways to be built to an adoptable standard either through a Section 38 of Advance Payment Code agreement. The material to be used for the road and footway construction to be agreed by the Highways Section.

The applicant is proposing to have driveways constructed in a permeable crushed aggregate, I have concerns with this type of material as it will spill onto the highway when vehicles drive on and off it. The applicant should look at either using tarmac for the full drive or a permeable block paving.

Engineering Consultancy – With reference to the above application, I note that the applicant has stated that the preferred method of disposal of surface water flows is to existing sewer.

The Flood and Water Management Act 2010 discusses the need for a Suds Approving Body (SAB) to be established and led by the Council, this requirement may be enacted in April 2013. This enactment would require that all new development (although there are tests of affordability) should have a sustainable drainage (SuDS) element incorporated in them in accordance with the National Standards for SuDS. Developers will be required to produce a detailed drainage strategy incorporating SuDS with the planning application for the SAB to consider. All being well, the SAB would then approve the drainage application (if it complies with the National Standards) and adopt any approved SuDS which serve more than 1 property.

At this point in time, the requirement has not been enacted and therefore I wouldn't request a drainage strategy to be provided up front. However I would request that a planning condition be imposed requiring the submission of a SuDS design statement and associated detailed drainage strategy incorporating sustainable drainage, should planning permission be given.

Ecologist – I inspected the buildings on the site in 2011 to determine their likelihood of being used by roosting bats. Although the flat roofed building next to Tanfield Road has some fascia boards that bats might typically use to roost behind, those were either tightly sealed or covered with cobwebs, indicating that they would not be suitable for bats to use. In addition there were no signs of bats, such as droppings, on or in any of the buildings. Consequently a bat emergence survey was not required.

The proposal would see the removal of a number of trees and hedges. These are very likely to be used by breeding birds. Therefore any trees and hedges should be removed outside of the breeding bird season, that is March-August inclusive, unless they are first checked by a qualified ecologist who confirms in writing to the LPA that no breeding birds are present at the time of removal.

Arborist - The proposed tree planting to complement the development consists of trees that are unlikely to become a problem in future and form a fitting boundary treatment to this “sensitive” site. I am still concerned however about the proximity of garage g45 to the existing fastigiated hombeam within the cemetery and situated near to the main entrance. If it is not possible to pull the garage back then it will be necessary to construct a ring beam on which the garage should sit. This tree is particularly special as a feature within the cemetery and every provision should be made to retain it for many years to come. Likewise, I will need to see clear details of how this will be achieved.

I have not previously raised the issue of the overgrown hedge around this site which is being removed as this was assessed as being incompatible with the small gardens and which has been mitigated with the planting of the Sorbus ‘Joseph Rock’

Public Protection – I have looked at the noise assessment and I am happy that it demonstrates that the activities at the Glenesk Garage are unlikely to have an impact on the properties to the rear. I can confirm that we have not received any noise complaints from neighbouring premises in Yarm Close. I therefore do not have any objections to the amended scheme.

Housing Services – No response received

Property Services – No objections

Environment Agency – The surface water drainage from the site is being directed to Northumbrian Water sewers at a reduced rate than existing, this being the case the Environment Agency has no objections to the proposals as submitted but would like to provide the following information:

Disposal of Foul Sewage

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Northumbrian Water – In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water’s network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Cleveland Police – I am not aware if the developer is seeking to achieve Secured by Design accreditation for the development. I see no reason why the development cannot achieve the Secured by Design award if the following points are addressed in addition to the relevant requirements in the application document. Lighting to all footpaths and private estate roads and car parks must comply with BS5489.1:2003. Dwelling Boundaries to the cemetery should have a 200mm boxed trellis topping to ensure greater security to the rear of these properties.

Although not a requirement of Secured by Design I have concerns with regard the use of loose material for ground surface this can be used as ammunition for crime and anti social behaviour. I am aware of such problems on a new development in Hartlepool where residents are suffering problems with the use of gravel on this site to public and semi public areas. I would also recommend that consideration is given to the use of lead replacement material to prevent valuable metal theft particular during the construction period.

Chief Fire Officer – Vehicle access to be in accordance with B5 requirements of guidance in Approved Document B of the Building Regulations. Cleveland Fire Brigade's, Water Officer, has previously indicated that Hartlepool Water are aware of the development and are to provide adequate hydrant provision for the development. Most likely this amendment will not change the hydrant provision for the development.

Tees Archaeology - I have screened the details against the historic environment record and can confirm that there are no known archaeological sites. I therefore have no objections to the proposal and have no further comments to make.

PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

4.14 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.

4.15 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.16 The following paragraphs in the NPPF are relevant to this application:

14	Presumption in favour of sustainable development
49	Housing and the Presumption in favour of sustainable development
56	Design of the built environment
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of and area
66	Community involvement
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

4.17 Overall it is considered that the proposal accords with principles within the NPPF, the contribution towards green infrastructure and play facilities is particularly welcomed in line with NPPF paragraph 61.

REGIONAL SPATIAL STRATEGY

4.18 In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies (RSS) 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 RSS when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

4.19 Notwithstanding these developments, until revoked, the RSS still forms part of the Development Plan and relevant policies should be considered; where appropriate.

4.20 The following policies in the RSS are relevant to this application:

28	Gross and Net Dwelling Provision
29	Delivering and Managing Housing Supply
38	Sustainable Construction

4.21 The planning application contributes to meeting the requirements of policy 28 (Gross and Net Dwelling Provision) with relation to the average annual level of total dwellings to be constructed within the plan period and the requirements of policy 29 (Delivering and Managing Housing Supply) with regard to targets for development on previously developed land.

4.22 Policy 38 states that:

“Planning proposals should encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes.

In advance of local targets being set in DPDs, major new developments of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.”

4.23 Information on energy efficiency it is noted within the sustainability statement, the intention of the developer to “optimise the design and delivery to achieve good sustainable homes” and their success in “achieving an improvement in the Dwelling Emission Rate (DER) target over the Target Emissions Rate (TER) from the current building regulations standards” is welcomed.

ADOPTED LOCAL PLAN (2006)

4.24 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 2006 Local Plan is in the process of being replaced by the emerging 2013 Local Plan.

4.25 The following Local Plan 2006 policies are relevant to this application:

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

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

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

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

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.

Tra14: Identifies the primary access point to this development.

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.

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 (2013)

4.26 The 2006 Local Plan is in the process of being replaced by the 2013 Local Plan. Currently the 2013 Local Plan is at Submission stage (the final stage prior to adoption) and has been through significant public consultation to reach this stage. As a result the policies in the 2013 Local Plan hold significant weight when determining planning applications.

4.27 The following Local Plan 2013 policies are relevant to this application:

SUS 1 The Presumption in Favour of Sustainable Development

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

CC1 Climate Change

This advises that the Borough Council will work with partner organisations to help minimize and adapt to climate change.

CC2 Energy Efficiency

This advises that the Council will seek to ensure high levels of energy efficiency in all new developments.

CC4 Flood Risk

The Borough Council will see to ensure that new development will be focused in areas of lower flood risk where possible (Flood Zone 1). Where necessary developers will be required to provide the sequential and exceptions test for new development.

ND1 Planning Obligations and Compulsory Purchase Order

This advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, play provision, green Infrastructure and Highway Improvements.

ND4 Design of New Development

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.

HSG1 New Housing Provision

This relates to the provision of new housing in the Borough on sites already identified in the urban area, newly identified sites on the edge of the urban area and in villages. Other sites will be considered in accordance with policies LS1, CC1, ND3 and HSG4.

HSG4 Overall Housing Mix

The Borough Council will ensure that all new housing will contribute to achieving an overall balanced housing stock that meets local needs and aspirations.

HSG5 Affordable Housing Provision

This advises that affordable housing will be required on all developments of fifteen houses or more. It advises that a minimum affordable housing target of 10% will be required on all sites. The affordable provision, tenure and mix, will be negotiated on a site by site basis having regard to economic viability and evidence of housing need, aspiration and the local housing market. The policy allows for off site provision, including the payment of commuted sums in appropriate circumstances.

PLANNING CONSIDERATIONS

4.28 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 design and layout of the scheme, the impact on the surrounding area and the amenities of neighbouring residents, highway safety/parking, ecology, drainage and trees.

Policy

4.29 The principle of the reuse of brownfield land particularly within the urban limits is supported. The application for new dwellings within an existing residential area is considered to be appropriate and complies with the NPPF, the 2006 Local Plan and the emerging Local Plan.

4.30 The Council produced a Development Brief in relation to this site, this brief has an aspiration for some bungalows on the site, however each planning application must be determined on its own merits and in principle two storey houses are acceptable.

Design of Scheme

4.31 The area of land for development forms a long thin wedge approx 300m in length and only 65m at its widest point adjacent to Tanfield Road and as such the shape restricts/dictates the built form of development possible for the site. Notwithstanding this dwellings have been positioned on both sides of the road with four facing directly onto Tanfield Road. A small cul de sac has been formed to the west side of the site. A number of different house types have been used both detached and semi detached all of which have private gardens. A small amount of open space has been provided within the site together with tree planting around all three sides.

4.32 In accordance with the Hartlepool Local Plan minimum separation distances of 20m have been achieved throughout the development. All dwellings will be constructed using facing brick and concrete tile roofs with white upvc windows and composite/steel faced doors. The design of the dwellings and the layout are considered to be acceptable. The mix of dwellings is also considered to be appropriate and although no bungalows have been provided within the scheme, the provision of two storey family dwellings is not considered to be inappropriate for this area. It should be noted that whilst there are a number of bungalows in the area there are also houses on Stockton Road which share the boundary with the application site.

4.33 The area of the site is 1.36ha (3.36 acres) with 45 dwellings; the density is therefore 33.088 per hectare. Whilst this density of 33 would be greater than the density of 30 dwellings per hectare suggested within the Councils Development Brief, it should be noted that this figure is now less than that originally submitted which was 35 per hectare. Given the Governments aspirations for the provision of a wide range of homes to meet all needs, it is unlikely that an objection could be sustained on the density of the site which is also less than that recently approved at Eaglesfield Road (38 dwellings per hectare).

4.34 The proposed plans indicate that a permeable crushed aggregate would be used for part of the dwellings' driveways. This is a material used by the developer on other sites and not common in Hartlepool. The Architectural Liaison Officer for the Police has commented on the use of this material and the potential for anti social behaviour. A number of other suggestions have been made regarding safety within the development including trellis topping to the fences and lighting to all footpaths. These can be covered by conditions.

Ecology

4.35 A tree survey provided with the application indicates that 26 individual trees, one Japanese Knotweed stand, one group (5 trees) and 5 hedgerow plantation groups were survey and assessed. This survey includes trees in adjacent sites. A number of the trees within the application site would be removed in order for the development to proceed. In relation to the off site trees on boundaries of the site, these would be protected during construction. It would appear that although some work has been carried out to restrict the Japanese Knotweed, this plant appears to originate from a neighbouring garden. A detailed scheme for the method of removal and disposal of this plant will be required.

4.36 All trees will be checked by contractors for the presence of bats and birds prior to carrying out any tree removal. It should be noted that none of the trees are protected by Tree Preservation Orders. The Councils arborist has offered no objections to the removal of the trees or the proposed development subject to the provision of a landscaping scheme and tree protection during construction.

4.37 The Councils ecologist has inspected the site and buildings to determine the presence of roosting bats. There were no signs of bats on or in any of the buildings and as such a bat emergence survey was not required. He does however recommend that any trees should be removed outside of the breeding season for birds (March to August) unless they are checked by a qualified ecologist.

Impact on surrounding area

4.38 In terms of its relationship with neighbouring properties and other uses, this long, wedge shaped site shares its western boundary with the cemetery. The existing concrete post and wire mesh fencing is proposed to be removed and replaced with a close boarded fence (1.8m) which will separate and screen the back gardens of a number of new dwellings from the cemetery. Within the cemetery at this point there is one of the many access paths/roads which cross the cemetery and provide access to graves for pedestrians and vehicles. The new dwellings along this boundary either present their side elevations close to the boundary or rear elevations separated by their rear gardens. These gardens measure between 7m and 12m in depth. Some tree planting has been indicated on this boundary within the gardens.

4.39 To the north, the proposed housing is separated from part of the Tanfield Nursery which is to be retained as a retail garden centre (Council owned). Tanfield Road currently provides both pedestrian and vehicular access to a number of uses - the cemetery and crematorium, garden centre, offices, Stranton Lodge (with planning

consent for cafe) and residential properties on Tanfield Road. The road also provides the main access for the former depot.

4.40 Only one of the abovementioned dwellings shares a boundary with the application site. Number 7 Tanfield Road which is a modern (late 20th century) semi detached bungalow which has a good size rear garden. There are main windows in the main rear elevation of this bungalow and a detached garage to the rear of the bungalow adjacent to the boundary of the application site. There are a number of conifers on the boundary of the application site which currently screen the depot from this property. The landscaping plan provided with the application indicates that these conifers are to be retained.

4.41 Although there would be four new dwellings (2 storeys) sharing the side boundary with this bungalow all rear gardens are 10m in length. Further, 1.8m high fencing will be erected along this boundary and forms the rear boundaries of the new houses. This relationship is considered to be acceptable in terms of separation distances and overlooking. No windows in the new houses will face directly onto main windows in the rear elevation of this bungalow.

4.41 Immediately to the south of 7 Tanfield Road is a large brick building which has been in use as a vehicle repair garage (Glenesk Garage) for many years. This commercial building which is accessed from Yarm Close (from Stockton Road) will remain in operation for the foreseeable future. The building which has a shed like industrial appearance forms the south boundary of 7 Tanfield Road and its western elevation forms the boundary with the application site. There are two large windows in the rear of this garage which appear to be obscured from within. The windows do however face onto the application site.

4.42 With regard to the relationship with the new dwellings, this western elevation of the garage would form the boundary to four of the new properties - two in full and two in part. The gardens here have been proposed at 10m in length which would accord with current Council guidelines for separation distances between main elevations and blank elevations. The presence of the windows in the rear of the garage therefore give rise for concern as although they appear not to be in use at present, there is nothing to prevent the garage owner from opening them up again. This is an issue which is presently being addressed and negotiations are underway with the owner of the garage for the windows to be bricked up to prevent overlooking and also the perception of overlooking.

4.43 Immediately to the south of this repair garage is 4 Yarm Close, a modern domer bungalow which occupies a site at the end of the cul de sac, and presents its main rear elevation towards the application site. It should be noted that this bungalow is sited close to the boundary with its main garden area to the side (south). Separation distances at this point (main rear elevation and application site) vary between 2.5m and 3.5m resulting in main windows in the rear of 4 Yarm Close directly overlooking the application site. With this in mind an area of open space has been provided within the new layout at this point in order to minimise the potential for overlooking and loss of privacy to this existing property.

4.44 Officers requested a noise survey to be carried out adjacent to the repair garage in Yarm Close. The Councils Principle Environmental Protection Officer is satisfied with the findings and would raise no objections in relation to the proximity of the new dwellings to this garage.

4.45 To the south of Yarm Close are a number of well established dwellings in Stockton Road all of which have unusually long rear gardens. The relationships here are considered to significantly exceed separation distances.

4.46 The boundary at the southern tip of the site is shared with the scout headquarters and another garage/workshop. The relationships at this point are also considered to be acceptable as are those with a small number of dwellings at the eastern end of Brierton Lane close to the junction with the main dual carriageway (A689).

Drainage/contamination

4.47 A number of the objections relate to existing drainage problems in and around the site and there are concerns that the redevelopment of the site will exacerbate the problem. A Flood Risk Assessment has been carried out and submitted with the application. The site is not located within the Environment Agency's Flood Risk Zones 2 (medium risk) or 3 (high risk) as set out in its Standing Advice.

4.48 Information provided in the FRA states that surface water drainage is being directed to Northumbrian Waters sewers at a reduced rate and this being the case The Environment Agency has no objections to the development. The Councils Drainage Engineer has also offered no objections however has advised that the developer provides a detailed sustainable drainage strategy by condition.

4.49 Northumbrian Water has offered no objections and states that the developer has agreed with NW the discharge rates to the public sewer system.

4.50 With regard to the fuel tank which is located towards the north of the site, the developer has carried out ground investigations in the area and no significant contamination has been found. A detailed remediation strategy will be provided to address this matter and any other contamination found within the site. This can be dealt with by the relevant planning condition.

Highway Safety and parking

4.51 In terms of parking and road geometry the design of the development meets current standards required by Hartlepool Borough Council. The amended layout has allayed officers concerns regarding access to the south part of the site for large vehicles. Although calculations were provided to demonstrate that large vehicles such as fire engines and bin wagons could safely manoeuvre through the central junction as originally planned, concerns were raised regarding the practicality of this and the lack of space for error. This staggered junction has now been omitted.

4.52 Concerns were also raised by officers and members of the public regarding the absence of an emergency exit from the site. Officers consulted with the emergency

services who have now concluded that vehicle access to and from the site complies with the B5 requirements of the Building Regulations and as such no objections would be raised to the scheme or that a separate emergency access would be required for this site. As such the Councils Highway Engineers are also satisfied that an emergency access is not required.

4.53 With regard to the other comments and objections raised by residents, whilst it is acknowledged that Tanfield Road can be quite busy, the road itself is not considered in highway terms to be too narrow or unable to cope with the increase in traffic. Many estate roads (narrower than this) in other parts of the town accommodate larger flows of traffic throughout the day and night. It is unlikely that there is a great deal of traffic on evenings and through the night when the gates to the cemetery are locked.

4.54 No objections have been offered by the Councils Highway Engineer on this point as it is considered that the existing road will withstand the additional vehicle movements particularly as the new development is an alternative use for the site not an additional use. The potential for additional noise and disturbance created by traffic to and from the residential development is not considered to be excessive. There are a number of well used busy roads in the immediate area such as Stockton Road, Brierton Lane and the A689. Given that the site is close to these main roads there is good access to public transport.

4.55 The Highway Engineer has also commented on the suitability of the use of aggregate for driveways and has suggested that tarmac or block paving is used.

Sustainability

4.56 The developer has provided a sustainability statement with the application which indicates that they (the developer) propose to improve the specification of the insulation in the roof, wall and floor of each dwelling. Energy efficient internal light fittings, heating system thermostats and double glazing will be provided.

Section 106 Agreement

4.57 As part of the required legal agreement the developer has agreed to provide 5 affordable dwellings and contribution of £250 per dwelling towards off site play facilities and £250 per dwelling towards green infrastructure in the surrounding area.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.58 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.59 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.

4.60 Cleveland Police's Architectural Liaison Officer has commented on a number of issues that would improve the security of the site. This includes the provision of trellis to the top of fences and the use of different material for driveways.

RECOMMENDATION – Due to outstanding publicity, no recommendation has been made. It is anticipated however that the application will be recommended favourably in an update report.

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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TANFIELD 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: 1:2000
Date : 24/1/13
Org No: H/2012/0427

UPDATE REPORT

No: 4
Number: H/2012/0427
Applicant: GLEESON DEVELOPMENTS LTD LUMLEY COURT
CHESTER LE STREET DH2 1AN
Agent: CHRIS DODDS GLEESON DEVELOPMENTS LTD 3
LUMLEY COURT CHESTER LE STREET DH2 1AN
Date valid: 02/08/2012
Development: Demolition of existing buildings and erection of 45 No.
residential dwellings with associated works (amended
scheme)
Location: LAND AT TANFIELD ROAD TANFIELD ROAD
HARTLEPOOL

4.1 It is recommended that this application is withdrawn from the agenda to allow for a site visit. The site visit will take place on the morning of 6th March 2013 before the Planning Committee on that day.

No: 5
Number: H/2012/0548
Applicant: Mr Sherwan Mustafa 7B Samuel Vale House Nicholas Street COVENTRY CV1 4LT
Agent: Mr George Hind 100 Spalding Road HARTLEPOOL TS25 2JP
Date valid: 19/12/2012
Development: Change of use to hand car wash including the provision of a building incorporating valeting room, staff cloaks and pump room and the provision of a store
Location: Former Filling Station 361 Stockton 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 NONE

PROPOSAL AND SITE CONTEXT

5.3 The application site was formerly a petrol filling station located on the south bound side of the A689 dual carriageway. The site is bounded to the south by the Travellers Rest public house. Residential properties upon Queensland Road are located to the east of the site. To the north east of the site is a commercial unit.

5.4 The application proposes the change of use of the site to a handcar wash including the provision of a building incorporating a valeting room, staff cloaks and a pump room. The proposed application initially sought consent for the provision of a further store within the site however this aspect of the proposal has been removed by the applicant, the proposed site layout plan has been amended to account for this amendment.

PUBLICITY

5.5 The application has been advertised by way of neighbour letters (12) and site notice. To date, there have been two letters of objection received.

The concerns raised are:

1. We already have a hand car wash in front of our property, which causes access problems and queuing on main dual carriageway 10 yards from main traffic lights on Stockton Road to have another one on the opposite side of the

dual carriageway would cause even more access and entry problems to my customers and staff.

2. This could cause major traffic concerns.
3. Concerns that this proposal would be a safety risk. It is positioned on a busy road on a bend and the road could not cope with extra traffic into and out of a car wash.

Copy Letters A

The period for publicity is still outstanding but expires prior to the Committee Meeting, should any further representations be received they will be reported to the Committee accordingly.

CONSULTATIONS

5.6 The following consultation replies have been received:

Traffic and Transportation - The above application raises obvious concerns with regards to traffic backing up onto A689 Stockton Road. This road is a dual carriageway with a 40 mph speed limit, any stationary traffic on the A689 will cause a potential road safety hazard.

I am not aware of traffic backing up onto the A689 from the hand car wash opposite as stated in the objection, however traffic does back up at the petrol station further along the A689 and at the car wash on Catcote Road.

The layout at this facility allows for a large number of vehicles to wait on site without the need to back up on the A689.

An objection was raised by Highways for the car wash opposite which was overruled by the Planning Inspector, I therefore feel that Highways would be unable to sustain an objection based on road safety for this application.

If the development proceeds appropriate IN / OUT and EXIT / NO EXIT signs should be erected.

Engineering Consultancy – Comments awaited

Public Protection – Comments awaited

Northumbrian Water – Comments awaited

Cleveland Police – Comments awaited

PLANNING POLICY

Local Policy

5.7 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.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

Emerging Local Plan

5.8 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 development 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 improved 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

5.9 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

5.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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

5.11 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposal on highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.12 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.13 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.

5.14 There are no Section 17 implications.

RECOMMENDATION – Comprehensive update report to follow

BACKGROUND PAPERS

5.14 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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FORMER FILLING STATION, 361 STOCKTON 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 : 24/1/13
Org No: H/2012/0548

UPDATE REPORT

No: 5
Number: H/2012/0548
Applicant: Mr Sherwan Mustafa 7B Samuel Vale House Nicholas Street COVENTRY CV1 4LT
Agent: Mr George Hind 100 Spalding Road HARTLEPOOL TS25 2JP
Date valid: 19/12/2012
Development: Change of use to hand car wash including the provision of a building incorporating valeting room, staff cloaks and pump room and the provision of a store
Location: Former Filling Station 361 Stockton 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 This item appears as item 5 on the main agenda. The responses from the Council's Head of Public Protection and Northumbrian Water have been received and are set out below. The formal response from the Council's Engineering Consultancy Section is still awaited however informal discussions have taken place with this Section. The period for publicity has now expired. No further letters of representation have been received regarding the proposed change of use. Notwithstanding this, any further representations received will be tabled at the meeting.

CONSULTATIONS

5.3 The following further consultation replies have been received:

Public Protection – No objections

Northumbrian Water – No comments to make

Engineering Consultancy – Formal comments awaited however informal discussions have taken place with this Section advising that conditions with regards to land contamination and drainage should be attached to any approval.

Cleveland Police – No comments received

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Planning Considerations

5.4 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposal on highway safety.

Principle of Development

5.5 The site is a former filling station located off the A689 Stockton Road, which is a dual carriageway. The principle of the development upon the site is acceptable provided that it conforms to the General Environmental Principles set out in Policy GEP 1 of the Hartlepool Local Plan 2006 and ND4 of the emerging Local Plan, in particular that the proposed use does not detrimentally impact upon highway safety. Given the previous use of the site and a relevant appeal decision in the vicinity it is considered that on balance, that the use of the site is acceptable.

Impact upon Neighbouring Properties and Character of the Area

5.6 It is considered unlikely that the proposed use will significantly adversely affect the visual amenity of the neighbouring properties and surrounding area as a whole. Given the scale and massing of the proposed buildings upon the site it is considered unlikely that the physical development upon the site will detrimentally impact upon the amenities of the occupants of neighbouring properties. The separation distances associated with the proposed buildings and the neighbouring properties are considered to be acceptable.

5.7 Whilst it is acknowledged that the application site has now been cleared it is considered prudent in this instance to refer to the sites previous use. A filling station operated upon the site for many years. Given this, it is not considered that the use of the site for a hand car wash would be significantly different from the noise, disturbance and activities associated with the former use. It is therefore considered that the use of the site would not unduly affect the amenity of neighbouring properties in terms of overlooking, overshadowing, outlook, noise and disturbance. The Council's Head of Public Protection has raised no objections to the proposed use.

Highway Safety

5.8 Of key consideration in the determination of this application is the impact that the use of the site as a car valet centre would have on highway safety and the surrounding highway network. In addition, key consideration needs to be given with regard to a car valet centre operating on the A689 opposite the application site.

5.9 The abovementioned car valet centre on the north side of the A689 was the subject of a planning application in February 2009. The application was refused by

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the Local Planning Authority (LPA) in May 2009 due to the effect of the proposal on highway safety in terms of cars potentially queuing on the highway (A689). The decision was appealed and allowed by the Planning Inspectorate.

5.10 The Council's Traffic and Transportation Section have provided the following comments:

The above application raises obvious concerns with regards to traffic backing up onto A689 Stockton Road. This road is a dual carriageway with a 40 mph speed limit, any stationary traffic on the A689 will cause a potential road safety hazard.

I am not aware of traffic backing up onto the A689 from the hand car wash opposite as stated in the objection, however traffic does back up at the petrol station further along the A689 and at the car wash on Catcote Road.

The layout at this facility allows for a large number of vehicles to wait on site without the need to back up on the A689.

An objection was raised by Highways for the car wash opposite which was overruled by the Planning Inspector, I therefore feel that Highways would be unable to sustain an objection based on road safety for this application.

If the development proceeds appropriate IN / OUT and EXIT / NO EXIT signs should be erected.

5.11 With regard to the comments outlined above and the neighbour representations received raising concerns regarding access and highway safety, it is considered prudent, as outlined in the consultation response above from the Traffic and Transportation Section to consider the appeal decision on the opposite side of the road. The Planning Inspector in considering the appeal for the car valet centre on the opposite side of the road stated the following:

Overall, I consider that the proposed development would in all probability, lead to only infrequent queuing on the A689 which, when it occurs, would not result in significantly safety problems, or be dangerous. Whilst it seems likely that the flow of traffic would be interrupted from time to time, on the A689 in either direction and on Brierton Lane, that is not a strong reason to reject the scheme.

5.12 On balance, given the site characteristics and the similarities of this site and proposed operation to the site on the opposite side of the road which was allowed by the Planning Inspectorate it is not considered that the Local Planning Authority could sustain a refusal in this instance based purely upon highway safety. The entrance to the site is visible whilst driving along Stockton Road allowing drivers to be aware of any queuing traffic in advance of reaching it. The speed of traffic upon the road is limited to forty miles per hour and it is considered that there would be adequate time for any approaching vehicles to stop if needed. Furthermore, the road is dual carriageway therefore allowing drivers the option of passing on the outside lane. It is not considered that the operation of the two car valet in close proximity to one another will create any significant highway safety issues. The application site

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benefits from a large forecourt area and as such there is considered to be generous levels of customer queuing areas proposed within the site. As suggested by the Traffic and Transportation Section a condition requiring the provision of signage and road markings to direct traffic has been attached.

Drainage and Ground Contamination

5.13 As outlined in the Consultations section of this report the formal comments of the Council's Engineering Consultancy Section have yet to be received. Notwithstanding this, Officers have held informal discussions with the Section during which it was advised that it would be appropriate to attach planning conditions requiring further investigations and if required remediation, upon the site in terms of ground contamination and the submission of a drainage scheme. Appropriately worded planning conditions have been attached based on previous discussions, however given that a formal response has not been received it is considered prudent for the final wording of all planning conditions to be subject to consideration by the Planning Services Manager should members be disposed to approve the application.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.14 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.15 There are not considered to be any Section 17 implications.

REASON FOR DECISION

5.16 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 final wording of the planning conditions outlined below being agreed by the Planning Services Manager

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 16/10/2012 (Drawing No: 1 and the site location plan), on 03/12/2012 (Drawing No's: 10, 11, 12, 13 and 14) and on 19/12/2012 (Drawing No: 2 Rev A), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Prior to the commencement of the development hereby approved a scheme of signage indicating the site entrance and exit shall have been installed, and the valet ports and queuing lanes shall have been marked out, in accordance with

UPDATE REPORT

details that shall first be submitted to and approved in writing by the local planning authority. The signs and surface markings shall remain in place thereafter for the lifetime of the development, and the entrance and exit shall be used only for their respective purposes
In the interests of highway safety

4. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
 2. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 3. Implementation of Approved Remediation Scheme
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the

UPDATE REPORT

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

5. 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

UPDATE REPORT

shall be retained for the lifetime of the development.

To ensure that the site is adequately drained.

6. The use hereby approved shall not commence until proposals for the storage of refuse within the site 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.
7. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
8. The premises shall only be open to the public between the hours of 08:00 and 18:00 on any day, Mondays to Sundays inclusive.
In the interests of the amenities of the occupants of neighbouring properties.

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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PLANNING COMMITTEE

6 February 2013



Report of: Director (Regeneration and Neighbourhoods)

Subject: NEIGHBOURHOOD PLAN BOUNDARY
DESIGNATIONS

1. PURPOSE OF REPORT

- 1.1 To inform the Planning Committee of the proposed boundary that has been submitted to Hartlepool Borough Council by the Headland Neighbourhood Plan Working Group for the Headland Neighbourhood Plan.

2. BACKGROUND

- 2.1 Neighbourhood Planning is central to the Coalition Government's Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.
- 2.2 Once adopted a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan 2013 post adoption in early 2013).
- 2.3 In November 2011, the Headland Parish Council approached Hartlepool Borough Council demonstrating an interest in developing a Neighbourhood Plan. Collaboratively an application was made to the Department of Communities and Local Government (DCLG) to become a Neighbourhood Planning Front Runner; whilst not successful in securing Front Runner status, the Parish Council secured support packages from the Prince's Foundation and Planning Aid as part of the 'Communities and Neighbourhoods in Planning' programme for the initial stages of developing a Neighbourhood Plan.
- 2.4 In December 2012 the Headland Neighbourhood Plan Working Group was established; this sub-group of the Headland Parish Council will be

responsible for the development of the Neighbourhood Plan. Hartlepool Borough Council Officers from the Planning Services and Community Regeneration and Development Teams are supporting the Working Group through the Neighbourhood Planning process and work with both the Prince's Foundation and Planning Aid is underway.

- 2.5 The Headland Neighbourhood Plan Working Group have identified a proposed Neighbourhood Plan area and submitted the details to Hartlepool Borough Council as the Local Planning Authority (LPA). Details provided include a plan identifying the proposed boundary and a statement demonstrating why the identified area is appropriate and how the Working Group are the appropriate body to be making the application, and have the capability to take the development of the plan forward.

3. **PROPOSED HEADLAND NEIGHBOURHOOD PLAN BOUNDARY**

- 3.1 The proposed Headland Neighbourhood Plan area (attached as **Appendix A**) includes the Headland Parish area (part of which is a Conservation Area) and the Central Park. This green space is adjacent to the entrance to the Headland, and encompasses land prioritised through the imminent Green Infrastructure Strategy.
- 3.2 The formal publication of the proposed Headland Neighbourhood Plan boundary and suitability statement (attached as **Appendix B**) has been undertaken by Hartlepool Borough Council; these details are available to comment on for 8 weeks, in line with the Council's consultation guidelines, and to conform with the statutory publication required for boundary designation of 6 weeks as outlined in the Neighbourhood Planning Regulations (General) which were adopted in April 2012.
- 3.3 During this time, representations from interested parties can be made to the LPA in relation the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period.
- 3.4 The details of the proposals are available for comment on the Council's website at www.hartlepool.gov.uk/neighbourhoodplanning. Formal written representations should be made to the Planning Policy Team; the closing date for comments is Thursday 28th February 2013.

4 **NEIGHBOURHOOD PLANNING PROCESS**

- 4.1 Reporting on Neighbourhood Planning will take a similar format to that currently used for Development Plan Documents (DPDs) that are developed in the town (i.e. Hartlepool Local Plan). To date, general progress reports on Neighbourhood Planning in Hartlepool have been taken to the Neighbourhood Consultative Forums and Cabinet.

4.2 For the key stages of the Plan development, the following reporting and decision making procedure will apply:

- First draft of Neighbourhood Plan: a report and a copy of the first draft of the Neighbourhood Plan will be taken to Cabinet for information. This will be prior to the statutory eight week period of consultation, in line with the Voluntary and Community Sector (VCS) Strategy and the Statement of Community Involvement (SCI);
- Final draft of Neighbourhood Plan (pre-referendum): a report and a copy of the final draft of the Neighbourhood Plan will be taken to Cabinet and Full Council for information. This will outline the proposals contained within the Plan, detail how the independent examination will be formed, and confirm arrangements for the referendum; and
- Final draft of Neighbourhood Plan (post examination and referendum): should a majority vote be gained at referendum, a report and a copy of the final draft of the Neighbourhood Plan will be taken to Cabinet and Full Council for adoption. This is due to the Plan forming part of the Borough's Development Plan which is consequently an amendment to part of Hartlepool Borough Council's Budget and Policy Framework.

4.3 The Hartlepool Rural Plan area secured Front Runner status in May 2011 and has been in the process of developing their Plan since this time. The Hartlepool Rural Plan Working Group publicly consulted on their Neighbourhood Plan boundary in October / November 2012 for a period of 6 weeks in line with the statutory requirements as outlined in 3.2. No written representations or objections were submitted to the LPA as part of this consultation process. The Rural Plan boundary and the Hartlepool Rural Plan Working Group statement of suitability are attached as **Appendices C** and **D**.

4.4 Given that Neighbourhood Planning is a new policy introduced by Central Government through the Localism Act 2011, Officers continually monitor and evaluate the process and how it is operating in Hartlepool. In addition to the Neighbourhood Planning reporting and decision making process that was reported to Cabinet in September 2012, it is recommended that measures should be implemented to formalise the reporting procedure in relation to the designation of the boundary; this should encompass reporting the proposed Neighbourhood Plan boundary to Planning Committee for information prior to a formal designation being made by a delegated Officer (in this instance the Planning Services Manager). This amendment will be reported to Cabinet in a full update on Neighbourhood Planning in March 2013.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

5.1 There are no equality or diversity implications and the Headland Neighbourhood Plan Working Group have developed a comprehensive engagement plan to ensure that equality and diversity considerations are integral to the development of the Plan.

- 5.2 In addition, the group are developing a range of engagement mechanisms to ensure that the Neighbourhood Plan process is inclusive to all residents and communities within the Neighbourhood Plan Boundary as well as other groups that have a common interest in the area.

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

- 6.1 There are no Section 17 Implications.

7. FINANCIAL IMPLICATIONS

- 7.1 Although the designation of the boundary will have no direct financial implications, at a later stage the Neighbourhood Plan will be subject to an independent examination and referendum, both of which the Local Authority have a duty to arrange and fund; an indicative cost of £25,000 for this has been identified.
- 7.2 In the case of the Headland Neighbourhood Plan, support packages funded directly through DCLG will assist the Working Group to develop the Neighbourhood plan. The working group are currently actively seeking external funds to support the process.
- 7.3 The Local Authority is able to claim funding from DCLG to compensate for the costs incurred through Neighbourhood Planning.

8. RECOMMENDATION

- 8.1 The Planning Committee are requested to note the report.

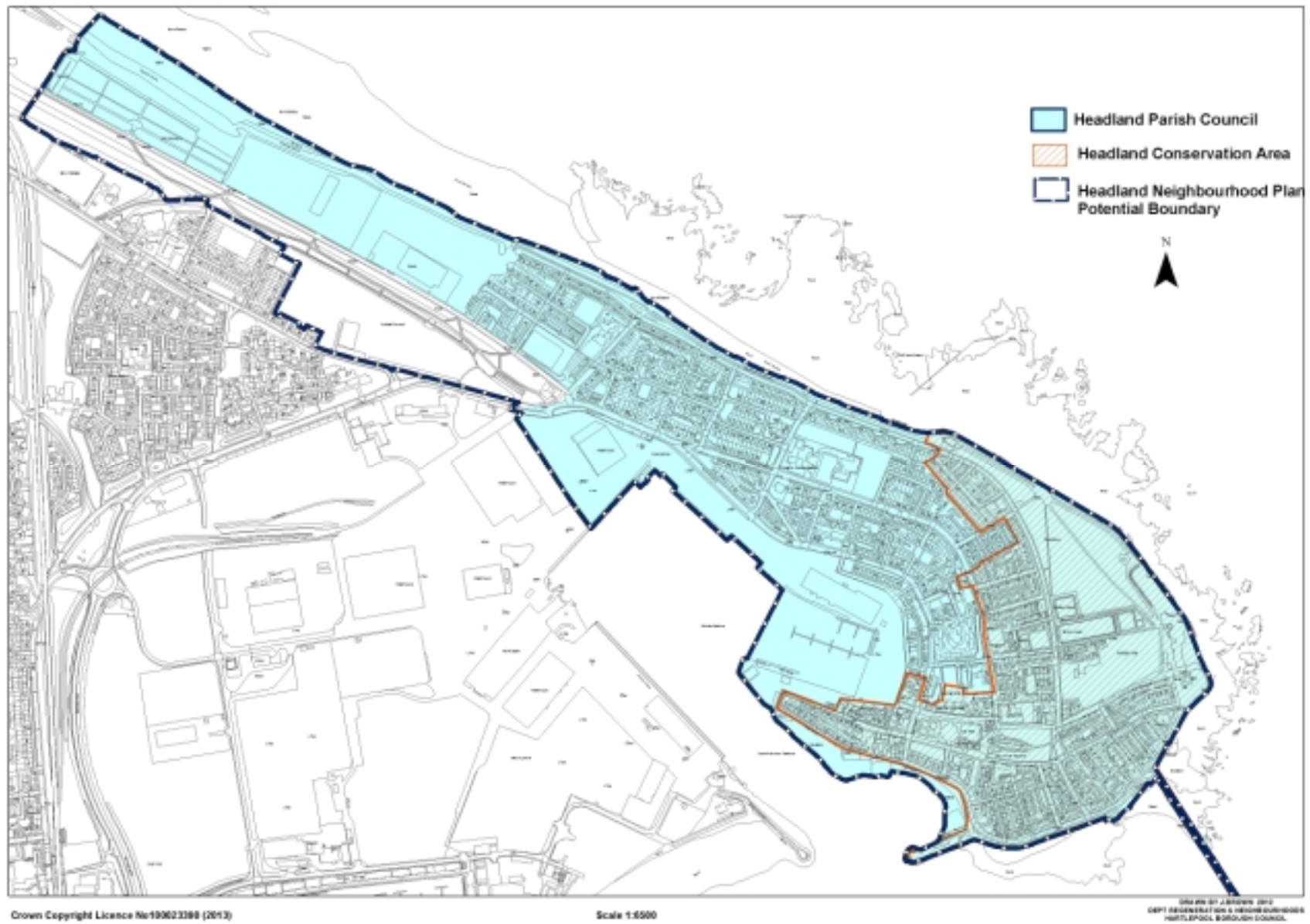
9. BACKGROUND PAPERS

- 9.1 Cabinet Report 3.09.2012

7. CONTACT OFFICER

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APPENDIX A – Proposed Headland Neighbourhood Plan Boundary



APPENDIX B – Headland Neighbourhood Plan Designation of Boundary Statement

THE HEADLAND NEIGHBOURHOOD PLAN

Neighbourhood Planning is central to the Coalition Government's Localism Act 2011. Following interest from the Headland Parish Council, Hartlepool was successful in securing resources to develop and produce a Neighbourhood Plan for the Headland area of Hartlepool. The 10 year land use and development framework will become part of the formal planning process and must be in general conformity with national planning policy and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan 2013 post adoption in early 2013).

HEADLAND NEIGHBOURHOOD PLAN WORKING GROUP

The Headland Neighbourhood Plan Working Group represents the communities living within the proposed Headland Neighbourhood Plan area; this encompasses the Headland Parish with the addition of Central Park. This green space is adjacent to the entrance to the Headland, and encompasses land prioritised through the imminent Green Infrastructure Strategy.

The Headland Parish Council has been established since 2004 (prior to this, it was a Town Council which came into being in 1999), is well served and has a historical understanding of this unique community and the issues that affect the area.

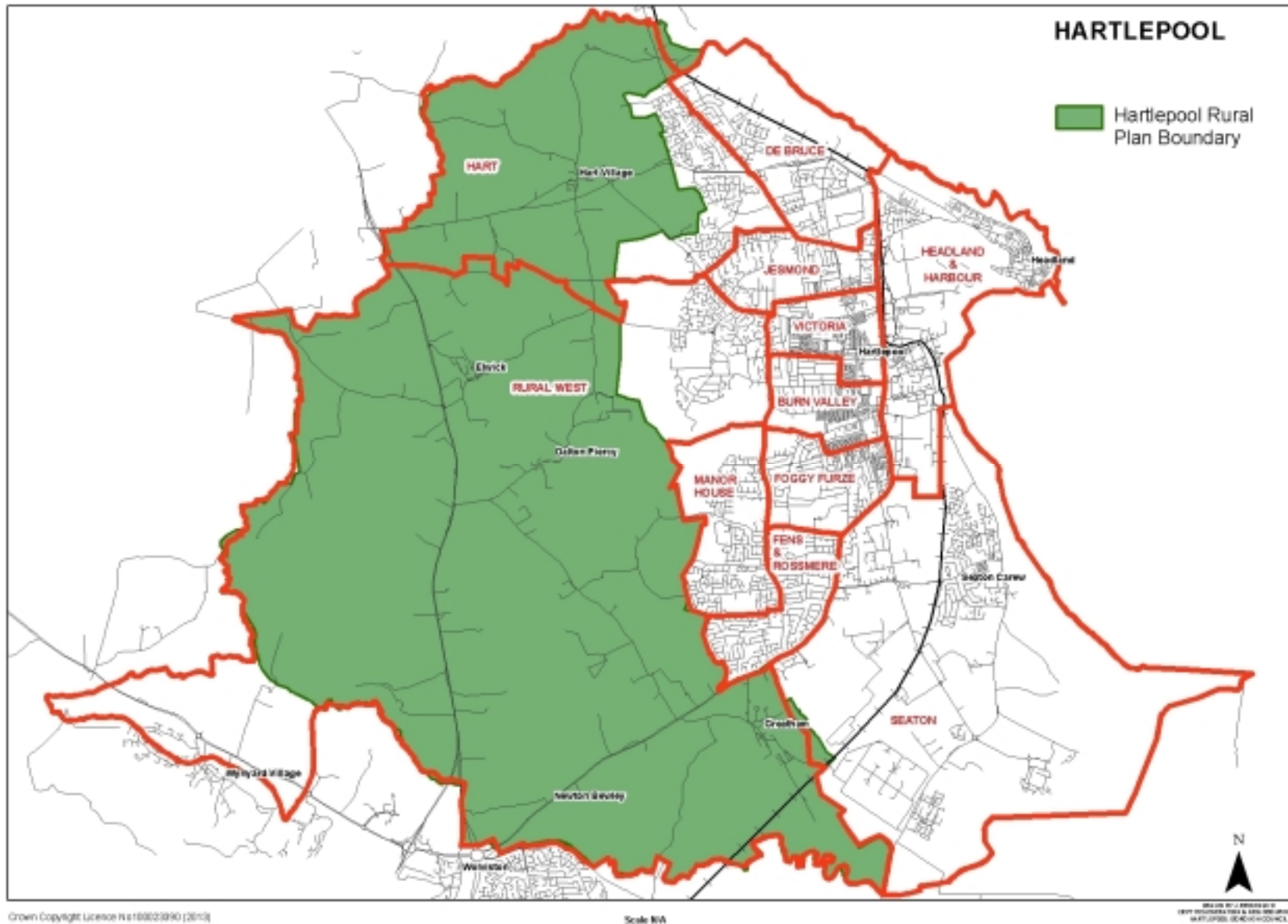
The Parish Council has had aspirations to produce a Neighbourhood Plan for some time, and believe it will provide them with an opportunity to influence how their neighbourhood is developed in the future. In November 2011, The Headland Parish Council in conjunction with Hartlepool Borough Council applied to the Department of Communities and Local Government (DCLG) to become a Neighbourhood Planning Front Runner; whilst not successful in securing Front Runner status, the Parish Council have since secured a support package from the Prince's Foundation as part of the 'Communities and Neighbourhoods in Planning' programme for the initial stages of developing a Neighbourhood Plan.

A data collection exercise was undertaken by The Headland Parish Council in order to prepare the Front Runner application. The Headland Neighbourhood Plan Working Group is about to build on this with a scoping and development day facilitated by the Prince's Foundation. This will include a 'walk-about' in order to identify community assets, as well as a baselining exercise to gather statistical information and local knowledge about the issues currently affecting the Headland Neighbourhood Plan area. This will form the basis of information to structure a Community Planning Workshop to instigate the neighbourhood planning process for the Headland. The development of the Plan will be subject to a widespread and robust consultation process (Phase 1 will commence in January / February as part of the Prince's Foundation support), in which the views and involvement of the wider community will be sought.

The Headland Neighbourhood Plan Working Group is a sub-committee of the Parish Council consisting of representatives from the Parish Council, local organisations, churches, schools and any groups in the Headland and Central Park area who are committed to the development of the Plan. The Group has its own Terms of Reference and strong working links have been made with Officers within Hartlepool Borough Council's Neighbourhood Management and Planning Policy Teams.

Parish Councillor Jim Ainslie
Chair, Headland Neighbourhood Plan Working Group
c/o Headland Parish Council
Borough Buildings, Middlegate,
The Headland, Hartlepool,
TS24 0JD.

APPENDIX C – Hartlepool Rural Plan Boundary



APPENDIX D – Hartlepool Rural Plan Designation of Boundary Statement

HARTLEPOOL RURAL PLAN

Neighbourhood Planning is central to the Coalition Government's Localism Act 2011 and in May 2011, Hartlepool was successful in securing resources to develop and produce a Development Plan Document (DPD) for the rural area of Hartlepool. The 10 year land use and development framework will become part of the formal planning process and must be in general conformity with national planning policy and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan 2013 post adoption in early 2013).

HARTLEPOOL RURAL PLAN WORKING GROUP

The Hartlepool Rural Plan Working Group represents the communities living within the proposed Hartlepool Rural Plan area; this encompasses the five Parishes of Dalton Piercy, Elwick, Greatham, Hart and Newton Bewley, with the addition of Greatham Creek and Queens Meadow Wildlife Site, and the exclusion of the urban areas of South Fens, Wynyard and Kingfisher Close.

The five Parishes are long standing and are well established in serving their local communities. They have previously collaborated on projects focussing on rural issues (for example the Parishes' commitment to the Hartlepool Rural Forum, and more recently, responding to the Ward Boundary Commission's Electoral Review) and have a clear sense of community identity and interest.

The Parishes have historically had aspirations to produce a Neighbourhood Plan, and in May 2011, were successful through the Third Wave of the Neighbourhood Planning Front Runners Scheme in securing £20,000 from the Department of Communities and Local Government (DCLG) to develop a Development Plan Document (DPD). The rural community anticipate that the production of a Rural Plan will provide an opportunity to influence how their neighbourhood is developed in the future.

The Working Group has commenced the process by undertaking a baselining exercise in order to identify community assets, but also to gather statistical information and local knowledge about the issues currently affecting the rural area. The development of the Plan will be subject to a widespread and robust consultation process (Phase 1 of which has commenced), in which the views and involvement of the wider community will be sought.

The Local Authority has previously outlined their support for the designation of the boundary detailed above; a provisional consultation exercise was conducted between January and March 2012 (prior to the formal adoption of the Neighbourhood Planning – General Regulations on 6 April 2012) after which, the LA provisionally designated the Rural Plan boundary. It is now intended to re-submit the Rural Plan boundary post adoption of the Regulations in order to formally designate the boundary.

The Group's Terms of Reference ensures that membership is open to two representatives from each of the rural Parishes including: Hart, Dalton, Elwick, Greatham and Newton Bewley, with a minimum of five members and representation from three Parishes required to achieve Quorum (the number of members of a group required to be present to transact business or make decisions formally). Strong working links have been made with Officers within Hartlepool Borough Council's Planning Policy, Regeneration and Neighbourhood Management Teams, and Tees Valley Rural Community Council (TVRCC).

Parish Councillor Chris Banks
Chair, Hartlepool Rural Plan Working Group
6 The Green
Elwick
Hartlepool, TS27 3ED

PLANNING COMMITTEE

6 February 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 23 JESMOND ROAD HARTLEPOOL
CHANGE OF USE FROM SHOP TO HOT FOOD
TAKEAWAY - (H/2012/0543)

1. PURPOSE OF REPORT

- 1.1 To notify members of the lodging of an appeal against the council's refusal of planning permission for the above mentioned development and to seek authority for officers to contest the appeal. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of the Planning Committee. The original officer's report is attached.

2. APPEAL

- 2.1 To inform Members that an appeal has been lodged against the refusal of the Local Planning Authority to allow "the change of use from shop to hot food takeaway".
- 2.2 The application was refused for the following reason:-
1. It is considered that the proposed use of the property as a hot food takeaway shop would be detrimental to the amenities of the occupants of adjacent and neighbouring properties in terms of noise, smell and general disturbance particularly at times of the day when residents could reasonably expect the peaceful enjoyment of their homes contrary to Policies GEP1 and Com12 of the adopted Hartlepool Local Plan 2006.
- 2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

DELEGATED REPORT

Application No H/2012/0543

Proposal Change of use from shop to hot food takeaway

Location 23 JESMOND ROAD HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	14-11-2012 16-11-2012 18-11-2012 13/12/2012
1) Publicity Expiry		
2) Publicity/Consultations <p>Four letters of objection and a petition with 20 names against the proposal have been received.</p> <p>Traffic and Transport – The property is located on the corner of a busy signalised junction. There are already parking restrictions in place which will deter customers from parking too close to the junction.</p> <p>Public Protection - The premises is located on a busy traffic light controlled junction with double yellow line parking restrictions. This will result in customers having to park their vehicles in the neighbouring residential streets directly outside of residential properties with the resultant nuisance from engine noise, slamming of car doors etc.</p> <p>The property also shares party walls with 19 Chester Road and 21 Jesmond Road. There is considerable potential for nuisance to the neighbouring properties from customers visiting the take away throughout the day and late into the evening. Take away premises generally operate delivery services and this has considerable potential to cause nuisance to neighbouring properties with delivery vehicles regularly visiting the premises to collect food orders.</p> <p>I am therefore of the opinion that this application should be resisted.</p> <p>Neighbourhood Services – no response received</p>		
3) Neighbour letters needed	YES	
4) Parish letter needed	NO	
5) Policy	Com12: Food and Drink Com13: Commercial Uses in Residential Areas	

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Comments: TB - While I accept this is an existing commercial unit in a residential area I would recommend refusal as the proposed change of use is contrary to policies GEP1 and COM13 of the Local Plan regarding the potential effect on residential amenity of neighbouring properties. It is also contrary to policy ND4 (Design of new Development) point 4 of the emerging Local Plan 2012 for the same reason.

6) Planning Consideration

The application site is a small vacant shop unit located on the corner of Jesmond Road and Chester Road in a well established residential area. To the north is the new Jesmond Gardens Primary School and to the east the North Cemetery. There are houses to the north east, south and west.

The property which was last in use as a bridal shop with associated living accommodation above and to the rear, is attached to 19 Chester Road and 21 Jesmond Road at the junction of two terraces.

The shop unit has its main door to the front facing onto the light controlled junction of Jesmond Road and Chester Road. There is a separate access to the side from Jesmond Road. The property has a small covered yard to the rear with roller shuttered access onto the back street.

The proposal involves alterations to the property to separate the shop unit from the residential in order to provide separate self contained residential accommodation on the ground floor, first floor and roof space (one unit). The remaining ground floor will be used as a hot food takeaway. The living accommodation would have no access to the rear yard or back street.

It should be noted that at the time of the officer's second site visit, work was being carried out on the building works.

The hours of operation requested are 11am to 11pm seven days a week.

The application has been advertised by way of neighbour letters (10) and site notice. Four letters of objection and a petition with 20 names against the proposal have been received. The concerns include:-

- a) Waste would run through drains directly outside my property and lead to blockages
- b) Odours/litter
- c) Would attract teenagers, gangs etc leading to anti social behaviour
- d) Double yellow lines outside the property – parking problems
- e) Noise and disturbance from customers, cars etc
- f) There is a primary school opposite
- g) Traffic problems and parking problems
- h) Would reduce property values
- i) Would disagree with the highway engineers comments regarding parking at the

junction as parking already occurs on the yellow lines on a regular basis.

j) Noise from delivery vehicles

Planning Considerations

The main planning considerations in this case are the appropriateness of the development in terms of the policies and proposals contained within the Hartlepool Local Plan, National Policy, the impact of the works and change of use on neighbouring properties and the area in general in terms of amenity – noise and disturbance and the effects on highway safety and parking.

Policy Com12 of the Hartlepool Local Plan states that proposals for hot food takeaways will only be permitted where there will be no significant detrimental effect on the occupiers of adjacent or nearby properties by reason of noise, disturbance, smells or litter; they will not lead to traffic congestion or otherwise adversely affect highway safety; there is no adverse effect on the character, appearance or function of the surrounding area. It goes on to say that hot food takeaway uses will not be permitted in predominantly residential areas where they adjoin residential properties. Proposals should also accord with the provisions of policy Rec13 (late night uses).

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
- * The provision of adequate car and cycle parking, servicing arrangements and highway safety provisions in line with relevant local guide at the time
- * The provision of private amenity space commensurate to the size of the development
- * The effects on or impact of general disturbance including noise, vibration, dust, fumes, smell and air quality.

In this particular case the application site is located within a residential area with dwellings attached, to the rear and opposite in Jesmond Gardens and is therefore clearly contrary to the abovementioned local plan policy.

Impact on neighbouring properties

As previously mentioned, the application site is at the junction of two rows of

terraced houses – Chester Road and Jesmond Road where there is no off street parking for residents or customers to the shop.

Objections have been raised regarding a number of issues, most of which are considered to be relevant in this case. Litter, odour, noise and disturbance and highway safety are all material planning matters. It is considered that the relationship of the takeaway shop to the attached residential properties and to the proposed residential unit would lead to noise and disturbance from activities within the shop and from the comings and goings of customers to the detriment of the amenities of residents and at a time when they should reasonably expect a greater degree of peace and quiet. As there are parking restrictions immediately outside of the application site, visitors to the shop would have to park away from the property possibly outside of dwellings in the surrounding area. This would result in additional noise and disturbance from cars starting and stopping, car doors slamming and music from car stereos.

The Councils Principal Environmental Health Officer has commented on the scheme and visited the site and has expressed serious concerns regarding noise and disturbance to neighbouring properties. The application property shares party walls with the attached dwellings at 19 Chester Road and 21 Jesmond Road and as such there would be considerable potential for nuisance to residents from customers visiting the shop throughout the day and late into the evening. The Officer also shares concerns regarding noise and disturbance from vehicles.

Whilst the applicant has not included any information regarding a delivery service, it is recognised that most hot food takeaways do provide this service. If this occurs at the application site, it is likely that noise and disturbance would be increased by the comings and goings of delivery vehicles. Further, as there is no parking within the site, any employees' vehicles would have to park in the surrounding streets.

There are already a number of hot food takeaway shops in Chatham Road, Raby Road and in Duke Street all within 500m of the application site.

Although the proposed residential accommodation which will be separate from the shop unit will have a door leading onto Jesmond Road there will be no access to the rear or the back lane. Further, there is no storage area for domestic waste or recycling bins.

Highway safety

The property lies on the south west corner of the light controlled junction at Jesmond Road and Chester Road. There are double yellow lines all around this junction to prevent parking. Visitors to the shop would therefore have to park away from this junction in order to comply with traffic regulations. This is considered to be acceptable by the Councils Highway Engineer who has raised no objections in terms of highway safety.

Notwithstanding this, concerns have been raised by residents that visitors to the area already park on the yellow lines close to the traffic lights.

In view of the above considerations, the use of the property as a hot food takeaway

is not considered to be either appropriate or acceptable in terms of policy and its impact on the amenity of the occupants of nearby residential properties.

EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 Implications.

7) Chair's Consent Necessary

YES

8) Recommendation

REFUSE

CONDITIONS/REASONS

It is considered that the proposed use of the property as a hot food takeaway shop would be detrimental to the amenities of the occupants of adjacent and neighbouring properties in terms of noise, smell and general disturbance particularly at times of the day when residents could reasonably expect the peaceful enjoyment of their homes contrary to Policies GEP1 and Com12 of the adopted Hartlepool Local Plan 2006.

INFORMATIVE

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Planning Team Leader DC

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

6 February 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

1. Officer monitoring recorded installation of UPVC windows to a property on Linden Grove. The property is within the Grange Conservation Area and benefits from an Article 4 Direction. This means that any alterations to the front elevation of a property require express planning permission.
2. An investigation has commenced regarding the erection of a large shed erected in the front garden of a property on Wasdale Close. Contact has been made with the property owner and discussions are ongoing.
3. An investigation has commenced regarding the erection of a balcony to the rear of a property on The Front, Seaton Carew, has been investigated. The works in question require planning permission and a retrospective application is anticipated to be submitted. The works are exempt from the requirements of the Building Regulations.
4. An investigation has commenced regarding the erection of a large stable under construction on land to the rear of a property on Dalton Back Lane, has been investigated. The works in question require planning permission and a retrospective application is anticipated to be submitted. The works are exempt from the requirements of the Building Regulations.
5. An investigation has commenced regarding a funeral taking place and the service relayed outside a Mosque on Murray Street. These activities are in breach of conditions prohibiting funerals and weddings linked to a planning approval.
6. An anonymous complaint received regarding an apartment development on the 1st & 2nd floors of a vacant commercial building on Scarborough Street, has been investigated. A site visit noticed nothing to register planning breach simple cosmetic internal alterations had been carried to the office which would then be provided for rental.

7. An investigation has commenced regarding the erection of a single timber stable and placing of a steel container on grazing land on the outskirts of Hart Village.
8. A residents' Association Group have raised a complaint regarding a car repair business operating from a residential property on Mitchell Street.

2. RECOMMENDATION

- 2.1 Members note this report.