

# PLANNING COMMITTEE AGENDA



**8 May 2013**

**at 10.00 a.m.**

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

## MEMBERS OF PLANNING COMMITTEE

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 3 APRIL 2013 (to follow)**
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Planning Applications – *Assistant Director (Regeneration)*
    1. H/2012/0613 Brierton Farm, Brierton Lane, Hartlepool. (page 1)
    2. H/2013/0128 Land adjacent to Seaton Carew, Nursery School, Brompton Walk, Seaton Carew. (page 10)
    3. H/2013/0162 Farm Foods, Former Pink Domino site, Catcote Road, Hartlepool. (page 13)
    4. H/2013/0116 St Mark's Church and Community Centre, Clavering Road, Hartlepool. (page 19)
    5. H/2013/0151 Former Mas Agraa Palace Restaurant, Lynn Street, Hartlepool. (page 34)
    6. H/2013/0152 Former Mas Agraa Palace Restaurant, Lynn Street, Hartlepool. (page 40)



- 4.2 Proposed Diversion of Public Footpath No 3, Persimmon Homes, Seaton Parish - *Director of Regeneration and Neighbourhoods*
- 4.3 Proposed Diversion of Public Footpath No 3, Seaton Sports Club, Seaton Parish - *Director of Regeneration and Neighbourhoods*
- 4.4 Proposed Diversion of Public Footpath No 22, Close Farm, Wynyard, Elwick Parish - *Director of Regeneration and Neighbourhoods*
- 4.5 Middle Warren Pill Box – Update - *Assistant Director (Regeneration)*
- 4.6 Trees and Development Guidelines Supplementary Planning Document - *Assistant Director (Regeneration)*
- 4.7 Appeal at 23 Jesmond Road, Hartlepool: Change Of Use from Shop to Hot Food Takeaway Appeal Ref: APP/H0724/A/13/2190712 – *Assistant Director (Regeneration)*
- 4.8 Appeal At 180 York Road, Hartlepool Appeal Ref: APP/HO724/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)*
- 4.9 Update on Current Complaints - *Assistant Director (Regeneration)*
- 4.10 Pre Briefing for Planning Committee – *Chair of Planning Committee*

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

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

**EXEMPT ITEMS**

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

**7 ITEMS REQUIRING DECISION**

- 7.1 Annual Enforcement Update Report - *Assistant Director (Regeneration)* (para's 5 & 6) (To Follow)
- 7.2 Vicarage Gardens, Hartlepool – Update Report - *Assistant Director (Regeneration)* (para's 5 & 6) (To Follow)

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

**FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 5 June 2013.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

3<sup>rd</sup> April 2013

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

### **Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Jonathan Brash, Keith Fisher,  
Marjorie James, Alison Lilley, Geoff Lilley, Carl Richardson,  
Jean Robinson, Linda Shields, Chris Simmons,  
Paul Thompson and Ray Wells

In accordance with Council Procedure Rule 4.2 Councillor Brenda Loynes was in attendance as substitute for Councillor George Morris

Officers: Dave Stubbs, Chief Executive  
Mike Blair, Highways, Traffic and Transport Manager  
Karen Oliver, Facilities Management Manager  
Jim Ferguson, Planning Team Leader (DC)  
Adrian Hurst, Principal Environmental Health Officer  
Tom Britcliffe, Principal Planning Officer  
Jason Whitfield, Planning Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

### **292. Apologies for Absence**

Apologies were submitted by Councillors George Morris and Robbie Payne

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

Councillor Ray Wells declared a personal interest in planning application H/2012/0601 Niramax Ltd Thomlinson Road and planning application H/2013/0040 King Oswy Hotel, King Oswy Drive

Councillor Keith Fisher declared a non-prejudicial interest in planning application H/2013/0029 Land South of Raby Arms, Front Street, Hart

Councillor Carl Richardson declared a non-prejudicial interest in planning application H/2012/0078 OFCA Community Urban Farm, Summerhill Lane and planning application H/2013/0077 Central Library, York Road

Councillor Paul Beck declared a non-prejudicial interest in planning

application H/2013/0029 Land South of Raby Arms, Front Street, Hart

Councillor Jonathan Brash declared a personal interest in planning application H/2013/0077 Central Library, York Road

Councillor Chris Simmons declared a non-prejudicial interest in planning application H/2013/0077 Central Library, York Road

## 294. Confirmation of the minutes of the meeting held on 6th March 2013

The minutes were confirmed

## 295. Planning Applications *(Director of Regeneration and Neighbourhoods)*

**Number:** H/2012/0613

**Applicant:** Mr Benjamin Jobson  
Jobsons Brierton Farm Brierton Lane BILLINGHAM

**Agent:** AJ Riley Architects Mr Andrew Riley 24 Bedford Road  
Nunthorpe MIDDLESBROUGH

**Date received:** 02/01/2013

**Development:** Conversion of former granary building to provide four  
bedroomed dwellinghouse

**Location:** Brierton Farm Brierton Lane

**Decision:** **Application deferred to allow for Member's site visit**

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**Number:** H/2012/0601

**Applicant:** MR K WANLESS NIRAMAX LIMITED  
JOHN SHADFORTH HOUSE THOMLINSON  
ROADLONGHILL INDUSTRIAL ESTATE

**Agent:** WARDELL ARMSTRONG LLP MR ANDREW ROE CITY  
QUADRANT 11 WATERLOO SQUARE NEWCASTLE  
UPON TYNE

**Date received:** 23/11/2012

**Development:** Erection of compound containing gas engines and associated  
equipment for the control of landfill gas and generation of  
electricity

**Location:** NIRAMAX LTD THOMLINSON ROAD HARTLEPOOL

**Decision:** Planning Permission Approved

**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be removed from the site and the land restored to its former condition on or before 31/12/2028 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.
3. The development hereby permitted shall be carried out in accordance with the plans NT11281/001 (Rev A) and NT11281/002 (Rev A) received by the Local Planning Authority on 26 Nov 2012 and the Supporting Statement, Appendix 1 (Technical Data Sheets) and Appendix 2 (Air Dispersion Modelling) received by the Local Planning Authority on 18 01 2013.  
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. The noise output from the development shall not exceed 68dB LAF measured at 10m with a sound level meter that meets the Class 1 requirements of IEC 61672 and BS EN 61672.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

An objector (Samantha Banks) addressed the committee on behalf of the RAWOOD group.

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**Number:** H/2012/0078

**Applicant:** Mr M Ashman  
Owton Fens Community Association 24 Catcote  
Road HARTLEPOOL

**Agent:** Owton Fens Community Association Mr M Ashman  
24 Catcote Road HARTLEPOOL

**Date received:** 17/08/2012

**Development:** Siting of four storage containers for storing animal feed, tools, equipment and fencing and toilet block, erection of animal pens and fencing and rabbit house

**Location:** OFCA Community Urban Farm Summerhill Lane  
HARTLEPOOL

**Decision:** **Application Withdrawn from the agenda**

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**Number:** H/2013/0029

**Applicant:** Yuill Homes  
Harbour Walk HARTLEPOOL

**Agent:** Yuill Homes Tranquility House Harbour Walk  
HARTLEPOOL

**Date received:** 18/01/2013

**Development:** Residential development comprising 22 dwellings, associated road layout, landscaping and drainage (resubmitted application)

**Location:** LAND SOUTH OF RABY ARMS FRONT STREET  
HART HARTLEPOOL

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

#### REASONS FOR REFUSAL

1. It is considered that the proposal represents an overdevelopment of the site contrary to policies HSG 1 and ND4 of the emerging Hartlepool Local Plan Submission Document (June 2012).
2. It is not considered that the applicant has demonstrated that foul and surface water drainage arising from the site can be accommodated satisfactorily contrary to policy GEP 1 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Hartlepool Local Plan Submission Document (June 2012).
3. It is considered that the development would have a detrimental impact on road safety contrary to policy GEP1 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Hartlepool Local Plan Submission Document (June 2012).

The applicant's representative (Nigel Bell) addressed the meeting.

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**Number:** H/2013/0040

**Applicant:** Seneca Developments Ltd c/o Agent

**Agent:** Prism Planning Ltd Mr Rod Hepplewhite Prism  
Planning 1st Floor 11 High Row Darlington

**Date received:** 08/02/2013

**Development:** Outline application for the demolition of public house  
and erection of retail foodstore

**Location:** KING OSWY HOTEL KING OSWY DRIVE  
HARTLEPOOL

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

### CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
For the avoidance of doubt and to ensure a satisfactory form of development.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 January 2013 and as amended by plans received 21 March 2013, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
5. The gross internal floorspace of the retail unit hereby approved shall not exceed 440 square metres as shown on the approved drawing (AJR12:117 01).  
In the interest of the vitality and viability of nearby local centres.
6. A scheme for the relocation or replacement of any trees within the highway verge that need to be removed to provide the new site access

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of highway safety.

7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
8. The premises shall only be open to the public between the hours of 06:00 and 21:00 Mondays to Saturdays and 07:00 and 21:00 on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
9. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day.  
In the interests of the amenities of the occupants of neighbouring properties.
10. Details of all walls, fences and other means of boundary enclosure, including details of an acoustic fence to be provided to the southern boundary of the site and Gilberti Place, shall be submitted to and approved by the Local Planning Authority before the development hereby approved commences. Thereafter the development shall be carried out in accordance with the approved details. The acoustic fence shall be provided before the development is occupied and thereafter it shall be retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
11. Details of the final siting and design details of any refrigeration and air conditioning unit(s) proposed for the retail unit hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of the visual amenity and the amenities of the occupants of neighbouring properties.
12. Prior to the retail unit hereby approved being brought into use a scheme for the extension of the existing 20 mph speed limit and traffic calming measures including signage shall be implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.  
In the interests of highway safety.
13. Prior to the retail unit hereby approved being brought into use the relocation of the bus stop on King Oswy Drive opposite the proposed site entrance shall be in accordance with a scheme agreed in writing by the Local Planning Authority. Thereafter the development shall be



carried out in accordance with the approved details.

In the interests of highway safety.

14. Details and locations of external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupants of neighbouring properties.

15. The use hereby approved shall not commence until proposals for the storage of refuse within the site, including bins for customer use, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the amenities of the occupants of neighbouring properties and the visual amenity of the area.

16. Details and locations of CCTV cameras upon the retail unit shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.

17. At the time of development the redundant vehicular access onto King Oswy Drive, to the west of the proposed access shall be removed and the footway restored in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the retail unit hereby approved being brought into use.

In the interest of highway safety and the visual amenity of the area.

The Committee considered representations in relation to this matter.

The applicant's representative (Rod Hepplewhite) addressed the committee.

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<b>Number:</b>	H/2013/0073
<b>Applicant:</b>	Mr Chris Wenlock Hartlepool Borough Council 1 Church Street HARTLEPOOL
<b>Agent:</b>	Hartlepool Borough Council Mr Steven Wilkie Bryan Hanson House Lynn Street HARTLEPOOL
<b>Date received:</b>	12/02/2013

**Development:** Variation of planning application H/2012/0029 to amend the hours of opening to Monday to Saturday 8.30am to 6.30pm and Sundays and Bank Holidays 8.30am to 6.30pm.

**Location:** STRANTON CEMETERY LODGE TANFIELD ROAD HARTLEPOOL

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

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of the original permission (H/2012/0029).  
To clarify the period for which the permission is valid.
2. The development shall be carried out in accordance with the details for all external finishing materials approved under condition 2 of H/2012/0029.  
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans numbered 315/03/01, 315/03/02 rev J, 315/03/03 rev C, 315/03/04, 315/03/10, 315/03/L001, 315/03/L003, BA3472PRO, BA3472AIA, BA3472TP and BA3472TS and details received by the Local Planning Authority on 18-01-2012 and plan 315/03/05 rev A received 31-01-2012 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
4. The cafe shall only be open to the public between the hours of 0830hrs and 1830hrs.  
In the interests of the amenities of the occupants of neighbouring properties.
5. The development shall be carried out in accordance with the approved details of all walls, fences and other means of boundary enclosure approved under condition 5 of H/2012/0029.  
In the interests of visual amenity.
6. The development shall be carried in accordance with the approved plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells as approved under condition 6 of permission H/2012/0029. The use shall not commence until the approved details have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring properties.
7. The development shall be carried out in accordance with the approved details of all lighting as approved under condition 7 of H/2012/0029.  
In the interests of the amenities of the occupants of neighbouring properties.

8. The lighting units shall be fixed at all times to ensure that light is directed away from residential properties.  
In the interests of the amenities of the occupants of neighbouring properties.
9. Before the cafe is brought into use the hereby approved car parking scheme shall be provided in accordance with the approved details.  
Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.

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**Number:** H/2013/0077

**Applicant:** Mrs Jayne Halliday  
Hartlepool Borough Council Central Library 124 York Road HARTLEPOOL

**Agent:** Hartlepool Borough Council Mrs Jayne Halliday  
Central Library 124 York Road HARTLEPOOL

**Date received:** 13/02/2013

**Development:** Additions to existing library uses to incorporate licensed literary events, murder mystery plays and other events

**Location:** Central Library York Road HARTLEPOOL

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

#### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 13/02/2013 (drawing no. 503/33/1001), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. For the avoidance of doubt the Central Library's primary use is as a library, this permission does allow for ancillary literary events such as murder mystery plays.  
In the interest of the amenity of the area.
4. For the avoidance of doubt the hereby approved use(s) allowed under condition 3 shall take place within the library building and not within it's curtilage.  
In the interests of the amenity of the area.
5. The premises shall only be open to the public between the hours of 09:00 and 23:00 Mondays to Saturdays and at no time on a Sunday

In the interest of the amenities of the occupants of neighbouring premises.

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**296. Appeal at Seaton Meadows Landfill Site relating to a vertical extension and revised restoration** (*Assistant Director (Regeneration and Planning)*)

Members were advised that an appeal had been lodged against the Council's refusal of planning permission for a vertical extension and revised restoration at Seaton Meadows landfill site. The appellant had requested that the appeal be dealt with by public inquiry however following submissions by HBC officers to the inspectorate it had been agreed that the appeal would be dealt with through the hearing procedure.

**Decision**

That authority be given to officers to contest the appeal.

**297. Update on current complaints** (*Assistant Director (Regeneration and Planning)*)

Members attention was drawn to five complaints which were being investigated.

**Decision**

That the report be noted

**298. 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 299 – (25-27 Vicarage Road) – 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)

**299. 25-27 Vicarage Road** (*Assistant Director (Planning and Regeneration)*) 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)

Members were advised of the current position in relation to two vacant commercial properties on Vicarage Gardens. Further information is provided in the exempt minutes

**Decision**

That a further report be brought to the next meeting.

The meeting concluded at 12 noon.

CHAIR

**No:** 1  
**Number:** H/2012/0613  
**Applicant:** Mr Benjamin Jobson Jobsons Brierton Farm Brierton Lane  
 BILLINGHAM TS22 5PP  
**Agent:** AJ Riley Architects Mr Andrew Riley 24 Bedford Road  
 Nunthorpe MIDDLESBROUGH TS7 0BZ  
**Date valid:** 02/01/2013  
**Development:** Conversion of former granary building to provide four  
 bedroomed dwellinghouse  
**Location:** Brierton Farm Brierton Lane

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## 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 This application was reported to the previous Planning Committee on 3 April 2013 where Members resolved to undertake a site visit. The site visit is scheduled to take place prior to the meeting on the 8<sup>th</sup> May 2013.

## PROPOSAL AND SITE CONTEXT

1.3 The application site is located within a large group of farm buildings and dwellings within the rural area west of the urban boundary of the town with access onto Brierton Lane.

1.4 There are a number of separate farms in this hamlet together with the associated dwellings and farm houses. Vehicular access to the site is from the north on Brierton Lane and from the south (secondary access) onto Dalton Back Lane. Brierton Quarry (disused) lies to the north east of the site.

1.5 The farm has been reduced in size to 11 acres in recent years and comprises a wide range of agricultural buildings and animal sheds together with the main farm house and cottage.

1.6 The application seeks consent for the conversion of an existing traditional barn to a 4 bedroom dwelling. This barn currently forms the northern side of a quadrangle of buildings.

1.7 The two storey building, constructed in the early part of the 19<sup>th</sup> century, originally housed cattle with grain storage above. Typical of its time the building retains a number of features of architectural or historic merit and is included in the Councils Locally Listed Buildings and therefore considered to be a heritage asset.

There are brick buildings on the other 3 sides of the quadrangle with access to the central courtyard through an arched gateway onto Brierton Lane.

1.8 The application states that although the building is structurally sound, considerable internal upgrading will be required to meet current thermal standards. Externally, apart from new windows and doors in existing openings, and the re opening of the existing ventilation slits, only minor re pointing in lime mortar and re roofing in red clay pan tiles will be carried out to main building. Stone finials will be retained and new cast iron rainwater goods provided. The lean to building will be refurbished in matching English Bond brickwork with external Yorkshire boarding in larch.

1.9 Once complete, the new dwelling will provide living accommodation comprising lounge, hall, bed/ensuite and utility room in the main building with 3 bedrooms, bathroom and ensuite above. The former single storey lean- to will provide garden room and kitchen/breakfast room on the ground floor. Two parking spaces have been provided in the internal courtyard. An area to the north of the building has been marked on the location plan as private amenity space for the new dwelling.

## **PUBLICITY**

1.10 The application has been advertised by way of site notice and neighbour letters (3). To date, there has been one letter of comments received. The comments note that the proposed development is next to a working farm and within 30m of livestock buildings

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1.11 The period for publicity has expired.

## **CONSULTATIONS**

1.12 The following consultation replies have been received:

**HBC Ecologist** – Low risk of bat roosts. Does not appear to be any suitable nesting locations for barn owls. Likely that some bird species such as starlings, sparrows or swallows would nest in the building. Works outside of breeding bird seasons. Opportunity to include beneficial features for biodiversity for example roosting opportunities.

**HBC Engineering Consultancy** – No objections.

**HBC Parks and Countryside** – The application site covers Public Byway No.1, Brierton. The applicant will need to make sure that at no time materials, equipment or vehicles are placed upon the right of way at any time.

**HBC Public Protection** – Large neighbouring operational farm would have an adverse impact from noise associated with the pig unit and odours from livestock farming. Impacts also from farming activities such as vehicle movements, grain drying etc. The application should be resisted.

**HBC Traffic and Transport** – Site provides a minimum of 2 parking spaces. There are no highway or traffic concerns with this application.

**Environment Agency** – No objections.

**Greatham Parish Council** – No objections.

**Northumbrian Water** – No objections.

**Ramblers** – No objections received.

**Tees Archaeology** – No objections, conditions recommended.

## **PLANNING POLICY**

### Local Policy

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

GEP1 – General Environmental Principles  
 GEP2 – Access for All  
 GEP3 – Crime Prevention by Planning & Design  
 Rur12 – New Housing in the Open Countryside  
 Rur14 – The Tees Forest

### Emerging Local Plan

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

HSG3 – New Dwellings Outside of Development Limits  
 ND4 – Design of New Development

### Regional Policy

1.15 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

### National Policy

1.16 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.

1.17 Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

## PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the design of the scheme, the impact on neighbouring properties/uses, the impact on the surrounding area, highway safety, the public right of way and drainage.

### Principle of Development

1.19 In terms of the policies of the extant Hartlepool Local Plan (2006) (Policy Rur 12) new dwellings in the countryside are only allowed in exceptional circumstances and it is not considered that the proposal would meet any of the exceptional circumstances. However, policy Rur12 is not in accordance with the NPPF when considering paragraph 55, and as a result can be considered out of date. Limited weight should therefore be given to Policy Rur12 in determining this planning application. On that basis paragraph 55 in the NPPF and policy HSG3 in the emerging 2012 Local Plan are the most appropriate policies in the Development Plan with which to determine the application.

1.20 NPPF paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

1.21 The proposals involve the re-use of redundant buildings, and would improve the immediate setting of the surrounding area. The barn is also a Locally Listed building which will be sympathetically restored and brought back into use as a dwelling. The

proposals are therefore considered to be in accordance with paragraph 55 b and c of the NPPF.

1.22 In terms of the emerging Hartlepool Local Plan (2012) this has recently undergone examination, although the examination has been suspended, this has been on the issues of the gypsy and traveller site allocation. The Inspector's report is awaited once further information has been submitted. As a result, for this specific application, paragraph 55 in the NPPF and the emerging Local Plan policies should be giving the most weight when having regard to the policy context of the proposal.

1.23 Policy HSG3 is the main policy with regard to the proposals. The policy wording in the Local Plan 2012 Submission document is subject to change pending the Inspector's report. The Council have put forward proposed changes to the HSG3. The relevant point of the policy in this instance is point 6) which states, 'the development would represent the best viable use or secure the future of the heritage asset'. The proposed development would bring back part of a heritage asset, which in its current form is having an adverse impact upon the setting and character of the heritage asset, back into use. It is considered that the development significantly enhances the setting of the locally listed building and the scheme is therefore considered to be acceptable in respect of policy Hsg3.

1.24 It is considered in Policy terms that the principle of the development is considered acceptable.

### Design

1.25 The building which lies adjacent to the Public Right of Way (Brierton Lane) presents its north and east elevations to public view. Whilst the main barn is considered to be both attractive and interesting, the northern lean-to consists of a variety of materials such as brick, old boards and rusty corrugated metal sheets. The land around this northern side is also in an untidy condition.

1.26 As previously mentioned the conversion works include the re use of the existing door and window openings which will be refitted with timber doors and windows in a style appropriate for the age and style of the building. The kitchen lean-to will be incorporated into the natural roof slope of the main building. Timber boarding above new brickwork will form the new north elevation.

1.27 It is considered that the proposed works will have a significant positive impact on the area and will restore and reuse a redundant farm building which has recently been locally listed for its architectural and historic merit. The works are considered to be both appropriate and acceptable.

### Amenity

1.28 In terms of its relationship to existing buildings, it should be noted that the barn is part of an existing quadrangle of farm buildings. The nearest dwelling is the applicant's main house approximately 22m south of the barn with other outbuildings/barns between. It is acknowledged that the layout proposed is dictated by the existing buildings and that the normal separation distances recommended by

the Council cannot be provided. The new dwelling will face into the quadrangle directly onto another barn which is not used as a dwelling but is within the applicant's ownership and control.

1.29 There are already of a number of dwellings in the area some of which are directly associated with the farms and farm activities or are lived in by family members.

1.30 Comments received from an adjacent farm indicate that whilst there are no objections to the proposal, the development is next to a working farm close to buildings used to house livestock. As the applicant is also a farmer it is likely that this issue has been recognised and that any future occupants of the building would be aware of this relationship.

1.31 The Council's Head of Public Protection has indicated that the neighbouring farm to the west has a large pig unit which can house up to 400 pigs as well as farming up to 300 sheep along with arable activities. It is considered that there will be significant adverse impacts upon the occupiers of the proposed dwelling, namely from the noise associated with the pig unit both day and night. It is also considered that there will be significant impacts on the occupiers in terms of odours from the livestock farming, particularly the handling of slurries and manure. Furthermore, there are also potential significant impacts from other farming related activities on the neighbouring farm such as vehicle movements, noise, dust and odours from activities such as grain drying which can occur 24 hours a day. On that basis it is considered that the proximity to the adjacent farm will mean there is a significant detrimental impact upon the living conditions of the future occupiers.

1.32 Whilst the applicant has indicated that they would be prepared to accept a condition which restricted the occupancy of the property to agriculture only, it is considered that regardless of whether the occupiers work within agriculture or not, the impact from an adjacent farm which is not within the control of the applicant is of level which would detrimentally affect their living conditions.

#### Highway Safety

1.33 No objections have been raised by the Council's Traffic and Transportation section. Two parking spaces have been provided within the internal courtyard which already has a direct access from Brierton Lane.

#### Public Right of Way

1.34 The Council's Countryside Officer has commented that the application appears to have an impact on the public right of way. While the renovation works are being carried out, the access road will be used by visitors/builders to the site. Once the works are complete the road will be used by the occupant. No building work will be carried out on the road or any closer to it than the existing building. There is sufficient space on the opposite side of the road and within the site to store materials and equipment associated with works. Provided that there is no encroachment on the highway, it is not considered that the works will affect the public right of way.

### Drainage

1.35 The method of foul drainage will be a package treatment plan and soakaway. The Environment Agency has commented that there are no objections and that the treatment plant would meet the current criteria. Further details of the soakaway and the treatment plant can be required by condition.

### Contamination

1.36 The Council's contaminated land database shows three areas of unknown filled ground within close proximity to the site. There is also a disused quarry, now referred to as a landfill site on the Environment Agency's records, approximately 130m to the east. There is potential risk to the property from ground gases and as such a Preliminary Risk Assessment (Phase 1 Desk Study) will be required to consider the risks further.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.37 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

1.39 The final scheme if approved could be designed with the reduction of crime and anti social behaviour in mind.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – REFUSE**

1. It is considered that the proximity of the proposed dwelling to the adjacent farm and the level of noise and disturbance from the associated farming activities would be detrimental to the living conditions of future occupiers of the proposed dwelling, contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006).

## **BACKGROUND PAPERS**

1.41 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

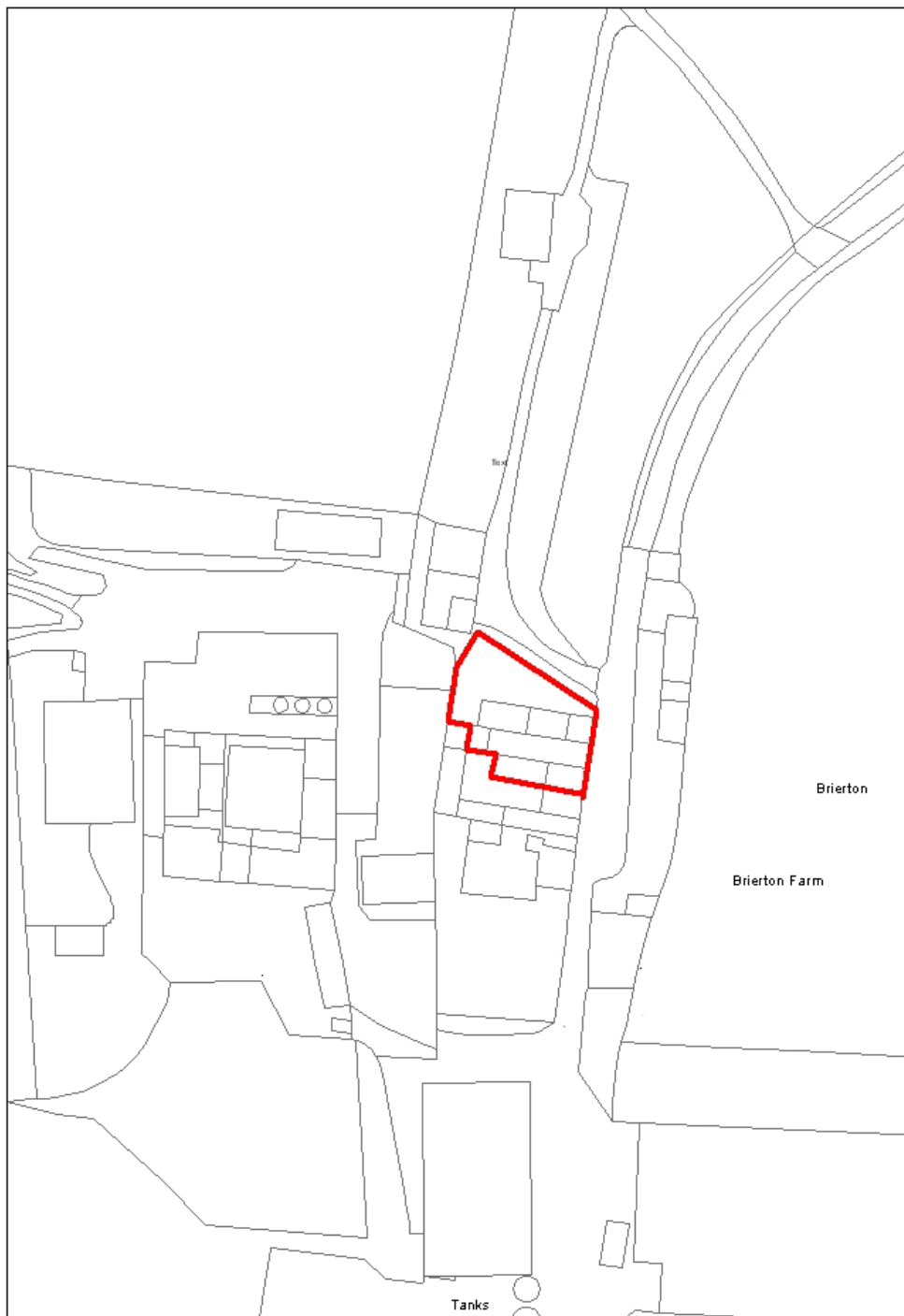
for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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## BRIERTON FARM



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

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**Scale: 1:1000**  
**Date : 21/3/13**  
**Drg No: H/2012/0613**

**No:** 2  
**Number:** H/2013/0128  
**Applicant:** Dunelm Homes  
**Agent:** Dunelm Homes Mr Paul Armstrong Esh Business Park  
 Heighington Lane Aycliffe Industrial Estate DL5 6QG  
**Date valid:** 18/03/2013  
**Development:** Residential development comprising 35 dwellings,  
 associated roads and infrastructure including demolition of  
 sports hall, youth centre and caretaker's house  
**Location:** Land adjacent Seaton Carew Nursery School Brompton  
 Walk HARTLEPOOL

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## 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 proposal.

## BACKGROUND

2.2 The application site is one of a number of Council owned sites within Seaton Carew which have been highlighted for redevelopment as part of the overall regeneration of the area. It is proposed to enhance the area by creating quality spaces that have an attraction to enable economic growth and attract visitors. The scheme of works for the area is proposed to be phased.

## PROPOSAL AND SITE CONTEXT

2.3 The site to which this application relates is located adjacent to Seaton Carew Nursery School, Brompton Walk. The site is bounded by residential properties on Commondale Drive, Pavilion Close and Grace Close and Seaton Carew Nursery School.

2.4 The proposal seeks consent for the erection of 35 dwellings, together with associated roads and infrastructure including the demolition of sports hall, youth centre and caretaker's house.

2.5 The development proposes a mix of detached, semi detached and terraced properties ranging from 1, 2, 2.5 and 3 storeys which consist 2 x 2 bed bungalows, 28 x 4 bed dwellinghouses, 3 x 3 bed dwellinghouses and 4 x 2 bed dwellinghouses. 3 of the 2 bed properties will be of an affordable tenure.

2.6 The site layout has had minor amendments since the application was originally submitted following concerns raised by officers in terms of relationships between plots within the site. There are a number of minor issues outstanding in relation to the site layout and negotiations with the applicant are ongoing.

2.7 Given that there are issues to be resolved and outstanding consultations, it is requested that Members note the application and undertake a site visit prior to the next Planning Committee on 5<sup>th</sup> June when a comprehensive report will be provided.

**RECOMMENDATION** – Members note the application and undertake a site visit prior to the next planning committee on 5<sup>th</sup> June.

## **BACKGROUND PAPERS**

2.8 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.

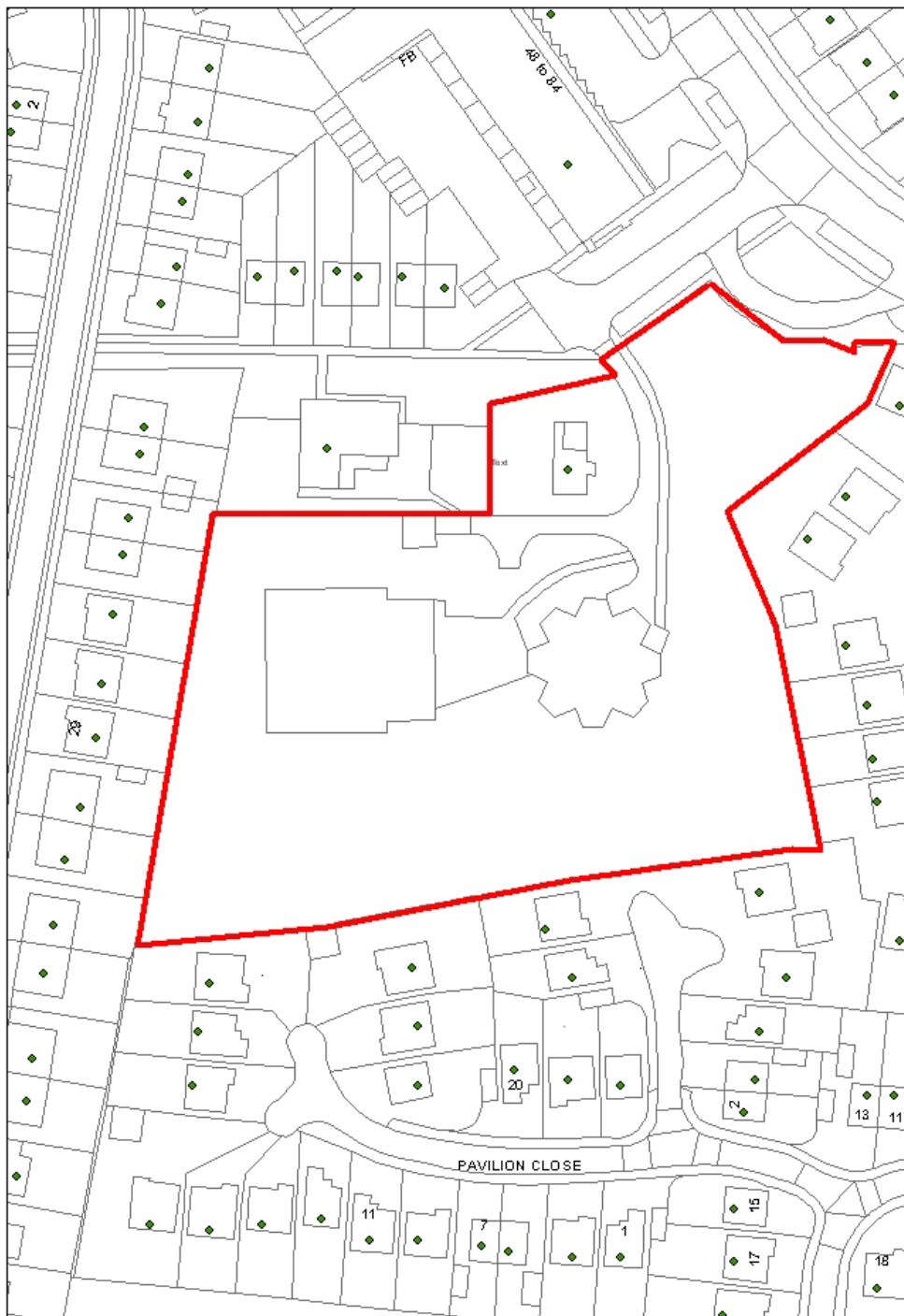
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# LAND ADJACENT TO SEATON CAREW NURSERY SCHOOL



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

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**Scale: 1:1000**  
**Date : 19/04/13**  
**H/2013/0128**

**No:** 3  
**Number:** H/2013/0162  
**Applicant:** 7 Greens Road Blairlinn Cumbernauld G67 2TU  
**Agent:** CPLC Associates Ltd Warren Cooper 87a Station Road  
Bishops Cleeve Cheltenham GL52 8HJ  
**Date valid:** 05/04/2013  
**Development:** Display of two externally illuminated fascia signs  
**Location:** Farm Foods, Former Pink Domino CATCOTE ROAD  
HARTLEPOOL

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## 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 Planning permission was granted on 29/11/2012 for the demolition of the Pink Domino Public House and the erection of a food retail store and associated external works.

## PROPOSAL AND SITE CONTEXT

3.3 The application seeks consent for the erection of two externally illuminated fascia signs upon a new retail store to be occupied by Farmfoods. The signs will be erected upon the east and north elevations of the store. The sign upon the east elevation of the building will measure 4.872m in width at a height of 1.061m. The sign to the north elevation of the building will measure 5.489m in width at a height of 1.225m.

3.4 The site to which this application relates is a new Farmfoods retail store currently being constructed. The store will have a gross internal area of 499m<sup>2</sup>. The retail store is located at the junction of Brierton Lane and Catcote Road.

## PUBLICITY

3.5 The application has been advertised by way of neighbour letters (14), site notice and press advert. To date, there has been one response received raising objection.

3.6 The concerns raised are:

1. Increased traffic and late opening is going to affect sleep
2. Impact of 2 large illuminated signs shining through our bedroom windows

Copy Letters A

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

## CONSULTATIONS

3.8 The following consultation replies have been received:

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

**Head of Public Protection** – No objections subject to planning conditions restricting luminance levels to 250cd/square metre and the signs not being illuminated whilst the store is closed to the general public.

## PLANNING POLICY

3.9 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

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

GEP1: General Environmental Principles

### Emerging Local Plan

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

LS1: Locational Strategy

SUS1: The Presumption in Favour of Sustainable Development

ND5: Advertisements

### Regional Policy

3.12 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

### National Policy

3.13 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.

Paragraph 67: Poorly Placed Advertisements

## PLANNING CONSIDERATIONS

3.14 Having regard to the relevant Development Plan policies, relevant guidance and all other material planning considerations, it is considered that the main planning issues in this instance relate to the impact on visual amenity, the living conditions of the occupants of neighbouring properties and highway safety. The National Planning Policy Framework also needs to be considered when determining this application.

### Principle of Development

3.15 In terms of the principle of the signs upon the store they are considered to be acceptable subject to the consideration of design, scale and illumination.

### Visual Amenity

3.16 The National Planning Policy Framework states that:

*Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in context and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only the interests of amenity and public safety, taking into account cumulative impacts.*

3.17 In terms of the impact of the proposals upon the appearance of the premises and the surrounding area whilst it is acknowledged that the signs are large, officers do not consider that the proposed signs would detract from the character and appearance of the immediate area or the premises to which this application relates. It is considered that the design, appearance and scale of the signs proposed accord with the guidance outlined above within the National Planning Policy Framework and the policies and proposal contained within the Development Plan, in particular policy ND5 of the Emerging Local Plan.

3.18 The proposed signs are similar to others throughout the Borough and other areas.

#### Impact upon the Living Conditions of the Occupants of Neighbouring Properties

3.19 Concern has been raised from a neighbouring property with regard to the impact the proposed signs would have on living conditions by way of light shining through bedroom windows. With regard to this, discussions have taken place with the applicant. The applicant has agreed to a planning condition restricting the signs from being illuminated at all times when the store is closed to the general public. The Head of Public Protection has raised no objections to the signs subject to the aforementioned condition and that the luminance levels of the signs should not exceed 250cd/square metre. It is considered that these conditions would mitigate against any potential adverse impact upon the surrounding area.

3.20 Further concern has been raised regarding increased traffic generation and late opening hours. It is not considered by Officers that the signs would create any significant increase in traffic generation by way of their siting. In terms of opening hours, the application is purely for the erection of signs. It is prudent to state in the context of this report that the impact of the retail store as a whole was considered in a previous application (H/2012/0524) which was approved.

#### Highway Safety

3.21 The signs whilst large and illuminated will be set back from public roads. Traffic and Transportation have raised no objections to the signs and in terms of highway safety they are considered acceptable.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.22 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

3.24 There are no Section 17 implications.

### **REASON FOR DECISION**

3.25 It is acknowledged that publicity is still outstanding however, 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 conditions below

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 03/04/2013

(Drawing No's: EL 401 Rev C, SP-201 Rev B and LP-100), unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

2. The maximum intensity of the illuminated signs shall not exceed 250 cd/square metre.  
In the interests of visual amenity.
3. The signs hereby approved shall not be illuminated at any time whilst the retail unit is closed to the general public.  
In the interests of the occupants of neighbouring properties.

## **BACKGROUND PAPERS**

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

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

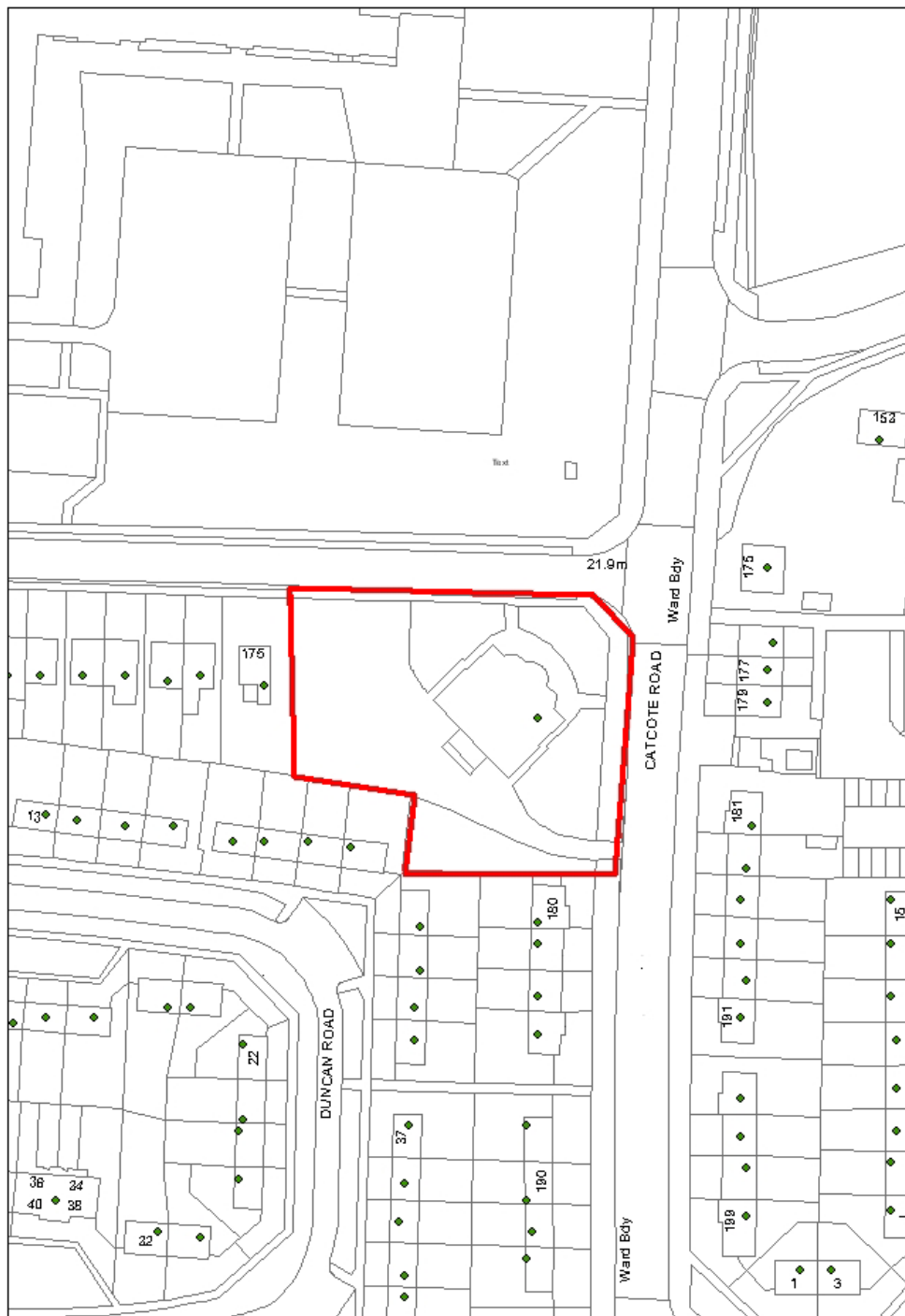
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# FARM FOODS, FORMER PINK DOMINO, CATCOTE ROAD



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

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**Scale: 1:1000**  
**Date : 19/04/13**  
**H/2013/0162**

**No:** 4  
**Number:** H/2013/0116  
**Applicant:** Endeavour Housing Association Endeavour House St Mark's Court Thornaby STOCKTON ON TEES TS17 6QN  
**Agent:** HMH Architects 26 Enterprise House Team Valley GATESHEAD NE11 0SR  
**Date valid:** 15/03/2013  
**Development:** Erection of 5 no. 2 bedroomed bungalows and associated works  
**Location:** St Marks Church and Community Centre Clavering Road HARTLEPOOL

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## 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 In April 2011 a planning application for a residential development upon the site comprising of 5 dwellings was considered by Members at planning committee. The application was minded to approve subject to the completion of a legal agreement. The legal agreement was never completed and the application was subsequently withdrawn.

## PROPOSAL AND SITE CONTEXT

4.3 The application site is an area of incidental open space located to the rear of St Marks Church on Clavering Road. The wider area of incidental open space is divided by a road which provides vehicular access to the site. The southern part of the site to which this application relates, is proposed for development, whereas the northern part is to be retained as incidental open space. The application site is 0.20 hectares in area and is relatively flat and clear of any buildings. There is a local centre to the south east of the site. The surrounding area is predominately housing.

4.4 Full planning permission is sought for the erection of five, two bedroom bungalows and associated works. The site is owned by Hartlepool Borough Council. Endeavour Housing Association, a registered housing provider is the applicant. All five bungalows will be affordable housing and will receive Home and Communities Agency grant funding and will be offered for affordable rent.

4.5 The site boundary has been amended following concerns raised with regard to the ownership of land previously within the red edge of the site.



4.6 The houses will be accessed off a private road located to the north of the site. All proposed dwellings will have one dedicated parking space. Three visitor spaces will also be provided. A 2-3m tree buffer is proposed to the southern boundary of the site bounding the rear curtilages of the commercial properties, which includes a public house and a takeaway, located upon Clavering Road. To the north of the site are residential properties located in Turnberry Grove. To the west is Templeton Close and Gleneagles Road to the east.

## **PUBLICITY**

4.7 The application has been advertised by way of neighbour letters (32), site notice and press advert. To date, there have been 3 objections from the same writer who has an interest in 3 of the adjacent commercial premises.

4.8 The concerns raised are:

1. Unit 1 is an existing trading premises. This implements the trade of a retail shop. It currently operates from 6am until 12pm with resulting noise and disturbance. We are concerned that future residents of these houses will object to our current trade.
2. Unit 2 is an existing trading premises. This implements the trade of a public takeaway. It currently operates from 8am until 12pm with resulting noise and disturbance. We are concerned that future residents of these houses will object to our current trade.
3. The Gillen Arms is an existing trading premises. This implements the trade of a public house. It currently operates from 8am until 12pm with resulting noise and disturbance. We are concerned that future residents of these houses will object to our current trade.
4. There is a hashed grey area adjacent to St Marks Church and Unit 1 Clavering Road. This states on the site plan that this land will be transferred to St Marks Church on completion. This land is owned by ourselves and we have no agreement to sell or transfer and have not been consulted or approached to this proposal.

Copy Letters B

The period for publicity has expired.

## **CONSULTATIONS**

4.9 The following consultation replies have been received:

**Ecologist and Arborist** - The site comprises amenity grassland with the occasional small tree. As such its only ecological value is likely to be for small numbers of garden birds.

As stated in the submitted ecology report, the trees should be cleared outside of the bird breeding season, taken to be March - August inclusive, unless they are inspected prior to clearance by a suitably experienced ecologist and a report is submitted to this planning authority stating that no breeding birds are present.

A suitable landscaping scheme is likely to enhance the site for garden birds and other forms of garden wildlife, compared to its current state. Standard landscaping conditions, J161 and J170 apply.

**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 the following comments to make:

I note the applicant has included in the document entitled "flood risk assessment" ,comments from NWL from 2009 regarding sewer connection points and discharge rates. I can confirm that these comments are now out dated and were for a previous scheme on this site.

I have attached NWLs most recent comments regarding discharge dates and points dated 22 February 2013. In these comments it states the following;

- Foul water is to be discharged into manhole number 4502 at 1 Litre per second
- Surface water is to be discharged first by soakaway, then by watercourse and finally the public sewer
- If sewer is the only option a restricted flow of 5 Litres per second should be discharged into manhole number 4501

NWL would seek these comments are adhered to and conditioned on the application should it be approved.

**Cleveland Fire Brigade** - The development should achieve the access and water supply requirements of the building regulations fire safety approved document B volume 1 for access and water supplies. It is noted from the plan supplied that the maximum distance an appliance should have to reverse (20m) is slightly exceeded however Cleveland Fire Brigade offer no representations to the development details.

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

The roads and footways will remain private, the HBC design guide and specification allows 5 properties to be accessed from a private drive.

**Public Protection** – No objections

**Engineering Consultancy** - I note that foul and surface water drainage is to be accepted into the Northumbrian Water network at an agreed discharge rate. Therefore I have no further comments with regards to storm drainage. I would request that my standard contaminated land condition is imposed on any approval; I note that the FRA makes reference to a Solmek Geotechnical Site Investigation;

therefore the majority of information required to satisfy a condition may already be available.

**Cleveland Police** – The proposals are satisfactory I am not aware of the proposed security of the bin storage area and would recommend that this area be secured to prevent misuse of the facility the private drive should be adequately lit and should comply with BS 5489.

## **PLANNING POLICY**

4.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

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

GEP1: General Environmental Principles  
GEP2: Access for All  
GEP3: Crime Prevention by Planning and Design  
Hsg9: Trees, Hedgerows and Development  
GN6: Protection of Incidental Open Space

### Emerging Local Plan

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

SUS1: Sustainable Development  
LS1: Locational Strategy  
ND4: Design of New Development  
NE1: Green Infrastructure

### Regional Policy

4.13 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

### National Policy

4.14 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.

14: Presumption in favour of sustainable development

56: Good Design

114: Green Infrastructure

196: Determination in accordance with the development plan

197: Presumption in favour of sustainable development

## PLANNING CONSIDERATIONS

4.15 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/premises, the loss of the incidental open space, the effect of the proposals on access arrangements and highway, ecology, trees, drainage, flooding and contamination.

### Principle of Development

4.16 The development area is incidental open space which is bisected by a road (running northwest/southeast, with a cul-de-sac turning northeast) which provides the vehicular access to the site. The development relates to the southern area of incidental open space, the northern area is to be retained. The proposed redevelopment for housing is considered acceptable in principle. As outlined earlier in the report it is intended that the site be developed for 100% affordable housing.

4.17 In accordance with Development Plan policies the applicant has agreed to provide a scheme to improve the quality of the remaining open space to the north of the site. This is proposed to compensate for the loss of this piece of incidental open space and can be appropriately conditioned and agreed.

4.18 In light of the above, The Local Planning Authority considers that in principle the provision of 5 dwellings on the site is acceptable in terms of land use policy should all other material planning considerations be satisfied.

### Impact upon the Character and Appearance of the Area

4.19 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.20 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Policy ND4 of the Emerging Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area.

4.21 Officers consider that the density of the site is acceptable. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006.

4.22 The application site is an incidental area of open space which appears to be underused. Officers consider that the character and appearance of the area as a whole is varied, consisting of a mixture of house types, ages and styles. Whilst it is acknowledged that the proposed development will involve the loss of an area of open space, it is considered that the design, scale and massing of the proposed dwellings are acceptable and will not detrimentally impact upon the character and appearance of the area. It is considered that the proposal overall will have an acceptable impact on the visual amenity of the area.

### Effect of the Proposals on Neighbouring Properties and Premises

4.23 It is considered that the layout of the 5 dwellings upon the site has been designed in such a way so to restrict the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it. It is considered that the scale of dwellings is proportionate to that of neighbouring properties and the plots upon which they are located.

4.24 It is considered that the relationships between the properties and premises adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed with regard to the front, side and rear of the neighbouring properties comply with the guidance outlined in the Hartlepool Local Plan 2006 and are therefore considered acceptable. It is not considered that any of the dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties in the area.

4.25 The layout of the site is considered to be acceptable and in terms of appearance will assimilate itself quickly into the wider streetscene. It is not considered that the design of the bungalows will appear jarring in terms of their

relationships with existing housing or the commercial properties located to the south of the site. Officers consider that the proposed design of the dwellings accords with the principles outlined within the NPPF and Local Policy. It is not considered that the proposal would create a significant impact upon the living conditions of any of the properties surrounding the site, the operations of the public house or any of the remaining commercial properties in close proximity to the site to a level whereby the Local Planning Authority could sustain a refusal. An acoustic fence will be provided upon the boundary with the commercial properties which will reduce any potential impact in terms of noise and disturbance emitting from the various commercial uses. The Head of Public Protection has raised no objections to the proposal.

#### Access Arrangements and Highways

4.26 The Council's Traffic and Transport Team have considered the proposal and have raised no highway or traffic concerns.

4.27 The applicant has confirmed that it is their intentions for the road to be private in nature. The applicant accepts that it will be the housing associations responsibility to ensure refuge is taken to the site entrance for collection. Cleveland Fire Brigade has commented that even though the maximum distance an appliance should have to reverse (20m) is slightly exceeded they offer no representations to the development. Notwithstanding this, Officers consider that in an emergency, It is also considered that the fire brigade could reasonably enter the rear gardens of the proposed properties from the car park area to the side/rear of the Public House.

4.28 There are existing gated accesses which have been formed in the boundary fence to the rear of properties upon Turnberry Grove. The applicant is proposing to alter the existing boundary fencing to this site boundary. Notwithstanding this, should any concerns be actualised during the development or upon completion this will be a civil matter between the individual households and the land owner.

#### Land to the Rear of St Marks Church

4.29 Historically discussions have taken place with regard to an area of land to the rear of St Marks Church. It has been an aspiration of the Church and the wider community to create a useable space in the form of a community garden area. Over several years when development has been discussed on the site this is something which has always been looked to be attained. The proposal identifies a piece of land to be transferred to St Marks Church or planted. Whilst the applicant has stated that the space is to be landscaped by them and is not part of this application, Officers consider it prudent for this area of land to be included in any landscaping scheme for the remainder of the site. A suitably worded planning condition has been attached.

4.30 Further to the above, concerns have been raised by an adjoining land owner that the area identified to be transferred to St Marks Church is not currently owned by the Council. With regard to this, Officers have cross referenced the land to which previous site plans identified with information from the Land Registry. There was a discrepancy in terms of the boundaries identified and therefore an amended plan has been received from the applicant.

### Ecology and Trees

4.31 The Council's Ecologist has considered the proposed development and has recommended that a condition be attached requiring the trees upon the site being cleared outside of the bird breeding season, taken to be March – August inclusive, unless they are inspected prior to clearance by a suitably experienced ecologist and a report is submitted to this planning authority stating that no breeding birds are present.

4.32 The Council's Arborist has requested that a landscaping scheme is conditioned. A suitably worded condition has been suggested should Members be minded to approve the application.

### Drainage, Flooding and Contamination

4.33 The supporting drainage states that in order for the scheme to comply with Code for Sustainable Homes and Building Regulations the development will implement SUDS to reduce flows and volumes off-site. Rainwater harvesting will be introduced to the scheme to reduce off-site volumes and flow rates to the public sewer will be restricted to Greenfield run-off rates by attenuation. A surface connection is proposed to the Northumbrian Water (NWL) surface water sewer. In terms of foul water drainage the supporting information states that foul flows from the development can be accommodated in the adjacent foul sewer network in Clavering Road. The Council's Engineering Consultancy Section have raised no objections to the scheme in this regard.

4.34 Further to the above, NWL has stated that comments outlined in the applicants supporting information from NWL are out dated and were for a previous scheme on the site. NWL have provided up-to-date comments which they would request to be adhered to and conditioned.

4.35 Given the above, in the interests of comprehensiveness Officers consider it prudent for the applicant to submit detailed drainage plans for foul and surface water, including sewer connection points and discharge rates to be agreed in writing with the Local Planning Authority.

4.36 With regard to flooding, the site is located in an area not at risk of flooding. The Council's Engineering Consultancy Section and Northumbrian Water have both raised no concerns in this regard.

4.37 With regard to contamination, the Council's Engineering Consultancy Section have advised that the Council's standard contaminated land condition is imposed on any approval.

### Police

4.38 Cleveland Police have assessed the proposed development and consider the proposals to be satisfactory. Notwithstanding this, the Police have recommended that the proposed bin storage area be secured to prevent any misuse of the facility and that the private drive should be adequately lit. A condition requesting further

details with regard to bin stores has been recommended along with a condition requiring the provision of dusk till dawn lighting upon the front elevation of all properties. It is considered that a suitable lighting scheme upon the properties will effectively light the access road.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.39 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

4.40 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.

4.41 The final scheme will be designed with the reduction of crime and anti social behaviour in mind.

## **REASON FOR DECISION**

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19/03/2013 (Sheet Number: SK-102 Revision B) and on 23/04/2013 (Sheet Numbers: L-01 Revision B and SK-101 Revision C) , unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting including details of the 2-3 metre wide planting zones to the rear gardens and the land to be transferred to St Marks Church as shown and or identified on the drawing submitted to the Local Planning Authority on 23/04/2013 (Sheet Number: SK-101 Revision C) and a scheme and programme of works for the enhancement of the adjacent area of open space shall be submitted to and approved in writing by the Local Planning Authority before the development



hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.

5. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
In the interests of visual amenity.
6. Notwithstanding the submitted plans and information further 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 and retained for the lifetime of the development.  
In the interests of visual amenity and to prevent overlooking.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garages shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwellings 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.
9. 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 further fences, gates, walls or other means of enclosure other than those agreed and erected by way of condition 6, 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.
10. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, parking areas and hardstandings shall be submitted to and approved in writing by the Local Planning Authority. The

approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.

In the interests of highway safety and amenity

11. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of crime prevention.
12. Notwithstanding the submitted plans and details prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority final details of a scheme to incorporate embedded renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details at the time of development.  
In the interests of the environment
13. Notwithstanding the plans and information submitted prior to the occupation of the dwellinghouses hereby approved an acoustic fence along the rear boundary of the properties hereby approved shall be erected in accordance with details and in a location to be previously agreed in writing with the Local Planning Authority. Thereafter the fence shall be erected in accordance with the agreed details and retained at all times.  
In order to safeguard the amenity of occupants from potential noise emissions
14. Notwithstanding the submitted details a scheme for the installation of a public footpath from the site entrance to the side of St Marks Church shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the footpath shall be implemented in accordance with the agreed details.  
In the interests of highway safety and the amenities of the occupants of properties.
15. Notwithstanding the plans and information submitted prior to the commencement of development details of the proposed sheds and bin stores serving the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.  
In the interests of visual amenity
16. 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 sewer connection points and discharge rates shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.

To prevent pollution of the water environment and in order to ensure that the site is adequately drained.

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

1. Site Characterisation

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

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

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

18. The trees upon the site should be cleared outside of the bird breeding season, (ie outside of March - August inclusive), unless they are inspected prior to clearance by a suitably experienced ecologist and a report is submitted to and agreed in writing by the Local Planning Authority stating that no breeding birds are present.

In the interests of breeding birds

19. Notwithstanding the plans and details submitted prior to the occupation of the dwellinghouses hereby approved a scheme for the installation of dusk until dawn lighting upon the front elevation of the dwellinghouses shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved lighting shall be retained for the lifetime of the development.  
In the interests of security

## **BACKGROUND PAPERS**

4.43 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.

## **CONTACT OFFICER**

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**ST MARKS CHURCH AND COMMUNITY CENTRE, CLAVERING 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

COPYRIGHT RESERVED LICENCE 1000233902013  
**Scale: 1:1000**  
**Date : 19/04/13**  
**H/2013/0116**

**No:** 5  
**Number:** H/2013/0151  
**Applicant:** Mrs Amy Waller Bryan Hanson House Lynn Street  
HARTLEPOOL TS24 7BT  
**Agent:** Hartlepool Borough Council Mr Darron Pearson Hanson  
House Lynn Street HARTLEPOOL TS24 7BT  
**Date valid:** 26/03/2013  
**Development:** Change of use to seven residential flats (plus two existing  
flats)  
**Location:** Former Mas Agraa Palace Restaurant Lynn Street  
HARTLEPOOL

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## 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 is the former Market Hotel, a Grade II Listed Building, located on the west side of Lynn Street just to the south of Bryan Hanson House. The building sits on a corner site with housing to the rear and south side of the property.

5.4 The Market Hotel, which was listed in 1985, is described in the listing as a mid to late 19<sup>th</sup> Century public house with living accommodation above. The property stands as a substantial 3 storey detached building although it was originally contained within a terrace of similar buildings until the 1960s, when the majority of the original properties in the Lynn Street area were acquired under a Compulsory Purchase Order and subsequently demolished. It is likely that this building, together with other pubs in the area survived this demolition programme as they were currently licensed, in use and viable at that time.

5.5 A number of applications for planning permission and listed building consent have been granted since the building was listed. These include use as a licensed hotel (The New Market Hotel) and as an Indian restaurant (The MAS Agraa) with living accommodation above. The most recent application on the building was in 2005 for the creation of an office at ground floor and three self-contained flats at first floor level. The building has been vacant since 2007 when the restaurant closed.

5.6 The building was acquired by Hartlepool Borough Council in 2009 with a view to its incorporation into the adjacent housing site. This proposal did not come to fruition and the building has subsequently remained vacant.

5.7 The current proposal is the conversion of the property into seven one bedroom flats with two one bedroom existing flats on the second floor of the property reconfigured and refurbished. To facilitate these changes two modern single storey extensions to the rear of the property will be demolished. Two new extensions are proposed to the rear of the building, including a single storey extension to the ground floor and an extension at second floor level on top of an existing two storey extension.

## **PUBLICITY**

5.8 The application has been advertised by site notice, neighbour letters (11), and press advert. To date no representations from neighbouring properties have been received.

The period for publicity has expired.

## **CONSULTATIONS**

5.9 The following consultation replies have been received:

**HBC Traffic and Transportation** - The normal provision for a flatted development is 1.5 parking spaces per flat, no off street parking has been provided as part of this development due to the physical constraints. Due to the central location and close proximity to public transport it is considered that existing on street parking would be able to cater for any parking demand.

The adjacent residential development is covered by a residents parking scheme, this development would be included in that scheme and the scheme extended to include the highway fronting the Market Hotel.

**HBC Public Protection** – No objections

**HBC Property Services** – No objections

**English Heritage** – awaited.

## **PLANNING POLICY**

5.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

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



GEP1 – General Environmental Principles  
 GEP2 – Access for All  
 GEP3 – Crime Prevention b Planning and Design  
 HE8 – Works to Listed Buildings

### Emerging Local Plan

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

SUS1 – The Presumption in Favour of Sustainable Development  
 ND4 – Design of New Development  
 HE2 – Listed Buildings

### Regional Policy

5.13 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

### National Policy

5.14 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.

Para 17 Core planning principles; conserve heritage assets.

Para 56 Good Design

Para 131 Sustaining and enhancing the significance of heritage assets.

Para 132 Great weight should be given to the heritage asset's conservation.

## **PLANNING CONSIDERATIONS**

5.15 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 relationship with the adjacent residential site and the impact on the listed building.

5.16 The front of the property will remain unchanged with remedial works carried out to the main façade of the building to make it good. Similarly to the sides of the property works will be carried out to render the building.

5.17 The main alteration to the property is to the off-shot at the rear of the building. Attachments such as the metal fire escape and an air extraction chimney will be removed providing an enhancement to the listed building; however the existing roof pitch does not allow sufficient room to facilitate a suitable conversion of the upper floor. The extension will be increased in height to accommodate a pitched roof enabling the remodelling of this floor to create three flats. Further to this a number of new windows will be installed; this includes the opening of windows which have previously been blocked up and the creation of new openings.

5.18 A smaller extension is proposed to the ground floor. The footprint of this extension is similar to an existing extension to the building, the main difference being a pitched roof, rather than a flat roof.

5.19 It is proposed to incorporate the lane which runs along the rear of the property into the site. This will be done by way of a security fence providing space for bin stores for the building.

5.20 The proposal will not encroach any nearer the adjacent residential properties than the footprint of the existing building. In addition the new windows that will be inserted into the rear offshoot will not overlook nearby houses.

5.21 The proposal will be sensitively carried out however the housing development to the rear will be overlooked by the development, as it currently is. Notwithstanding this the closest bedroom window to the properties to the rear is proposed to be removed, thus reducing overlooking to a degree. It is considered that the conversion will have a positive affect on the area and the surrounding properties.

## **Conclusion**

5.22 The site is a Grade II listed building and therefore a heritage asset for the purposes of the National planning Policy Framework (2012). It is considered that subject to appropriate conditions to agree external and internal materials and finishes, the proposal is unlikely to have a significant detrimental impact on the character and appearance of the listed building. The extension has been designed to the minimum requirement for the facilities considered necessary to ensure viability of the building.

5.23 The proposal will also utilise a vacant listed building bringing it back to a residential use which is compatible with the surrounding area.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.24 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

5.25 There are no Section 17 implications.

### **REASON FOR DECISION**

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

**RECOMMENDATION** – Minded to approve subject to the final consideration of comments from English Heritage by the Planning Services Manager. The final decision and wording of conditions delegated to the Planning Services Manager.

### **BACKGROUND PAPERS**

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

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### **CONTACT OFFICER**

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# FORMER MAS AGRAA PALACE, LYNN 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 : 19/04/13**  
**H/2013/0151 and H/2013/0152**

**No:** 6  
**Number:** H/2013/0152  
**Applicant:** Ms Amy Waller Bryan Hanson House Lynn Street  
 HARTLEPOOL TS24 7BT  
**Agent:** Hartlepool Borough Council Mr Steven Wilkie Bryan  
 Hanson House Lynn Street HARTLEPOOL TS24 7BT  
**Date valid:** 26/03/2013  
**Development:** Listed Building Consent for change of use to seven  
 residential flats (plus two existing flats)  
**Location:** Former Mas Agraa Palace Restaurant Lynn Street  
 HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

6.2 NONE

## PROPOSAL AND SITE CONTEXT

6.3 The application site is the former Market Hotel, a Grade II Listed Building, located on the west side of Lynn Street just to the south of Bryan Hanson House. The building sits on a corner site with housing to the rear and south side of the property.

6.4 The Market Hotel, which was listed in 1985, is described in the listing as a mid to late 19<sup>th</sup> Century public house with living accommodation above. The property stands as a substantial 3 storey detached building although it was originally contained within a terrace of similar buildings until the 1960s, when the majority of the original properties in the Lynn Street area were acquired under a Compulsory Purchase Order and subsequently demolished. It is likely that this building, together with other pubs in the area survived this demolition programme as they were currently licensed, in use and viable at that time.

6.5 A number of applications for planning permission and listed building consent have been granted since the building was listed. These include use as a licensed hotel (The New Market Hotel) and as an Indian restaurant (The MAS Agraa) with living accommodation above. The most recent application on the building was in 2005 for the creation of an office at ground floor and three self-contained flats at first floor level. The building has been vacant since 2007 when the restaurant closed.

6.6 The building was acquired by Hartlepool Borough Council in 2009 with a view to its incorporation into the adjacent housing site. This proposal did not come to fruition and the building has subsequently remained vacant.

6.7 The current proposal is the conversion of the property into seven flats with two existing flats on the second floor of the property reconfigured and refurbished. To facilitate these changes two modern single storey extensions to the rear of the property will be demolished. Two new extensions are proposed to the rear of the building, including a single storey extension to the ground floor and an extension at second floor level on top of an existing two storey extension.

## **PUBLICITY**

6.8 The application has been advertised by site notice, neighbour letters (11), and press advert. To date no representations from neighbouring properties have been received.

The period for publicity has expired.

## **CONSULTATIONS**

6.9 The following consultation replies have been received:

**HBC Traffic and Transportation** - The normal provision for a flatted development is 1.5 parking spaces per flat, no off street parking has been provided as part of this development due to the physical constraints. Due to the central location and close proximity to public transport it is considered that existing on street parking would be able to cater for any parking demand.

The adjacent residential development is covered by a residents parking scheme, this development would be included in that scheme and the scheme extended to include the highway fronting the Market Hotel.

**HBC Public Protection** – No objections

**HBC Property Services** – No objections

**English Heritage** – comments awaited.

## **PLANNING POLICY**

6.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

### Local Policy

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

GEP1 – General Environmental Principles  
 GEP2 – Access for all  
 GEP3 – Crime Prevention by Planning and Design  
 HE8 – Works to Listed Buildings

### Emerging Local Plan

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

SUS1 – The Presumption in Favour of Sustainable Development  
 ND4 – Design of New Development  
 HE2 – Listed Buildings

### Regional Policy

6.13 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

### National Policy

6.14 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.

Para 17 core planning principles conserve heritage assets.

Para 56 Good Design

Para 131 sustaining and enhancing the significance of heritage assets.

Para 132 great weight should be given to the heritage asset's conservation.

## **PLANNING CONSIDERATIONS**

6.15 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 relationship with the adjacent residential site and the impact on the listed building.

6.16 The front of the property will remain unchanged with remedial works carried out to the main façade of the building to make it good. Similarly to the sides of the property works will be carried out to render the building.

6.17 The main alteration to the property is to the off-shot at the rear of the building. Attachments such as the metal fire escape and an air extraction chimney will be removed providing an enhancement to the listed building; however the existing roof pitch does not allow sufficient room to facilitate a suitable conversion of the upper floor. The extension will be increased in height to accommodate a pitched roof enabling the remodelling of this floor to create three flats. Further to this a number of new windows will be installed; this includes the opening of windows which have previously been blocked up and the creation of new openings.

6.18 A smaller extension is proposed to the ground floor. The footprint of this extension is similar to an existing extension to the building, the main difference being a pitched roof, rather than a flat roof.

6.19 The interior of the building reflects its last use as a restaurant with living accommodation on the second floor. Much of the interior has been altered however above drop ceilings decorative plaster work can be seen. Such features will be retained within the conversion works and concealed in a similar fashion. Where large spaces had been created to form open dining areas these will be divided up to create three flats on each of the three floors. These divisions retain existing original wall formations where possible however the subdivision to smaller rooms reflects some of the original character of a property and therefore are not detrimental to the listed building.

## **Conclusion**

6.20 The site is a Grade II listed building and therefore a heritage asset for the purposes of the National planning Policy Framework (2012). It is considered that subject to appropriate conditions to agree external and internal materials and finishes, the proposal is unlikely to have a significant detrimental impact on the character and appearance of the listed building. The extension has been designed to the minimum requirement for the facilities considered necessary to ensure viability of the building.

6.21 The proposal will also utilise a vacant listed building bringing it back to a residential use which is compatible with the surrounding area.

## **Equality and Diversity Considerations**

There are no equality or diversity implications.

## **Section 17 of the Crime and disorder Act 1998**

There are no Section 17 Implications.



**REASON FOR DECISION**

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

**RECOMMENDATION** – Minded to approve, subject to the final consideration of comments from English Heritage by the Planning Services Manager. The final decision and wording of conditions delegated to the Planning Services Manager.

**BACKGROUND PAPERS**

6.23 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.

**CONTACT OFFICER**

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Conservation Team Leader  
Planning Services

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# FORMER MAS AGRAA PALACE, LYNN 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 : 19/04/13**  
**H/2013/0151 and H/2013/0152**

## **POLICY NOTE**

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

### **Adopted Hartlepool Local Plan (2006)**

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.

HE8: States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

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

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

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.

### **Emerging Local Plan Policies (2012)**

SUS1: 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.

LS1 : Locational Strategy; 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.

HE2 -The Borough Council will seek to conserve or enhance the town's Listed Buildings by preventing unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration

HSG3: New Dwellings Outside of Development Limits; The Borough Council needs to be satisfied that proposals are in accordance with the criteria established in the policy:

- 1) there is a clearly an established essential functional need for a full time rural worker to live permanently at or near the rural based enterprise.
- 2) that the rural based enterprise is financially sound.
- 3) that the need for a dwelling can not be met by another existing dwelling nearby.
- 4) that the dwelling is of a size commensurate with the size/value of the rural based enterprise.
- 5) Or where the development would represent the best viable use of secure the future of a heritage asset.
- 6) Or that the dwelling is groundbreaking/innovative in design or construction.

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.

ND5: Advertisements; The Borough Council will seek to ensure that advertisements are appropriately located and are of an appropriate scale and size that they do not have a detrimental impact upon amenity and public safety.

NE1 – The Borough Council will safeguard green infrastructure within the Borough from inappropriate development and will work with partners actively to improve the quantity and quality of green infrastructure and recreation and leisure facilities throughout the Borough based on evidence of local need.

### **National Planning Policy Framework (NPPF) 2012**

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

Paragraph 56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 67: Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation.

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

Paragraph 114: Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

Paragraph 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132: 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. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

Paragraph 197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

## PLANNING COMMITTEE

8<sup>th</sup> May 2013



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** PROPOSED DIVERSION OF PUBLIC FOOTPATH  
NO 3, PERSIMMON HOMES, SEATON PARISH

---

### 1. PURPOSE OF REPORT

- 1.1 This report seeks the approval for the making and subsequent confirmation of the diversion of Public Footpath No 3, Persimmon Homes, Seaton Parish as shown in the plan, placed at the end of this report.

### 2. BACKGROUND

- 2.1 On the 1st October 2012 the Highway Authority, known as Hartlepool Borough Council, received an application to divert a section of the Public Footpath No 3, Seaton Parish. The plan submitted as part of the application is shown in **Appendix 1**.
- 2.2 The application was made by the landowner, Persimmon Homes, on the grounds that the diversion was necessary to enable the development of a new housing estate. Planning Permission was granted by the Planning Committee, for this application, on 1st August 2012.

### 3. PROPOSALS

- 3.1 The proposed diversion, shown in the attached plan, is to re-route:
- A section of Public Footpath No. 3 through the Persimmon Homes development site routing it onto the pavements of the estate.
  - This will allow the developer to build the housing estate and so allow the path to be unobstructed and free to use.

### 4. LEGAL CONSIDERATIONS

- 4.1 An order under Section 257 of the Town and Country Planning Act 1990 may, if the competent authority are satisfied that it should do so, provide:



- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
- for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
- for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

4.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:

Landowner/Public Interest

4.3 The application was made by Persimmon Homes, acting on its own behalf. The diverted path is needed, to provide a more enjoyable and safe route for people to use. The diversion is required to also protect the privacy and amenity of the proposed dwellings associated with the Planning application H/2011/0489.

Termination Points

4.4 The diversion does not alter the termination points of the path at either end of the route but allows for the development to take place and the path to be placed on a route as enjoyable and as satisfactory to the user of the public right of way path network in this area of the borough.

Consideration of the order to divert.

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

Consideration of the Rights of Way Improvement Plan

4.6 When looking at the legal considerations for this diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management

upon the conclusion of the order. The diverted route is already owned and managed by the existing landowner.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The cost of diversion to the landowner will be approximately £2,500.00
- 5.2 Hartlepool Borough Council have considered and concluded that the applicant should pay for the full cost, as quoted to them in 2012.

## **6. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 6.1 It is believed that there are no Equality or Diversity issues or constraints in relation to the diversion of the public footpath at Persimmon Homes, Seaton.

## **7. ACCESS/DDA**

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

## **8. CONSIDERATION OF AGRICULTURE AND FORESTRY**

- 8.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at the Persimmon Homes, Seaton.

## **9. CONSIDERATION OF BIODIVERSITY**

- 9.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Persimmon Homes, Seaton.

## **10. CONSULTATIONS**

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

## 11. SECTION 17

11.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.

11.2 Section 17 states:

- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*

11.3 The Community Safety Implications, in respect of the diversion of the public footpath at Persimmon Homes, Seaton, have been taken into account and that all has been reasonably done to prevent crime and disorder.

## 12. RECOMMENDATIONS

12.1 That the Planning Committee:

- approves the making of a Diversion Order in respect of Public Footpath No. 3 Seaton and to implement the proposal as shown in the attached plan;
- If no objections are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,
- If any objections are received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation

## 13 REASONS FOR RECOMMENDATIONS

13.1 Section 257 of the Town and Country Planning Act 1990 requires a competent authority to consider the authorisation of a diversion order of a public footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out at Persimmon Homes, Seaton site.

13.2 On 1st August 2012 planning permission was granted to Persimmon Homes for the development of a new housing estate with associated landscaping (H/2011/0489).

- 13.3 To carry out and finalise these works the public footpath is required, for part of its route, to be diverted away from the existing path and onto another route through the development site.
- 13.4 The public footpath is designated as Public Footpath No.3, Seaton and runs from A178 (Tees Road) to Brenda Road, north of the bridge over the railway.

#### **14. BACKGROUND PAPERS**

- 14.1 All background papers are available for public viewing via appointment (01429 523524) and are located at Church Street Offices, 1 Church Street, Hartlepool, TS24 7DS

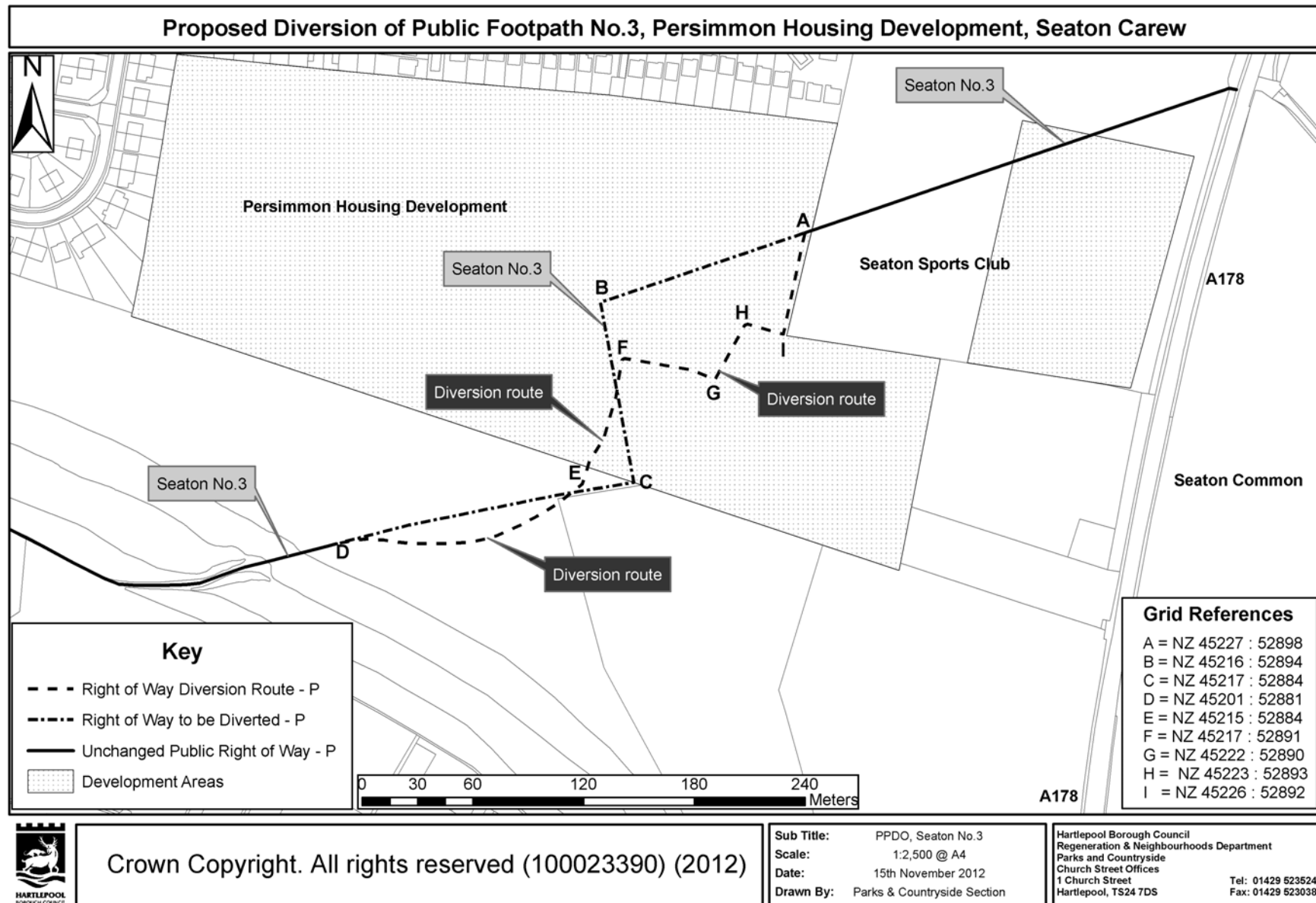
#### **15. APPENDICES**

- 15.1 The Appendices referred to are listed below and are attached to this report:
- **Appendix 1** - Plan submitted with the application to divert the aforementioned public footpath.
  - **Appendix 2** - A list of all parties consulted as part of the process to consider the application to divert this path.

#### **16. CONTACT OFFICER**

Alastair Smith  
Assistant Director (Neighbourhoods)  
Level 3  
Civic Centre  
Hartlepool TS24 8AY

Tel: (01429) 523802  
E-mail: [alastair.smith@hartlepool.gov.uk](mailto:alastair.smith@hartlepool.gov.uk)





Existing Right of Way



Proposed Diversion

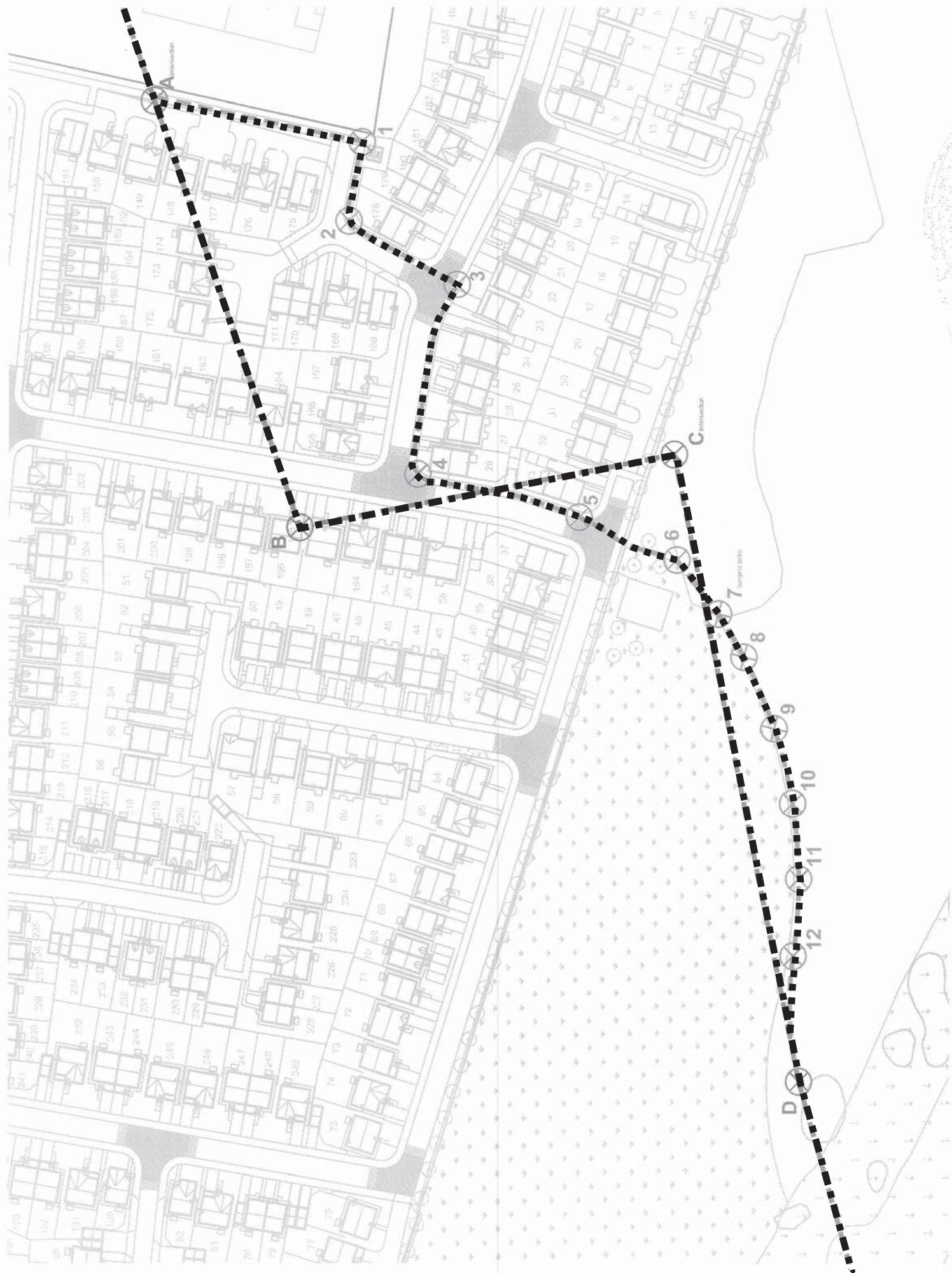
**DISTANCES:**

	<b>Existing</b>	<b>Proposed</b>
A to D	383.6 m	376.2 m

**COORDINATES:**

	easting	northing
A	452271.000	528982.000
B	452160.000	528944.000
C	452179.000	528846.000
D	452017.000	528813.000
1	452260.112	528927.768
2	452239.504	528932.180
3	452223.025	528902.949
4	452173.874	528913.125
5	452162.673	528870.914
6	452151.609	528845.255
7	452137.725	528834.399
8	452126.557	528827.707
9	452108.193	528819.784
10	452088.793	528814.881
11	452069.307	528813.167
12	452049.357	528814.589





## **Appendix 2 – Public Footpath No.3, Seaton Sports Club, Seaton Parish**

### **List of Consultees during consultation 2012**

Ward Members:       Councillor C Hill  
                              Councillor P Thompson  
                              Councillor K Atkinson

Portfolio Holder:     Regeneration and Neighbourhoods – The Mayor

Ramblers Association  
Hartlepool Access Group

Hartlepool Borough Council Services:  
Ecology  
Tees Archaeology  
Planning  
Apparatus and Highways  
Property Services  
Parks and Countryside

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



# PLANNING COMMITTEE

8<sup>th</sup> May 2013



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** PROPOSED DIVERSION OF PUBLIC FOOTPATH  
NO 3, SEATON SPORTS CLUB, SEATON  
PARISH

---

## 1. PURPOSE OF REPORT

- 1.1 This report seeks the approval for the making and subsequent confirmation of the diversion of Public Footpath No 3, Seaton Sports Club, Seaton Parish as shown in the HBC plan, placed at the end of this report.

## 2. BACKGROUND

- 2.1 On the 3rd October 2012 the Highway Authority, known as Hartlepool Borough Council, received an application to divert a section of the Public Footpath No 3, Seaton Sports Club, Seaton Parish. The plan submitted, by the trustees of Seaton Sports Club, as part of the application is shown in **Appendix 1**.
- 2.2 The application (H/2013/0017) was made by The Trustees of Seaton Sports Club on the grounds that the diversion was necessary to enable the development of a new sports pitch. Planning Permission was granted by the Planning Committee, for this application, on 25th March 2013.

## 3. PROPOSALS

- 3.1 The proposed diversion, shown in the attached plan, is to re-route:
- A section of Public Footpath No. 3, Seaton around the central and western sides of the sports field that the present section, to be diverted, runs. At present the path runs diagonally through the same field.

#### 4. LEGAL CONSIDERATIONS

- 4.1 An order under Section 257 of the Town and Country Planning Act 1990 may, if the competent authority are satisfied that it should do so, provide:
- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
  - for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
  - for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
  - for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- 4.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:

##### Landowner/Public Interest

- 4.3 The application was made by the Seaton Sports Club. The diverted path is needed, to provide a more enjoyable and safe route for people to use. The diversion is required to primarily protect the amenity of the proposed sports pitch development associated with the Planning application H/2013/0017.

##### Termination Points

- 4.4 The diversion does not alter the termination point of the path at either end of the route but allows for the sports pitch development to take place and the path to be placed on a route as enjoyable and as satisfactory to the user of the public right of way path network in this area of the borough.

##### Consideration of the order to divert.

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

Consideration of the Rights of Way Improvement Plan

- 4.6 When looking at the legal considerations for this diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management upon the conclusion of the order. The diverted route is already managed by the Lessee (The Trustees of Seaton Sports Club).

**5. LANDOWNERSHIP**

- 5.1 Hartlepool Borough Council is the registered Landowners of the property described within this report. This property is leased by The Trustees of Seaton Sports Club. The existing right of way and the proposed diversion route of the same right of way run over the land as mentioned above.

**6. FINANCIAL CONSIDERATIONS**

- 6.1 The cost of diversion to the Lessee (The Trustees of Seaton Sports Club) will be approximately £2,500.00
- 6.2 Hartlepool Borough Council have considered and concluded that the applicant should pay for the full cost, as quoted to them in 2012.

**7. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 7.1 It is believed that there are no Equality or Diversity issues or constraints in relation to the diversion of the public footpath at Seaton Sports Club.

**8. ACCESS/DDA**

- 8.1 Hartlepool Access Group has been consulted. All reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

**9. CONSIDERATION OF AGRICULTURE AND FORESTRY**

- 9.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at Seaton Sports Club.

## 10. CONSIDERATION OF BIODIVERSITY

- 10.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Seaton Sports Club.

## 11. CONSULTATIONS

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

## 12. SECTION 17

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

## 13. RECOMMENDATIONS

- 13.1 That the Planning Committee:
- approves the making of a Diversion Order under Section 257 of the Town and Country Planning Act 1990 in respect of Public Footpath No. 3 Seaton and to implement the proposal as shown in attached plan;
  - If no objections are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,

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

#### **14. REASONS FOR RECOMMENDATIONS**

- 14.1 Section 257 of the Town and Country Planning Act 1990 requires a competent authority to consider the authorisation of a diversion order of a public footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out at the Seaton Sports Club site.
- 14.2 On 25<sup>th</sup> March 2013 planning permission was granted to the Lessee (The Trustees of Seaton Sports Club) for the development of a new enclosed sports pitch (H/2013/0017.).
- 14.3 To carry out and finalise these works the public footpath is required, for part of its route, to be diverted away from the existing path and onto another route to the north and west of the existing section to be diverted .
- 14.4 The public footpath is designated as Public Footpath No.3, Seaton and runs from the A178, Tees Road to A1277, Brenda Road.

#### **15. BACKGROUND PAPERS**

- 15.1 All background papers are available for public viewing via appointment (01429 523524) and are located at Church Street Offices, 1 Church Street, Hartlepool, TS24 7DS

#### **16. APPENDICES**

- 16.1 The Appendices referred to are listed below and are attached to this report:
- **Appendix 1** - Plan submitted with the application to divert the aforementioned public footpath.
  - **Appendix 2** - A list of all parties consulted as part of the process to consider the application to divert this path.

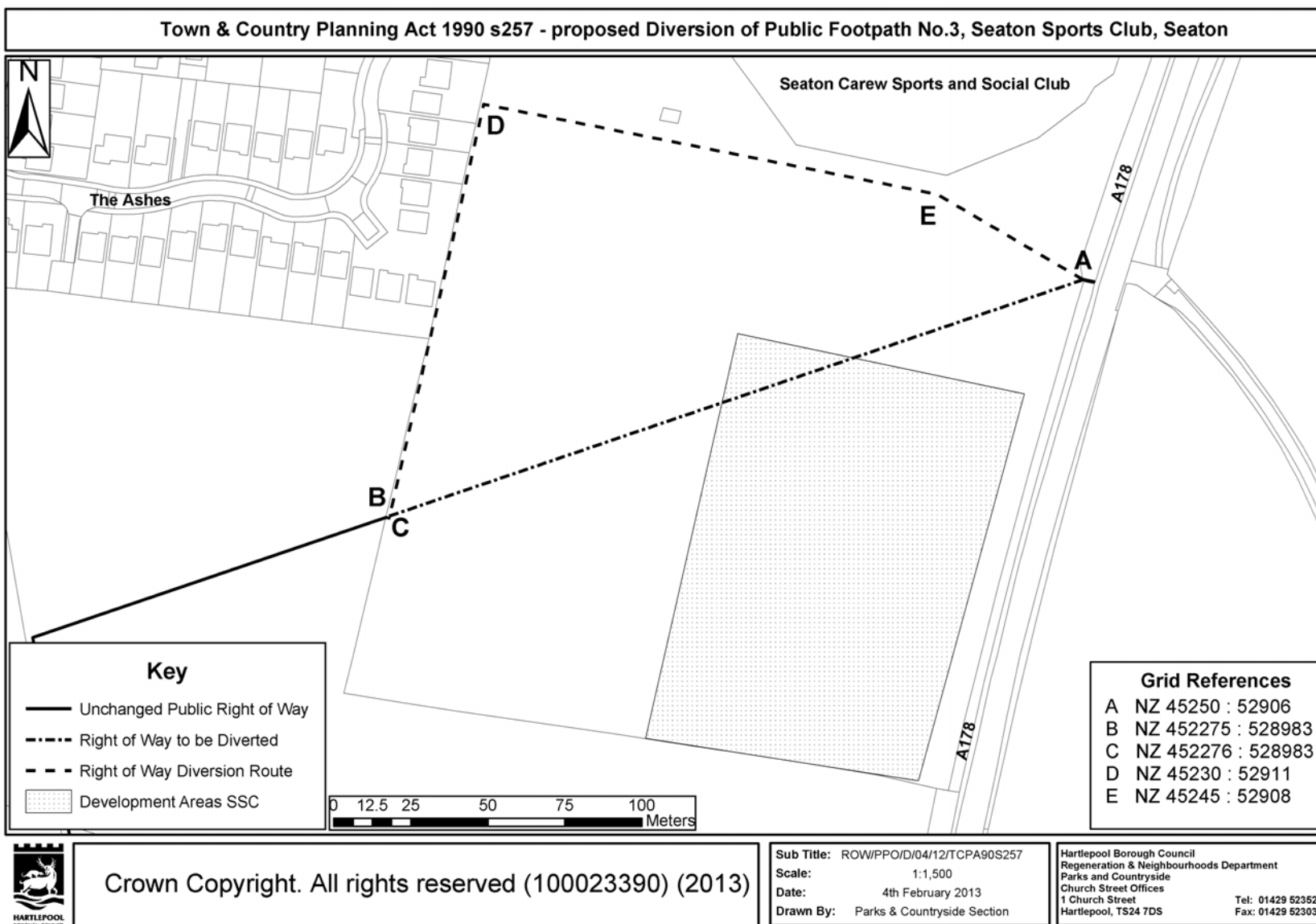
#### **17. CONTACT OFFICER**

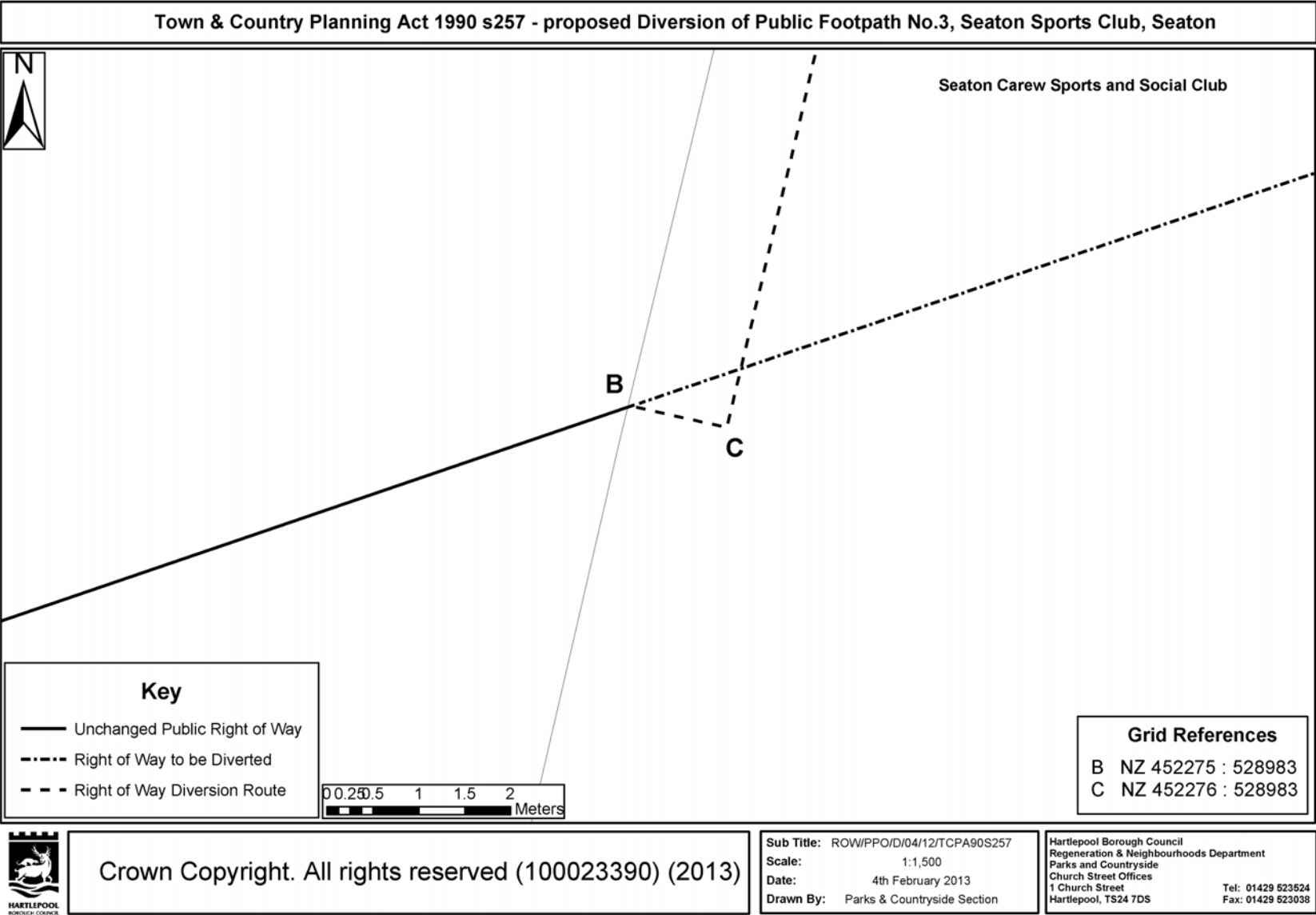
Alastair Smith  
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## 5. Consultation

### 5.1 Highways - Public Footpath

The additional landscaping application has had consultation from the Countryside Access Officer from Hartlepool Council Regeneration and Neighbourhoods Department who advised of creating a new route for the public footpath which crosses the sports field. Due to the sports field planning application for a new football pitch with safety barrier fencing and floodlighting, it is required that the diversion be carried out to maintain the public footpath across the sports field. The Local Authority may make an order to divert a footpath or bridleway under Section 119 of the Highway Act (1980) if it satisfied that the diversion is in the interests of the owner, lessee or occupier of land crossed by the path, in the interest of the public or in the interest of both parties. The new route must start and finish on the same highway as the existing route, or on highways leading to them, and must not be substantially less convenient for the public. The effect on adjoining landowners and the public's enjoyment of the route has been considered and a new route through the sports fields has been designed which will fit with the landscaping and development of the sports clubs pitches.

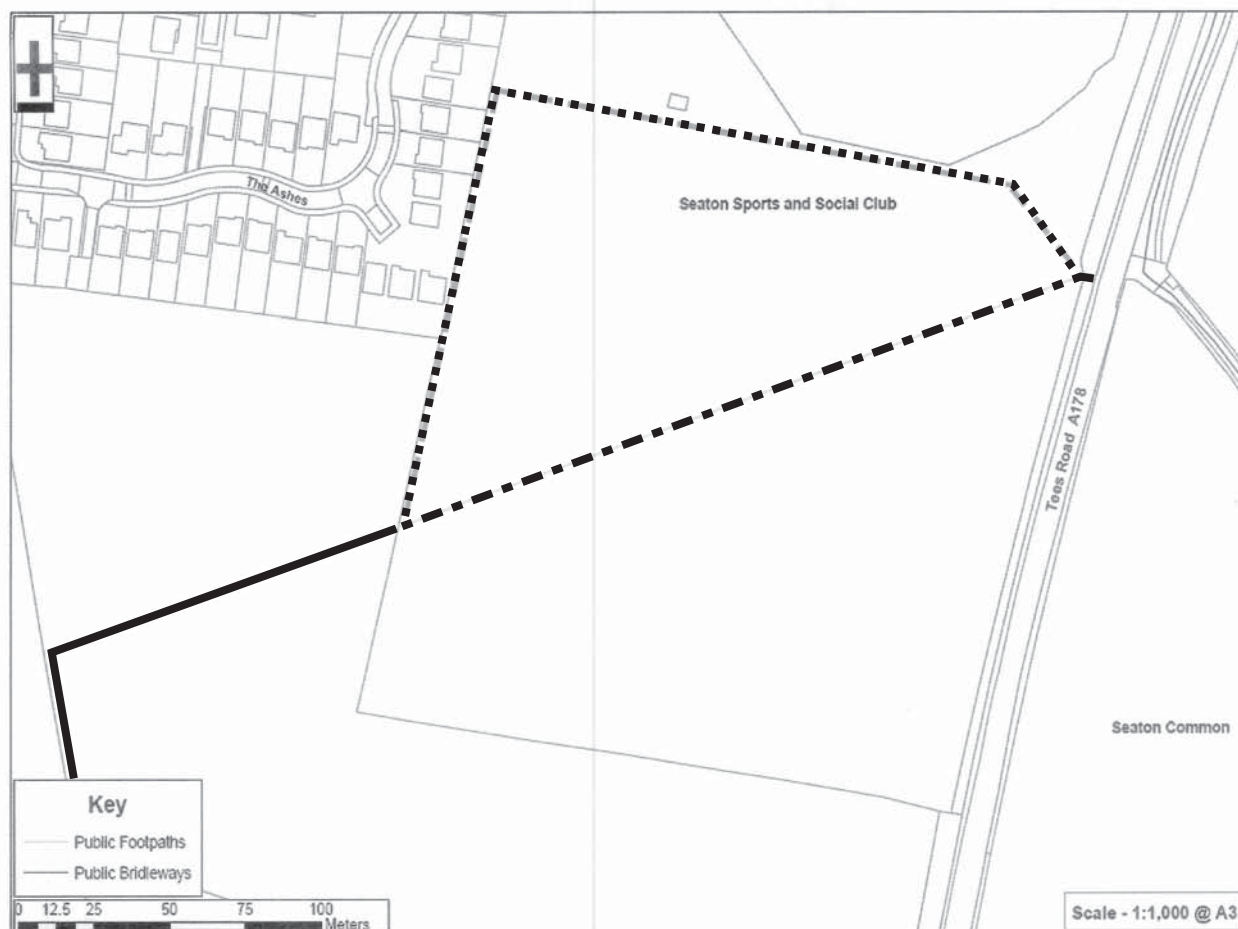
### Appendix 1 – Public Footpath New Route Plan A3

#### KEY

New route proposal ..... (dotted line)

Existing Public Footpath to be diverted - - - - - (dashed line)

Public Footpath not affected by this diversion ——— (solid line)



## **Appendix 2 – Public Footpath No.3, Seaton Sports Club, Seaton Parish**

### **List of Consultees during consultation 2012**

Ward Members:       Councillor C Hill  
                              Councillor P Thompson  
                              Councillor K Atkinson

Portfolio Holder:     Regeneration and Neighbourhoods – The Mayor

Ramblers Association  
Hartlepool Access Group

Hartlepool Borough Council Services:  
Ecology  
Tees Archaeology  
Planning  
Apparatus and Highways  
Property Services  
Parks and Countryside

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

# PLANNING COMMITTEE

8<sup>th</sup> May 2013



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** PROPOSED DIVERSION OF PUBLIC FOOTPATH  
NO 22, CLOSE FARM, WYNYARD, ELWICK PARISH

---

## 1. PURPOSE OF REPORT

- 1.1 This report seeks the approval for the making and subsequent confirmation of the diversion of Public Footpath No 22, Close Farm, Wynyard, Elwick Parish as shown in the plan, placed at the end of this report.

## 2. BACKGROUND

- 2.1 On the 25<sup>th</sup> September 2012 the Highway Authority, known as Hartlepool Borough Council, received an application to divert a section of the Public Footpath No 22, Close Farm, Wynyard, Elwick Parish. The plan submitted as part of the application is shown in **Appendix 1**.
- 2.2 The application was made by SJD Architects, on behalf of the landowner on the grounds that the diversion was necessary to enable the development of the farm buildings. Planning Permission was gained using delegated powers through the Chair of the Planning Committee, on 26<sup>th</sup> October 2012.

## 3. PROPOSALS

- 3.1 The proposed diversion, shown in the attached plan, is to re-route:
- A section of Public Footpath No. 22, Close Farm, Wynyard, Elwick Parish around the southern and western sides of the field that the present section, to be diverted, runs. At present the path runs along the eastern and northern side of the same field.

#### 4. LEGAL CONSIDERATIONS

4.1 An order under Section 257 of the Town and Country Planning Act 1990 may, if the competent authority are satisfied that it should do so, provide:

- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
- for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
- for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.

4.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:

##### Landowner/Public Interest

4.3 The application was made by the Agent, acting on behalf of the applicant, who is the landowner of Close Farm Cottage. The diverted path is needed, to provide a more enjoyable and safe route for people to use. The diversion is required to primarily protect the privacy and amenity of the proposed dwellings associated with the Planning application H/2012/0454.

##### Termination Points

4.4 The diversion does not alter the termination point of the path at either end of the route but allows for the development to take place and the path to be placed on a route as enjoyable and as satisfactory to the user of the public right of way path network in this area of the borough.

##### Consideration of the order to divert.

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

Consideration of the Rights of Way Improvement Plan

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

**5. FINANCIAL CONSIDERATIONS**

- 5.1 The cost of diversion to the landowner will be approximately £2,500.00
- 5.2 Hartlepool Borough Council have considered and concluded that the applicant should pay for the full cost, as quoted to them in 2012.

**6. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 6.1 It is believed that there is no Equality or Diversity issues or constraints in relation to the diversion of the public footpath at Close Farm, Wynyard, Elwick Parish.

**7. ACCESS/DDA**

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

**8. CONSIDERATION OF AGRICULTURE AND FORESTRY**

- 8.1 It is believed that there are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at Close Farm.

**9. CONSIDERATION OF BIODIVERSITY**

- 9.1 It is believed that there are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Close Farm, Wynyard, Elwick Parish.

**10. CONSULTATIONS**

- 10.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any

objections to the proposals concerned. A full list of consultees is provided as **Appendix 2**.

- 10.2 Both Hartlepool Access Group and the Ramblers Association have requested that the alternative route be of a width of 2 metres.

## **11. SECTION 17**

- 11.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.

- 11.2 Section 17 states:

- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*

- 11.3 The Community Safety Implications, in respect of the diversion of the public footpath at Close Farm, Wynyard, Elwick Parish, have been taken into account and that all has been reasonably done to prevent crime and disorder.

## **12. RECOMMENDATIONS**

- 12.1 That the Planning Committee:

- approves the making of a Diversion Order in respect of Public Footpath No.22, Close Farm, Wynyard, Elwick Parish to implement the proposal as shown in the attached plan;
- If no objections are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,
- If any objections are received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 Section 257 of the Town and Country Planning Act 1990 requires a competent authority to consider the authorisation of a diversion order of a public footpath if

they are satisfied that it is necessary to do so in order to enable development to be carried out at the Close Farm site.

- 13.2 On 26<sup>th</sup> October 2012 planning permission was granted to the landowner for the conversion of existing outbuildings into three dwellings with associated landscaping and car parking (H/2012/0454).
- 13.3 To carry out and finalise these works the public footpath is required, for part of its route, to be diverted away from the existing path and onto another route to the south and west of the existing section to be diverted .
- 13.4 The public footpath is designated as Public Footpath No.22, Close Farm, Wynyard, Elwick Parish and runs from the A19, south of the service station on the northbound carriageway, which is situated between the A689 junction and the A179 junction.

#### **14. BACKGROUND PAPERS**

- 14.1 All background papers are available for public viewing via appointment (01429 523524) and are located at Church Street Offices, 1 Church Street, Hartlepool, TS24 7DS

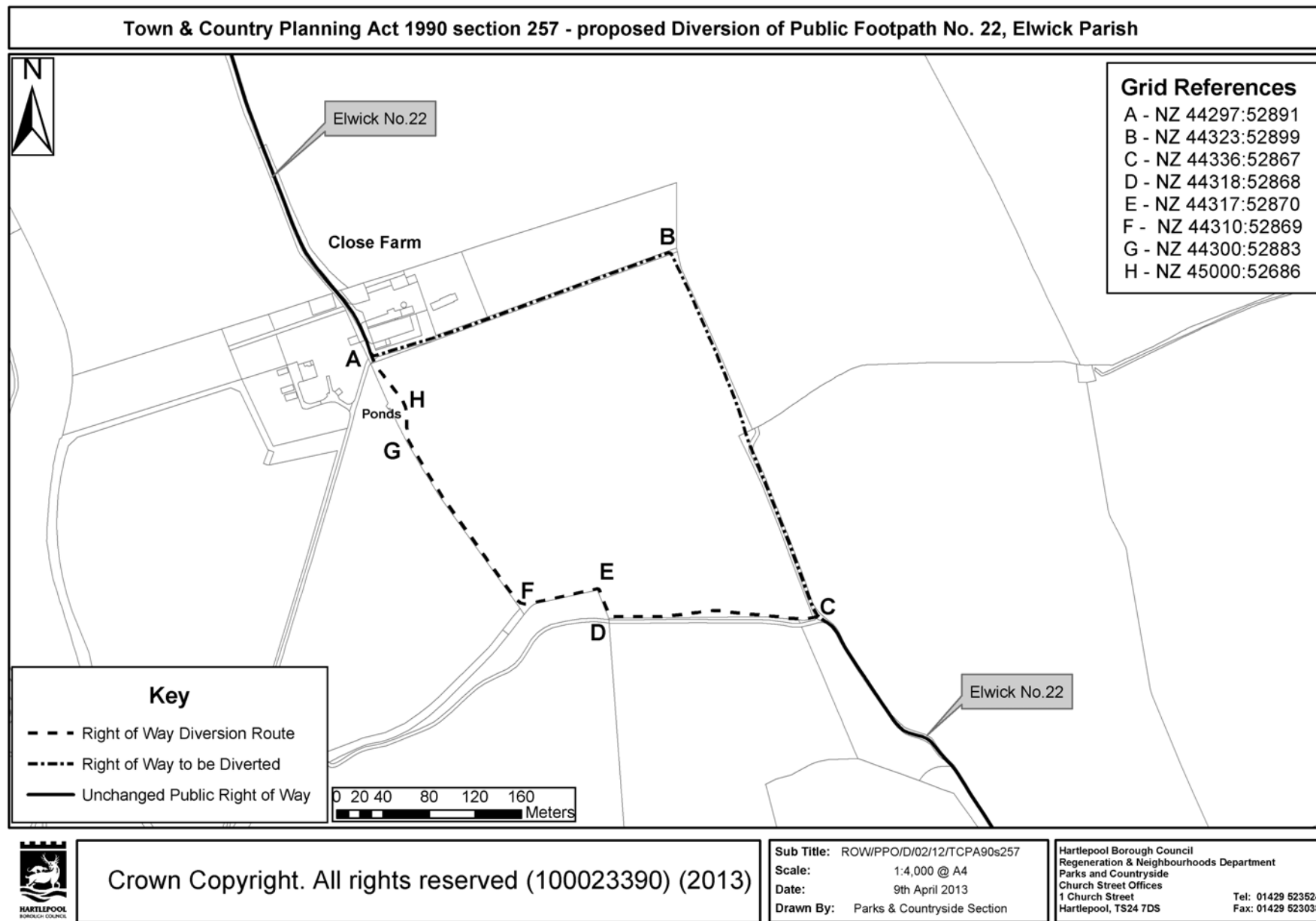
#### **15. APPENDICES**

- 15.1 The Appendices referred to are listed below and are attached to this report:
- **Appendix 1** - Plan submitted with the application to divert the aforementioned public footpath.
  - **Appendix 2** - A list of all parties consulted as part of the process to consider the application to divert this path.

#### **16. CONTACT OFFICER**

Alastair Smith  
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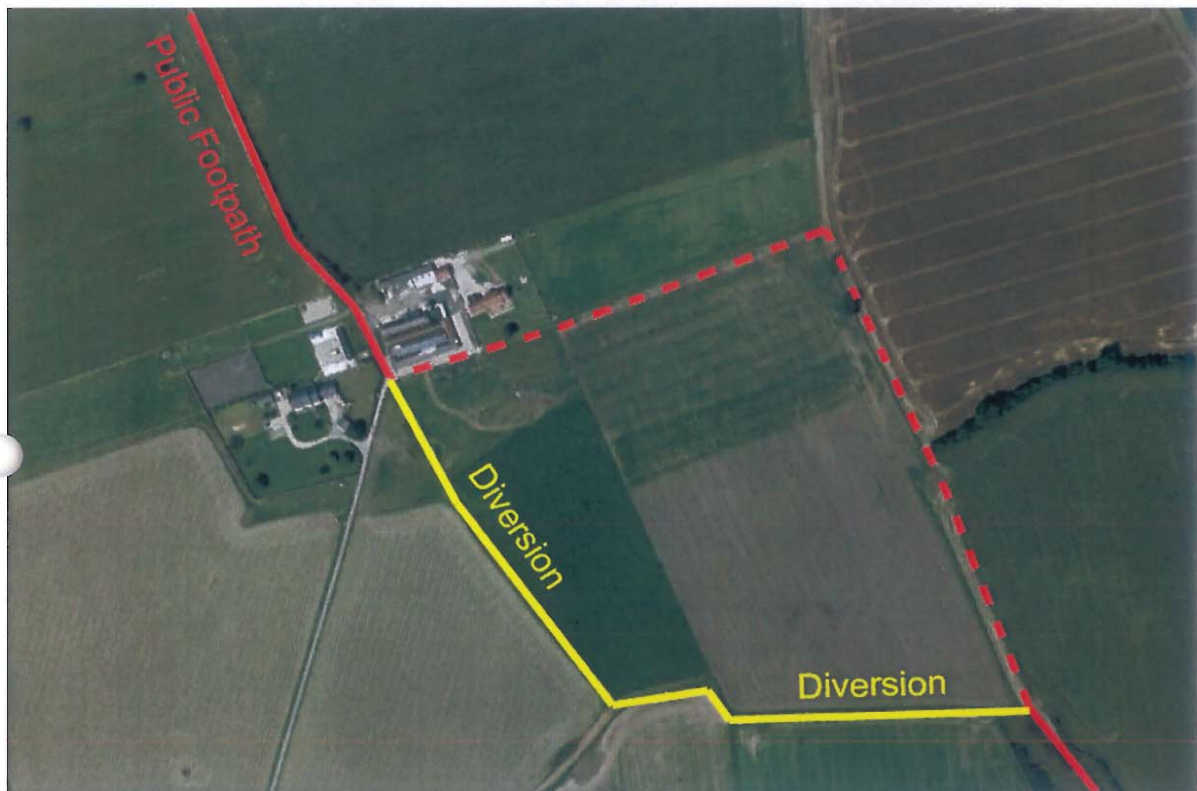
Tel: (01429) 523802  
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ROUTE OF EXISTING FOOTPATH



ROUTE OF PROPOSED DIVERSION

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## **Appendix 2 – Public Footpath No.22, Close Farm, Elwick Parish**

### **List of Consultees during consultation 2012**

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

Elwick Parish Council

Portfolio Holder:     Regeneration and Neighbourhoods – The Mayor

Ramblers Association  
Hartlepool Access Group

Hartlepool Borough Council Services:  
Ecology  
Tees Archaeology  
Planning  
Apparatus and Highways  
Property Services  
Parks and Countryside

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

## PLANNING COMMITTEE

8 May 2013



**Report of:** Assistant Director (Regeneration)

**Subject:** MIDDLE WARREN PILL BOX - UPDATE

---

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update the Planning Committee on the decision made by the Planning Committee in August 2012 regarding the unauthorised demolition of the Middle Warren Pill Box.

### 2. BACKGROUND

- 2.1 A complaint was received on 27<sup>th</sup> July 2012 (CMP/2012/00114) regarding the demolition of a pillbox at Middle Warren. Although not a structure protected by Listed Building status the Local Planning Authority had sought to protect the remaining pillboxes within the approved housing estate of Middle Warren through a condition attached to the original planning approval which stated: The developer, Bellway apologised for the demolition which was in error.
- 2.2 The Local Planning Authority could have pursued a breach of planning condition notice and should this have been successful the company could be fined upto a maximum penalty of £1000. The site was investigated by officer's and Tees Archaeology who in this particular instance regretted the loss of the pillbox however considered that a proactive mechanism to secure additional archaeological work would be a constructive way forward rather than progress with an enforcement notice. The Planning Committee on the 15<sup>th</sup> August 2012 resolved to use discretion to not progress enforcement action against the developer on the basis that there was a constructive approach to compensate for the loss of the pillbox at Middle Warren, the measures of compensation were as follows:
- 1) Fund archaeological work to examine and record the immediate area around the pillbox- these would be accompanied by slit trenches etc;
  - 2) Commission a leaflet/ booklet about the World War II monuments in the middle warren area;
  - 3) Provide a marker on the site to record the former pillbox site;
  - 4) Contribute to the maintenance of WWI and WWII monuments in the town.

- 2.3 In relation to requirement 1 - Bellway have been in discussion with the Planning Services Team and Tees Archaeology and have an archaeological assessment around the area has been carried out. The aims of the assessment were to:

- Record any features remaining which are associated with the pillbox
- Record any other archaeological features present

The assessment focused on a strip and record area which was centred on the former location of the Pillbox and the assessment established that no remains of it or associated features survived. Two gullies possibly associated with a medieval field boundary were recorded at the south end of the trench sealed by a buried soil horizon. A track and an area of hardstanding associated with Middle Warren Farm, were also recorded within the strip and record area.

- 2.4 In relation to requirement 2 - Bellway have commissioned and published a WWII brochure entitled 'Hartlepool at War - World War II Defences at High Throston and Cemetery Crossroads' which is available to buy in the museum of Hartlepool or can be downloaded on both the Council's and Tees Archaeology's websites. The booklet draws together information about the buildings and structures that were constructed in the Hartlepool area during the Second World War. The booklet has been distributed to the Members Library in the Civic Centre and interested groups such as all schools in Hartlepool and the Heugh Battery.

- 2.5 In relation to requirement 3 - The proposed marker (position and form) are currently being agreed with Tees Archaeology and the Planning Services Team and it is anticipated that this will be in the proximity of the demolished pillbox.

- 2.6 In relation to point 4 - The financial contribution of £5000 has been paid towards the maintenance of WWI and WWII monuments in the town.

### **3. LEGAL CONSIDERATIONS**

- 3.1 Formal enforcement action is discretionary and the Council must be satisfied that it is expedient, having regard to all the relevant planning circumstances in each case. The Planning Committee took a pragmatic decision in light of the circumstances.

### **4. RECOMMENDATION**

- 7.1 It is proposed that Planning Committee note this report.

### **5. REASONS FOR RECOMMENDATION**

- 5.1 The decision the Planning Committee made relating to this issue on the 15<sup>th</sup> August 2012 has been adhered to.

## 6. BACKGROUND PAPERS

- Agenda report and minutes of the 15<sup>th</sup> August 2012; the item contained exempt information under Schedule 12A of the 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).
- A pdf copy of the WWII booklet can be downloaded from the following websites:
  - [www.teesarchaeology.com](http://www.teesarchaeology.com)
  - [http://www.hartlepool.gov.uk/downloads/file/9643/world\\_war\\_ii\\_defences\\_at\\_high\\_throston\\_and\\_cemetery\\_crossroads](http://www.hartlepool.gov.uk/downloads/file/9643/world_war_ii_defences_at_high_throston_and_cemetery_crossroads)

## 7. CONTACT OFFICER

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## PLANNING COMMITTEE

8 May 2013



**Report of:** Assistant Director (Regeneration)

**Subject:** TREES AND DEVELOPMENT GUIDELINES  
SUPPLEMENTARY PLANNING DOCUMENT

---

### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Planning Committee of the anticipated adoption of the Trees and Development Guidelines Supplementary Planning Document.

### 2. BACKGROUND

- 2.1 The Hartlepool Local Plan will be the key Development Plan Document setting out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years. Contained within the emerging Local Plan, policies ND4, EC2, EC3, HE1 and NE2 make specific reference to trees, landscaping and green infrastructure.
- 2.2 The Trees and Development Guidelines Supplementary Planning Document is intended to provide an outline of the procedures and design criteria necessary to achieve the successful integration of existing and new trees, shrubs, hedges and hedgerows into new developments. It is not intended as an undue burden on development.
- 2.3 The document does not contain any policies, but its technical guidance will be a material consideration in the determination of planning applications. Compliance with its contents will ensure that sufficient information is submitted to enable the Council to determine in advance the full long-term effects of any new development as it relates to trees.
- 2.4 The Hartlepool Tree Strategy 2011 – 2016 supports the production of a trees and development supplementary planning document through a number of its objectives and actions. These are:
- Objective 1. Retain and protect the borough's existing trees
  - Action 4. *Ensure that, through effective engagement in the planning process, existing trees are retained on development sites where appropriate and that they are adequately protected.*
  - Objective 3. Increase the number of trees in the borough

*Action 2. Through effective engagement in the planning process require tree planting wherever it is appropriate in relation to new developments.*

- 2.5 Cabinet granted authorisation to undertake public consultation on the draft Trees and Development Guidelines Supplementary Planning Document and associated sustainability appraisal on 29<sup>th</sup> October 2012. A period of formal public consultation commenced on 23<sup>rd</sup> November 2012 and concluded on 31<sup>st</sup> January 2013.
- 2.6 Following completion of public consultation Cabinet was requested to authorise presentation of the Trees and Development Guidelines Supplementary Planning Document to full Council for adoption. Authorisation was granted at the Cabinet meeting of 2<sup>nd</sup> April 2013.
- 2.7 The Supplementary Planning Document is to be presented to Council on the 2 May 2013 with a recommendation to adopt.

### **3. RISK IMPLICATIONS**

- 3.1 The Hartlepool Compact Consultation and Policy code applies.

### **4. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 4.1 The Crime and Disorder Act 1998 requires Local Authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. The Council is committed to securing safe and secure environments within the borough, The Trees and Development Guidelines Supplementary Planning Document acknowledges this by highlighting that there is a need to ensure that natural surveillance is retained and that there is no adverse effect on CCTV systems, sight lines, traffic lights and street lights.

### **5. LEGAL CONSIDERATIONS**

- 5.1 Under the Town and Country Planning Act 1990 there is a statutory duty for local planning authorities to ensure, wherever appropriate, that in granting planning permission for any development, adequate provision is made for the preservation and planting of trees.

### **6. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 6.1 Consultation on the Trees and Development Supplementary Planning Document and the Sustainability Appraisal was carried out in accordance with the Council's adopted Statement of Community Involvement (SCI). The SCI was prepared in compliance with the Hartlepool Compact and its associated protocols.

## **7. RECOMMENDATION**

- 7.1 It is proposed that Planning Committee note this report regarding the Trees and Development Guidelines Supplementary Planning Document.

## **8. REASONS FOR RECOMMENDATION**

- 8.1 The Trees and Development Guidelines Supplementary Planning Document, if adopted, will form part of the Hartlepool Development Framework. It will be a material consideration in the determination of planning applications and compliance with its contents will ensure that sufficient information is submitted to enable the Council to determine in advance the full long-term effects of any new development as it relates to trees.

## **9. APPENDICES AVAILABLE ON REQUEST, IN THE MEMBERS LIBRARY AND ON-LINE**

- 9.1 There are no appendices attached to this report.

## **10. BACKGROUND PAPERS**

- The emerging Hartlepool Local Plan  
[http://www.hartlepool.gov.uk/site/scripts/documents\\_info.php?documentID=108](http://www.hartlepool.gov.uk/site/scripts/documents_info.php?documentID=108)
- Hartlepool Tree Strategy 2011 – 2016  
[http://www.hartlepool.gov.uk/downloads/file/6984/hartlepool\\_tree\\_strategy\\_2011-2016](http://www.hartlepool.gov.uk/downloads/file/6984/hartlepool_tree_strategy_2011-2016)
- Report and Minutes of the 2 April 2013 Cabinet  
<http://www.hartlepool.gov.uk/meetings/meeting/2682/cabinet>
- Trees and Development Guidelines SPD  
[http://www.hartlepool.gov.uk/downloads/file/9682/trees\\_and\\_development\\_guidelines\\_supplementary\\_planning\\_document](http://www.hartlepool.gov.uk/downloads/file/9682/trees_and_development_guidelines_supplementary_planning_document)

## **11. CONTACT OFFICER**

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## PLANNING COMMITTEE

8 May 2013



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT 23 JESMOND ROAD, HARTLEPOOL:  
CHANGE OF USE FROM SHOP TO HOT FOOD  
TAKEAWAY  
APPEAL REF: APP/H0724/A/13/2190712

---

### 1. PURPOSE OF REPORT

1.1 To notify Members of an appeal decision.

### 2. APPEAL

2.1 The appeal relates to the refusal of the Local Planning Authority to allow the change of use of a shop to hot food takeaway. The application was refused under delegated powers.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate. The inspector concluded that proposed change of use would have an unacceptable harm on the living conditions of neighbouring properties in terms of noise, smell and general disturbance.

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

### 3. RECOMMENDATION

3.1 That members note the decision.

### 4. CONTACT OFFICER

Chris Pipe  
Planning Services Manager  
Planning Services  
Tel 01429 523596  
E-mail [christine.pipe@hartlepool.co.uk](mailto:christine.pipe@hartlepool.co.uk)



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## Appeal Decision

Site visit made on 2 April 2013

**by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI**

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

Decision date: 10 April 2013

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**Appeal Ref: APP/H0724/A/13/2190712**

**23 Jesmond Road, Hartlepool, Cleveland TS26 0JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Singh against the decision of Hartlepool Borough Council.
  - The application Ref H/2012/0543, dated 15 October 2012, was refused by notice dated 11 December 2012.
  - The development proposed is the change of use from shop to hot food takeaway.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. As a result of the non-attendance of a representative of the appellant at the arranged time, the site visit was carried out unaccompanied. The acceptability of this was subsequently agreed with the principal parties.
3. The submitted drawings show the previous ground floor use of the premises as a hair salon with internal physical link to the residential accommodation at the rear of the ground floor and at first floor level. It is not, however, clear whether this residential use was occupied ancillary to the commercial use. The proposed floor plans show the internal link between the commercial and residential use removed, the latter becoming a self-contained unit. This is referred to in the case officer's report, but is not reflected in either the application form or decision notice. It is not for me to determine whether the creation of a self-contained residential unit, in this instance, requires planning permission and I have determined the appeal on the basis applied for, as set out in the bullet point above.

### Main Issue

4. The main issue is the effect of the proposed change of use on the living conditions of neighbouring residents in terms of noise, smell and general disturbance.

## Reasons

5. The appeal property is located on the south-west corner of a light controlled crossroads, with its principal frontage to Chester Road, where it adjoins a terrace of residential properties, with small front gardens. There is a school site to the north and a cemetery, behind a high brick wall, on the opposite side of Jesmond Road. Jesmond Road itself is a through route for traffic and is also a bus route, with bus stops in close proximity to the appeal site, serving what appears to be an hourly service during daytime working hours. There are residential properties to the south on Jesmond Road and along Everett Street and to the north and east, on the east side of Jesmond Gardens and along Chester Road. This is a predominantly residential area.
6. In its reason for refusal, the Council cites Policies GEP1 and Com12, saved from its Local Plan. The former seeks to take into account the effect of proposals on the amenities of neighbouring occupiers by, among others, general disturbance, noise and smell. The latter specifically relates to "Food and Drink" uses and specifically states that hot food takeaway uses will not be permitted in predominantly residential areas, where they adjoin residential properties. Although these Policies are now somewhat out of date, they do not conflict, in principle, with the provisions of the National Planning Policy Framework (The Framework), which identifies the securing of a good standard of amenity for neighbours as a core land-use planning principle. I, therefore, give them due weight in determining this appeal. The Policies also do not conflict with government advice given in Circular 03/2005 *Changes of Use of Buildings or Land*, which recognises that hot food takeaways raise issues such as extra traffic and pedestrian activity, which can cause noise and disturbance to nearby residents.
7. As indicated above, this is a predominantly residential area and the appeal premises adjoin residential property on either side. There is a local policy presumption against the proposed use in such situations. However, it is my experience that one of the main problems from noise and disturbance from hot food takeaway uses occurs principally in the evening, when passing trade reaches its peak and background noise levels are less. The proposed opening hours are at lunch-time and from late afternoon to 20.30 hours, with closure on Sundays. I accept that these opening hours (which could be secured by the imposition of a condition) would assist in minimising nuisance by avoiding noise and disturbance late in the evening and that the Council would be able to control any future extensions to opening hours, which may be sought.
8. I also note that the appellant's intention is to operate a fish and chip shop, which, again from my experience, tends to attract mainly local pedestrian trade at lunch-times and early evenings. However, once permission is granted, it would not prevent the premises from being operated in a different manner, with a type of hot food sales more attractive to evening customers and attracting a greater level of trade from passing vehicles. Whilst it is possible to restrict the nature of an operation within a Use Class, by the imposition of a condition, Circular 11/95 *The Use of Conditions in Planning Permissions* (paragraph 86) advises that this should only be done exceptionally, and I do not consider it to be appropriate in this instance. I, therefore, have to consider the effect from noise and disturbance that might result from any type of operation falling within Use Class A5.

9. The frontage of the property is immediately adjacent to residential property on Chester Road and it is a feature of takeaway facilities that customers often congregate outside, consuming their purchases. This, in itself, even at lunch-time or early evening will undoubtedly generate noise and disturbance. In addition, roadside parking restrictions immediately adjacent to the premises would encourage patrons to park in front of nearby residential property, particularly on the south side of Chester Road and the east side of Jesmond Gardens, generating noise and disturbance from banging car doors and vehicle manoeuvring.
10. In terms of smell, I am aware that properly installed and maintained systems of odour suppression and extraction can minimise nuisance and that, again, a condition requiring the approval of such systems could be imposed. However, in this instance, I am concerned at the inevitable close proximity of any extraction facilities to the rear windows of residential properties and the physical problems in discharging fumes and odours at a sufficiently high level to ensure adequate dispersal, without installing unacceptable unsightly and contorted ductwork.
11. I, therefore, conclude on the main issue that the proposed change of use would have an unacceptably harmful effect on the living conditions of neighbouring residents in terms of noise, smell and general disturbance, which would conflict with local development plan policy.
12. My conclusion that the appeal should, therefore, fail, is compounded by concerns regarding roadside parking from customers in an area where such parking is at a premium and the resultant potential for double or illegal parking, which could have an effect on the safety of road users in the local area. I also share the concerns of local residents regarding the potential for littering and other anti-social behaviour, which the proposed use might generate. Whilst these are matters, which can be controlled in other ways, I consider that they would contribute to a general loss of residential amenity in the area. In my view, this is not a suitable location for the use proposed.

*G E Snowden*

INSPECTOR

## PLANNING COMMITTEE

8 May 2013



**Report of:** Assistant Director (Regeneration)

**Subject:** APPEAL AT 180 YORK ROAD, HARTLEPOOL  
APPEAL REF: APP/HO724/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

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### 1. PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority to allow a variation of condition 2 of H/FUL/0557/00 for extended opening hours to 02.00 am seven days a week. The application was refused by Members.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded an extension to the opening hours would be likely to attract further, similar proposals from other businesses. If such a pattern was to be repeated, it would undermine the quiet character of this part of the town centre, to the detriment of nearby residents.
- 1.4 A copy of the decision letter is attached to this report.

### 2. RECOMMENDATION

- 2.1 That Members note the decision.

### 3 CONTACT OFFICER

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The Planning  
Inspectorate

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## Appeal Decision

Site visit made on 28 February 2013

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

Decision date: 21 March 2013

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**Appeal Ref: APP/H0724/A/12/2188722**

**180 York Road, Hartlepool, TS26 9EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr A Ozcan against the decision of Hartlepool Borough Council.
  - The application Ref H/2012/0442 dated 12 August 2012 was refused by notice dated 12 November 2012.
  - The application sought planning permission for the change of use to Use Class A3 purposes as a hot food take away without complying with condition No.2 attached to planning permission Ref APP/H0724/A/01/1058515 dated 22 May 2001.
  - The condition states: *The premises shall not be open for customers outside the hours between 0800 and 2330 hours on Mondays to Saturdays (inclusive) and shall not be open at any time on Sundays or Bank Holidays.*
  - The reason given for the condition is: *to ensure that unacceptable amenity problems do not arise.*
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### Decision

1. The appeal is dismissed.

### Reasons

2. The main issue is whether the disputed condition is reasonable and necessary in order to protect the living conditions of nearby residents, especially with regard to noise and disturbance.
3. The appeal property is a take away, set within a terrace of properties where the ground floor is in commercial use, with some units apparently having residential accommodation above. It is located towards the edge of the defined town centre. The opening hours in the disputed condition are those specified within the original description of the proposal. The Appellant now seeks opening hours until 02.00, seven days a week.
4. At the time of the previous appeal in 2001, the Inspector noted that the main concern was with noise and disturbance in the late evening and night time hours. There is little information as to how many of the upper floors on this part of York Road are in residential use but, on the basis of my own site inspection, this appeared to be the case with a fair number of properties. Also, the character of the streets leading off this part of York Road quickly changes from commercial to residential. As such, I consider that there continues to be an appreciable risk of disturbance to local residents associated with the noise of customers visiting units on York Road either by car or on foot.

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Appeal Decision APP/H0724/A/12/2188722

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5. York Road is on a main approach route to the town centre and I noted during my site visit that it contains several other take aways and restaurants. Whilst there is at least one whose advertised business hours are similar to those being sought by the Appellant, it seemed that most operated under hours which were comparable to those set out in the disputed condition. On that basis, it seems to me that background noise levels in the area are likely to be quite low in the early hours of the morning.
6. In support of his proposal, the Appellant has pointed to the longer hours operated by a take away a few doors away and has suggested that the current proposal has arisen following an objection from another competitor with more restrictive hours. This strongly suggests that an extension to the opening hours of the Appellant's property would be likely to attract further, similar proposals from other businesses. If such a pattern was to be repeated, it would undermine the quiet character of this part of the town centre, to the detriment of nearby residents. I note that the business draws its custom from shift workers rather than late night revellers and that it has not attracted complaints or objections from the police or those living nearby. Indeed, a petition has been submitted in support of the appeal. Nevertheless, in view of the likely harm associated with a wider relaxation in opening hours on this part of York Road, I am satisfied that the condition is reasonable and necessary to protect the living conditions of local residents in the longer term.
7. I have had regard to the other matters raised, including that the proposed hours are said to be required to ensure the viability of the business but, in the absence of supporting evidence, such an assertion is not sufficient to outweigh the harm I have identified.
8. For the reasons given above, I conclude that the appeal should not succeed.

*K.A. Ellison*

Inspector

## PLANNING COMMITTEE

8 May 2013



**Report of:** Assistant Director (Regeneration)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### 1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint received regarding the erection of a porch trespassing over land on Jesmond Gardens.
2. An investigation has commenced in response to a complaint received regarding a caravan repair business operating from a residential property on Gala Close, has been investigated. The business in question is mobile where repairs are carried at the caravan owner's home or at caravan site. As a consequence no planning breach in this instance.
3. An investigation has commenced in response to a complaint regarding the parking of a touring caravan on the highway on Gala Close. The complaint has been redirected to the Highways Division for attention and action if necessary.
4. Officer monitoring noticed the raising of a section of the boundary fence and erection of structures in the rear garden of a residential property on Lincoln Road.
5. Officer monitoring noticed a truck sales business introduced on a former waste transfer site on Casebourne Road, which is currently being cleared of the waste triggered by legal action. Contact has been made with the site owner and discussions are ongoing.
6. Officer monitoring noticed foundation works in construction for the erection of a conservatory to the rear of a property on Greenfinch Close.
7. A Councillor has raised concerns behalf of residents on Viola Close, Middle Warren in respect of members of the public dog walking accessing fields over a section of untreated estate land. The Planning Services Team are In discussions with the developer to agree the implementation of landscaping and a timescale.



8. An investigation has commenced in response to a complaint regarding a car sales business being operated from a residential property on Pinewood Close. The complaint also being investigated by the Council's Trading Standards Department, appropriate action will be taken under their relevant legislation if necessary.
9. An investigation has commenced in response to a complaint regarding the installation of a door into the gable wall of a residential property on North Lane, Elwick, has been investigated. The works in question are considered 'permitted development' not requiring planning permission. The works do require Building Regulations Consent.
10. An investigation has commenced regarding the erection of tall brick pillars and provision of block paving to the front garden of a property on Horsley Close.
11. Officer monitoring noticed the fixing of a plastic advertisement banner of the gable wall of an empty residential property on Oxford Road.
12. An investigation has commenced in response to a complaint regarding a vehicle repair business operating from a residential property on Nightingale Close.
13. Officer monitoring noticed soil deposited on land on Hart Lane which is a Scheduled Monument and as such is a designated heritage asset, early investigations established the works in question had been carried out to provide a temporary surface for general construction access to an adjacent site where work had commenced to erect a bungalow on land that was de-scheduled at some point in 1980s. English Heritage is also to carry out an investigation.

The development in question benefits from a planning consent and conditions linked to this are outstanding and are being progressed to ensure that information is submitted to be checked and formally discharged. Discussions taking place with the builder.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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