

**Chief Executive's Department**

Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 266522  
www.hartlepool.gov.uk

Our Ref:  
Your Ref:

Contact Officer: Jo Stubbs ext. 3568  
Email: [jo.stubbs@hartlepool.gov.uk](mailto:jo.stubbs@hartlepool.gov.uk)

30<sup>th</sup> May 2013

**PLANNING COMMITTEE:**

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Morris, Robinson, Shields, Sirs and Wells

Dear Councillor,

Planning Committee – 5 June 2013 - Updates

Please find attached the following update documents for consideration at the meeting of Planning Committee on 5 June 2013 commencing at 10.00 a.m. in the Council Chamber, Civic Centre.

3.1 Minutes of the meeting held on 8<sup>th</sup> May 2013

4.1 Planning Applications – Updates;

- 2 H/2013/0145 Former Henry Smith School Site, King Oswy Drive, Hartlepool.
- 3 H/2013/0197 21 Land to the side and rear of 21 Seaton Lane, Hartlepool.

Members are requested to bring these update reports with the previously circulated agenda papers to the meeting.

Yours Faithfully,



JO STUBBS  
DEMOCRATIC SERVICES OFFICER  
CORPORATE STRATEGY DIVISION

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

8<sup>th</sup> May 2013

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Kevin Cranney, Mary Fleet, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, Brenda Loynes, George Morris, Jean Robinson, Linda Shields and Ray Wells

Officers: Chris Pipe, Planning Services Manager  
Andy Golightly, Principal Regeneration Officer  
Adrian Hurst, Principal Environmental Health Officer  
Richard Trow, Planning Officer  
Peter Frost, Traffic Team Leader  
Chris Scaife, Countryside Access Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

### **1. Apologies for Absence**

Apologies were submitted by Councillor Kaylee Sirs.

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

None

### **3. Confirmation of the minutes of the meeting held on 3<sup>rd</sup> April 2013**

Confirmed

### **4. 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

**Representations:** The Agent was in attendance and addressed the committee

**Decision:** **Planning Permission Approved:** The Planning  
Committee considered and discussed the officer report and  
recommendation, the Committee considered  
representations made and after consideration the Planning  
Committee took the view that it could support the  
application as it was not considered that the relationship  
between the application site and the adjacent working farm  
would be significantly detrimental to either party. The  
wording of the conditions was delegated to the Planning  
Services Manager in consultation with the Chair of the  
Planning Committee

The Committee considered representations in relation to this matter.

---

**Number:** H/2013/0128

**Applicant:** Dunelm Homes  
Mr Paul Armstrong

**Agent:** Dunelm Homes Mr Paul Armstrong Esh Business  
Park Heighington Lane Aycliffe Industrial Estate

**Date received:** 18/03/2013

**Development:** Residential development comprising 35 dwellings,  
associated roads and infrastructure including  
demolition of sports hall, youth centre and  
caretaker's house (amended layout received)

**Location:** Land adjacent Seaton Carew Nursery School  
Brompton Walk HARTLEPOOL

**Decision:** **Deferred:** To enable a comprehensive Officers  
Report to be presented to the next planning  
committee in light of any consultations received.

Members undertook a site visit prior to the

committee meeting.

---

**Number:** H/2013/0162

**Applicant:** Farmfoods Ltd 7 Greens Road Blairlinn

**Agent:** CPLC Associates Ltd Warren Cooper 87a Station Road Bishops Cleeve Cheltenham

**Date received:** 05/04/2013

**Development:** Display of two externally illuminated fascia signs

**Location:** Farm Foods, Former Pink Domino CATCOTE ROAD HARTLEPOOL

**Decision:** **Advertisement Consent Approved**

**CONDITIONS AND REASONS**

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.
- 

**Number:** H/2013/0116

**Applicant:** Endeavour Housing Association  
Endeavour House St Mark's Court Thornaby

**Agent:** HMH Architects 26 Enterprise House Team Valley GATESHEAD

**Date received:** 15/03/2013

**Development:** Erection of 5 no. 2 bedroomed bungalows and associated works

**Location:** St Marks Church and Community Centre Clavering 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 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 and crime prevention

**Number:** H/2013/0151

**Applicant:** Mrs Amy Waller Hartlepool Borough Council Bryan Hanson House Lynn Street HARTLEPOOL

**Agent:** Hartlepool Borough Council Mr Darron Pearson Hanson House Lynn Street HARTLEPOOL

**Date received:** 26/03/2013

**Development:** Change of use to seven residential flats (plus two existing flats)

**Location:** Former Mas Agraa Palace Restaurant Lynn Street HARTLEPOOL

**Decision:** **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 in consultation with the Chair of the Planning Committee

---

**Number:** H/2013/0152

**Applicant:** Ms Amy Waller Hartlepool Borough Council Bryan Hanson House Lynn Street HARTLEPOOL

**Agent:** Hartlepool Borough Council Mr Steven Wilkie Bryan Hanson House Lynn Street HARTLEPOOL

**Date received:** 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

**Decision:** **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 in consultation with the Chair of the Planning Committee

---

## 5. **Pre briefing for Planning Committee** (*Chair of Planning Committee*)

The Chair informed members that he intended to hold pre-meetings immediately before the main Planning Committee. These would commence one hour before the start of the meeting. In those instances when a site visit had been requested the start time of Planning Committee would move to 11am. These pre-meetings would be an opportunity for members to be made aware of any issues surrounding planning applications. No decisions would

be made at these pre-meetings, all decisions would be taken at the Planning Committee in view of the public. A member referred to the current pre-agenda meetings involving the Chair, Vice-Chair and other senior officers, suggesting that all members be invited to these meetings thereby negating the need for a separate pre-meeting immediately before Planning Committee. However the Chair advised that these pre-agenda meetings were scheduled to best accommodate himself, the Vice-Chair and officers and he was unwilling to complicate this by extending these meetings to all members. These meetings also involved the consideration of delegated items which was something which Planning Committee members were not required to take part in. Concerns were raised that pre-meetings behind closed doors might lead to the appearance that decisions were being made in private however members noted that a Planning Committee pre-meeting had been identified as best practice by external trainers.

It was also suggested by members that exempt items be considered at the beginning of the meeting. However the Chair felt that this was not practical as it would mean the public would have to wait outside the Chamber until the exempt items had been discussed. He felt this was unfair given the length of existing Planning Committee meetings and while he acknowledged concerns about meetings being inquorate this could not be helped and so long as there were enough members present agenda items would be considered.

### **Decision**

That pre-meetings take place one hour before Planning Committee to which all members of the Committee will be invited. Where a site visit has been requested the start time of Planning Committee to be amended to 11am.

## **6. Proposed diversion of Public Footpath No 3, Persimmon Homes, Seaton Parish** *(Director of Regeneration and Neighbourhoods)*

Members were asked to approve the re-routing of a section of Public Footpath No 3 through the Persimmon Homes development site routing it onto the pavements of the estate. Persimmon Homes had requested this diversion to enable the development of the new housing estate. Information relating to legal considerations was detailed in full within the report. Full informal consultation had been carried out with all relevant parties and there had been no objections raised. The cost of the diversion would be approximately £2,500, to be paid by Persimmon Homes. A plan showing the proposed diversion was appended to the report along with a list of consultees.

Members queried why this diversion had not been agreed as part of the original planning application which had been approved in August 2012. The Countryside Access Officer explained that planning permission had to be approved before a public footpath diversion could be requested. The Solicitor confirmed that planning application approval did not constitute pre-

determination.

**Decision**

- I. That the making of a Diversion Order in respect of Public Footpath No 3 Seaton be approved and the proposal as shown in the attached plan implemented
- II. That the Order be confirmed if no objections are received or if any received objections are subsequently withdrawn
- III. That the order be referred to the Secretary of State for confirmation should objections be received and not withdrawn

**7. Proposed Diversion of Public Footpath No 3, Seaton Sports Club, Seaton Parish** *(Director of Regeneration and Neighbourhoods)*

Members were asked to approve the re-routing of a section of Public Footpath No 3 around the central and western sides of the sports field. The Trustees of Seaton Sports Club had requested this diversion to enable the development of the new sports pitch. Information relating to legal considerations was detailed in full within the report. Full informal consultation had been carried out with all relevant parties and there had been no objections raised. The cost of the diversion would be approximately £2,500, to be paid by the Trustees of Seaton Sports Club. A plan showing the proposed diversion was appended to the report along with a list of consultees.

**Decision**

- I. That 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 be approved and the proposal as shown in the attached plan implemented
- II. That the Order be confirmed if no objections are received or if any received objections are subsequently withdrawn
- III. That the order be referred to the Secretary of State for confirmation should objections be received and not withdrawn

**8. Proposed Diversion of Public Footpath No 22, Close Farm, Wynyard, Elwick Parish** *(Director of Regeneration and Neighbourhoods)*

Members were asked to approve the re-routing of a section of Public Footpath No 22 around the southern and western sides of the field adjacent

to Close Farm. SJD Architects had requested this diversion on behalf of the landowner to enable development of the farm buildings. Information relating to legal considerations was detailed in full within the report. Full informal consultation had been carried out with all relevant parties and there had been no objections raised. The cost of the diversion would be approximately £2,500, to be paid by the landowner. A plan showing the proposed diversion was appended to the report along with a list of consultees.

Members referred to the cost of signage, querying whether this should be borne by the applicants. The Countryside Access Officer advised that signage had been purchased previously

### **Decision**

- I. That the making of a Diversion Order in respect of Public Footpath No 22, Close Farm, Wynard, Elwick Parish be approved and the proposal as shown in the attached plan implemented
- II. That the Order be confirmed if no objections are received or if any received objections are subsequently withdrawn
- III. That the order be referred to the Secretary of State for confirmation should objections be received and not withdrawn

## **9. Middle Warren Pill Box - Update** *(Assistant Director (Regeneration))*

A complaint had been received in July 2012 regarding the demolition of a pillbox at Middle Warren. Although not protected by listed building status a condition had been attached to the planning approval for the site preventing demolition. The developer Bellway had apologised for the demolition and offered a number of compensatory measures including the funding of archaeological work and maintenance work to war monuments in Hartlepool. Planning Committee members had agreed these measures would be preferable to enforcement action being taken against Bellway which would have led to a maximum fine of £1,000. Updates on these compensatory measures were provided within the report showing that so far £5,000 had been spent by Bellway on maintaining war monuments in Hartlepool.

Members praised officers for the imaginative way they had found to be compensated for the loss of the pill box. A member referred to £5,000 as a 'derisory' amount given the cost of housing on the Middle Warren Estate however the Chair commented that they could have accepted a £1,000 fine.

### **Decision**

That the report be noted

## **10. Trees and Development Guidelines Supplementary Planning Document** *(Assistant Director (Regeneration))*

The Planning Services Manager advised members that the Trees and Development Guidelines Supplementary Planning Document would be considered by Council on 6<sup>th</sup> June. This would be part of the Hartlepool Local Plan providing 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. The document had previously been considered by Planning Committee, Scrutiny and Cabinet and put out for full consultation. A member referred to the now defunct Tees Community Forest organisation. The Planning Services Manager agreed that they had done a lot of valuable work on tree planting. However Hartlepool was now represented on the Local Nature Partnership. Members requested that when the policy document was agreed that it be filtered to all staff to ensure that the information contained within was enacted.

### **Decision**

That the report be noted

## **11. 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))*

Members were informed that an appeal against the refusal of the Local Planning Authority to allow the change of use of a shop to a hot food takeaway had been unsuccessful. A copy of the decision letter was appended to the report.

### **Decision**

That the decision be noted

## **12. Appeal at 180 York Road, Hartlepool Appeal ref: APP/H0724/A/12/2188722/NWF Variation of condition no 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days a week** *(Assistant Director (Regeneration))*

Members were informed that an appeal against the refusal of the Local Planning Authority to allow extended opening hours to 2am 7 days a week had been unsuccessful. A copy of the decision letter was appended to the report.

**Decision**

That the decision be noted

**13. Update on current complaints** (*Assistant Director (Regeneration)*)

Members were informed of 13 ongoing planning issues which were being investigated.

A member referred to an unauthorised car dealership querying at what point planning officers were able to confirm whether a car sales business was being operated. The Planning Services Manager advised that enforcement could be carried out by the Council's Highway Team if it was operating on the public highway. She advised that the details be passed on to the Highways Team.

**Decision**

That the report be noted

**14. 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 15 – (Annual Enforcement Update Report) – 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 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)

Minute 16 – (25-27 Vicarage Gardens, Hartlepool – Update Report) – 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 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)

- 15. Annual Enforcement Update Report** (*Assistant Director (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 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 given their annual update on all enforcement actions authorised by Planning Committee. A table showing actions to date was appended to the report. Further information is provided within the exempt minutes.

**Decision**

That the report be noted.

- 16. 25-27 Vicarage Gardens, Hartlepool – Update Report** (*Assistant Director (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 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 2 vacant commercial properties on Vicarage Gardens. Further information is provided in the exempt minutes.

**Decision**

That the position be noted.

The meeting concluded at 12:05pm

CHAIR



## UPDATE

**No:** 2  
**Number:** H/2013/0145  
**Applicant:** Vela Group Stranton HARTLEPOOL TS24 7QS  
**Agent:** Blake Hopkinson Architecture LLP Mr D Blake Suite 22A  
Union Quay NORTH SHIELDS NE30 1HJ  
**Date valid:** 21/03/2013  
**Development:** Hybrid planning application comprising: Full application for the erection of 25 dwellings with associated landscaping, infrastructure and access; Outline application for up to 113 dwellings and associated access with all other matters reserved  
**Location:** Former Henry Smith School Site King Oswy Drive  
HARTLEPOOL

---

### BACKGROUND

2.1 This application appears as item 2 on the main agenda. The recommendation was left open as a number of issues were outstanding.

### PLANNING CONSIDERATIONS

2.2 A number of key consultation responses are outstanding including the Traffic and Transportation section's comments. In addition a revised layout and master plan have been received and re-consultation is being carried out on the amendments. Further information is also awaited in respect of drainage as discussions with Northumbrian Water and the applicant are ongoing. Finally, discussions are ongoing with the applicant with regard to the provision of appropriate developer contributions.

2.3 Given the nature of the outstanding issues it is unlikely that they will be resolved prior to the meeting. On that basis it is recommended that the application is deferred to allow for further discussions to take place.

### RECOMMENDATION - DEFER

### CONTACT OFFICER

1. Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel (01429) 523400

E-mail [Damien.wilson@hartlepool.gov.uk](mailto:Damien.wilson@hartlepool.gov.uk)

## UPDATE

### AUTHOR

Jason Whitfield  
Planning Officer  
Planning Services  
Bryan Hanson House  
Hartlepool  
TS24 7BT

Tel: (01429) 523253

E-mail: [jason.whitfield@hartlepool.gov.uk](mailto:jason.whitfield@hartlepool.gov.uk)

## UPDATE

**No:** 3  
**Number:** H/2013/0197  
**Applicant:** Mr Jeff Hutchinson Field House Farm GREATHAM  
Billingham TS23 3TQ  
**Agent:** ASP Associates Mr Paul Alexander Vega House 8  
Grange Road Hartlepool TS26 8JA  
**Date valid:** 23/04/2013  
**Development:** Erection of two detached dwelling houses and detached  
garage and associated access  
**Location:** LAND TO THE SIDE AND REAR OF 21 SEATON LANE  
HARTLEPOOL

---

### BACKGROUND

3.1 This application appears as item 3 on the main agenda and the recommendation was left open as consultation responses were outstanding.

### PLANNING CONSIDERATIONS

3.2 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the effect of the proposal on the amenity of neighbouring properties, design and the impact on the surrounding area, drainage, highway safety and trees.

#### Principle of Development

3.3 The application seeks consent for the erection of two detached dwellings upon the land to the side and rear of 21 Seaton Lane.

3.4 Policy Hsg9 of the adopted Hartlepool Local Plan (2006) advises that proposals for new development will be allowed provided that the location of the new development is such that there is no significant detrimental effect on the occupiers of both the new and existing development. The policy also outlines that tandem development will not be permitted.

3.5 Policy GEP1 of the Local Plan (2006) advises that in determining planning applications regard should be had to the effect on the amenities of neighbouring properties.

3.6 For the reasons discussed below it is considered the proposed development would have a significant detrimental effect on the future occupiers of the proposed dwelling to the side of 21 Seaton Lane by way of the proposed access road serving the development and the impact this would have on the amenities of the occupants of the aforementioned properties in terms of noise and disturbance.

3.7 Given the above, the principle of development is considered to be unacceptable.

## UPDATE

### Residential Amenity

3.8 The access to the proposed dwelling to the rear will be created by way of a shared drive approximately 35m in length to the side of the proposed property to the front of the site. The drive will measure 4.3m in width. There are primary windows located in the side elevation of the proposed property adjacent to the driveway. Means of enclosure to each side of the access road is proposed but details have not been provided.

3.9 The main issues to be considered with regard to the scheme is considered to be the impact of the new driveway on the proposed property in terms of noise and disturbance.

3.10 There are several window located in the side elevation of the proposed property serving rooms of a habitable nature. Whilst fencing could be provided to the side of the property, it is considered that the proposal would create noise and disturbance issues upon the occupants of the proposed dwelling.

3.11. It is considered prudent in this instance to refer to an appeal decision for the erection of a dwelling to the rear of 16 Owton Manor Lane. The application was refused by the Local Planning Authority on grounds of noise and disturbance upon the occupants of the donor property and the neighbouring property of No 18 Owton Manor Lane.

3.12 In dismissing the aforementioned appeal the Planning Inspector stated the following:

*“All of the traffic generated by both No.16 and the proposed bungalow would pass along the driveway close to the front garden, the front bedroom window, the side elevation and the modest remnants of the rear garden at the appeal property. The noise of vehicles so close to what would otherwise be private and secluded areas would be disturbing and the presence of people in such proximity would be intrusive. The driveway would also be close to the boundary with No.18 thereby adding to the coming and going, as well as the manoeuvring and turning of vehicles along a significant length of that rear garden. All that activity would also be just beyond windows to a kitchen and conservatory at No.18, thus transforming the character of that secluded and sylvan space. I do not agree with my colleague (**with regard to a further appeal at 14 Owton Manor Lane which was allowed for a dwellinghouse in the rear garden (APP/H0724/A/08/2062087)**) that a 2m high close boarded fence might effectively ameliorate such harmful effects. In any case, such a structure is not shown beside the front garden or side elevation of No.16 or along the boundary with No.18. And, even if it were otherwise, I consider that the banal repetition of tall bleak fences could, all too easily, radically alter the sylvan and verdant character of the street scene. I consider that proposed would seriously impair the peace and privacy neighbouring residents might reasonable expect to enjoy in a residential area such as this and thus contravene policies GEP1 and Hsg9 of the Local Plan.”*

3.13 Given the above, it is considered that the proposed development would constitute tandem development and the use of the proposed access road serving the development would be detrimental to the amenities of the occupants of the proposed

## UPDATE

dwelling to the side of 21 Seaton Lane in terms of noise and disturbance contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Hartlepool Local Plan.

3.14 The proposed property to the rear of 21 Seaton Lane is sited approximately 22m from the rear elevation of the existing dwelling. Hartlepool Local Plan (2006) guidelines allow for a minimum separation distance of 20m between principal elevations and 10m between windows in the front or rear elevation of a property and blank elevations. As such it is considered that the proposed dwelling to the rear is unlikely to have a significant impact upon the amenity of existing dwelling in terms of overlooking, overshadowing, dominance or outlook.

3.15 The proposed property to the side of 21 Seaton Lane is sited 7m from the side elevation of the existing property. There are windows in the side elevation of 21 Seaton Lane, albeit secondary windows, at ground floor towards the front of the property where the separation distance is greater (some 10m). The main window for consideration therefore is the bedroom window to the side elevation of 21 Seaton Lane at first floor which faces the proposed dwelling. Given that the window serves a bedroom and is at first floor it is considered it would be difficult to sustain an objection to the scheme on the grounds of a detrimental impact upon that window. A suitably worded condition could control the installation of windows in the side elevation of the proposed property to prevent direct overlooking.

3.16 Whilst the proposed property to the side will project some 8m beyond the rear wall of 21 Seaton Lane, it would be off-set 5m (7m at two-storey) from the shared boundary between the two. On that basis it is considered it is unlikely that the proposed dwelling will significantly impact upon the windows in the rear elevation of 21 Seaton Lane in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

3.17 On balance it is considered that the relationship with 21 Seaton Lane is acceptable and that a refusal of the application solely on the grounds of the impact upon 21 Seaton Lane could not be sustained.

### Design/Surrounding Area

3.18 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. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.19 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

## UPDATE

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.

3.20 It is considered that the character and appearance of the immediate area as a whole is varied, consisting of a mixture of house types, ages and styles. Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties, in terms of both scale and design, 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.

### Drainage

3.21 Foul drainage and surface water will be to the public sewers. No objections were received from Northumbrian Water in respect of the previous application. The Environment Agency have raised no objection and no objections have been received from the Council's Engineering Consultancy.

### Highway Safety

3.22 The site provides a 2.4m by 40m sight line on Seaton Lane. The Council's Design Guide and Specification recommends a 2.4m by 43m sight line for a road with a design speed of 30mph. The layout of the development allows for vehicles to enter and leave the site in a forward gear. It is considered that this is of benefit to the potential road safety of the access. On balance it is considered that the proposed access arrangements are acceptable and the proposal is unlikely to have a significant impact in highway safety terms. The Council's Traffic and Transportation section have raised no objections to the application.

### Trees

3.23 There are trees located on the site which are a mixture of semi-mature broadleaves, however, although they form a link with the trees on the railway corridor, their visibility from Seaton Lane is limited. There are two small highway trees on the verge at the front of the proposed development site but the route that the access to the properties takes will avoid them and therefore they are not considered under threat. The proposed hedge will be close to the boundary of 21 Seaton Lane and would need to be maintained both in height and width depending on the species chosen. The Council's Arboriculturalist has raised no objections. It is considered that the impact on trees is acceptable.

## REASON FOR DECISION

.24 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** for the following reason:

## UPDATE

- 1 In the opinion of the Local Planning Authority, the proposed development would constitute tandem development and the use of the proposed access road serving the dwelling on plot 2 would be detrimental to the amenities of the future occupants of the dwelling on plot 1 in terms of noise and disturbance contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Hartlepool Local Plan.

### CONTACT OFFICER

Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

Tel (01429) 523400

E-mail [Damien.wilson@hartlepool.gov.uk](mailto:Damien.wilson@hartlepool.gov.uk)

### AUTHOR

Jason Whitfield  
Planning Officer  
Planning Services  
Bryan Hanson House  
Hartlepool  
TS24 7BT

Tel: (01429) 523253

E-mail: [jason.whitfield@hartlepool.gov.uk](mailto:jason.whitfield@hartlepool.gov.uk)