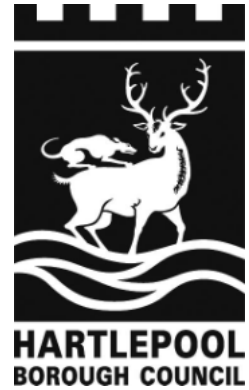


PLANNING COMMITTEE AGENDA



Wednesday 23rd October 2013

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

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

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

3.1 To confirm the minutes of the meeting held on 25th September 2013

4. **ITEMS REQUIRING DECISION**

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

1. H/2013/0320 21 Swanage Grove, Hartlepool (page 1)
2. H/2013/0287 Park Lodge, Ward Jackson Park, Park Avenue, Hartlepool (page 12)
3. H/2013/0440 The Mowbray, Mowbray Road, Hartlepool (page 25)
4. H/2013/0432 Land at The Front / The Cliff, Seaton Carew, Hartlepool (page 34)
5. H/2013/0417 36 Catcote Road, Hartlepool (page 44)

4.2 Update on Current Complaints – *Assistant Director (Regeneration)*

4.3 Heritage Champion for Hartlepool – *Assistant Director (Regeneration and Planning)*



4.4 Neighbourhood Plan Boundary and Forum Designation – *Director of Regeneration and Neighbourhoods*

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

6. 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 20th November 2013



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25th September 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, Keith Fisher, Mary Fleet, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Jean Robinson, Linda Shields and Ray Wells

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Kaylee Sirs.

Officers: Dave Stubbs, Chief Executive
Denise Ogden, Director of Regeneration and Neighbourhoods
Peter Devlin, Chief Solicitor
Jim Ferguson, Planning Team Leader (DC)
Richard Trow, Planning Officer
Mike Blair, Highways, Traffic and Transportation Manager
Dale Clarke, Estates and Asset Manager
Sarah Scarr, Landscape Planning and Conservation Manager
Antony Steinberg, Economic Regeneration Manager
Adrian Hurst, Principal Environmental Health Officer
Ian Bond, Ecologist
Jo Stubbs, Democratic Services Officer

52. Apologies for Absence

Apologies were submitted by Councillors Brenda Loynes and Kaylee Sirs

53. Declarations of interest by members

Councillor Ray Wells declared a prejudicial interest in planning application H/2013/0033 Land North of the A689, Wynyard Business Park and indicated he wished to speak on this item in his capacity as Ward Councillor. He left the meeting during consideration of this item.

Councillor Paul Beck declared a personal, non prejudicial, interest in planning application H/2013/0403 174 West View Road

Councillor Kevin Cranney declared a personal interest in planning application H/2013/0356 Foggy Furze Branch Library. Stockton Road

54. Confirmation of the minutes of the meeting held on 31st July 2013

The minutes were approved

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

Number:	H/2013/0287
Applicant:	Mr Dale Clarke Bryan Hanson House Hanson Square
Agent:	Mr Dale Clarke Hartlepool Borough Council Bryan Hanson House Hanson Square
Date received:	02/08/2013
Development:	Change of use to single dwellinghouse including alteration to form access from Elwick Road and provision of boundary fencing
Location:	Park Lodge Ward Jackson Park Park Avenue HARTLEPOOL
Decision:	Withdrawn from the agenda
Number:	H/2013/0033
Applicant:	Wynyard Park Ltd
Agent:	NATHANIEL LICHFIELD AND PARTNERS LYNDA STEVENSON GENERATOR STUDIOS TRAFALGAR STREET NEWCASTLE UPON TYNE
Date received:	23/01/2013
Development:	Outline planning application, with all matters reserved, for up to 603 dwellings, a 255 sq m (GEA) village hall, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 1,260 sqm, commercial development of up to 101,858 sq m of Class B1 floorspace, sports facilities (two playing fields, a Multi Use Games Area and Changing Rooms), a potential two form entry primary school for up to 420 pupils with associated playing fields and associated highways, landscaping and infrastructure works.

Location: Land North of the A689 WYNYARD BUSINESS PARK

The Committee considered representations in relation to this matter.

The applicant (Matt Johnson), an objector (Steve Litherland) and The Ward Councillor (Councillor Ray Wells) addressed the meeting. The applicant highlighted the positive impact the development would have upon Hartlepool in terms of jobs, affordable housing and the new homes bonus. The objector felt it was premature for the committee to make a decision given the current status of the Local Plan and the transport concerns raised by the Highways Agency and Stockton Borough Council. He called on the Committee to refuse or defer the application until these issues were addressed. The Ward Councillor described the development as a 'potentially massive boost for Hartlepool' and called on the Committee to vote for minded to approve as this would mean that in the event that the transport issues were not resolved the development could not proceed anyway. To defer would only delay matters.

Councillor Wells then left the meeting.

Members discussed the application and raised the following issues:

- Stockton Borough Council had resolved not to report their application at Wynyard to committee at this time due to transport concerns
- Stockton Borough Council had called on Hartlepool Borough Council to defer any decision on this application pending a resolving of said transport concerns
- The application went against the Local Plan currently being considered by the Inspector and approval could result in the inspector finding it unsafe
- There were legitimate transport concerns

A member proposed that the decision be deferred due to material concerns and planning issues. This was approved by the Committee. Councillors Keith Fisher, Alison Lilley and Geoff Lilley voted against deferral.

Decision: **Deferred until outstanding issues regarding highways and developer contributions are resolved.**

Number: H/2013/0378

Applicant: Mr William Rowntree
Mariner Care (Hartlepool) Ltd c/o Bell Anderson Limited
264-266 Durham Road GATESHEAD

Agent: The Shadbolt Group Mr Ian Carman 18 Bewick Road
GATESHEAD

Date received: 12/08/2013

Development: Demolition of day centre and erection of community day centre, mixed use residential care and independent supported living dwellings, associated car parking and road layouts

Location: Havelock Day Centre Burbank Street HARTLEPOOL

Decision: **Planning Permission Approved subject to the conditions set out below and the completion of a legal agreement securing developer contributions of £4,000 each for play, green infrastructure, and built sports**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the details and plans Existing Plans Dwg No(s) A018-100 (Rev A) Location Plan, A018-101 (Rev A) Site Plan, 811/23/2006 Existing Floor Plan, 811/23F/2001 Existing Elevations. Proposed Plan(s), Dwg No(s) A018-102 (Rev A) Site Plan, A018-112 (Rev A) Day Centre Elevations (sheet1), A018-113 (Rev A) Day Centre Elevations (sheet2), A018-110 (Rev A) Day Centre Ground Floor Plan, A018-111 (Rev A) Day Centre 1st Floor Plan, A018-120 (Rev A) Bldg 2A 4 Bed Residential Unit, A018-130 (Rev A) Bldg 2B 4 Bed Residential Unit, A018-140 (Rev A) Bldg 2C 2 No 2 Bed Residential Units, A018-150 (Rev A) Bldg 3A 4 Bed Residential Unit, A018-160 (Rev A) Bldg 3B 3 No ISL Unit, A018-170 (Rev A) Bldg 3C 5 No ISL Unit, received by the Local Planning Authority 31 July 2013 Landscape Plan(s), 822/01 Outline Tree Survey, 822/02 Phase One Detailed Planting, 822/03 Phase Two Detailed Planting, 822/04 Phase Three Detailed Planting, the Maintenance Schedule received by the Local Planning Authority 5 August 2013, and the Design and Access Statement, Flood Risk Assessment & Drainage Strategy, Ground Investigation Interpretative Report received by the Local Planning Authority 31 July 2013, unless otherwise agreed in

writing by the Local Planning Authority.

For the avoidance of doubt.

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

In the interests of visual amenity.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

6. 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.

7. The residential properties hereby approved shall be provided with noise insulation measures, details of which shall first be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the commercial/industrial area to the south (Havelock Street and Pilgrim Street) and the dwellings hereby approved. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.

To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.

8. The cafe/bistro use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation, filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

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

9. The cafe/bistro shall only be open to the public between the hours of 7am and 12 Midnight Mondays to Sundays inclusive.

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

10. Prior to the commencement of the development hereby approved a scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

11. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted and agreed in writing with the Local Planning Authority before the construction of any of the buildings commences. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of crime prevention.

12. The permission hereby granted shall permit the phased development of the site as indicated on the approved drawings and unless otherwise indicated all other conditions shall be construed accordingly.

- In order to ensure that the development of the phases of the site proceeds in an orderly manner.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 15. The features on the existing building that have the potential to be used as roosts for bats, such as hanging tiles with gaps or fascia boards with gaps, shall be removed by hand with a suitably qualified ecologist present when the existing building is demolished.
In the interest of protecting bats.
 16. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 by Shadbolt Group Consulting and the following mitigation measures detailed within the FRA:
 1. The finished floor levels shall be set no lower than 6.45m above Ordnance Datum (AOD),
 2. The footpath link to higher ground shall be set no lower than 6.15m AOD.
 The mitigation measures shall be fully implemented prior to occupation of the development and in accordance with the timing/phasing arrangements embodied within the scheme, unless otherwise agreed in writing, by the Local Planning Authority.
To ensure safe access and egress from and to the site and to reduce the risk of flooding.

Members queried whether there would be any clawback monies due on the Centre. Officers to investigate and report back to members.

Number: H/2013/0320

Applicant: Mrs Sylvia Wilkinson
4 Worset Lane HARTLEPOOL

Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL

Date received:	28/06/2013
Development:	Erection of a single storey family room at the rear and a two storey extension at the side to provide garage with bedroom above
Location:	21 SWANAGE GROVE HARTLEPOOL

The Committee considered representations in relation to this matter.

The applicant's agent (Malcolm Arnold) and an objector (Lynsey Wallace) addressed the meeting. The agent noted that many other properties on Swanage Grove had extensions and this was no worse. The objector felt the proposed extension was unduly large by comparison and the elevated position of the property would lead to unacceptable impacts upon facing properties. She called on members to view the property for themselves. A site visit was subsequently proposed and accepted, to take place prior to the next Planning Committee meeting on 23rd October.

Decision:	Deferred for site visit
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Number:	H/2013/0356
Applicant:	PERSIMMON HOMES LTD (TEESSIDE) BOWBURN NORTH INDUSTRIAL ESTATE BOWBURN
Agent:	Persimmon Homes (Teesside) Persimmon House Bowburn North Industrial Estate BOWBURN Durham
Date received:	22/07/2013
Development:	Erection of 30 dwellinghouses, associated infrastructure, landscaping and car parking
Location:	FOGGY FURZE BRANCH LIBRARY STOCKTON ROAD HARTLEPOOL

The Committee considered representations in relation to this matter.

The applicant (Mr Cook) addressed the meeting. In reference to members' concerns around overgrown trees he advised that the responsibility for the trees would pass to the purchasers of the properties while the management company would be responsible for the trees at the front of the estate.

Decision:	Planning Permission Approved subject to the
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conditions set out below and the completion of a legal agreement securing developer contributions for play (£7,500), sports provision (£7,500), green infrastructure (£7,500) and 3 affordable housing units

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and plans SRH-001 Rev B proposed site layout received 15 August 2013, SRH-002 existing site plan, LY-WD01 (Lumley) Rev G, HT-WD01 (Hatfield) Rev K, SU-WD01 (Souter) Rev M, HB-WD01 (Hanbury) Rev M, RF-WD01 (Rufford) Rev M, RS-WD01 (Roseberry) Rev N received 15 July 2013, and the plans SGD01 - Rev B (single and double garage detail) and SGD02 - Rev A (triple garage detail) received by the Local Planning Authority on 22 July 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. 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.

7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local

Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

10. 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.

11. Notwithstanding the submitted details, prior to any of the hereby approved dwellings on plots 30, 23 and 22 being occupied, the proposed acoustic barrier along the eastern boundary between the residential dwellings and public house (the Greensides) shall be erected strictly in accordance with Dwg No: SRH-001 Rev B received 15 August 2013. Thereafter the acoustic barrier shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of the amenities of the occupants of the proposed properties.

12. A scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

13. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority before the construction of any of the hereby approved dwellings

commences. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of crime prevention.

14. Prior to the occupation of the hereby approved dwellings the bus stop on Stockton Road southwest of the proposed access shall be relocated in accordance with a scheme to be first 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.

15. Prior to the occupation of any dwelling hereby approved the bowling green improvements specified in the document entitled 'Proposed Improvement Works to Bowling Greens in Hartlepool following closure of Staby House (Foggy Furze) Bowling Green' received by the Local Planning Authority on 3 September 2013 shall be carried out unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

Number:	H/2013/0311
Applicant:	Mr Graham Frankland Civic Centre Victoria Road HARTLEPOOL
Agent:	Hartlepool Borough Council Steven Wilkie Bryan Hanson House Lynn Street Hartlepool
Date received:	08/07/2013
Development:	Hybrid planning application comprising: Full application for erection of 3G pitch and associated 4.5m fencing, 8 x 15m floodlights and footpaths; change of use of 1164m ² of floor space from school (D1) to offices/conference facilities (B1a); change of use of 75m ² from school (D1) to office space (B1); change of use of 160m ² of floor space from school kitchen (D1) to industrial catering (B2); creation of additional 0.74ha of playing fields and erection of 2.4m high fencing. Outline application for the erection of up to 107 dwellings with all matters reserved. Outline application for single storey swimming pool with all matters reserved.
Location:	FORMER BRIERTON SCHOOL SITE CATCOTE ROAD HARTLEPOOL

Members raised the following concerns:

- The volume of traffic on the Catcote Road / Brierton Lane junction following the addition of Farmfoods and the increased risk of accidents

- The removal of mature trees and that these be replaced by local semi-mature species encased in guards
- The play provision and that monies be used in the locality
- Drainage

Decision: **Planning Permission Approved subject to conditions, measures to secure the provision of an appropriate level of affordable housing subject to viability and the completion of a legal agreement securing developer contributions of £250 per dwellinghouse for play provision and £250 per dwellinghouse towards built sports facilities and the completion of a targeted training and employment charter. The final decision and wording of conditions to be delegated to the planning services manager**

Number: H/2013/0403

Applicant: Mr RanjitSingh
2 Grosvenor Court Ingleby BarwickSTOCKTON ON TEES

Agent: Mr Eklas Bradwell 41Rillston Close HARTLEPOOL

Date received: 12/08/2013

Development: Change of use from police station to residential dwelling and change of use of public open space to residential curtilage, alterations to windows and doors and provision of bin store

Location: 174 WEST VIEW ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 12 August 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties.

56. Appeal at land to the rear of 20 Owton Manor Lane, Hartlepool *(Assistant Director (Regeneration))*

Members were advised that a planning appeal had been submitted against the Council's decision to refuse the erection of 2 4-bedroom detached dwellings at land to the rear of 20 Owton Manor Lane. The decision was made under delegated powers and the appeal would be determined by written representations.

Decision

That authorisation be given to the contesting of the appeal.

57. Appeal at Three Gates Farm, Dalton Piercy, Hartlepool *(Assistant Director (Regeneration))*

An appeal against the Council's decision to refuse the conversion and extension of existing outbuildings to form a single storey residential annexe had been dismissed, albeit with costs awarded against the Council as the inspector felt they had behaved unreasonably as they had failed to adequately justify one of the reasons for refusal. The appellant had been invited to submit a claim for costs to the Council.

Decision

That the outcome of the appeal be noted.

58. Update on Current Complaints *(Assistant Director (Regeneration))*

Twenty-five ongoing planning issues were highlighted to members. A member requested further information on work carried out at a property on Beaconsfield Street.

Decision

That the report be noted

59. Update on Enforcement Action – Unit 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool (Assistant Director (Regeneration))

Members were advised that following the previous meeting an enforcement notice had been issued against the unauthorised dog breeding business on this site. This notice took effect on 6th September 2013 and an appeal had since been registered. A Section 215 notice was due to be issued to ensure the breeze block built kennels, caravan and associated paraphernalia are removed from the site.

A member referred to newspaper reports linking the owner with the Old Cemetery Lodge and raised concerns that the dog breeding business may transfer to that location. Enforcement Officers would be informed and asked to monitor the situation.

Decision

That the report be noted.

60. Heritage at risk in Hartlepool (Assistant Director (Regeneration))

Members were advised that English Heritage had provided financial support to 19 pilot projects across the UK looking at different methods of assessing Grade II listed buildings at risk, one of which was Hartlepool. Properties had been surveyed and the owners notified that their asset had been included. A register of heritage assets 'at risk' in Hartlepool Borough had subsequently been prepared and was available in the members library.

Decision

That the draft document 'Heritage at Risk in Hartlepool 2013' be approved.

The meeting concluded at 12:32pm.

CHAIR

No: 1
Number: H/2013/0320
Applicant: Mrs Sylvia Wilkinson 4 Worset Lane HARTLEPOOL TS26 0LJ
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert HARTLEPOOL TS26 0SR
Date valid: 28/06/2013
Development: Erection of a single storey family room at the rear and a two storey extension at the side to provide garage with bedroom above (AMENDED PLANS RECEIVED)
Location: 21 SWANAGE GROVE HARTLEPOOL

PURPOSE OF REPORT

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

DEFERRED AND AMENDED

1.2 The application was deferred by Members at Planning Committee on 25th September 2013 in order for Members to carry out a site visit to the property. Following the Committee amended plans have been received which lower the roof of the proposed two storey side extension and introduce a hipped roof. Neighbouring properties have been re-consulted regarding the proposed amendments.

BACKGROUND

1.3 A valid planning application was received on 26/04/2012 for the demolition of a garage and the erection of a two storey side and rear extension to provide double garage, two bedrooms, bathroom and dining room and the erection of an extension to the front to provide living room (H/2012/0217). The application was withdrawn by the applicant following concerns raised by the Local Planning Authority in terms of its scale.

1.4 On 07/03/2013 a valid planning application was received by the Local Planning Authority seeking consent for the demolition of a garage and erection of a two storey extension at the side and rear and two storey extension to the front to provide double garage, dining room, lounge and bathroom with bedrooms above and canopy to front (H/2013/0127). The application was refused by the Local Planning Authority on 02/05/2013 for the following reason:

Given the relationship and separation distances associated with the proposed extensions and the neighbouring property of 20 Swanage Grove it is considered that the proposed two storey side/rear and one and a half storey side extension, by virtue of their siting, design and scale would appear unduly large and overbearing upon the outlook and privacy currently enjoyed by the neighbouring property all to the

detriment of the amenity of the occupants contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan.

PROPOSAL AND SITE CONTEXT

1.5 The application site, 21 Swanage Grove, is a two storey semi-detached property with gardens to the front, side and rear. It is located within an estate of similar style properties. The property is bounded to the south by the residential dwelling of 20 Swanage Grove and its rear garden. To the west is the residential property of 22 Swanage Grove. To the east is the side and front garden of 20 Swanage Grove. Further properties in Swanage Grove are located to the north of the site.

1.6 The application seeks consent for the erection of a single storey family room to the rear and a two storey extension at the side to provide a garage with a bedroom above.

1.7 The proposed single storey family room extension to the rear of the property projects 3m from the original rear wall at a width of 6.64m. The roof will measure 2.7m at the eaves with a maximum height of approximately 3.6m.

1.8 The proposed two storey side extension (as amended) will project 6.955m from the side elevation of the dwellinghouse at a depth of approximately 7.02m. The roof will measure approximately 5.5m at the eaves (measured at the rear of the site – given changes in gradient associated with the site the height of the eaves of the extension differ between the front and rear of the dwelling) with a maximum height of approximately 7.65m.

PUBLICITY

1.9 The original application (prior to the amendment) was advertised by way of neighbour letters (9). Three letters of objection and 1 letter of comments were received.

The concerns raised are:

1. Little change has been made to the original planning application. My main concern about the development is the size, which should the application be accepted, would make the property out of character with neighbouring properties.
2. Parking issues – a house of this size has the potential to generate the use of several cars and looking at the plans there does not appear to be provision made for this. Parking is already an issue within the grove and I feel a development such as this would only add to that problem.
3. Due to its elevated plot a double width two storey extension would be unduly large. Also the featureless gable end would make it look like a block of flats.
4. A single width extension with a garage on the side would be more in keeping with the area.
5. I appreciate the new plans show a reduction to the rear of the property however I remained concerned that they have now increased the size of the side elevation to that of the original plan. I still feel this will encroach on my

property invading my privacy and will affect both sunlight and daylight to my property.

6. Very concerned that the side extension is the same level as the existing roof which I feel will overshadow my house as it is already elevated in comparison to my house.
7. Size of the extension will overwhelm the grove making it look unduly large and out of keeping with the rest of the grove.
8. I refer to your previous report in which you refuse planning permission “the proposed two storey side/rear and one and a half storey side extension, by virtue of their siting, design and scale would appear unduly large and overbearing upon the outlook and privacy currently enjoyed by the neighbouring property”. This will not have changed with the size of the side elevation.
9. Like my neighbours I am not against an extension to this property but feel it needs to be more considerate to those around them and needs to be scaled down.

A letter of comments was also received raising the following:

1. As a neighbour of the said property (and speaking on behalf of the neighbourhood), we would like to ask for more information relating to the recent decision of delaying the application up to 18 October

1.10 With regard to the above comments, the neighbour has been informed that the reason the determination of the application has been delayed is because given the number of objections received the application is to be presented at planning committee.

1.11 As outlined above, the plans have been amended. The application has been re-advertised by way of neighbour letters. At the time of writing the period for publicity is still outstanding and no neighbour responses have been received. The time period for representation to be received expires prior to the committee meeting (22/10/2013). Any responses received will be tabled at the Committee Meeting.

Copy Letters B

CONSULTATIONS

1.12 The following consultation replies have been received:

Traffic and Transportation – There are no highway or traffic concerns

PLANNING POLICY

1.13 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

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

GEP1: General Environmental Principles
Hsg10: Residential Extensions

Emerging Local Plan

1.15 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
LS1: Locational Strategy
ND4: Design of New Development

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.

PLANNING CONSIDERATIONS

1.17 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 any impact upon the character and appearance of the area, any potential for loss of amenity for the occupants of neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposals in relation to the existing dwellinghouse and, more generally the character of the streetscene.

PRINCIPLE OF DEVELOPMENT

1.18 Policy Hsg10 of the adopted Hartlepool Local Plan makes provision for the extension and alteration of dwellings subject to a series of criteria, namely, that

works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

1.19 On balance, it is considered that the proposed two storey side and rear extension to the dwelling can be suitably accommodated in the proposed locations without significantly impacting negatively on the outlook and privacy of the occupants of 20 Swanage Grove and the surrounding residential properties in the area. Whilst it is acknowledged that the scale of the works is large it is considered that the scale of the proposed extension, in particular to the side of the property has been reduced to an acceptable level from that previously refused by the Local Planning Authority. It is considered that the proposed amendment further reducing the impact of the proposed works upon neighbouring properties and the streetscene in general. The proposal is therefore considered to be in accordance with policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan. The justification for this reasoning is outlined in further detail in the remainder of this report.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

1.20 As outlined in the previous report for the recently refused planning application (H/2013/0127) at the property, whilst it is acknowledged that the scale of the proposed works is large and would present a form of development not typically reflective of properties located in the immediate vicinity, on balance, it is not considered that the appearance of the proposed works would significantly impact on the character of the area in general to a level whereby the Local Planning Authority could sustain a refusal.

1.21 Whilst large, it is considered that the scale of the proposal is subservient to the main dwellinghouse. The amendment to drop the height of the roof of the proposed two storey extension further assists this. It is therefore not considered that the character of the existing dwellinghouse would be detrimentally affected.

1.22 Overall, the proposed extensions are considered acceptable in terms of its impact on the amenities of the surrounding area in terms of character and appearance, in accordance with the requirements set out in policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan. As per the previous refusal (H/2013/0127) it is considered that the key area of consideration in the determination of this application is the impact of the proposed works upon the amenity of the occupants of neighbouring residential properties.

RESIDENTIAL AMENITIES

1.23 Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook.

1.24 It is necessary for the Local Planning Authority (LPA) to consider the impact the proposals will have on the aforementioned properties and whether or not a significant impact will be created of a level that the LPA could sustain a refusal. With regard to this application, it is also prudent to consider whether the amendments made to the proposal from that previously refused are enough to reduce the impact upon the amenities of the neighbouring property of 20 Swanage Grove to an acceptable level in line with Local and National policy.

SINGLE STOREY SIDE EXTENSION

1.25 The physical relationship and orientation of the property is such that it is considered unlikely that this element of the proposed works would create any detrimental overshadowing/dominance issues upon the neighbouring properties, in particular those of 20 and 22 Swanage Grove.

1.26 It is prudent to state in the context of this report that given the projection of the extension and its height this element of the proposed works could be constructed without the benefit of prior planning consent under the Town and Country Planning (General Permitted Development) Order 2008.

1.27 Notwithstanding the above, it is considered that the scale of the family room would appear subservient to the main dwellinghouse and therefore the character of the existing dwellinghouse would not be detrimentally affected.

TWO STOREY SIDE EXTENSION

1.28 20 Swanage Grove is located to the side and rear of the application site. The previous planning application at the property (H/2013/0127) was refused given the siting of this neighbouring property and its relationship with the then proposed two storey rear and side extension (including the one and a half storey extension to the side). Officer's considered that given the scale and massing of the extension and its close physical proximity the proposal would lead to a detrimental dominant, potential overlooking and overbearing effect impacting upon outlook and privacy, therefore significantly affecting the living conditions of the occupants of the aforementioned property both from within the building and the garden areas. Officer's considered that this impact would be exacerbated by changes in land levels between the two sites. Furthermore, officers considered that the proposal to the rear and side of the dwellinghouse would significantly affect the outlook from the primary windows in the rear and side elevation of 20 Swanage Grove. It was considered that the fundamental consideration was with regard to the dominance impact the proposal would create.

1.29 Notwithstanding the concerns raised by neighbouring properties, officer's consider that the scale of the proposed works as a whole have been reduced from the previously refused application. This has been further reduced by way of the amendment to drop the height of the roof. Whilst the two storey element of the works to the side of the property is larger than the two storey and one and a half storey extension which was previously refused, it is prudent to state that the two storey works to the rear which were previously proposed (and refused) have been

omitted. The two storey side extension as proposed does not project beyond the rear wall of the original dwellinghouse.

1.30 Given the relationships between the application site and 20 Swanage Grove and the previous application at the site which was refused the impact of the two storey side extension upon the living conditions of the aforementioned neighbouring property require careful consideration.

1.31 On balance, whilst it is acknowledged that the proposed two storey extension will impact upon the amenities of 20 Swanage Grove, it is considered that, the physical relationship and orientation of the property is such that it is considered unlikely that the two storey side extension would create any significant detrimental overshadowing/overlooking or dominance issues upon the living conditions of the occupants of aforementioned neighbouring property.

1.32 Again, whilst it is acknowledged that the proposal is large and will have an impact on the outlook of the neighbouring property from the rear windows and first floor rear and side windows it is not considered that the impact upon the property will be of a level so to sustain a refusal. As outlined earlier in this report, the previously refused application at the site proposed a two storey side/rear extension which projected beyond the rear wall of the dwellinghouse. It is considered that the proposed development will have significantly less impact upon the outlook and living conditions of 20 Swanage Grove, particularly from the rear windows of the dwellinghouse. It is not considered that it will appear unduly large or overbearing from the rear windows given that the bulk of the extension now proposed is to the side of the dwelling and does not project beyond the original rear wall. Whilst the proposed two storey side extension will be prominently viewed from the side and rear windows of a bedroom located at first floor level which is in close proximity to the boundary between the two properties. On balance, given that the aforementioned bedroom is multi aspect, in that there are windows serving the bedroom located in the side, rear and front elevations of the property it is not considered that the impact created will be significantly detrimental upon outlook, loss of light or dominance. It is not considered that any direct overlooking will be created by way of the proposed development; a planning condition has been suggested requiring all the windows located in the rear elevation of the proposed two storey extension to be obscurely glazed.

1.33 Further to the above, whilst the scale of the roof to the two storey extension proposed is large and the land levels associated between the two properties will exacerbate its scale from the outlook of 20 Swanage Grove, on balance, it is not considered that the proposed extension will unduly affect the amenity enjoyed by the occupants of the dwelling in terms of outlook or loss of light to a level whereby the Local Planning Authority could sustain a refusal. As outlined earlier in the report, given that the proposed two storey extension does not project beyond the rear wall, on balance it is considered that the impact the proposed extension would have has been reduced to an acceptable level.

1.34 With regard to the remaining residential properties in the vicinity located to the front and side of the dwellinghouse it is not considered that the proposed works will

create any detrimental impact upon living conditions. The property is located upon a corner plot and benefits from ample separation distances to the front and side.

HIGHWAY SAFETY

1.35 Whilst concerns have been received from neighbouring properties with regard to potential parking issues generated by way of the development, Officers do not consider that any significant issues will be created. The proposed development incorporates a double garage and adequate space upon the driveway for two cars to be parked.

1.36 The Council's Traffic and Transportation Section has considered the proposed development and have stated that there are no highway or traffic concerns with the application.

STREETSCENE

1.37 Again, whilst it is acknowledged that the proposed development is large It is considered unlikely that it would appear unduly large or incongruous upon the streetscene.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.39 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.

1.40 There are no Section 17 implications.

REASON FOR DECISION

1.41 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report. Furthermore, it is considered that the amendment to drop the height of the roof further assists in reducing the impact of the proposal upon the amenities of the occupants of neighbouring properties and the streetscene in general.

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 20/06/2013 (Sheets 1,2 and 4) and the amended plan received by the Local Planning

Authority on 26/09/2013 (Sheet 3 Revision A), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevations of the extensions facing 11, 20 and 22 Swanage Grove without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. The proposed first floor windows to the rear of the two storey extension hereby approved shall be glazed with obscure glass which shall be installed before the hereby approved extension is occupied and shall thereafter be retained at all times while the windows exist.
To prevent overlooking.

BACKGROUND PAPERS

1.42 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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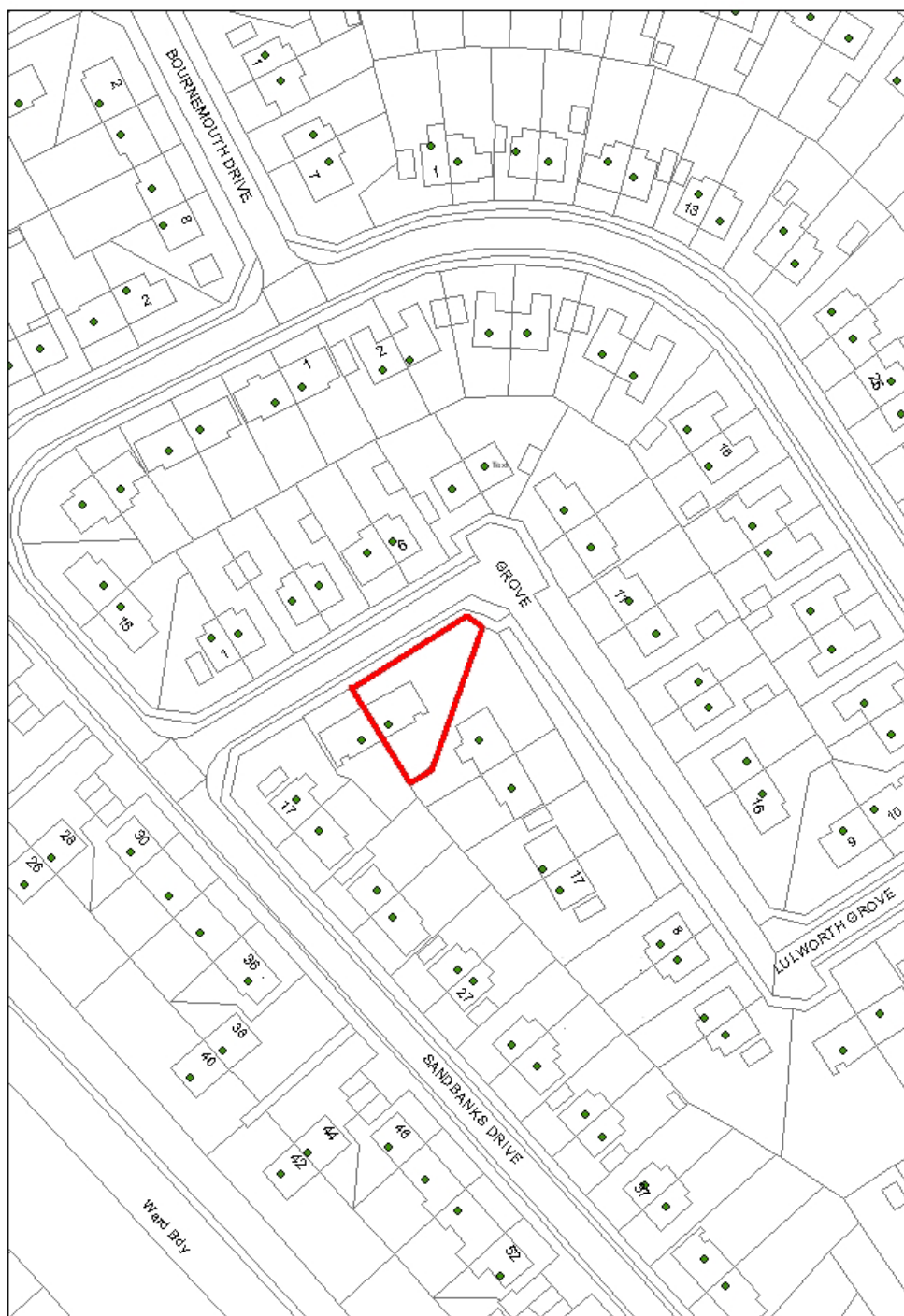
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21 SWANAGE GROVE



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 : 6/9/13
H/2013/0320

No: 2
Number: H/2013/0287
Applicant: Mr Dale Clarke Bryan Hanson House Hanson Square
HARTLEPOOL TS24 7BT
Agent: Mr Dale Clarke Hartlepool Borough Council Bryan
Hanson House Hanson Square TS24 7BT
Date valid: 02/08/2013
Development: Change of use to single dwellinghouse including alteration
to form access from Elwick Road and provision of
boundary fencing
Location: Park Lodge Ward Jackson Park Park Avenue
HARTLEPOOL

BACKGROUND

2.1 The planning application was withdrawn from the agenda at Planning Committee on September 25th 2013 following a request by the applicant.

PURPOSE OF REPORT

2.2 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.

PROPOSAL AND SITE CONTEXT

2.3 The Lodge is located at the south-east corner of the park. It is situated inside one of the two main entrances to the park (the other being to the north end of Park Avenue). The entrance allows for both pedestrian and vehicular access.

2.4 The Park is grade II listed on the English Heritage Register of Historic Parks and Gardens due to its special historic interest. Ward Jackson Park is also part of the Park Conservation Area.

2.5 The park was developed in memory of Ralph Ward Jackson, a local industrialist, who was one of the benefactors and founding fathers of West Hartlepool. Late in life he fell into financial troubles and a fund was set up by the townspeople in acknowledgement of what he had done for the area to support him. Following his sudden death, it was decided that the money should go to a public park to be named in his honour. Opened in July 1883, to a design by the son of the Town Surveyor, Mathew Scott the park covers 7ha.

2.6 The Lodge is a grade II listed building. Built as the Park-Keeper's Lodge in 1883 it was designed by Henry Suggitt, Park Manager. The building was constructed in brick with sandstone ashlar dressings and rusticated quoins at angles. The roof is

covered in Welsh slate with stone gable copings and kneelers, finished with decorative metal finials.

2.7 The proposal is to change the use of the dwelling including alterations to form two access points from Elwick Road and the provision of boundary fencing.

PUBLICITY

2.8 The application has been advertised by way of neighbour letters (5) site notice (2) and press notice. To date, there have been in excess of 400 letters of objection received.

The concerns raised include:

1. The property is unsuitable for conversion.
2. A drive way opening onto Elwick Road means both cars travelling East and West will have little notice of any vehicles exiting the property. This of course carries its danger of collision but will also make emerging from Park Avenue more dangerous.
3. The building was gifted to the people of the town.
4. It is unethical to take something from the people and give it to the highest bidder. It is part of Ward Jackson Park. If it is not it changes the use of the park. The park is for public use.
5. Local groups have offered many times to help turn the building over to more community use.
6. This area is awash with middle class private dwellings but the problems is this Park although in a relatively affluent area serves people from all over the town as Ralph Ward Jackson intended – but it lacks communal indoor space. If this building was used closer to intention it would either be the park keeper's residence or if that use is surplus to requirements a centre for local history would be more useful and tasteful.
7. We do not want more up market residences – there are enough for sale in this area as it is to meet requirements.
8. Ward Jackson Park is not a housing estate and the planning committee if they are to serve the town that pays their wages must send a clear message that this thin end of a potentially very damaging wedge should be assigned to history.
9. There is a covenant, in perpetuity, in favour of the people of Hartlepool and that the Council has no right to sell the lodge.
10. The Council received a grant to secure the future of Ward Jackson Park – has the money been used for this purpose? I understand that the council claim there is no covenant, despite witness evidence to the contrary. The application should be rejected until the legal position is established.
11. This should be used for the good of the people of the town.
12. It should be used to benefit everyone, not just one family who might renovate and destroy any historic features of the house. Its our history.... Not to be sold off for short term profit!
13. This is another piece of Hartlepool the Council are ruining.
14. Being sold purely for the benefit of the Council and not for the benefit of the people of Hartlepool.

15. Building should be restored and used by the community.
16. It is your responsibility to restore the town's heritage and not let it slip through your fingers as the Council has done with the likes of Tunstall Court
17. The building is not the Council's to sell.
18. The road is inadequate at the junction the amount of traffic using the road is increasing.
19. Please do not let us lose any more of our heritage. Use it to benefit the town.
20. The Council were granted more than £1 million to secure the future of Ward Jackson Park, my guess is that English Heritage want their money back.
21. Proposed access is too close to the existing junction.
22. The property is within the boundary of Ward Jackson Park and in a Conservation Area.
23. This house is one of several impressive buildings that this town has and should be kept in the ownership of the town and its people and for future generations.
24. This adds to the proposed list of potential destruction of the conservation area
25. It would be better served as a community arts project centre.
26. Perhaps the Council should entice a recreational business into the building to promote use of the park (e.g. Segway hire, radio controlled boat hire...)
27. I believe the original deed written by the estate of Ward Jackson forbid any development or change of use by the Council.
28. If the building is to be used as a residential dwelling it should be solely for the use of a park warden, not a normal residential dwelling.
29. Changing the lodge to a private dwelling will permanently change the atmosphere of this area.
30. If this is to go ahead what is to stop future private housing development in the Park.
31. If you do this it will be an international disgrace.
32. A private house does not belong within the limits of a public park.
33. Proposing access to the Lodge as a private dwelling directly onto Elwick Road is a recipe for disaster. This stretch of road is very busy as one of the main routes out of town and to High Tunstall School. It would also make pulling out of The Parade onto Elwick Road even more hazardous than it already is.
34. Changes put forward will be detrimental to the public enjoyment and appearance of Ward Jackson Park.
35. It is an unsuitable use for an area within the ground of Ward Jackson Park.
36. Can this legally be done with the green belt and what effects will it have on the rest of the park?
37. Any change of use of this property could weaken the covenant and potentially affect the security of the park.
38. You have sold off the majority of the town's historic buildings and now they stand in disrepair.
39. If you are desperate to raise funds why don't you try selling HUFC the ground for a reasonable price, instead of being a complete pack of mercenaries?
40. Another loss of the town's heritage.
41. If historical buildings are not kept sacrosanct, your descendants and other anglophiles will be bereft of the treasures and the reminders of your rich English heritage.

42. I would hedge a bet that all members of Council cannot name another park/area that allows for children's play areas, fishing, duck observing, open lawns for any number of games, picnics etc.
43. I strongly object to the destruction and desecration of this listed building.
44. The park should be left as it is, once the council sell one little bit, they will think they have the right to sell a little bit more, until it is a housing estate, or even a gypsy site.
45. To allow the Park Keepers Lodge to be changed into any development would be worse than a tragedy. It would make a mockery of the sacrifices that the citizens made in the formation of this park as a whole.
46. We should be restoring these buildings not using them for the wrong purposes.
47. Ward Jackson Park is one of a small number of Grade II listed parks in the UK. The Council should be protecting this listing and be proud of retaining this beautiful park and the lodge.
48. Issues in terms of refuse storage, bins, laundry hanging out, privacy and safety.
49. Should be left for kids to play in.
50. Access is an accident waiting to happen.
51. Don't need anymore houses in this area.
52. Get the town's people to look after the park which I think would save the Council money.
53. Change of use should be restricted to public use only.
54. Could we be considered to be re-housed in this property?
55. This building is one of the Park's fixtures and fittings as are the fountain and bandstand. They should remain in public ownership to maintain the historic quality of the park as a whole.
56. The trees on this site are under a TPO.
There would be a significantly, adverse effect on the setting and character of this main entrance to Ward Jackson Park.

Copy Letters A

2.9 Following the September Planning Committee meeting a further letter of objection has been received. The areas of concern raised are similar to those outlined above.

CONSULTATIONS

2.10 The following consultation replies have been received:

Traffic and Transportation – The two access points will allow vehicles to enter and leave the parking area in a forward gear. Each access should be constructed to HBC specifications and by a NRASWA approved contractor.

English Heritage – Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society – No comments received

Council's Arborist – The proposal involves the removal of a small section of overgrown privet hedge and scrubby undergrowth in order to create an access between the proposed parking area and the lodge house. None of the trees at the site, which, should be transferred into private ownership are protected by virtue of their being in the park conservation area, will be affected by the proposal. Therefore I would raise no objection.

Tees Archaeology – No objections**Garden History Society – No comments received**

The Civic Society – The Society has no comment to make regarding the planning application, however it would emphasise its serious objection to the actual sale of the property – the view which the Council has been aware of. We would like to remind members of the Planning Committee of our concerns:

Park Lodge is a most attractive listed building located in the Park Conservation area and is also an important feature of Ward Jackson Park, which is registered as a historic park and garden by English Heritage. The Society is extremely worried at the sale of a corner of the park and the pitfalls of separating the ownership of the lodge and associated garden/trees from the park of which it is so important a feature.

New owners, sooner or later, will wish to completely alter the scale of the building. It is doubtful the effect on the character of the park will be a concern and some of the trees included within the sale site are also going to be at risk. There are examples of how separate ownership of lodges to the large houses in The Park area can result in poorly scaled extensions destroying the scale and character of these buildings. It would be a tragedy for this to happen to the Park Lodge and for this corner of the park to be dominated by a completely disproportionate building.

The Society is realistic enough to know that the Council is looking for assets to release capital; however, it is difficult to believe that this one small building is going to make any significant contribution. We can only assume that this is being viewed purely as a commercial property transaction with no consideration as to the historic, cultural and economic importance of Ward Jackson Park as a whole.

The Society is aware of a Council initiative to buy up and renovate empty properties to be renting out through Housing Hartlepool. We feel this is a very positive and laudable scheme. Why not include such property already in the ownership of the council? The Park Lodge would appear to be an excellent candidate and could be easily renovated – it would only need cosmetic work.

Alternatively perhaps the Council might be more creative and could follow the National Trust or Landmark Trust scheme of renting out historic properties for holiday lets. There must be many who would find Ward Jackson Park an attractive base for a holiday. The building could then pay for itself and also provide employment for cleaning staff. The property might even make a continuing

contribution to the council's coffers. If the council feels unable to manage such a scheme there are instances of working in partnership with the likes of the Landmark Trust – an excellent opportunity to add to tourism in the area.

We would strongly urge the Council to withdraw this property from the For Sale List – the **negative implications of breaking up the park** make the proposed sale a **huge mistake outweighing any limited monetary benefit**. Ward Jackson Park is an extremely well-used public facility inserting a private home into its boundary is a dubious concept

PLANNING POLICY

2.11 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

2.12 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
 GN3: Protection of Key Green Space Areas
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 HE6: Protection and Enhancement of Registered Parks and Gardens

Emerging Local Plan

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

LS1: Locational Strategy
 CC1: Climate Change
 CC2: Energy Efficiency
 ND4: Design of New Development
 HSG1: New Housing Provision
 HE1: Conservation Areas
 HE4: Other Heritage Assets
 NE1: Green Infrastructure

National Policy

2.14 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.

- 7: Presumption in favour of sustainable development
- 14: Presumption in favour of sustainable development
- 49: Housing and the presumption in favour of sustainable development
- 56: Good design is a key aspect of sustainable development
- 57: High quality inclusive design
- 60: Promote or reinforce local distinctiveness
- 128: Describe the significance of any heritage assets affected, including any contribution made by their setting
- 129: Identify and assess the particular significance of any heritage asset
- 131: Viable uses consistent with the conservation, positive contribution to sustainable communities and local character and distinctiveness
- 132: Great weight should be given to the asset's conservation

PLANNING CONSIDERATIONS

2.15 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 principle of the development, the impact upon the character and appearance of the conservation area/listed building and park, impact on the amenity of nearby residential properties, restrictive covenants and highway safety.

Principle of Development

2.16 The lodge house, Ward Jackson Park and the Park Conservation Area are all designated heritage assets. The definition of which is ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of heritage interest.’

2.17 Current National Policy as set out in the NPPF advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications LPAs are required to examine 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. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF advises great weight should be given to the

asset's conservation. It also states that where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or various other criteria apply (the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset itself can be found, conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use).

2.18 The following Local Plan policy remains relevant,

HE1 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

HE6 'Developments within or in the immediate vicinity of those areas included in the register of parks and gardens of special historic interest should take account of the character of those parks and gardens. Such developments should not involve the loss of features considered to form an integral part of the special character or appearance of the area.'

2.19 In light of the above, having considered the impact of the proposed development on the heritage assets, including the Conservation Area, the lodge house and Ward Jackson Park along with issues regarding the impact upon the character of the area and highway safety and given the nature of the proposed use the Local Planning Authority considers that in principle the change of use of the property to a single dwelling is acceptable. The justification for this reasoning is outlined in the remainder of the report.

Impact Upon the Character and Appearance of the Conservation Area/Listed Building and Ward Jackson Park

2.20 As outlined earlier in the report, The Lodge is located in the Park Conservation Area and is a Grade II listed building. Furthermore, the property is located within Ward Jackson Park, which is grade II listed on the English Heritage Register of Historic Parks and Gardens.

2.21 With regard to the proposed change of use of the building to a dwelling house including the provision of boundary fencing to define the dwellings curtilage and accesses, given the history of the building, it is considered by officer's that purely changing the use of the property, providing a suitable boundary fence and the insertion of accesses onto Elwick Road would not have any significant detrimental impact on the character and appearance of the listed building, the registered park and garden or the wider Park Conservation Area. Moreover, it is not considered that the use of the property as a single dwelling house and land as the proposed garden areas will have any significant impact upon the function of Ward Jackson Park or the surrounding area as a whole. In general appearance terms, aside from the provision of boundary fencing and the insertion of two accesses onto Elwick Road there will only be very minor visual alterations, none of which are considered to be significantly

detrimental upon the character of the area, subject to suitable materials being used. An appropriate condition has been suggested with regard to boundary enclosure details and surfacing materials to be used in the construction of the parking area to be created.

2.22 Further to the above, it is considered that the proposed use is a sustainable and viable use which will conserve the future of The Lodge as a heritage asset. Moreover, the proposal will not lead to any substantial harm to the significance of not only The Lodge but Ward Jackson Park and the Park Conservation Area as a whole. It is therefore considered that the proposal accords with National and Local policy. It is prudent to state that English Heritage have raised no objections to the proposal.

Impact on the Amenity of Nearby Residential Properties

2.23 The Lodge is located at the south-east corner of the park. It is situated inside one of the two main entrances to the park (the other being to the north end of Park Avenue).

2.24 Residential properties are located to the south and east of the property. Given the separation distances, nature of the proposed use and screening it is not considered that the proposal will unduly affect the amenity of any of the neighbouring properties in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

Restrictive Covenants

2.25 Several concerns have been received with regard to a restrictive covenant upon the property. It is prudent to state in the context of this report that any issues with regard to restrictive covenants are out with the remit of the planning system and the consideration of this planning application.

Highway Safety

2.26 A number of concerns have been received with regard to the proposed access arrangements, as proposed two accesses will be formed onto Elwick Road. The Council's Traffic and Transportation Team have considered the proposal and have stated that the two access points will allow vehicles to enter and leave the proposed parking area in a forward gear. The Traffic and Transportation Team have raised no objections to the proposed access. It is considered therefore that in highway terms the proposed access arrangements are acceptable.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.29 There are no Section 17 implications.

REASON FOR DECISION

2.30 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 outline below

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 02/08/2013 (DRWG NO's: E/S/761c, E/S/761-a and E/S/761-b), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the details shown on the proposed plans as outlined in condition 2 of this permission prior to the occupation of the dwellinghouse further details of all fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and in the locations detailed on DRWG NO: E/S/761-b.
In the interests of the character and appearance of the Conservation Area, the Listed Building and visual amenity.
4. Prior to the occupation of the dwellinghouse details of the proposed treatment of the proposed hardstandings, including the driveway/parking/manoeuvring areas and pathways, shall be submitted to and approved in writing by the Local Planning Authority. These features shall thereafter be constructed in accordance with the details so approved and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity, the character and appearance of the Conservation Area and the Listed Building.
5. Prior to the occupation of the dwellinghouse a scheme detailing how the existing garage door opening into the park will be sealed shut (as outlined on DRWG NO: E/S/761-b) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the details so approved and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the character and appearance of the conservation area and users of the park

6. 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 hereby approved shall not be extended or altered 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure other than those agreed by way of condition 3 of this permission, shall be erected within the curtilage of the dwellinghouse without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the character and appearance of the conservation area and the listed building.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s), shed(s) or any other outbuilding(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

BACKGROUND PAPERS

2.31 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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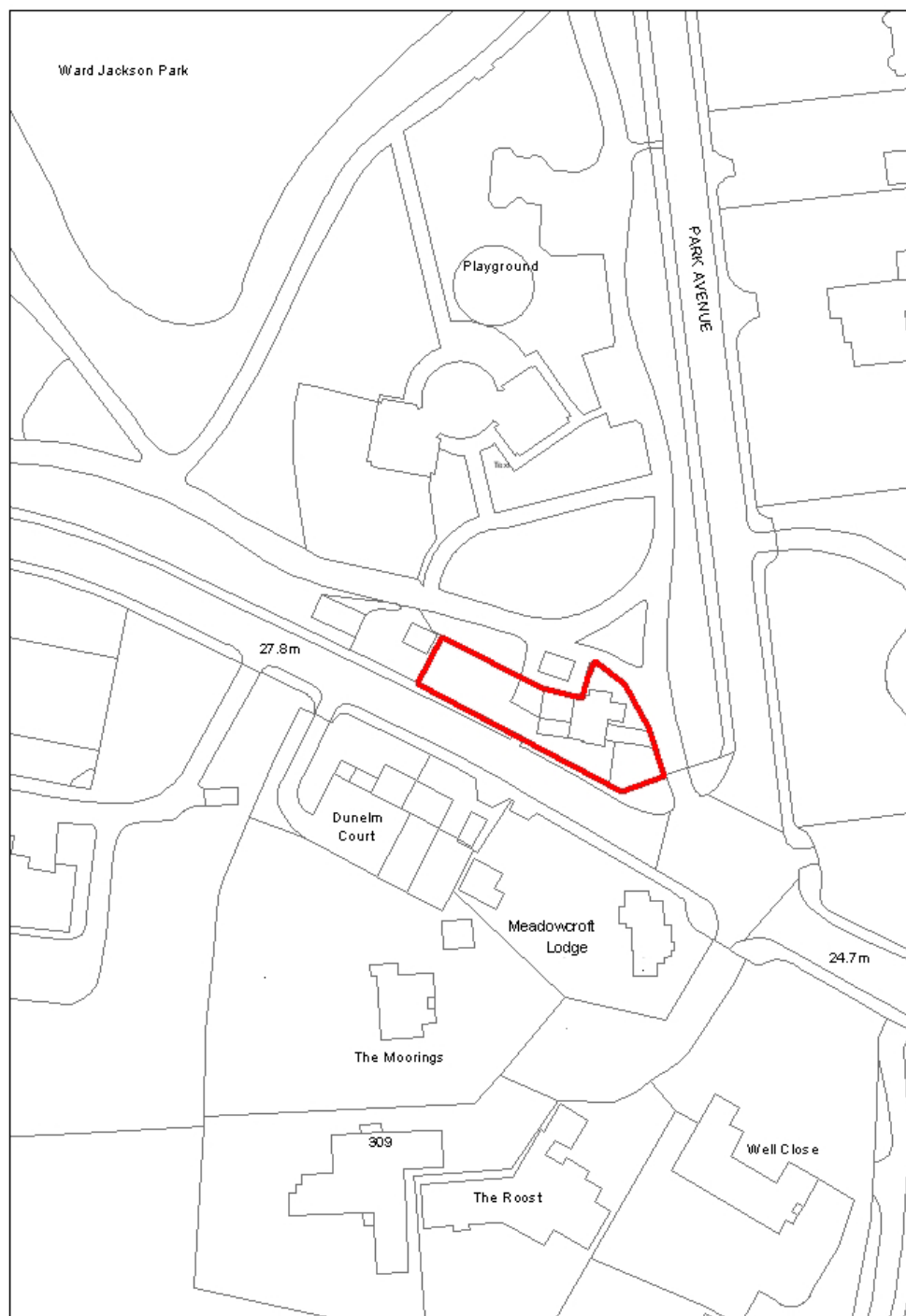
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PARK LODGE, ELWICK ROAD



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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 : 6/9/13
H/2013/0287

No: 3
Number: H/2013/0440
Applicant: Mr Jon Whitfield Hub Two Innovation Centre Venture Park
HARTLEPOOL TS25 5TG
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 05/09/2013
Development: Alterations to windows and shopfronts, creation of new
openings to create three A1 retail units and external works
including erection of boundary wall, fence and service
gates
Location: THE MOWBRAY MOWBRAY ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 A valid planning application was received for the erection of a free standing post, sign and non-illuminated lettering on front elevation (H/1987/0498). The application was approved by the Local Planning Authority on 05/11/1987.

3.3 A valid planning application was received for the extension of public house into shop and associated alteration to elevations (H/FUL/1996/0178). The application was approved by the Local Planning Authority on 10/06/1996.

3.4 This application is being reported to committee as more than 3 objections have been received.

PROPOSAL

3.5 Planning permission is sought for alterations to windows and shopfronts, creation of new openings to facilitate three A1 retail units and external works including erection of boundary wall, fence and service gates.

3.6 This is not an application for the change of use of the public house to retail units, it is an application for external works to the premises. By virtue of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises can be changed from a public house (Use Class A4) to a retail shop (Use Class A1), a professional services office (Use Class A2) or a café (Use Class A3) without the need for planning permission.

SITE CONTEXT

3.7 The application site constitutes a vacant public house of no significant architectural merit. The applicant has carried out some works to the building including internal works, the bricking up of a window and the commencement of a boundary wall. The internal works and the boundary wall would not require planning permission. The bricking up of the window would require planning permission; therefore the application is part retrospective on account of this.

3.8 The site is a corner plot, with the building facing onto both Fenton Road and Mowbray Road. The property has a sizable car park, which would provide 23 standard parking bays and 3 disabled bays. The car park would be accessed from Fenton Road.

PUBLICITY

3.9 The application has been advertised by way of 19 neighbour letters and 2 site notices. To date, there have been 11 objections to the proposed development.

3.10 The concerns raised are:

- No one in close proximity to the site has been informed as to what the units will be.
- Concerns that an off-licence will open causing anti-social behaviour.
- Concerned that a take-away will open causing litter problems.
- Planning permission has not yet been granted but there is a lot of work going on inside the building.
- Traffic
- Residential amenity
- Unnecessary development would prefer housing for families or the elderly.
- Loss of a community asset.
- Anti social behaviour
- Litter
- Noise and disturbance
- Food odours
- Loss of property values
- Lopping of trees and bushes
- Pollution
- Concerns regarding opening hours
- Air conditioning or refrigeration units may be installed.
- The application does not refer to signage or lighting.
- Impacts on wildlife
- No tree survey
- Visual appearance of proposed roller shutter doors.
- Not enough people have been consulted.
- Possible covenant restricting use of the premises to a community resource.
- The use of the first floor as rented accommodation is a change of use.

The period for publicity has expired.

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CONSULTATIONS

3.11 The following consultation replies have been received:

HBC Traffic and Transport: There would be no highway or traffic concerns with the external alterations.

HBC Economic Development: No objections

HBC Engineering Consultancy Telford: No comments offered

HBC Public Protection: No objections

Cleveland Police: No objections

PLANNING POLICY

3.12 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

3.13 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 and Design

Emerging Local Plan

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

SUS1 - Presumption in favour of Sustainable Development

LS1 - Locational Strategy

ND4: Design of New Development

National Policy

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

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

3.16 Paragraph 7 requiring good design

PLANNING CONSIDERATIONS

3.17 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 impacts on the visual amenity of the area, impacts on residential amenity, highway safety and other matters.

Principle of Development

3.18 To clarify matters the submitted planning application is for alterations to windows and shopfronts, creation of new openings to facilitate three A1 retail units and external works including erection of boundary wall, fence and service gates. The application is not for a change of use; by virtue of the Town and Country Planning (Use Classes) Order 1987 (as amended) the premises can be changed from a public house (Use Class A4) to a retail shop (Use Class A1), a professional services office (Use Class A2) or a café (Use Class A3) without the need for planning permission. In addition the first floor flat does not require consent as it is an existing use; there will be no change to this flat as a result of the development.

3.19 Concerns have been raised regarding the potential end use of the units in particular there are concerns that the units may be opened as an off-licence, bookmakers or a take-away. In this circumstance the opening of an off licence or bookmakers would not require planning permission, it is outside of the control of the local planning authority and cannot be considered as part of this application. A take-away in this location would require a formal planning application, as this is not proposed as part of this application, this use cannot be considered as part of the determination of this application.

3.20 The principle of the alterations to the property are considered to be acceptable. The key considerations in the determination of this application are the visual impacts of the proposed alterations and any impacts the proposed development will have on the amenity of neighbouring properties.

Impacts on the visual amenity of the area

3.21 The proposed development includes alterations to windows and shopfronts, creation of new openings to create three A1 retail units and external works including erection of boundary wall, fence and service gates.

3.22 It is considered that the proposed alterations to the building would be in keeping with the character and appearance of the building, the site and the surrounding area. A concern has been raised regarding the visual amenity of the roller shutters, it is considered that the proposed roller shutters would not be so detrimental to the appearance of the building or the surrounding area so as to warrant the refusal of the application. Roller shutters are considered to be a feature typical to commercial premises. The proposed boundary treatments include a low level wall and fence to the front of the site. This structure would provide definition to the site boundary, while being of a modest scale and of a design which would be suitable to the site and the surrounding area. The proposed fence and gates would be located to the rear of the building and would be of an appropriate scale and design of the host property and the surrounding area.

3.23 The proposed alterations to the building and the boundary treatments would be acceptable within the streetscene and would not be detrimental to the visual amenity of the area.

3.24 The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan and policy ND4 of the emerging local plan.

Impacts on residential amenity

3.25 In terms of residential amenity, the use of the premises cannot be considered, as planning permission is not required for the change of use in this circumstance, as previously set out. The impact of the development on neighbouring properties can only be considered in terms of any impacts the alterations and boundary treatments would have on neighbouring residents.

3.26 It is considered that due to the distance of the building from neighbouring properties and its orientation on the site, the proposed alterations would not create any significant overlooking to neighbouring properties, nor would the proposal create any significant overbearing impact to neighbouring properties.

3.27 The proposed development is considered to be acceptable in terms of its impacts on the privacy and amenity of neighbouring properties in accordance with policy GEP1 of the Hartlepool Local Plan and policy ND4 of the emerging local plan.

Highways

3.28 The Council's Traffic and Transport Section have been consulted and raise no objections to the proposed development.

3.29 Residents have raised concerns in relation to increased traffic and highway safety, however as the use of the premises is not being considered as part of this application, and there are no objections to the development under consideration from

the Council's Traffic and Transport Section, it is considered that the proposed development would not be detrimental to highway safety.

3.30 In addition, the premises have previously been in commercial use and there is a large on site car park.

3.31 The proposed development is considered to be in accordance with policies GEP1 and GEP3 of the Hartlepool Local Plan and policy ND4 of the emerging local plan.

Other matters

3.32 Proposed signage, lighting and air conditioning and refrigeration units have been queried; signage requiring advertisement consent would require a further application. Lighting cannot be considered as the application does not show any lighting apparatus which would require planning permission. Refrigeration and air conditioning units cannot be considered, as they do not form part of this application.

3.33 Concerns have been raised regarding the necessity of the shops; this is not a material consideration in the determination of the application.

3.34 Anti-social behaviour, litter, noise and disturbance, food odours and pollution all relate to the potential use of the premises, these issues are not material considerations in the determination of this application as the use of the premises is not under consideration.

3.35 Loss to the value of properties has been raised as a concern; this is not a material planning consideration.

3.36 Impacts on wildlife have been referred to in public comments. The Council's Landscape Planning and Conservation section have raised no objections to the proposed development.

3.37 Lopping of trees has been commented upon; this refers to the trimming of branches along the applicant's boundary. No protected trees have been lopped nor is the site within a conservation area. It is therefore considered that no significant harm has been caused to trees.

3.38 Concerns have been raised regarding the amount of people consulted, however, it should be acknowledged that the local planning authority has exceeded its statutory duty in terms of consultation on this planning application.

3.39 The loss of a community asset has been raised in an objection to the development and it has been stated that there is a possible covenant restricting the use of the premises to a community resource. The use of the premises is not under consideration, the change of use of the building to retail units is permitted development. Covenants are a legal matter and not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.41 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.

3.42 There are no Section 17 implications.

REASON FOR DECISION

3.43 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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Site location plan; Drawing no. 6, Site plan; Drawing no. 4, Proposed floor plan; Drawing no. 5, Proposed elevations; received by the Local Planning Authority on 5/9/2013.
For the avoidance of doubt.

BACKGROUND PAPERS

3.44 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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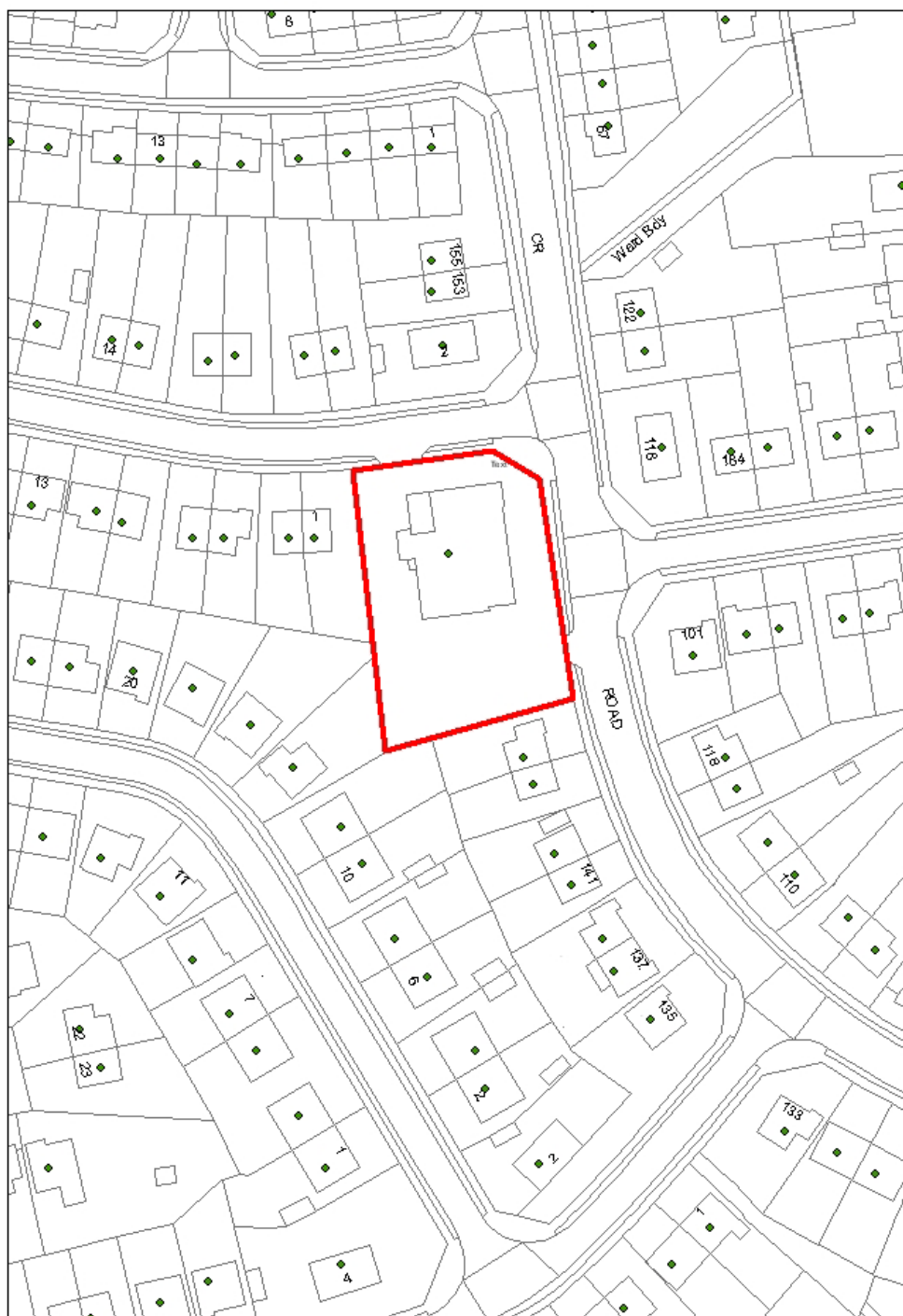
AUTHOR

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THE MOWBRAY PH, MOWBRAY ROAD



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

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Scale: 1:1000
Date : 09/10/13
H/2013/0440

No: 4
Number: H/2013/0432
Applicant: MR DALE CLARKE BRYAN HANSON HOUSE HANSON
SQUARE HARTLEPOOL TS24 7BT
Agent: MR DALE CLARKE HARTLEPOOL BOROUGH
COUNCIL BRYAN HANSON HOUSE HANSON
SQUARE TS24 7BT
Date valid: 04/09/2013
Development: Change of use to siting of amusements, rides, catering
vans and use of bus station kiosk for sale of hot
beverages, snacks and newspapers
Location: LAND AT THE FRONT / THE CLIFF SEATON CAREW
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 Seaton Carew has seen much activity over the years and numerous licensing, highways and planning permissions/restrictions exist along the Seaton Front area. The Council's estates team have been approached by numerous business operators all with varying ideas regarding what tourist attraction they would like to bring to Seaton. This application seeks to set a clear basis for future investors as to what they can do and in what location. The proposal is also part of a wider plan to bring tourism into Seaton Carew.

PROPOSAL

4.3 The applicant seeks permission for commercial activities on three separate parcels of land located along Seaton Carew Front and the reopening of the newsagents kiosk within the bus station. The three parcels of land starting from the north are entitled site A, site B and site C.

Site A

4.4 Land East of the Village Green is proposed to be used for small facilities such as bouncy castles, catering vans, etc, that would arrive early on a morning and vacate the site at the end of the same day.

Site A

4.5 The Land North of the Paddling Pool is proposed to have small children's rides, such as tea cups, hook-a-duck and merry-go-rounds. Rides on this site may be in use for a period from April to September.

Site C

4.6 The Land to the rear of the Bus Station is proposed to be used for larger rides, such as dodgems and waltzers. Rides on this site may be in use from April to September.

SITE CONTEXT

4.7 The application relates to three parcels of land along Seaton front. The northern most site (site A) is currently a landscaped area of public open space opposite the residential area of The Green. The middle site (site B) is currently a grassed area of public open space adjacent to the fenced off paddling pool site and opposite commercial and residential properties along The Front. The southern most site (site C) is located to the rear of the grade II listed bus station, the area is grassed public open space with footways running through it, opposite to the bus station lies the commercial but predominantly residential area of The Front and the surrounding streets (Church Street, South End and Crawford Street). The kiosk already exists within the bus station but it has been vacant for a number of years. All three parcels of land are within the Seaton Carew Conservation Area.

PUBLICITY

4.8 The application was advertised by way of 96 residential consultation letters, three site notices and press notice

4.9 19 Representations were received from residents, four included elements of support and 18 included an absolute objection or elements of objections to some elements of the proposal.

The elements of support include:

- Amusements are an excellent attraction for The Front.
- Generally support the commercial development of the Seaton area.
- Do not object to the application as a whole, nor to the underlying principle of seeking to improve Seaton Carew as a visitor destination.
- Support the use of the grass spaces behind the Bus Station for ice cream vans, etc. and we are pleased the Kiosk is to be restored.

The concerns raised by residents include:

Site 1 (land opposite The Green)

- Parcel 1 is a designated protected green space in accordance with saved Local Plan Policy GN3.
- No additional amusements and catering vans should be allowed north of Seaton Lane and south of Warrior Drive.

- The area is a residential area and should not have commercial activity within it the area is used for quiet and pleasant recreation. This area has always been separate from the Commercial area.
- The area is a conservation area and not a commercial area, HBC have produced literature in the past 'Looking after Your Historic home' which indicated HBCs values for historic properties.
- The village area is enclosed by landfill and commercial activity should not be located in this residential area.
- Noise pollution will increase from the generators, the proposed time span (April-September) will add to noise disturbance as residents are likely to have windows open.
- Increased litter pollution.
- Increased parking and traffic problems.
- Drainage problems will increase.
- Odours from the catering vans will be a problem.
- Vans and equipment will impede the view of the sea front.
- HBC should support existing businesses and not allow further competition.
- Flowerbeds have already been removed, why has this occurred?
- The site should remain open and not be fenced off.
- The area is adjacent to a local wildlife site (Seaton Carew beach) commercial activity would not benefit the local flower and fauna.
- Damage to the grass due to continuous coming and going.
- There is sufficient land available near the bus station and the Longscar for commercial activity.

Site 2 and site 3

- Parcels 2 and 3 are designated as development sites in Seaton Carew in saved Local Plan Policy TO4a and TO4c.
- Concerns regarding the application will be mitigated if the change of use was restricted to Parcels 2 & 3 which is a logical approach as Parcel 3 in particular is a predominantly tarmaced area which has a greater degree of separation distance from the bus station to residential properties on the opposite side of the road.
- Existing activities such as Bonfire Night already cause noise and disturbance, the noise and disturbance will increase.
- Increase in litter.
- Increased parking and traffic problems.
- Increase in smells.
- Increased anti social behaviour.
- Detrimental impact upon the historic clock tower.

Representations that relate to all three sites include:

- The public land is freely enjoyed and a well maintained community space, no one should have the right to change the traditional purpose of the land for commercial purposes.
- The land is leisure space and should remain so.
- The area is a conservation area and forms part of the character of the area which assists in attracting visitors to the area.
- The 'jewel of Hartlepool's crown' should be maintained.

- This scheme could be contrary to what the Esh group.
- People residing on the sites over night in caravans.
- Sites further to Coronation Drive would be more suitable as they are away from dwellings.
- Fairground rides are unsightly because of their size.
- Road safety concerns with fairground rides close to the road.
- lack of privacy as some of the rides go up in the air and people would see into properties.
- An increase in noise and vibration from generators, tannoys, traffic and people which will be particularly worse for those without double glazing.
- Pollution from dangerous combustible solvents.
- Increased litter including dog fouling.
- Increase in smells.
- Traffic and parking problems will increase.
- The addition of further commercial uses would create unfair competition for existing traders.
- HBC should be trying to support businesses that operate all year, these activities will not add to the economy all year round.
- The Council dictate on what windows can be installed but then proposed fairground rides!
- Question whether Seaton actually needs any more food outlets/catering vans.
- Concerns over the length of opening time and that this will have an impact upon residential amenity.
- Concerned that the details of the scale and the proposed amount of vehicles, amusement rides and associated paraphernalia has not been specified in the application. Policy HE1 criteria i and ii cannot be satisfied due to the lack of information.
- It would be better to consolidate uses into a smaller area and as such focus on land which is available closer to the town centre which would also minimise its impact upon the Seaton Carew Conservation Area.
- A balance must be struck between the tourism aspirations and the right of the home owners to live peacefully in a residential area.
- What right does Dale Clark have to apply for planning permission.
- disputes regarding the necessity for planning permission as such activities have occurred in the past anyway.
- The location shown on the application form a is misleading.
- Concerned that the details of the scale and the proposed amount of vehicles, amusement rides and associated paraphernalia has not been specified in the application. Policy HE1 criteria i and ii cannot be satisfied due to the lack of information.
- Further information should be provided so that residents can comment further.

Miscellaneous representations

One resident also submitted information regarding the types of uses that exist along The Front, all listed are A1, A3 and A5 uses.

The period for publicity has now expired.

Copy letters C

CONSULTATIONS

4.10 The following consultation replies have been received:

HBC Economic Development - awaiting comments

HBC Engineering Consultancy - awaiting comments

HBC Landscape Planning and Conservation – The National Policy Framework (NPPF) under the Core Planning Principles includes the conservation of heritage assets in a manner appropriate to their significance. The NPPF indicates that when considering the impact of development on the significance of a heritage asset great weight should be given to the assets conservation and its preservation or enhancement. The more important the heritage asset, the greater the weight that should be given. Heritage assets are irreplaceable and any harm of loss should require clear and convincing justification. The NPPF also takes into account the desirability of putting heritage assets to a viable uses consistent with their conservation and the contribution assets can make to economic vitality. Seaton Carew is a designated Conservation Area consisting of the area along the sea front including The Green and is therefore a heritage asset. The Conservation Area contains some 20 listed buildings (heritage assets in their own right) the most notable of which are the Bus Station, the Seaton Hotel and the Marine Hotel. There is a concentration of listed buildings around The Green particularly on the west side.

The re-use of the kiosk in the bus station for the sale of snacks etc is supported subject to any listed building consents for any alterations or adaptations for the proposed use. The proposed use for the siting of rides and catering vans (at the area behind the Bus Station, and opposite both the Marine Hotel and The Green) is proposed to be temporary in nature for about six months of the year and involves temporary structures and not permanent buildings. There is historic evidence of temporary rides etc in the area north of the Longscar Hall and amusement rides are typically found in sea side resorts, so are not unexpected. There was a large fair ground south of the Bus Station until relatively recently. The area behind the Bus Station previously contained the South Shelter and was therefore intended in the original design as an area of public activity, reinforced by the presence of bathing shelters which have also been removed. As a consequence the area is now relatively little used. To a large degree the main planning issue is one of impact upon the amenity of nearby building occupiers and the scale of the uses at particular locations, rather than a permanent effect upon a heritage asset.

One potential permanent affect upon the Conservation Area is the affect on existing landscaping, in this case mostly grass planting which will be affected by the siting of amusement rides for up to six months and the effect of vehicles crossing the grassed areas. These open grassed areas form part of the character of the Conservation Area and one of its positive aspects. A potential negative impacts can be avoided by giving consideration to the design of areas to receive the rides and catering vans to prevent damage to landscaping and to provide a design solution which is acceptable in the context of the Conservation Area whether a ride, for example, is present or not. The considered design of the area behind the Bus Station has not been

undertaken since the loss of the South Shelter and was recommended as part of the Environmental Impact Assessment for the coastal defence works extension to the area behind the Shelter. In terms of scale both in physical size and activity, the most appropriate would be for a reduction in scale moving from the Bus Station to the areas opposite The Green.

HBC Parks and Countryside - I have no comments to make with regards to this application as there is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by development of these sites. The public have open access to these sites at all times.

HBC Public Protection - I have serious concerns about the proposals on the land to the East of the Green (the Northern pocket of land in the application). This site is located within a residential area of Seaton Carew directly adjacent to residential properties. In my opinion the use of this site for fairground rides, mobile traders etc for a continuous period of up to 6 months of the year would have a significant impact upon the residential amenity of the adjacent housing due to the noise from generators, amplified music from the fairground rides etc. There are also potential odour impacts from any hot food catering units that may occupy the site. There is also the likelihood that there will be constant movements by operators on and off the site over the season to attend other events around the local area, adding to the impact on the adjoining neighbors. My concerns on this site could be alleviated if there were conditions prohibiting the use of generators, no amplified music at any time, no hot food catering units and a condition restricting the times that fairground rides etc can be moved on and off the site to daytime working hours only.

The central pocket of land North of the paddling pool is less sensitive as it is located closer to the commercial area of Seaton Front. However there are a number of residential properties opposite that the proposals will have an impact on. I would recommend that there should be a restriction on the type of funfair rides that can operate on this site to small scale children's rides and bouncy castles only. There are currently two hot food catering units that operate from this site. This level of usage is acceptable and has not given rise to any complaints and I would therefore propose that any approval restricts the number of hot food catering units to this number. Consideration should be given to providing a power supply to this site to alleviate the need to operate numerous mobile generators. I would also recommend a condition restricting the times that fairground rides etc can be moved on and off the site to daytime working hours only.

We currently have seven street traders holding street traders licences operating between Newburn Bridge and the Coach Park. Three of these traders currently operate from sites on these pockets of land. The Council has always endeavored to control the number and type of street traders operating along Seaton Sea Front in order to minimise the impact on the permanent traders operating commercial businesses throughout the year. Street Trading licences would be required to operate on any of these sites. Should this application be approved there is a potential loss of current income from other street trading sites in the locality.

The bulk of these sites are laid to grass, the constant movement of vehicles on and off the sites and potentially large numbers of people walking across the sites will inevitably churn up the land and there is the potential that it will visually look poor. I am also assuming that adequate management arrangements will be in place on the sites to control litter, security, etc?

The Donkey/Pony rides on the beach will require a 'Riding Establishment Licence'. If there are any caravans occupying the sites then a site licence may be required.

HBC Traffic and Transport - All uses should not obstruct any existing footways. Access onto each site, should be agreed with Highways Section. Suitable vehicle crossings should be provided at each site to allow vehicles to cross the footway safely and without damaging the pavement and any Public Utilities.

The Chief Fire Officer Cleveland Fire Brigade - No comments, however access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements. Further comments may be made through the building regulation consultation process as required.

Cleveland Police – awaiting comments

The Ramblers Association - awaiting comments

Tees Archaeology - awaiting comments

PLANNING POLICY

4.11 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

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
 GEP7: Frontages of Main approaches
 GN3: Protection of Key Green Open Spaces
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 REC9: Recreational Routes
 To3: Core Area of Seaton Carew
 To4: Commercial Development Sites at Seaton Carew

The following policies in the emerging Hartlepool Local Plan (anticipated to be 2014) are relevant to the determination of this application:

SUS1: Presumption in favour of Sustainable Development
 LS1: Locational Strategy
 ND4: Design of New Development
 LT1: Leisure and Tourism
 NE1 – Green Infrastructure

National Policy

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

Paragraph 14 presumption in favour of sustainable development
 Paragraph 19 support sustainable economic growth
 Paragraph 61 the connections between people and places and the integration of new development
 Paragraph 74 Protection of open space, sports and recreational buildings and land, including playing fields
 Paragraph 131 sustaining and enhancing the significance of heritage assets
 Paragraph 132 impact upon heritage assets
 Paragraph 133 consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss
 Paragraph 134 harm of a designated heritage asset should be weighed against the public benefits of the proposal
 Paragraph 196 determination in accordance with the development plan
 Paragraph 197 presumption in favour of sustainable development

PLANNING CONSIDERATIONS

4.12 Given that a number of consultation responses are outstanding it is considered prudent in this instance for a comprehensive update report to follow.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.13 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

There are no Section 17 implications.

REASON FOR DECISION

RECOMMENDATION – Comprehensive update report to follow

BACKGROUND PAPERS

4. 15 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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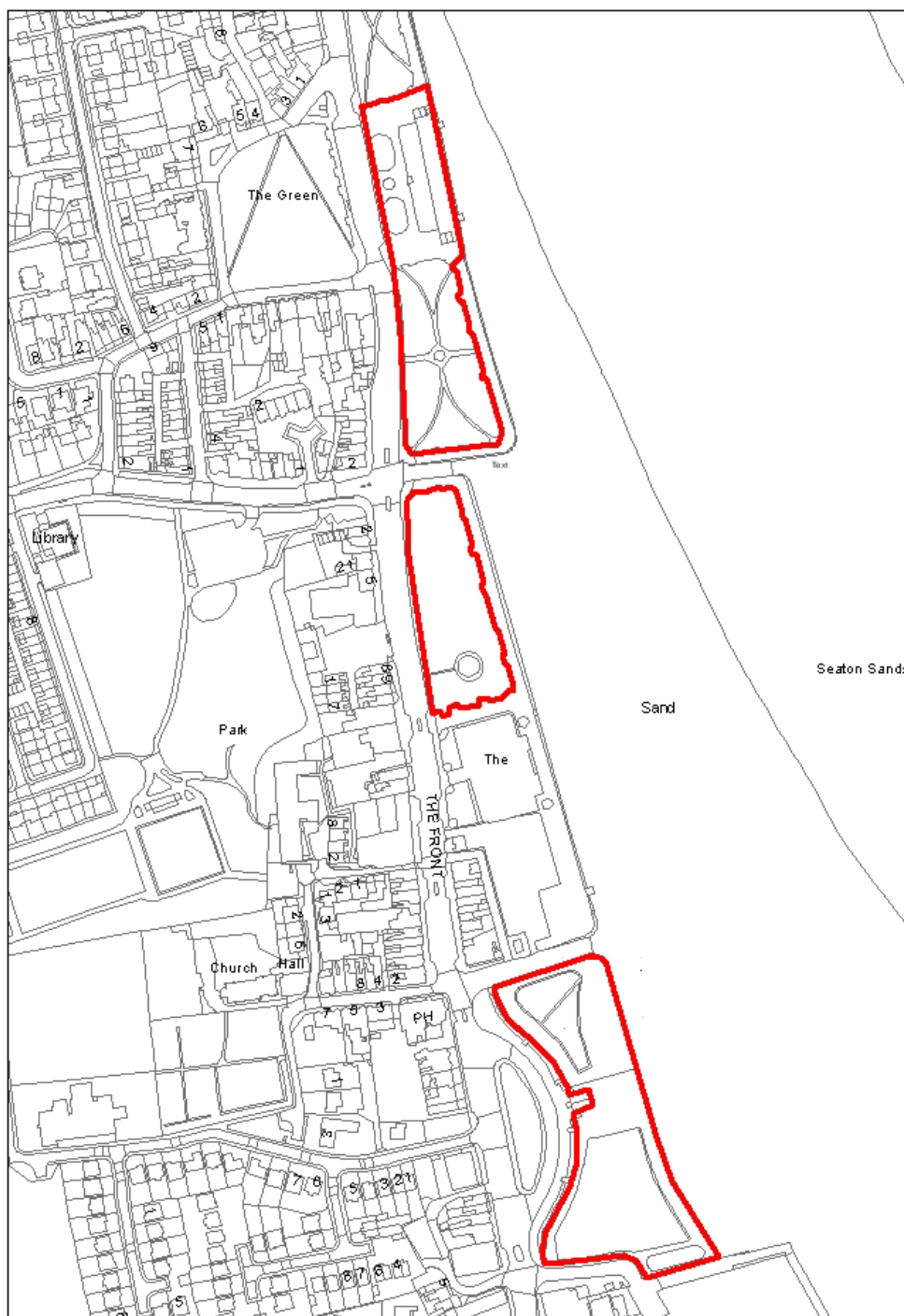
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LAND AT THE FRONT, SEATON CAREW



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

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Scale: 1:3000
Date : 09/10/13
H/2013/0432

No: 5
Number: H/2013/0417
Applicant: Mr A Dunn 36 Catcote Road HARTLEPOOL TS25 4HG
Agent: Mr A Dunn The Lunchbox 36 Catcote Road
HARTLEPOOL TS25 4HG
Date valid: 06/09/2013
Development: Change of use from A1 retail to A5 hot food takeaway
Location: 36 Catcote Road HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The application site is a purpose built shop unit located within a parade terrace of similar properties which form the Catcote Road Local Centre. The initial parade of shops was developed as part of the H/2008/0164 planning application which resulted in the demolition of the Shakespeare Public House.

PROPOSAL

5.3 The proposal involves the change of use from a vacant (A1) retail to a (A5) hot food takeaway. The opening hours requested are Monday to Friday 07:30am to 04:00pm, Saturday 08:00am to 04:00pm and Sunday 09:00am to 04:00pm, with the business closed on Bank Holidays.

5.4 The application has been referred to planning committee due to the amount of objections received from neighbours.

SITE CONTEXT

5.5 The front of the unit is hard standing public highway constituting the footpath and to the rear of the terraced parade are servicing arrangements and vehicular access. No off street parking is available within the site; however the parade of shops benefits from a dedicated car park immediately to the north of the parade.

PUBLICITY

5.6 The application has been advertised by way of neighbour letters (57). To date, there have been 3 letters of objection raised by neighbours.

5.7 The 3 letters of objection all relate to the detrimental impact that the change of use will have on business of the other hot food takeaways already on the parade.

The period for publicity has expired.

Copy letters D

CONSULTATIONS

5.8 The following consultation replies have been received:

Traffic and Transport Section - There are no highway or traffic concerns.

Cleveland Police - Owing to the proposed opening times Police have no comments or objections to this application.

Public Protection - No objections to the application. The extract system to the cooking range is adequate for the type and quantities of food proposed to be provided from the premises

PLANNING POLICY

5.9 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

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

GEP1 General Environmental Principles
GE2 Access for All
GEP3 Crime Prevention by Planning and Design
Com5 Local Centres
Com12 Food and Drink

Emerging Local Plan

SUS1: Presumption in Favour of Sustainable Development
LS1: Locational Strategy
RC7: The Local Centres

National Policy

5.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social

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

PLANNING CONSIDERATIONS

5.12 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Development Plan, in particular the impact of the development on the amenity of neighbouring properties, the character and vitality of the Catcote Local Centre and on highway safety.

PRINCIPLE OF DEVELOPMENT

5.13 Adopted Hartlepool Local Plan Policy Com 5 (Local Centres) and Emerging Policy RC7 makes provision for food and drink premises including hot food takeaways (A5) within designated local centres, providing that there is no significant adverse impact on the occupiers of adjoining or nearby properties and the highway network. The policy also requires the potential of the proposal upon the function, character and appearance of the area to be considered.

5.14 This part of Catcote Road is a busy commercial area which provides a wide range of shops and services including an existing hot food takeaway and a fish and chip shop. In view of this, it is considered that the proposed change of use is acceptable and that an additional takeaway in this location is unlikely to prejudice the function of the local centre or unduly affect the character and appearance of the area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

5.15 The application site is located in the middle of the terraced parade of shops and as previously mentioned. Whilst it is acknowledged that hot food takeaways generally operate in a different way to other types of shop ie lunch times, evenings and nights, the property is within a purpose built local shopping parade where there are other takeaways shops etc many of which have late opening. Given the hours requested and the commercial nature of the area, it is not considered in this case that the use would have a significant impact on neighbouring properties in terms of noise and disturbance. Public Protection has raised no objection in this respect.

IMPACT ON THE CHARACTER AND VITALITY OF THE CATCOTE LOCAL CENTRE

5.16 As outlined above, the site to which this application relates is located in a busy commercial area. Catcote Local Centre is characterised by a number of uses, including existing hot food takeaways. It is not considered that the opening of an additional A5 (hot food takeaway) use will be significantly detrimental to the character and vitality of the Local Centre or the immediate area in general to a level whereby the Local Planning Authority could sustain a refusal.

HIGHWAY SAFETY

5.17 Although there is no dedicated parking for this property there is a dedicated shared car park to the north of parade specifically serving the Catcote Road local centre. No objections have been raised by the Councils Highway Engineer.

OTHER ISSUES

5.18 The objections received with regard to the development solely relate to the competition that the proposed takeaway will have on existing nearby businesses. Competition is not considered to be a material planning matter and therefore no weight has been attributed to these comments. In view of this, it is considered that it would be difficult to sustain an objection to the proposal.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.19 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.20 There are no Section 17 implications.

REASON FOR DECISION

5.21 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 outlined below

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 7:30am and 4:00pm Mondays to Friday, Saturdays 8:00am and 4:00pm and Sundays 9:00am and 4:00pm inclusive and at no other time including Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 06/09/13, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

BACKGROUND PAPERS

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

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

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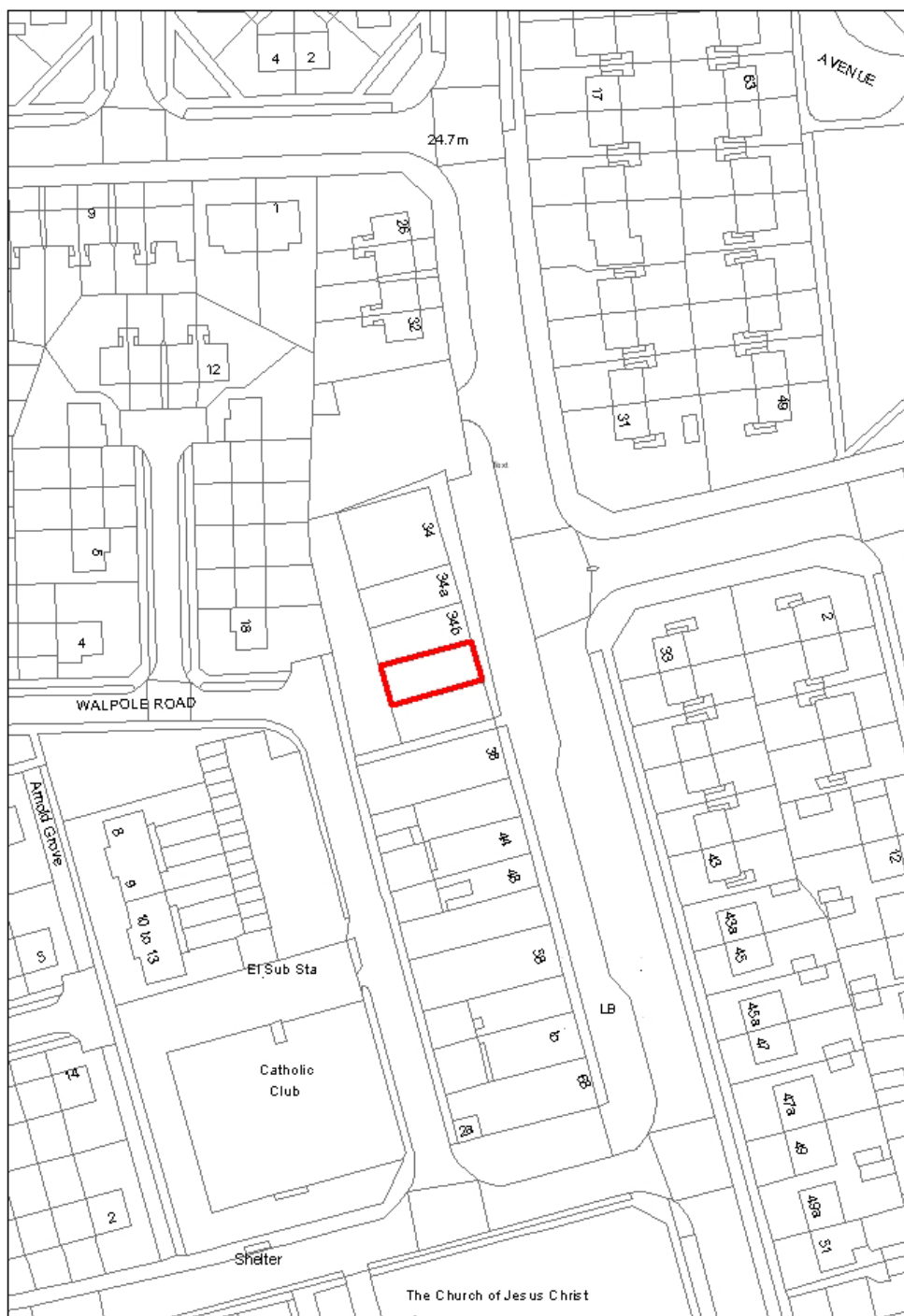
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36 CATCOTE ROAD



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

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Scale: 1:1000
Date : 09/10/13
H/2013/0417

UPDATE

No: 2
Number: H/2013/0432
Applicant: MR DALE CLARKE BRYAN HANSON HOUSE HANSON
SQUARE HARTLEPOOL TS24 7BT
Agent: MR DALE CLARKE HARTLEPOOL BOROUGH
COUNCIL BRYAN HANSON HOUSE HANSON
SQUARE TS24 7BT
Date valid: 04/09/2013
Development: Change of use to siting of amusements, rides, catering
vans and use of bus station kiosk for sale of hot
beverages, snacks and newspapers
Location: LAND AT THE FRONT / THE CLIFF SEATON CAREW
HARTLEPOOL

Update

- 2.1 This item appears as item 2 on the main agenda. Additional publicity has been undertaken with regard to the planning application. It is considered appropriate to withdraw this item from the agenda to enable officers to assess any responses to the outstanding consultation prior to presenting it to Planning Committee.
- 2.2 This item has therefore been withdrawn from the agenda.

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UPDATE

No: 3
Number: H/2013/0440
Applicant: Mr Jon Whitfield Hub Two Innovation Centre Venture Park
HARTLEPOOL TS25 5TG
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 05/09/2013
Development: Alterations to windows and shopfronts, creation of new
openings to create three A1 retail units and external works
including erection of boundary wall, fence and service
gates
Location: THE MOWBRAY MOWBRAY ROAD HARTLEPOOL

Update

- 3.1 This application appears as item 3 on the main agenda. Since the committee report was published, 21 additional objections have been received. No new issues have been raised in addition to those set out in the committee report.

Conclusions

- 3.2 With regard to the relevant Hartlepool Local Plan (2006) policies, the emerging local plan, the National Planning Policy Framework and the material planning considerations discussed in the main report, the proposal is considered acceptable subject to the conditions below.

RECOMMENDATION – APPROVE

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

To clarify the period for which the permission is valid.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Site location plan; Drawing no. 6, Site plan; Drawing no. 4, Proposed floor plan; Drawing no. 5, Proposed elevations; received by the Local Planning Authority on 5/9/2013.

For the avoidance of doubt.

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PLANNING COMMITTEE

23 October 2013



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding a scrap dealer operating from a residential property on Brierton Lane.
2. An investigation has commenced regarding the erection of a wooden tower playhouse erected in the front garden of a property on Miers Avenue. In discussions with the tenant to reach an amicable solution.
3. Officer monitoring noted an advertising van parked on the highway grass verge on Easington Road. It has now been removed. No action necessary.
4. An investigation has been concluded in response to a complaint regarding the erection of a conservatory to the rear of a property on Mullory Road. Permitted development rights applied in this instance. No action necessary.
5. An investigation had been concluded in response to a complaint regarding the erection of porch on the side of a property on Voltigeur Drive. Permitted development rights applied in this instance. No action necessary.
6. An investigation has commenced in response to a complaint regarding car & caravan sales existing at a property on Arbroth Grove.
7. An investigation has commenced in response to complaint regarding an untidy landscaped buffer strip planted in a resident's car park on Snowdrop Road.
8. Officer monitoring noted advertisement banners fixed to a steel palisade fence to the rear of retail units on The Highlight,
9. An investigation has commenced in response to Councillors complaint regarding the erection of a boundary fence along the side of the Medieval Village of Low Throston, Hart Lane.

10. Officer monitoring noted the making of a vehicular access onto Blackberry Lane to the rear of Bilsdale Road.
11. An investigation has commenced in response to a complaint regarding the untidy condition of front garden due to fact that building materials and old internal doors have been stored in the garden area.
12. Officer monitoring noted rendered panels fixed to the front wall of a property on Thirlmere Street and gable of a property in Elwick Road. Planning applications have been requested to regularise the developments.
13. Officer monitoring noted the placement of modular building used as a collection site for clothes recycling on Teesbay Retail Park, Brenda Road.
14. An investigation has commenced in response to a complaint regarding an extension under construction not in accordance with the approved plans at a property on Kingfisher Close.
15. An investigation has commenced in response to a complaint regarding the placing of a steel storage container on farmland adjacent to Valley Drive.
16. An investigation has commenced in response to a complaint regarding a window cleaning business operating from a residential property on Endeavour Close.
17. An investigation has commenced in response to a complaint regarding a building business operating from a residential property on Glentower Grove.
18. An investigation has commenced in response to a complaint regarding the use rooms as an art gallery at a residential property on York Place.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

23rd October 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: HERITAGE CHAMPION FOR HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 This report provides details on the position of Heritage Champion and the role that they can play within a local authority.
- 1.2 It also considers how officers can continue to support individuals who have carried out volunteer work on a recent conservation project.

2. BACKGROUND

- 2.1 English Heritage established a network of Heritage Champions (formerly Historic Environment Champions) in 2004. The aim was to champion the interest of the historic environment from within local authorities.
- 2.2 A key objective for Heritage Champions is to ensure that the historic environment plays a central role in the development of all the authority's policies, plans, targets and strategies. Champions can work to persuade colleagues in both the local authority and the wider community that the historic environment offers many opportunities to improve the quality of life for everyone.
- 2.3 Heritage Champions are able to recognise and respond to issues that are important to people locally. They are well placed to support local groups and other organisations that realise the cultural, social and economic potential of their local historic environment.
- 2.4 Champions can provide leadership, help join up policy and strategy across departments and, by encouraging a greater focus on the historic environment, bring significant benefits for a local authority and its community.
- 2.5 English Heritage provides support for Champions in a number of ways. This support includes both local and national events and seminars providing

information on recent development in the sector and where Champions can develop skills and share ideas with other Champions.

3 ROLE OF THE HERITAGE CHAMPION IN HARTLEPOOL

- 3.1 It would be down to the Heritage Champion to shape the role for Hartlepool. It could cover any issues which they feel are pertinent to the town, for example they may wish to focus on a single topic, such as the public realm in conservation areas or look at wider issues, such as how the historic environment policies are included in Neighbourhood Plans. Alternatively, they may wish to take a more strategic overview and attend meetings of the Conservation Area Advisory Committee which meets on a quarterly basis to discuss conservation issues in Hartlepool.
- 3.2 The time spent as a Heritage Champion would be influenced by the role that the member decides to take.
- 3.3 The former Mayor occupied the role of the Heritage Champion for Hartlepool; therefore the position is currently vacant. It is suggested that as the Planning Committee remit covers conservation it would be appropriate to select a member from the Committee.

4 CONSERVATION NEWSLETTER

- 4.1 The completion of the Heritage at Risk Project has created a group of volunteers who have an interest in the historic environment. Many of them have gained new skills as a result of the project. It is important to continue to support these volunteers and to utilise the skills that they have for the benefit of the historic environment of the town.
- 4.2 It is proposed that a quarterly newsletter is circulated round the volunteers and other interested parties such as the Conservation Area Advisory Committee, Planning Committee and the Heritage Champion. This would keep interested parties up to date with the current conservation issues in Hartlepool and provide an outlet to make them aware of other opportunities to volunteer.
- 4.3 Correspondence with volunteers has been by email therefore it is proposed that the newsletter would be emailed to volunteers and made available on the authority's website.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 There are no equality or diversity implications.

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

- 6.1 There are no Section 17 Implications

7. FINANCIAL CONSIDERATIONS

- 7.1 The only cost attached to these proposals is that of officer time to put together a quarterly newsletter however it is considered that this will be minimal and can be combined with existing duties.

8. RECOMMENDATIONS

- 8.1 The Planning Committee nominates a Heritage Champion for Hartlepool.
- 8.2 The Planning Committee agrees to the circulation of a newsletter on Conservation Issues in Hartlepool.

9. BACKGROUND PAPERS

None

10. CONTACT OFFICER

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PLANNING COMMITTEE

23 October 2013



Report of: Director of Regeneration and Neighbourhoods

Subject: NEIGHBOURHOOD PLAN BOUNDARY & FORUM DESIGNATION

1. PURPOSE OF REPORT

- 1.1 To inform the Planning Committee of the following in relation to Neighbourhood Planning:
- Proposed boundary and forum designation that has been submitted to Hartlepool Borough Council by the Park Neighbourhood Planning Forum for the Park Neighbourhood Plan.
 - Proposed boundary that has been submitted to Hartlepool Borough Council by the Wynyard Neighbourhood Plan Group for the Wynyard Neighbourhood Plan.

2. BACKGROUND

- 2.1 Neighbourhood Planning is central to the Coalition Government's Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.
- 2.2 Once adopted a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan 2013 post adoption).
- 2.3 Nationally there are 685 Neighbourhood Planning areas, over half of which have been formally designated. To date, two Neighbourhood Plans have completed the process and been formally adopted after a simple majority vote at referendum, to become part of local planning legislation.

- 2.4 To date, two areas in Hartlepool have been formally designated as Neighbourhood Planning areas, and the development of both the Rural and Headland Neighbourhood Plans is well underway. The Rural Neighbourhood Plan encompasses five Parish Councils which work closely together as part of a working group in developing the Plan. The Headland Neighbourhood Plan is driven by the Headland Parish Council supported by a working group.

3. NEIGHBOURHOOD PLANNING REPORTING AND DECISION MAKING PROCESS

- 3.1 Reports outlining the reporting and decision making procedure were previously taken to, and noted by Cabinet on 3 September 2012 and 18 March 2013, and Neighbourhood Services Committee on 14 October 2013.
- 3.2 Reporting on Neighbourhood Planning will take a similar format to that currently used for Development Plan Documents (DPDs) that are developed in the town (i.e. Hartlepool Local Plan). To date, general progress reports on Neighbourhood Planning in Hartlepool have been taken to the Neighbourhood Forums, former Cabinet and Portfolio Holder and Neighbourhood Services Committee.
- 3.3 For the key stages of the Plan development, the following reporting and decision making procedure will apply:
- First draft of Neighbourhood Plan: a report and a copy of the first draft of the Neighbourhood Plan will be taken to Finance and Policy Committee for information. This will be prior to the statutory eight week period of consultation, in line with the Voluntary and Community Sector (VCS) Strategy and the Statement of Community Involvement (SCI);
 - Final draft of Neighbourhood Plan (pre-referendum): a report and a copy of the final draft of the Neighbourhood Plan will be taken to Finance and Policy Committee and Full Council for information. This will outline the proposals contained within the Plan, detail how the independent examination will be formed, and confirm arrangements for the referendum; and
 - Final draft of Neighbourhood Plan (post examination and referendum): should a majority vote be gained at referendum, a report and a copy of the final draft of the Neighbourhood Plan will be taken to Finance and Policy Committee and Full Council for adoption. This is due to the Plan superseding the Local Plan which is consequently an amendment to part of Hartlepool Borough Council's Budget and Policy Framework.
- 3.4 As reported to Cabinet in September 2012 and March 2013 and Neighbourhood Services Committee in October 2013, additional measures have been implemented to formalise the reporting procedure in relation to the designation of Neighbourhood Plan boundaries and Neighbourhood Forums. This is in addition to the statutory consultation requirements outlined within the Neighbourhood Planning Regulations (General), and includes reporting the proposed Neighbourhood Plan area and / or Forum to

Planning Committee for information prior to a formal designation being made by a delegated Officer (in this instance the Planning Services Manager).

4. PARK NEIGHBOURHOOD PLANNING FORUM

- 4.1 In early 2013, the Chair of Park Residents Association approached Hartlepool Borough Council demonstrating an interest in developing a Neighbourhood Plan for the former Park ward.
- 4.2 In August 2013 the Park Neighbourhood Planning Forum was established which will be responsible for the development of the Neighbourhood Plan. Hartlepool Borough Council Officers from the Planning Services and Community Regeneration and Development Teams are supporting the constituted Group through the Neighbourhood Planning process. The Group's constitution is attached at **Appendix C**).
- 4.3 This is the first Neighbourhood Planning Forum to be established in Hartlepool and represents the communities living within the proposed Park Neighbourhood Plan area. In accordance with the Neighbourhood Planning Regulations – General (adopted on 6 April 2012) and best practice guidance published by Locality in 2013, the membership of the Forum is as follows:
- A minimum of 21 members: the Forum currently has 25 members.
 - A minimum of 1 Ward Councillor: the Forum currently has two Ward Councillors as part of their membership.
 - A minimum of 1 person who lives in the area: all members of the Forum are residents in the proposed Park Neighbourhood Plan boundary.
 - A minimum of 1 person who works in the proposed Neighbourhood Plan area: a number of members are currently working in the area.
- 4.4 The Park Neighbourhood Planning Forum has identified a proposed Neighbourhood Plan boundary and submitted the details to Hartlepool Borough Council as the Local Planning Authority (LPA). Details provided include a plan identifying the proposed boundary and a statement demonstrating why the identified area is appropriate, and how the Park Neighbourhood Forum is the appropriate body to be making the application, and has the capability to take the development of the plan forward.

5. PROPOSED PARK NEIGHBOURHOOD PLAN BOUNDARY

- 5.1 The proposed Park Neighbourhood Plan area (attached as **Appendix A**) broadly includes the area south of Hart Lane, north of Summerhill Lane, east of the Rural Plan boundary and west of Granville Avenue. The boundary comprises the urban area of the Rural West ward (former Park ward) and a proportion of the Victoria ward in order to include the entirety of the conservation area (a theme that it is anticipated the Plan will seek to emphasise, address and promote). The boundary also includes the addition of properties, golf and tennis clubs to the north which is viewed as part of the natural Park community and extends west to run co-terminously with the

Hartlepool Rural Plan boundary for ‘completeness’ in neighbourhood planning terms.

- 5.2 The formal publication of the proposed Park Headland Neighbourhood Plan boundary and suitability statement (attached as **Appendix A and B**) has been undertaken by Hartlepool Borough Council. These details are available to comment on for 8 weeks, in line with the Council's consultation guidelines, and to conform with the statutory publication required for boundary designation of 6 weeks as outlined in the Neighbourhood Planning Regulations (General) which were adopted in April 2012.
- 5.3 During this time, representations from interested parties can be made to the LPA in relation to the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period.
- 5.4 The details of the proposals are available for comment on the Council's website at www.hartlepool.gov.uk/neighbourhoodplanning. Formal written representations should be made to the Planning Policy Team; the closing date for comments is Friday 25 October 2013.

6. WYNYARD NEIGHBOURHOOD PLAN

- 6.1 In May 2013, Grindon Parish Council began partnership working with Wynyard Residents Association (WRA) to develop a Neighbourhood Plan for the Wynyard area. The aspiration of both parties is to provide a joined-up approach to the planning of their area, in particular developing community facilities and appropriate housing whilst protecting the valuable characteristics and design of the neighbourhood.
- 6.2 Wynyard Neighbourhood Plan Working Group was set up as a sub-committee of the WRA to oversee the development of the Neighbourhood Plan for Wynyard. The proposed Wynyard Neighbourhood Plan area has been submitted to both Hartlepool Borough Council and Stockton Borough Council, as it incorporates parts of both Grindon (within Stockton Borough) and Elwick Parishes, (within Hartlepool Borough); the resulting Neighbourhood Plan area is therefore is a cross-Parish and cross-Local Authority entity.
- 6.3 The formal publication of the proposed Wynyard Neighbourhood Plan boundary and suitability statement (attached as **Appendix D and E**) has been undertaken by Hartlepool Borough Council. These details are available to comment on for 8 weeks, in line with the Council's consultation guidelines, and to conform with the statutory publication required for boundary designation of 6 weeks as outlined in the Neighbourhood Planning Regulations (General) which were adopted in April 2012. Additional information explaining the boundary is attached as **Appendix F and G**.
- 6.4 During this time, representations from interested parties can be made to the LPA in relation the boundary and / or the Group undertaking the Plan

development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period.

- 6.5 The details of the proposals are available for comment on the Council's website at www.hartlepool.gov.uk/neighbourhoodplanning. Formal written representations should be made to the Planning Policy Team; the closing date for comments is Friday 25 October 2013.

7. EQUALITY AND DIVERSITY CONSIDERATIONS

- 7.1 Equality and diversity will be considered through the associated consultation frameworks, and an Equality Impact Assessment (EIA) will be completed prior to the statutory consultation period on the first draft of the Neighbourhood Plans.
- 7.2 The Neighbourhood Planning Groups are developing a range of engagement mechanisms to ensure that the Neighbourhood Plan process is inclusive to all residents and communities within the Neighbourhood Plan Boundary as well as other groups that have a common interest in the area.

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

- 8.1 There are no Section 17 implications.

9. FINANCIAL IMPLICATIONS

- 9.1 Although the designation of Neighbourhood Plan boundaries and Neighbourhood Forums will have no direct financial implications, Neighbourhood Plans will be subject to an independent examination and referendum; both of which the Local Authority have a duty to arrange and fund. A funding programme to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning was announced by DCLG in late 2012; this allows Local Authorities to draw down on unringfenced grant funding at three distinct phases in the Neighbourhood Plan's development. It is anticipated that this funding stream will support the statutory duties of the Local Authority; however any additional costs would have to be secured from elsewhere.
- 9.2 In the case of the Park Neighbourhood Plan, the Forum is currently actively seeking external funds to support the process.
- 9.3 Grindon Parish Council has secured £3,000 from the Supporting Communities in Neighbourhood Planning Programme to support the initial stages of the Wynyard Neighbourhood Plan development. This is in addition to securing the time of a planning consultant to assist in the development of the Neighbourhood Plan boundary prior to submission.

10. RECOMMENDATION

- 10.1 The Planning Committee is requested to note the report.

11. BACKGROUND PAPERS

- 11.1 Cabinet (3 September 2012) – Neighbourhood Planning (Reporting and Decision Making Procedure).
- 11.2 Cabinet (18 March 2013) – Neighbourhood Planning (Update).
- 11.3 Neighbourhood Services Committee (14 October 2013) – Neighbourhood Planning.
- 11.4 <http://www.hartlepool.gov.uk/neighbourhoodplanning>.

12. CONTACT OFFICER

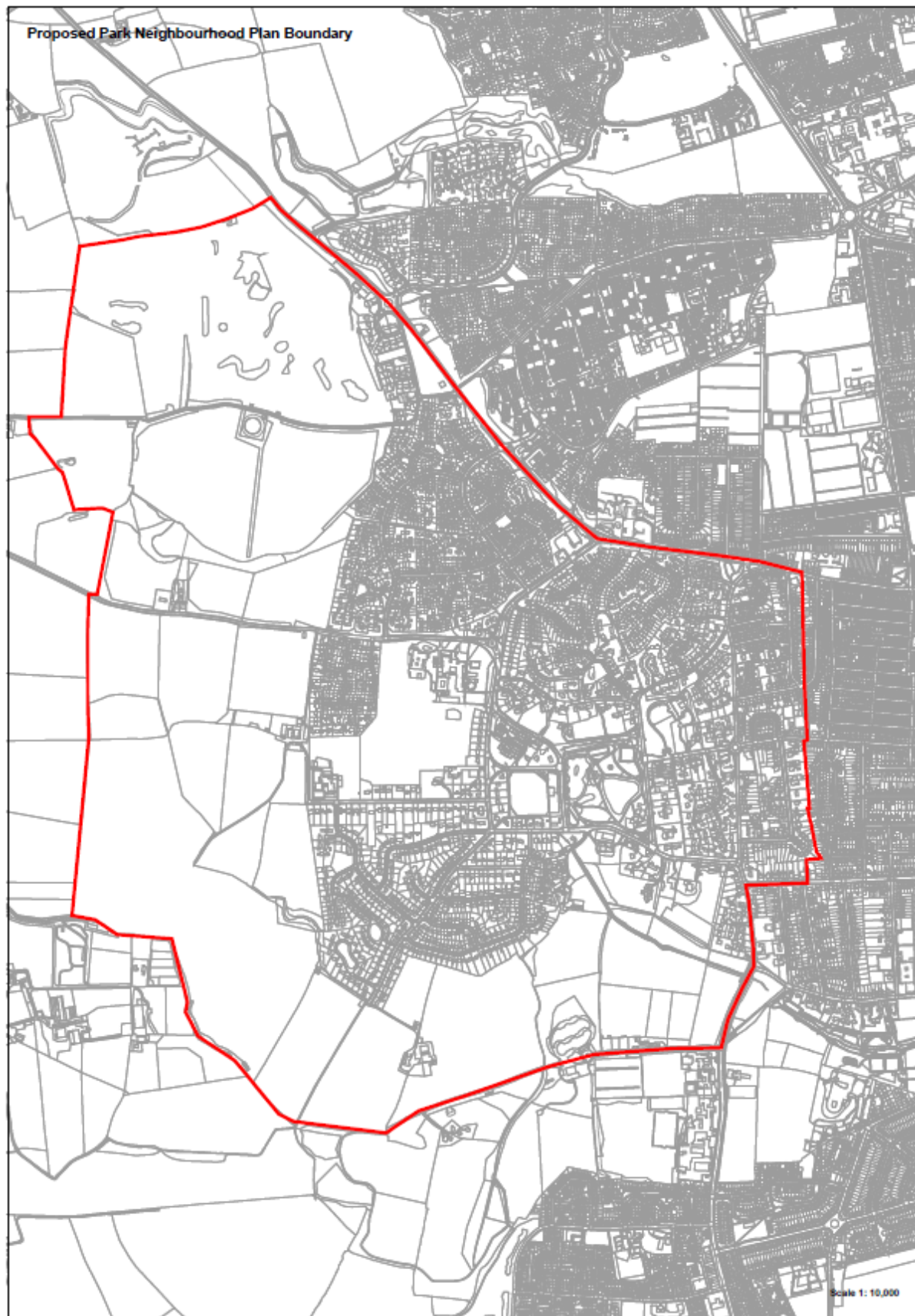
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APPENDIX A – Proposed Park Neighbourhood Plan Boundary



APPENDIX B – Park Neighbourhood Plan Designation of Boundary and Neighbourhood Forum Statement**1.0 Background to Neighbourhood Planning**

Neighbourhood Planning is central to the Coalition Government's Localism Act 2011; an opportunity that the Park community would like to take full advantage of in order to develop a Neighbourhood Plan for their area. It is intended that the 10 year land use and development framework will become part of the formal planning process and will be in general conformity with national planning policy and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006, which will be superseded by the Hartlepool Local Plan 2013 post anticipated adoption in late 2013).

The community of the proposed Park Neighbourhood Plan area have had aspirations to produce a Neighbourhood Plan for some time, and believe it will provide them with an opportunity to influence how their neighbourhood is developed in the future. Areas of particular interest to the local community include conservation and design, potential development opportunities in the area, traffic management, transport and road infrastructure, and public services.

2.0 Proposed Park Neighbourhood Plan Boundary (see attached Appendix 1)

The proposed Park Neighbourhood Boundary broadly includes the area south of Hart Lane, north of Summerhill Lane, east of the Rural Plan boundary and west of Granville Avenue. The boundary comprises the urban area of the Rural West ward (former Park ward) and a proportion of the Victoria ward in order to include the entirety of the conservation area (a theme that it is anticipated the Plan will seek to emphasise, address and promote). The boundary also includes the addition of properties, golf and tennis clubs to the north which is viewed as part of the natural Park community, and extends west to run co-terminously with the Hartlepool Rural Plan boundary for 'completeness' in neighbourhood planning terms.

3.0 Park Neighbourhood Planning Forum

The Park Neighbourhood Planning Forum was established in August 2013 and represents the communities living within the proposed Park Neighbourhood Plan area. In accordance with the Neighbourhood Planning Regulations - General adopted on 6 April 2012 and best practice guidance published by Locality in 2013, the membership of the Forum is as follows:

- A minimum of 21 members: the Forum currently has 25 members.
- A minimum of 1 Ward Councillor: the Forum currently has two Ward Councillors as part of their membership.
- A minimum of 1 person who lives in the area: all members of the Forum are residents in the proposed Park Neighbourhood Plan boundary.
- A minimum of 1 person who works in the proposed Neighbourhood Plan area: a number of members are currently working in the area.

All members are committed to the development of a Neighbourhood Plan for the Park area with a large proportion of members having been involved (and continue to be involved) in Park Residents' Association. This Association has been established for

several years and has an in depth understanding of the community and the issues that affect the local area. The Residents Association have been active in the planning process in Hartlepool to date, and members have a good understanding of how the planning system in Hartlepool operates.

The Park Neighbourhood Planning Forum became a formally constituted group in August 2013 (see attached Appendix 2 and 3), and strong working links have been made with Officers within Hartlepool Borough Council's Neighbourhood Management and Planning Policy Teams to assist with the development of the Plan. The Forum is therefore in accordance with section 61F (5) of the 1990 Town and Country Planning Act as a relevant body to take the development of the Neighbourhood Plan forward (as outlined under Parts 2 and 3 of the Neighbourhood Planning Regulations – General).

4.0 Contact Details for Park Neighbourhood Planning Forum

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APPENDIX C - Park Neighbourhood Planning Forum Constitution

Park Neighbourhood Planning Forum CONSTITUTION

1. Name:

The Group shall be known as the **Park Neighbourhood Planning Forum** (hereafter known as the Group).

2. Objective:

The objective for which the Group is formed is the production of a Neighbourhood Plan for the Park area of Hartlepool (hereafter called the Plan). The area to be covered within the Plan Boundary, as consulted upon and adopted by the Local Planning Authority (LPA), is identified on the attached plan. It broadly includes the area south of Hart Lane, north of Summerhill Lane, east of the Rural Plan boundary and west of Granville Avenue. The boundary comprises the urban area of the Rural West ward (former Park ward) and a proportion of the Victoria ward in order to include the entirety of the conservation area. The Plan will be in general conformity with Hartlepool Borough Council's Local Development Framework (currently 2006 Local Plan). This will be achieved by and include:

- Working in partnership with any statutory or voluntary body, to prepare, test and adopt a Neighbourhood Plan for the Park Neighbourhood Plan area.
- Encouraging good practice through effective performance management and consideration of case studies of other Neighbourhood Plans.
- Demonstrating a commitment to issues of diversity, equality of opportunity, social inclusion and sustainable development and be prepared to address these needs in areas where they arise.
- Consulting the community to ensure that the Plan is relevant to the needs and wishes of the community within the Plan boundary.

3. Aims:

The aims of the Group are:

- (i) To develop and strengthen joint local partnership working with local statutory agencies; and
- (ii) To encourage involvement from all residents, the local Voluntary and Community Sector (VCS) and all partners involved in this process.

4. Powers:

The Group will have the following powers in pursuance of its objects; to:

- (i) Liaise and seek support from Hartlepool Borough Council Officers, (in particular the South and Central Neighbourhood Manager, Community Regeneration and Development, and Planning Services Teams), Elected Members, Government Officers or their representatives and other relevant experts in order to ensure the integrity of the Neighbourhood Planning process.
- (ii) Open and maintain a bank account in the name of the Park Neighbourhood Planning Forum.
- (iii) To co-opt new members as required.
- (iv) Determine and monitor the spending of any monies received for the purpose of developing and implementing the Plan.
- (v) Undertake consultation within the Plan area to determine the issues of importance to local residents.
- (vi) Decide on which of the issues identified by the community that the Plan will address and prioritise.
- (vii) Discuss and progress any other issues identified by residents as priorities for the Plan area.
- (viii) Produce such documents as are deemed necessary to forward the objects.
- (ix) Provide such training and development as is required by members of the Group in order to progress the Plan.
- (x) Retain the services of relevant experts in order to forward the objects.
- (xi) In partnership with Hartlepool Borough Council, undertake a referendum within the Plan area, once the draft Plan has been finalised and independently examined, and to publish the results.

5. Membership:

- (i) Membership of the Group must reflect the inclusivity, diversity and character of the Plan area and comprise at least 21 people (one person must live within the boundary of the Plan area, one person must work within the boundary of the Plan area, one person must be a Councillor for the Plan area).
- (ii) Members must be willing to give a commitment to attending regular meetings and training as required.
- (iii) Any resident who lives either inside or outside the boundary of the Plan area and whose actions or expertise benefit the Plan area can be co-opted as a member of the Group by agreement of the Group.

- (iv) A total of two elected representatives of Hartlepool Borough Council shall be invited to join the Group.

6. Voting Members:

Where a vote is needed:

- (i) Members as outlined in section 5 shall have one vote each.
- (ii) Local Authority Officers and specialist service providers commissioned by the Group shall not have a vote.

7. Quorum:

- (i) A minimum of 15 members of the Group must be present for a meeting to proceed.
- (ii) A minimum of 15 members with a voting right must be present to enable any decisions to be made during meetings.

8. Meetings:

- (i) During the development phase, meetings of the Group will be held on a monthly basis with at least ten meetings per year.
- (ii) Meetings shall last no longer than two hours unless all members agree to an extension of up to 30 minutes.
- (iii) All contributions to a meeting shall be addressed through the Chair of the meeting to ensure that there is only one person speaking at any one time, and that everyone who wishes to speak has the chance to do so.

9. Declarations of Interest:

Any declarations of interest must be brought to the attention of the Chair at the beginning of each meeting.

10. Role of members:

All members of the Group must agree to undertake the following actions:

- (i) To act in the best interests of the Group, the residents and business community within the Plan area.
- (ii) To attend all appropriate meetings wherever possible.
- (iii) To take an active part in discussions and to contribute as best they can at meetings of the Group.

- (iv) To behave in a manner that is non-discriminatory and respectful of the views of others.
- (v) To understand and accept that the Group works for the benefit of all residents of the Plan area, irrespective of age, appearance, disability, gender, race, sexual orientation or socio-economic group.
- (vi) To be responsible for decisions made by the Group or actions they have individually agreed to undertake.
- (vii) To take part in working groups as determined by the Group.
- (viii) To represent the views of the Group during external meetings or networks as appropriate.
- (ix) If possible, to engage with training opportunities to further develop skills and update knowledge throughout their period of membership.
- (x) To encourage all residents, wherever possible, to attend consultation events on a regular basis and take an active part in the decision-making process.
- (xi) To work with other partners and agencies, as appropriate.
- (xii) To ensure that all opportunities to maximise resources available to the group are taken, such as match funding, services etc.
- (xiii) To try to ensure that improvements for the area, identified in the Plan, are long-lasting and sustainable.

11. Chair / Vice-Chair / Secretary / Treasurer:

The Chair, Vice-Chair, Secretary and Treasurer of the Group shall be elected by the voting membership of the Group on an annual basis.

12. Role of the Chair:

- (i) To be involved in the setting of agenda's for meetings.
- (ii) To ensure the meeting is quorate.
- (iii) To ensure outstanding matters are followed up and are dealt with.
- (iv) To ensure that all relevant items on the agenda are discussed.
- (v) To ensure that all participants, who wish to do so, have an opportunity to make a contribution.
- (vi) To fairly summarise issues and options before a decision is made.

- (vii) To ensure that voting procedures are complied with.
- (viii) To clarify decisions made so that everyone is clear as to what has been decided and who is to take any action required as a result.
- (ix) To suspend any member whose behaviour or actions are deemed to be in breach of the member's role agreement as outlined above.
- (x) To act as a cheque signatory.

13. Role of the Vice-Chair:

- (i) To deputise for the Chair as required.
- (ii) To support the Chair and to ensure the work of the Group is effectively managed.
- (iii) To act as a cheque signatory.

14. Role of the Secretary:

- (i) To distribute agenda's, supporting papers and minutes of previous meetings.
- (ii) To arrange training, induction and other development events for the benefit of members.
- (iii) To encourage all residents within the Plan area to attend consultation events and to take an active part in the decision-making process.
- (iv) To maintain full and accurate records of all the Group's activities and meetings.

15. Role of the Treasurer:

- (i) To pay all invoices and expenses as required.
- (ii) To ensure that all monies received are banked within 5 working days of receipt.
- (iii) To maintain accurate records of all financial transactions.
- (iv) To provide a report on financial transactions to each meeting of the Group.
- (v) To make all financial records available on request to any member of the Group.
- (vi) To act as cheque signatory.

16. Role of the Local Authority:

In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations (General) published on 6 April 2012, the Local Planning Authority (LPA) will:

- (i) Provide technical assistance, support and guidance to the Group.
- (ii) Arrange training, induction and other development events for the benefit of members.
- (iii) Formally publicise the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Park Neighbourhood Planning Forum.
- (iv) To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
- (v) Should a simple majority vote be gained at referendum, the LPA have a statutory obligation to adopt the Neighbourhood Plan.

17. Decision-making:

The decision-making processes must be clear and understood by all.

- (i) Members of the Group will be responsible for any decisions relating to the spending of monies received, and for activities undertaken at their behest, for the purpose of developing the Plan.
- (ii) Decisions shall be based on information and advice given by partners, consultants or other experts; such information shall be provided in a timely manner, be accurate, factual and reliable, sufficient for the purpose, easy to understand and not full of jargon or acronyms.
- (iii) Where decisions are contentious, the Chair shall call for a vote; in such a case, decisions shall be made by a simple majority of voting members present at the meeting.
- (iv) Where a contended decision results in an equal number of votes both for and against, the Chair shall have a casting vote.

18. Finance:

- (i) A bank account shall be opened in the name of the Park Neighbourhood Planning Forum at such Bank as agreed by the members.
- (ii) Cheques shall be drawn up by the Treasurer, who will act as a signatory.

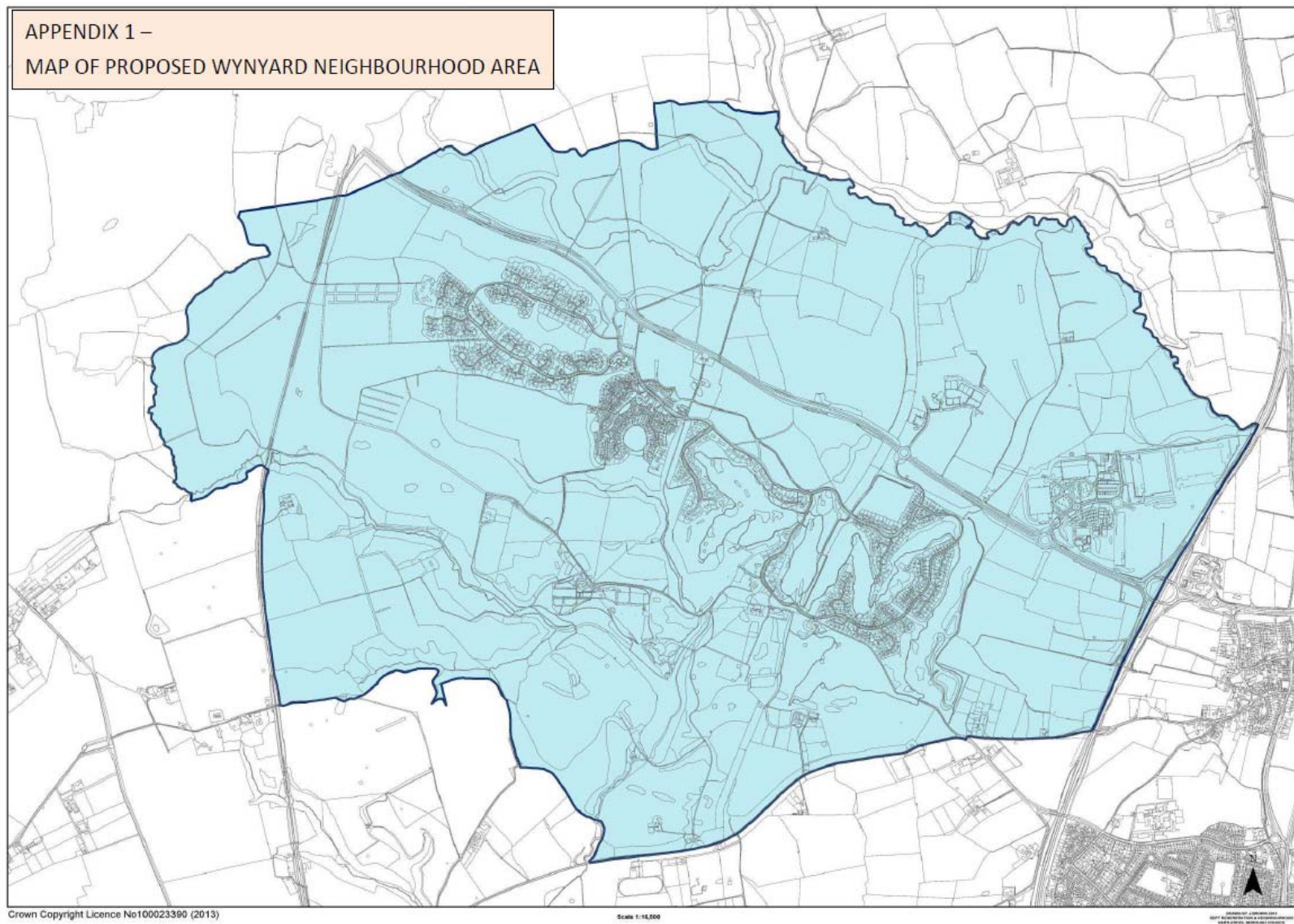
- (iii) A minimum of four persons shall be designated as cheque signatories, of whom two must be the Chair or Vice-Chair and treasurer.

19. Closure:

At any time following the formal adoption of the Plan, the Group may choose to wind up its activities; should such a decision be made by the members the following actions shall be taken:

- (i) Agreement shall be reached with Hartlepool Borough Council as to who will be responsible for monitoring the implementation of the Plan, (or its amendment or replacement in the future), as required.
- (ii) The Bank Account shall be closed and any monies remaining be returned to the relevant funding body if required or disseminated between similar groups as appropriate.

APPENDIX D – Proposed Wynyard Neighbourhood Plan Boundary



APPENDIX E – Wynyard Neighbourhood Plan Designation of Boundary Statement*Application for Designation of Wynyard Neighbourhood Area***APPENDIX 2A****STATEMENT IN SUPPORT OF APPLICATION
FOR DESIGNATION OF WYNYARD NEIGHBOURHOOD AREA**Background

Neighbourhood planning is central to the Coalition Government's Localism Act 2011. Grindon Parish Council has a long standing history in serving their local community and has also previously collaborated with the neighbouring Elwick Parish Council on projects.

In May 2013, Grindon Parish Council began partnership working with Wynyard Residents Association (WRA). The WRA was established in 2012 to represent the interests of the Wynyard community and is a fully constituted body. The Wynyard community have strong aspirations to develop a Neighbourhood Plan to provide a joined-up approach to the planning of their area, in particular to develop community facilities and appropriate housing whilst protecting the valuable characteristics and design of the neighbourhood.

It was decided that a sub-committee of the WRA needed to be set up as a working group to oversee the development of the Neighbourhood Plan for Wynyard.

This submission of the proposed Wynyard Neighbourhood Area for designation represents the first formal step in this process.

The Wynyard Neighbourhood Area incorporates parts of both Grindon Parish (within Stockton Borough) and Elwick Parish, (within Hartlepool Borough). The resulting Neighbourhood Area is therefore is a cross-Parish and cross-Local Authority entity.

The Wynyard Neighbourhood Area – appropriateness for designation¹

The proposed Neighbourhood Area for Wynyard encompasses a distinct community bounded by Greenfield land and situated between two conurbations (Stockton and Hartlepool). The area consists of 900 houses in a semi-rural setting known as Wynyard Woods, together with a commercial/industrial area to the north known as Wynyard Park. The Neighbourhood Area covers these two distinct parts of Wynyard.

An explanatory map and key has been included as part of this application in Appendix 3A and 3B respectively. These help clarify the extent of the proposed Neighbourhood Area in the context of both Grindon & Elwick Parishes and the Borough boundaries.

The boundaries of the Neighbourhood Area have been specifically chosen to follow strong physical features (roads, walkways, woodland edges) or Parish/Local Authority boundaries. These firmly demarcate and encompass the Wynyard Neighbourhood Area, which is a robust and logical entity for the purposes of neighbourhood planning. There are no areas of overlap with other Neighbourhood Areas.

¹ Statement in fulfilment of Regulation 5(1)(b) (Part 2) of The Neighbourhood Planning (General) Regulations 2012

Application for Designation of Wynyard Neighbourhood Area

Grindon Parish Council - Relevant Body status²

Grindon Parish Council is a Relevant Body within the terms of Section 61G(2)(a) of the Act.

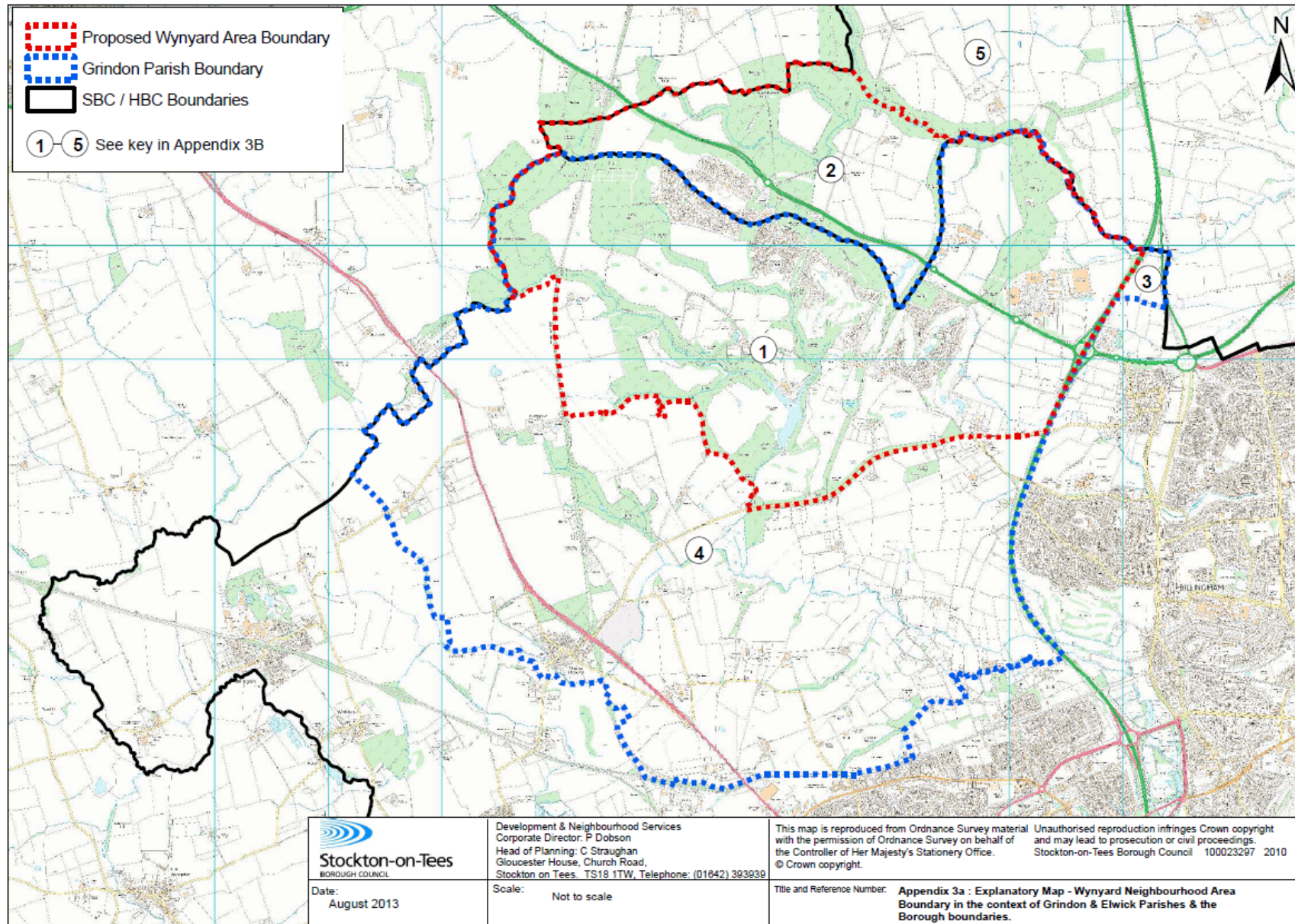
The development of the Wynyard Neighbourhood Plan has the full support of Elwick Parish Council, which has confirmed in writing that they are happy for Grindon Parish Council to act as the lead body in this task in partnership with the WRA (see Appendix 2B).

As a sub-committee of the WRA, the Wynyard Neighbourhood Plan Working Group represents the community living within the Wynyard Neighbourhood Area. It consists of local residents, representatives from Grindon Parish Council, Elwick Parish Council and local organisations, all committed to working in partnership with businesses and landowners to influence how the Wynyard Neighbourhood Area develops into the future.

The Group has developed its own Terms of Reference and strong working links have been made with Officers within Hartlepool Borough Council and Stockton Borough Council Planning Policy teams.

² Statement in fulfilment of Regulation 5(1)(c) (Part 2) of The Neighbourhood Planning (General) Regulations 2012

APPENDIX F – Proposed Wynyard Neighbourhood Plan Boundary Explanatory Map



APPENDIX G – Proposed Wynyard Neighbourhood Plan Boundary - Key to Explanatory Map*Application for Designation of Wynyard Neighbourhood Area**APPENDIX 3B – Key to Explanatory Map (Appendix 3A)**Wynyard Neighbourhood Area in the context of Grindon & Elwick Parishes and the Borough boundaries*

Area		Explanation of boundary/area
Areas of Grindon and Elwick <u>included</u> within Wynyard Neighbourhood Area:		
Area 1	Grindon Parish – northern section (Stockton BC)	<ul style="list-style-type: none"> • Eastern boundary follows Parish boundary (A19), with the exception of Area 3 below • Southern boundary follows Wynyard Road from A19 westwards, before turning northwards to follow the edge of woodland beginning to the east of Stockton Quarry and continuing along the woodland edge until joining the alignment of a right of way running due west to meet the Castle Eden Walkway • Western boundary then follows the alignment of the Castle Eden Walkway northwards till it meets the edge of Brierley Wood. Boundary then follows the edge of the woodland westwards before meeting with and following the Parish boundary. • Upon reaching the Borough boundary, it continues to incorporate Area 2, described below
Area 2	Elwick Parish – southern section (Hartlepool BC)	<ul style="list-style-type: none"> • Area covered is the balance of Elwick Parish falling outside the portion designated as part of the Hartlepool Rural Plan (Area 5 below) • North-eastern boundary is coterminous with the Hartlepool Rural Plan boundary • Northern boundary is coterminous with Hartlepool Borough boundary
Areas of Grindon and Elwick <u>excluded</u> from Wynyard Neighbourhood Area:		
Area 3	Grindon Parish – small section east of A19	<ul style="list-style-type: none"> • Not a logical part of Wynyard Neighbourhood Area as it is physically cut off by the A19. The area is also the potential location of road infrastructure to serve future development west of the A19 at North Burn (Hartlepool Borough)
Area 4	Grindon Parish – southern section	<ul style="list-style-type: none"> • Not a logical part of Wynyard Neighbourhood Area as it has its own separate identity based around the settlement of Thorpe Thewles
Area 5	Elwick Parish – northern section	<ul style="list-style-type: none"> • Not a logical part of Wynyard Neighbourhood Area and is already part of another designated Neighbourhood Area (the Hartlepool Rural Plan Area)