

# PLANNING COMMITTEE AGENDA



Wednesday 22<sup>nd</sup> January 2014

at 10.00am

in the Council Chamber,  
Civic Centre, Hartlepool.

## PLANNING COMMITTEE:

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

### 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 18<sup>th</sup> December 2013

### 4. ITEMS REQUIRING DECISION

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

1. H/2013/0588 Land West of Usworth Enterprise Park, Usworth Road (page 1)
2. H/2013/0612 Land at Sitwell Walk (page 12)
3. H/2013/0561 Exmoor Grove Children's Home, Exmoor Grove (page 18)

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

#### 4.3 Locally Listed Buildings – *Assistant Director (Regeneration)*



- 4.4 Neighbourhood Planning (Park Neighbourhood Plan Area and Forum Designation) – *Director of Regeneration and Neighbourhoods*
- 4.5 Proposed creation of Two New Public Footpaths within Elwick Parish – *Director of Regeneration and Neighbourhoods* (to follow)

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 19<sup>th</sup> February 2014.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **18<sup>th</sup> December 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, Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley, Brenda Loynes, George Morris, Jean Robinson and Linda Shields

Officers: Damien Wilson, Assistant Director (Regeneration)  
Chris Pipe, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Mike Blair, Highways, Traffic and Transportation Manager  
Karen Oliver, Facilities Management Manager  
Sylvia Pinkney, Public Protection Manager  
Sarah Scarr, Landscape Planning and Conservation Team Leader  
Adrian Hurst, Principal Environmental Health Officer  
Adele Wilson, Community Regeneration and Development Co-ordinator  
Sinead Turnbull, Senior Planning Officer  
Carole Thelwell, Facilities Management Officer  
Richard Trow, Planning Officer  
Tony Macnab, Solicitor  
Jo Stubbs, Democratic Services Officer

## **76. Apologies for Absence**

Apologies were submitted by Councillors Mary Fleet, Ray Martin-Wells and Kaylee Sirs.

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

Councillor Kevin Cranney declared a personal interest in the following:

- H/2013/0531 Niramax
- H/2013/0548 Inspirations Coffee House.

Councillor Jim Ainslie declared a personal interest in the following:

- H/2013/0466 Morison Memorial Hall

- H/2013/0498 Hartlepool Fire Brigade
- H/2013/0463 4 Beaconsfield Street
- Neighbourhood Planning (Neighbourhood Area and Forum Designation)

## **78. Confirmation of the minutes of the meeting held on 20<sup>th</sup> November 2013**

Approved.

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

<b>Number:</b>	H/2013/0531
<b>Applicant:</b>	Mr Kevin Wanless Niramax Group Ltd
<b>Agent:</b>	Niramax Group Ltd Mr Kevin Wanless John Shadforth House Longhill Industrial Estate, Thomlinson Road
<b>Date received:</b>	29/10/2013
<b>Development:</b>	Variation of conditions 5 & 11 of planning application H/2009/0500 for the upgrading and extension of existing waste management facilities including upgrading the waste classification system and briquette plant to allow outside storage of processed bails (Resubmitted Application)
<b>Location:</b>	Niramax Thomlinson Road HARTLEPOOL
<b>Decision</b>	The application was withdrawn by the applicant prior to consideration by the Planning Committee.

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<b>Number:</b>	H/2013/0548
<b>Applicant:</b>	Ms K Oliver Edgar Phillips Building
<b>Agent:</b>	Ms K Oliver Hartlepool Borough Council Edgar Phillips Building
<b>Date received:</b>	12/11/2013
<b>Development:</b>	Variation of condition 4 of planning application H/2012/0029 (as amended by H/2013/0073) to vary existing opening hours to allow opening on Monday, Tuesday, Wednesday and Sunday until 9 p.m. and

on Thursday, Friday, Saturday and bank holidays  
until 23.00 p.m.

**Location:** Inspirations Coffee House Tanfield Road  
HARTLEPOOL

Members were broadly in favour of the application although some concerns were raised regarding the proximity of the premises to the cemetery and crematorium. Those members who had taken part in the site visit earlier that morning were impressed with the general layout and ambiance of the building and felt that it was unlikely to attract anti-social clientele. In order to ensure this Members requested that adequate CCTV be installed in the location. The Facilities Management Manager confirmed that all security arrangements were being looked at and would be reviewed as required. A condition securing CCTV was added to the proposed conditions.

Members supported the application by a majority vote.

**Decision:** **Planning Permission minded to Approve subject to the consideration of any further representations received by the Planning Services Manager prior to the expiry of the consultation period and the conditions outlined below. Should any substantially different objections be received these shall be considered in consultation with the Chair of Planning Committee.**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Drawing No: 316/11 L007) and details received by the Local Planning Authority on 04/11/2013, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. The cafe shall only be open to the public between the hours of 08:30hrs and 21:00hrs on Monday, Tuesday, Wednesday and Sunday and only open to the public between the hours of 08:30hrs and 23:00hrs on Thursday, Friday, Saturday and Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
4. The ventilation filtration and fume extraction equipment agreed by way of planning application H/2012/0029 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.
5. The lighting units agreed by way of planning application H/2012/0029 shall be fixed at all times to ensure that light is directed away from

- residential properties. In the interests of the amenities of the occupants of neighbouring properties.
6. The car parking scheme agreed by way of planning application H/2012/0029 shall be retained for its intended purpose at all times during the lifetime of the development. In the interests of highway safety
  7. The external areas outside of the premises should not be used as an outside eating/drinking area beyond 20:00hrs Mondays to Sundays inclusive. In the interests of amenity In the interests of the amenities of the occupants of neighbouring properties.
  8. All external doors and windows associated with the premises should be kept closed after 20:00hrs whilst there is any amplified speech of music taking place within the premises. In the interests of the amenities of the occupants of neighbouring properties.
  9. No music shall be played outside the building beyond 20:00hrs Mondays to Sundays. In the interests of the amenity of the occupants of surrounding residential properties
  10. No outside entertainment or functions should take place outside of the building beyond 20:00hrs Mondays to Sundays. In the interests of the amenity of the occupants of surrounding residential properties
  11. Notwithstanding the submitted plans a scheme for the installation of CCTV cameras including design, location, and coverage shall be submitted and agreed in writing by the Local Planning Authority within one month of the date of this permission and thereafter shall be implemented and retained for the lifetime of the Coffee House. In the interests of crime prevention.

**Number:** H/2013/0484

**Applicant:** SALAAM CENTRE  
MURRAY STREET HARTLEPOOL

**Agent:** SALAAM CENTRE ZEBALAM ST PAULS HALL  
MURRAY STREET HARTLEPOOL

**Date received:** 04/10/2013

**Development:** Variation of conditions 10 & 11 of planning permission H/2008/0718 to allow funerals and weddings at the Mosque and alteration of Mosque opening times to 07:00 - 23:30.

**Location:** SALAAM CENTRE MURRAY STREET  
HARTLEPOOL

The Applicant, Zeba Alam, addressed the Committee, advising that this application would allow funerals and wedding to take place at the mosque. Members raised concerns regarding parking during these events but the Planning Team Leader (DC) felt that on balance visitors to these events were

more likely to use long stay places so there would be little impact on the short stay spaces available nearby. Permission was already in place to hold community events in the Community Centre, this would simply allow the religious precursors to such events to take place adjacent to them. In terms of opening hours only an additional 30 minutes at night were being requested. A time limit condition for the implementation of the new permission originally proposed was deleted.

Members supported the application unanimously.

**Decision:** **Planning Permission minded to Approve subject to conditions set out below and no substantially different objections being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager. Should any substantially different objections be received these shall be considered by the Planning Services Manager in consultation with the Chair of the Planning Committee.**

#### **CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with the plans (Drawing No: 690/05/2003 Rev. A and First Floor Plan) and details received by the Local Planning Authority on 30/09/2013, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
2. Unless otherwise agreed in writing by the Local Planning Authority the Mosque shall only operate between the hours of 07:00 and 23:00 on any day. In the interests of the amenities of the occupants of neighbouring properties.
3. Unless otherwise agreed in writing with the Local Planning Authority the Mosque hereby approved shall be used for worship, prayer, religious education and the holding of weddings and funerals. It shall not be used for the holding of parties, receptions or other similar functions likely to encourage large numbers of people to the premises without the prior written consent of the Local Planning Authority. In accordance with the application and in the interests of highway safety and the amenity of neighbouring occupiers.
4. This permission relates only to the variation of conditions 10 and 11 attached to planning permission H/2008/0718 all other conditions attached to that permission shall continue to be complied with as well as any details discharged under the provision of those conditions For the avoidance of doubt

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**Number:** H/2013/0546

**Applicant:** Marstons Plc  
Brewery Road WOLVERHAMPTON

**Agent:** Insignia Signs & Services Ltd Unit 7 Albion Park  
Albion Way LEEDS

**Date received:** 18/11/2013

**Development:** Display of five illuminated signs

**Location:** Spotted Cow The Green Elwick HARTLEPOOL

A motion for a site visit was rejected following Committee vote and use of the Chair's casting vote. Concerns were raised by Members that the proposed lighting was out of keeping with a village atmosphere however the Planning Services Manager noted that no additional lighting was proposed and the Conservation Officer was happy with the proposal.

Members supported the application by a majority vote.

**Decision:** **Advertisement Consent minded to Approve subject to conditions set out below and no substantially different objections being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager. Should any substantially different objections be received these shall be considered by the Planning Services Manager in consultation with the Chair of the Planning Committee.**

### CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details (Site Location Plan and Site Plan; Sections; Lighting Plan) received by the Local Planning Authority on 04/11/2013 and (Elevations) received by the Local Planning Authority on 03/12/2013. For the avoidance of doubt.
2. The maximum intensity of the illuminated sign(s) shall not exceed 500 cd/square metre. In the interests of visual amenity.

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**Number:** H/2013/0566

**Applicant:** Mr Chris Barnard  
Hartlepool NDC Trust Dimensional House 81  
Stranton HARTLEPOOL

**Agent:** Vela Group Mr David Butler Greenbank Stranton



## HARTLEPOOL

**Date received:** 15/11/2013

**Development:** Alterations and change of use to provide 8 No self contained apartments

**Location:** Morison Memorial Hall Church Close  
HARTLEPOOL

Members expressed their support for the proposal which would bring this iconic building back into use and improve the area.

Members supported the application unanimously.

**Decision:** **Planning Permission minded to Approved subject to the completion of a Section 106 agreement to secure a financial contribution of £6000 (for play, green infrastructure, built sports facilities) and subject to conditions set out below and no objections being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager; should any objections be received these will be considered by the Planning Services Manager in consultation with the Chair of Planning Committee.**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details (Site location plan, Drawing No. HMH020, Proposed bin store location; Drawing no. HMH011, proposed upper ground floor and first floor plans; Drawing no. HMH002, Proposed elevations; Drawing no. HMH010, Existing upper ground floor and first floor plans; Drawing no. HMH015 Existing and proposed rear car park layout) received by the Local Planning Authority on 15/11/2013. For the avoidance of doubt.
3. Notwithstanding any details submitted with the application, prior to the commencement of the development, a method statement for all stone cleaning and repairs on the building inclusive of the decorative circular stone feature and the decorative stone work to windows shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity.

4. Notwithstanding any details submitted with the application, prior to the commencement of the development, a method statement for the replacement of defective standard and feature brickwork to be cut out and replaced shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity.
5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and external doors shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details. In the interests of visual amenity.
6. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20, of the basement windows shall be submitted to and approved in writing by the Local Planning Authority. In the interests of visual amenity.
7. Notwithstanding any details submitted with the application, prior to the commencement of the development, a method statement for the removal, cleaning and re-installation of the decorative railings to the entrance steps shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity.
8. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 of the iron railings to the front of the building shall be submitted to and approved in writing by the Local Planning Authority. In the interests of visual amenity
9. 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.
10. Notwithstanding any details submitted with the application, prior to the commencement of the development, a method statement for the removal of the chimney breast to the rear of the building and details of how the shortened chimney will be finished shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity
11. Notwithstanding the details submitted with the application, prior to the commencement of development full details of the finishing treatments of the parking area, lane, footpath including the demarcation of parking bays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. In the interests of visual amenity.
12. Notwithstanding any details submitted with the application, prior to the commencement of the development, details of the proposed bin store

- including plans at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity.
13. No development shall commence until details of the car parking area, to include a detailed design and method statement, are submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains which are to remain in situ. In the interests of protecting heritage assets.
  14. A) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:1. The programme and methodology of site investigation and recording;2. The programme for post investigation assessment;3. Provision to be made for analysis of the site investigation and recording;4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;5. Provision to be made for archive deposition of the analysis and records of the site investigation;6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. In the interests of protecting heritage assets.
  15. Notwithstanding any details submitted with the application, prior to the commencement of the development, details of the ventilation system including plans of the affected external elevations at a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. In the interests of visual amenity.

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<b>Number:</b>	H/2013/0498
<b>Applicant:</b>	Mr Ian Tallintire Cleveland Fire Authority Endeavour House Stockton Road HARTLEPOOL
<b>Agent:</b>	Seymour Harris Architecture Ms Paula White The Loft@Chantry House Victoria Road Kirkstall LEEDS
<b>Date received:</b>	18/10/2013
<b>Development:</b>	Temporary relocation of the existing fire station to

allow the construction of a new one

**Location:** Hartlepool Fire Brigade Durham Street  
HARTLEPOOL

Members supported the application unanimously.

**Decision:** Planning Permission Approved

#### **CONDITIONS AND REASONS**

1. The buildings hereby approval shall be removed from the site and the land restored to its former condition on or before 18 December 2016 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period. The building is not considered suitable for permanent retention on the site.
2. The development hereby permitted shall be carried out in accordance with the plans Drg No(s) PK282 1219, PK242 0238, ABQ02, HFS-A-SK102 Job No 12.052, HFS-A-SK101 Rev A Job No 12.052, and details contained in the Drainage Statement Design and Access Statement and technical systems information received by the Local Planning Authority on 14 October 2013 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
3. Prior to the commencement of the hereby approved development, details of walls, fences and other means of boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. In the interests of the amenities of the occupants of neighbouring properties.

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**Number:** H/2013/0496

**Applicant:** Mr Christopher Roberts  
Hartlepool Borough Council 1 Church Street  
HARTLEPOOL

**Agent:** Hartlepool Borough Council Mr Chris Roberts Civic  
Centre Victoria Road HARTLEPOOL

**Date received:** 15/11/2013

**Development:** Erection of security fencing and gates

**Location:** Land at Alma Street and 89 - 91A York Road  
HARTLEPOOL

Members supported the application unanimously.

**Decision:** Planning Permission minded to Approve subject to conditions set out below and no substantially different objections being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager. Should any substantially different objections be received these shall be considered by the Planning Services Manager in consultation with the Chair of the Planning Committee.

#### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details (Site location plan, Site plan and elevation) received by the Local Planning Authority on 15/11/2013. For the avoidance of doubt.

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<b>Number:</b>	H/2013/0463
<b>Applicant:</b>	Mr S Hind Beaconsfield Street HARTLEPOOL
<b>Agent:</b>	Mr S Hind 4 Beaconsfield Street HARTLEPOOL
<b>Date received:</b>	19/09/2013
<b>Development:</b>	Removal of side wall and installation of gate
<b>Location:</b>	4 Beaconsfield Street HARTLEPOOL

Members rejected the application unanimously.

**Decision:** Planning Permission Refused

#### **REASON FOR REFUSAL**

1. It is considered that the alterations would be detrimental to the character and appearance of the Headland Conservation Area contrary to GEP1 and HE1 of the adopted Hartlepool Local Plan 2006 and Part 12 of the National Planning Policy Framework (2012).

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

10 ongoing planning issues were highlighted to Members.

**Decision**

That the report be noted.

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

Members were advised that a recent appeal into the erection of two 4-bedroom detached dwellings with detached double garages and associated access road and fencing had been allowed. A copy of the appeal decision was attached.

**Decision**

That the outcome of the appeal be noted.

**82. Stranton Conservation Area Management Plan** (*Assistant Director (Regeneration)*)

The Landscape Planning and Conservation Team Leader updated members on the results of the consultation held into the draft management plan for the Stranton Conservation Area. This was carried out as a result of issues identified during an appraisal of the Stranton Conservation Area in October 2010. The response to the consultation was outlined in an appendix to the report as were the proposed actions and objectives of the management plan identified as a result.

A member queried whether there were any plans to make parking near businesses easier as this had been identified as being of particular concern. The Landscape Planning and Conservation Manager advised that there would be discussions between the Council, Vela Homes and Stranton Social Club to attempt to find a solution to these problems. In terms of businesses in the area reference was made to ongoing issues with empty premises and the negative impact this continued to have on the area as the whole. The Chair indicated that the proposed management plan did not give the Council any additional powers to deal with this. Information on plans for Stranton Green was also sought. The Landscape Planning and Conservation Manager advised that works had already been undertaken including the implementation of a footpath and railings however elements of a wider scheme had not been undertaken as limited budget was available at the time through the New Deal for Communities.. If grant funding was identified officers would be keen to take those plans forward. A member suggested

that discussions take place between Council officers and local traders with a view to forming a trust to attract additional funding. The Assistant Director (Regeneration) confirmed that this would be facilitated. A request was also made that officers consult with all traders in the area rather than a single spokesperson as their view might not reflect those held by other business owners.

### **Decision**

That the Stranton Conservation Area Management Plan be approved.

## **83. Neighbourhood Planning (Neighbourhood Area and Forum Designation)** *(Director of Regeneration and Neighbourhoods)*

The Community Regeneration and Development Co-ordinator updated members on neighbourhood planning. This had been brought in as part of the Government's Localism Act 2011 and is designed to give local people greater ownership of plans and policies affecting their local neighbourhood by allowing them to develop a community-led framework to guide the future development of their area.

In Hartlepool, Neighbourhood Plans are being developed in 4 areas – Rural, Headland, Wynyard and Park. Following the withdrawal of the Local Plan it had been felt prudent to amend the process for the adoption of neighbourhood plans and members were also asked to approve these amendments. Details were given within the report of the current status of the plans for Rural, Headland and Wynyard and the submissions for each appended to the report.

Members were asked to endorse the designation of the proposed areas for Rural, Headland and Wynyard. A further report for the proposed Park Neighbourhood Plan area and associated Forum would be brought to a future meeting of the committee for consideration.

Members raised a number of questions regarding any future referenda which might need to be held. The Community Regeneration and Development Co-ordinator advised that the possibility of holding these in tandem with national, local or European elections had been considered and agreed in the case of the Headland. Unfortunately it was not possible to have a full postal vote (only those who are entitled to submit a ballot paper by post would be eligible in line with the Neighbourhood Planning Regulations - Referendum) as a cost saving exercise, however grants worth £20 thousand were available from the DCLG for each neighbourhood area referendum to support Local Authorities with associated costs.

### **Decision**

- I. That the reporting and decision making process in relation to the designation of Neighbourhood Plan areas and forums be endorsed
- II. That the designation of Hartlepool Rural Plan Neighbourhood Area be

endorsed

III. That the designation of Headland Neighbourhood Plan area be endorsed

IV. That the designation of Wynyard Neighbourhood Plan area be endorsed

### **83. Planning Update Autumn Statement** *(Assistant Director (Regeneration))*

The Assistant Director (Regeneration) gave members a brief update on the recent Government Autumn statement as it related to planning matters. Among the proposals highlighted were:

New homes bonus – payments would be withheld for those local authorities which objected to development which were then allowed on appeal

Statutory consultees – a reduction in the number of statutory consultees and the number of applications requiring statutory consultees

Section 106 Affordable housing contributions – to be reduced to 10

Permitted development – relaxation of planning conditions to encourage use of disused buildings

Special measures – threshold for decisions made ‘on time’ to move from 30% to 40%

The Assistant Director noted that these were currently only proposals and that the devil would be in the detail. Members felt certain proposed measures, particularly the changes to the New Homes Bonus, were a form of blackmail designed to give developers the power to do as they wished. Officers were also concerned that the changes to special measures might be applied retrospectively.

The Assistant Director requested approval from members that any responses from the committee to future consultation on these matters be delegated to the Chair and Planning Services Manager in order to speed up the process. Members were happy to approve this

## **Decision**

That the report and potential implications for planning in Hartlepool be noted

That responses to any future consultation be delegated to the Chair and Planning Services Manager



## **84. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 85 – (Niramax Waste Recycling Centre - Enforcement) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Minute 86 – (Enforcement Action – Wyncroft, Sunderland Road, Dalton Piercy – without planning permission the siting of a caravan) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Minute 87 – (Enforcement action: 4 Beaconsfield Street, Hartlepool) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

## **85. Niramax Waste Recycling Centre - Enforcement**

*(Assistant Director (Regeneration))* This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Details are provided within the exempt section of the minutes.

**Decision**

Details are provided within the exempt section of the minutes.

- 86. Enforcement Action – Wyncroft, Sunderland Road, Dalton Piercy – without planning permission the siting of a caravan** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Details are provided within the exempt section of the minutes.

**Decision**

Details are provided within the exempt section of the minutes.

- 87. Enforcement Action: 4 Beaconsfield Street, Hartlepool** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6)

Details are provided within the exempt section of the minutes.

**Decision**

Details are provided within the exempt section of the minutes.

- 88. Any other business which the Chair considers urgent**

The Chair referred to an invitation from the Community Regeneration and Development Co-ordinator to members for Neighbourhood Planning training on the morning of 7<sup>th</sup> March. He asked that members advise the officer of their availability for this event by 10<sup>th</sup> January.

Further confidential business is detailed in the exempt section of the minutes.

He wished those present a Merry Christmas and a happy new year.

The meeting concluded at 11:25am.

CHAIR

**No:** 1  
**Number:** H/2013/0588  
**Applicant:** Mr Owen O'Driscoll c/o Agent  
**Agent:** Sean McLean Design 22 Map House Portrack Grange  
Road Portrack STOCKTON ON TEES TS18 2PH  
**Date valid:** 02/12/2013  
**Development:** Change of use from Storage and Distribution (B8) to  
General Industrial (B2) and the erection of a plant  
maintenance building with welfare facilities and  
associated office and landscaping works (resubmitted  
application)  
**Location:** Land West of Usworth Enterprise Park Usworth Road  
HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 Planning permission (H/FUL/0780/02) was granted on 6th February 2003 at the site for the “change of use from B2 use to B8 to provide parking for 5 trailers”. The application was considered at the meeting of the Council's Planning Committee on 29th January 2003 at which time planning permission was approved. The decision was issued on 6th February 2003. In approving the application, the Members agreed to attach conditions regulating the hours of operation, the erection of a screen along the top of the boundary wall between the site and the properties upon Regency Drive, a temporary permission (1 year) and a limit on the number of trailers (5) parked and stored on the site.

1.3 Further to the above, planning permission (H/VAR/0068/04) was granted on 18<sup>th</sup> March 2004 to continue the use as outlined above and for the number of trailers stored at the site to increase to 9.

1.4 A valid planning application was submitted on 5<sup>th</sup> August 2013 at the site seeking consent for the erection of a plant maintenance building including welfare facilities and an associated office. The application was subsequently withdrawn following concerns raised by officers regarding the siting and scale of the building and the description of the proposal seeking consent given the existing use class of the site.

## PROPOSAL

1.5 The application site is located at the head of a cul-de-sac on designated industrial land off Usworth Road (Ind5). As outlined above the site currently has consent to store up to 9 trailers. Commercial units are located to the north, south

and east. Residential properties upon Regency Drive are located to the west of the site.

1.6 Previously a 5m wide buffer strip existed between the site and the back gardens of properties upon Regency Drive. However, problems had been encountered due to flooding and security and following resident consultations it was agreed to incorporate the land into the rear gardens of the properties. These works benefited from grant aid funding. A planning application was approved in December 2001.

1.7 Consent is sought for the change of use of the site from Storage and Distribution (B8) to General Industrial (B2) and the erection of a plant maintenance building with welfare facilities and associated office and landscaping works.

1.8 The building as proposed will be set into the existing ground by some 0.5m. The building itself measures approximately 17.3m in width with a depth of 12.7m. The roof associated with the building will measure 5.2m at the eaves with a maximum height of approximately 7.7m. The building is a typical industrial portal framed building with buff facing brick to the front elevation. The sides and rear will be constructed using fair faced blockwork and the roof in goosewing grey profiled sheeting. The building will comprise three roller shutter doors on the east elevation in grey which will give access to the maintenance bays.

1.9 The building is set 5m off the boundary with the dwellings located to the west upon Regency Drive. A scheme of semi mature tree planting is proposed between the rear of the building and the boundary with the properties.

## **PUBLICITY**

1.10 The application has been advertised by way of neighbour letters (17) and site notices (x2). To date, there have been 6 letters of objections received.

1.11 The concerns raised include:

1. Close proximity of building near houses
2. Noise
3. Vibration
4. Smell
5. Use proposed
6. Dust and fumes
7. More suitable locations in the area
8. Building will change way of living and lifestyle
9. Size of the building would be out of place and they would be overlooking private dwellings
10. Proposal would be detrimental and hazardous to the occupants who are mainly senior citizens and the environment
11. Trees proposed will not be sufficient protection to dwellings and occupants
12. Present and previous planning applications are out of keeping with the area
13. Existing use is B8 which means storage and distribution which I thought was to protect the residents adjoining the enterprise
14. Proposal is inconsistent with the type of development already in place

15. Proposed B2 use is inconsistent with the other units on the site which border the domestic properties
16. The proposal is out of keeping with the area. At the time of the designation the intention for completion of the estate was for 'only small, bungalow sized offices or distribution centres with tiled roofs and buildings made of bricks when adjacent to domestic properties – the drawings of the proposed buildings are not compatible with that, despite having been amended slightly to make it look less visually objectionable.
17. Despite having been amended slightly to make it look less visually objectionable the building is still higher and wider than any of the adjacent houses and bungalows – would constitute an unacceptable visual intrusion out of all proportion to the surroundings when viewed from the Regency Drive side.
18. Visual appearance of building with not fit in with the rest of the estate
19. Party Wall concerns
20. The proposed trees will take years to develop
21. Area subject of flooding on a number of occasions

#### Copy Letters A

1.12 The period for publicity is still outstanding and expires after the Committee Meeting. Any further representations received will be tabled at the meeting.

### CONSULTATIONS

1.13 The following consultation replies have been received:

**Northumbrian Water** – No comments to make

**Public Protection** – The Council's Head of Public Protection has raised no objections to the proposed development subject to conditions restricting the following:

- The use of the site purely for the maintenance of plant and machinery
- The hours of operation – Monday to Friday 07:30hrs to 18:00hrs and Saturdays 07:30hrs to 13:30hrs and at no time of Sundays or Bank Holidays
- No external maintenance of plant and machinery upon the site
- A scheme of sound insulation to the building
- Any external lighting to be agreed

**Engineering Consultancy** - I am aware of the flooding issue in this general area (where Usworth Road meets Brenda Road). Over the past 10 months I have been cleansing this system that flows down Brenda Road and I believe this will put an end to the ongoing problem. Where the proposed application site lies, flows are directed into a separate/independent system to the problem area further to the north east; therefore I do not have any concerns regarding drainage provided NWL are happy to accept flows as waters will discharge into their system.

**Traffic and Transportation** – Sufficient operational parking and area for manoeuvring have been provided.

There are therefore no highway or traffic concerns

**Arboricultural Officer** – A comprehensive landscaping proposal, which involves the planting of 15 new trees to serve as screening of the proposed development from the adjacent residential properties, has been submitted in support of the application. The species of tree proposed is Himalayan Birch, *Betula utilis*, a medium size tree that provides year round interest and has few if any of the problems that can be associated with trees of other species. I would, therefore, consider the submitted landscaping proposal to be suitable in providing an attractive screen for the proposed development

## PLANNING POLICY

1.14 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

GEP1: General Environmental Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 Ind5: Industrial Areas  
 Ind8: Industrial Improvement Areas

### National Policy

1.15 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.

Paragraph 2 – Determination in Accordance with the Development Plan  
 Paragraph 11 – Determination in Accordance with the Development  
 Paragraph 12 – Development Plan is the Starting Point for Decision Making  
 Paragraph 13 –NPPF is a Material Planning Consideration

Paragraph 14 – Presumption in Favour of Sustainable Development  
 Paragraph 19 – Support Sustainable Economic Growth  
 Paragraph 20 – Economic Growth  
 Paragraph 21 – Investment in Business and Policy Expectations  
 Paragraph 56 – Requiring Good Design  
 Paragraph 196 – Primacy of the Development Plan  
 Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

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

### Principle of Development

1.17 The Head of Public Protection has raised no objections to the proposal subject to a number of conditions and the Traffic and Transportation Team have stated that there are no highway or traffic concerns. In addition, the Council's Arboricultural Officer has states that the submitted landscaping proposal is suitable in providing an attractive screen for the proposed development. Furthermore, as outlined above the site is located in a designated industrial area. Policy Ind5 of the Hartlepool Local Plan 2006 states that:

*“Proposals for general industrial development (included within Class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended) and for other uses which are complementary to the dominant use of a development will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties of prejudice the development of adjacent sites. In this respect, planning conditions may be imposed to restrict general industrial developments to appropriate operations within the B2 use class”.*

1.18 On balance, it is considered that subject to conditions restricting operational hours, the use of the site, external operations, a scheme of sound insulation to the building proposed and the implementation of the landscaping scheme shown on the plans, the building and the use proposed is acceptable and in line with the policies and proposals contained within the Hartlepool Local Plan 2006 and National Policy outlined in the National Planning Policy Framework (NPPF). The justification for this reasoning will be discussed further in the remainder of this report.

### Effect on the Amenity of Neighbouring Properties and the Character and Appearance of the Surrounding Area

1.19 On balance, subject to the conditions recommended below it is considered that the proposed use, layout of the building proposed and its design and appearance are



all acceptable and are unlikely to have any significant detrimental impacts upon the amenities of the occupants of neighbouring properties/premises.

1.20 The proposed building will be sited approximately 33m away from the rear wall of the nearest residential property located upon Regency Drive. The building whilst measuring 7.7m in height will be set 0.5m into the existing ground level. The applicant is also proposing a landscaping scheme as part of the proposed works consisting of 15 new 5m high semi mature trees which will assist in screening the proposed development from the adjacent residential properties. Whilst concern has been raised regarding the effectiveness of the proposed landscaping scheme given the maturity of the trees the Council's Arboricultural Officer is satisfied that the submitted landscape proposal suitable in providing an attractive screen for the proposed development.

1.21 On balance it is considered that the design and appearance of the proposed building is considered to be acceptable and over time it is considered that it will assimilate into the wider area and will be screened from neighbouring residential properties given the tree planting proposed outlined above. The scale of the building whilst large is also considered to be appropriate given the separation distances involved between both residential properties and commercial premises. Whilst the application is not for residential development it is considered prudent to state in the context of this report that the Council have separation distances outlined in the Hartlepool Local Plan 2006 requiring minimum separation distances of 20m where principal elevations face one another. The separation distance with regard to this development is in excess of 30m between the rear of the building and the rear of the closest residential property. Whilst the proposed development is of an industrial form it is not considered that the scale and appearance of the building will be significantly detrimental upon the outlook and living conditions of the neighbouring properties and is unlikely to detract from the visual amenities and character of the area.

1.22 Several neighbour objections have been received raising concerns regarding noise and disturbance. These concerns will be considered in a separate section of this report.

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

1.23 With regard to the concerns raised regarding the nature of the proposed use and its suitability given the area in which it will be located on balance it is considered that the change of use of the site to B2 (General Industrial) restricted purely for the maintenance of plant and machinery is acceptable. As outlined above Policy Ind5 of the Hartlepool Local Plan 2006 allows for B2 uses in this area provided that the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. With regard to this, officers consider that subject to a number of conditions including restricting the use of the site, its operations hours, a scheme of sound insulation to the building, no external maintenance work and the landscaping scheme as proposed the proposed change of use and building will accord with policy Ind5 and the remaining relevant policies of the Hartlepool Local Plan 2006 as outlined above and the NPPF. It is therefore not considered that the

proposed development will significantly detrimentally impact upon the character and appearance of the area to a level whereby the Local Planning Authority could sustain a refusal.

### Noise and Disturbance

1.24 As outlined above, a number of concerns have been received regarding noise and disturbance, by way of prolonged working hours, operations and the creation of dust, smells and fumes etc emanating from the proposed use upon the site. The Council's Head of Public Protection has raised no objections to the proposed development subject to conditions restricting the following:

- The use of the site purely for the maintenance of plant and machinery
- The hours of operation – Monday to Friday 07:30hrs to 18:00hrs and Saturdays 07:30hrs to 13:30hrs and at no time of Sundays or Bank Holidays
- No external maintenance of plant and machinery upon the site
- A scheme of sound insulation to the building
- Any external lighting to be agreed

1.25 On balance, it is considered that the above conditions will prevent any significant detrimental impact upon the amenity of the neighbouring properties and premises. It is considered that restricting all maintenance of plant and machinery to be indoors, the implementation of a scheme of sound insulation to the building and a condition restricting working hours to those outlined above will reduce the noise and disturbance associated with the proposal to a level whereby the Local Planning would be unable to sustain a refusal.

### Vehicular Traffic and Highway Safety

1.26 Whilst it is acknowledged that the change of use of the site would potentially result in an increase in activity at the site, in turn increasing the number of vehicular movements to and from the site, it is not considered that the use, subject to the conditions outlined below would result in any significant detrimental impact upon the living conditions of residents on neighbouring properties. Whilst traffic movements may increase it is considered that these will be sporadic and therefore there will be no significant impacts on the highway network or highway safety. It is considered that sufficient parking provision is provided within the site. The Council's Traffic and Transportation section have raised no highway or traffic concerns with the proposals and have advised that sufficient operational parking and area for manoeuvring have been provided.

### Flooding and Drainage

1.27 Representations have raised concerns regarding a historic flooding issue associated with the area. The Council's Engineering Consultancy Section has viewed the proposed development and has advised that they are aware of a flooding issue in this general area (where Usworth Road meets Brenda Road). Notwithstanding this, the Section have stated that over the past 10 months the system that runs down Brenda Road has been cleansed and it is believed that this will put an end to the ongoing problem. The section further advise that where the

proposed application site lies, flows are directed into a separate/independent system to the problem area further to the north east. The Council's Engineering Consultancy Section have not raised any concerns regarding drainage provided Northumbrian Water are happy to accept flows as waters will discharge into their system. Northumbrian Water has raised no objections to the proposal.

### Other Matters

1.28 A number of objections received have stated that more appropriate locations in the Town are available. Whilst this may be the case having regard to the proximity of residential properties the Local Planning Authority are required to consider this application based entirely upon its own merits. Whilst the proposed development will have an impact upon the amenity of the occupants of neighbouring properties, on balance it is considered that the impact will be acceptable subject to the conditions outlined below.

1.29 With regard to the concerns raised regarding impacts upon the party wall between the application site and the properties located upon Regency Drive it is prudent to state that issues of this nature are purely a civil matter between the respective land owners.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.30 There is no evidence of equality or diversity implications.

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

1.31 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.

1.32 There are no Section 17 implications.

### **REASON FOR DECISION**

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

**RECOMMENDATION** – Minded to approve subject to the conditions outlined below and no substantially different objections being received prior to the expiry of the consultation period, with the final decision delegated to the Planning Services Manager. Should any substantially different objections be received these shall be considered by the Planning Services Manager in consultation with the Chair of the Planning Committee.

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 (Drg.No's: 1338/LP, 1338/01A, 1338/02A and 1338/03) and details (Mike Bradley Garden Design - Landscape proposals for 5m high semi-mature tree screen at industrial unit in Usworth Road Hartlepool for Mr O O'Driscoll) received by the Local Planning Authority on 25/11/2013, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. All planting comprised in the approved details of landscaping approved under condition 2 of this consent shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. Any trees 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.
5. The premises and site shall be used only for the maintenance of plant and machinery and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.  
In the interests of the amenities of the occupants of neighbouring properties.
6. The area shown as car parking on the plan hereby approved (Drg No: 1338/01A) shall be provided before the building is brought into use. The car parking area shall thereafter be kept available for such use at all times during the lifetime of the development.  
In the interests of highway safety.
7. The premises shall only operate between the hours of 07:30hrs and 18:00hrs Mondays to Fridays and on Saturdays between the hours of 07:30hrs and 13:30hrs inclusive and at no other time on Sundays or Bank Holidays.  
In the interests of the amenities of the occupants of neighbouring properties.
8. No external maintenance of any plant and machinery shall take place outside of the building hereby approved.  
In the interests of the amenities of the occupants of neighbouring properties.
9. Before the use of the site hereby approved commences the building hereby approved shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
10. Details of any external lighting to installed upon the building hereby approved or within the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any scheme shall be implemented in accordance with the details as agreed.  
In the interests of the amenities of the occupants of neighbouring properties.

## BACKGROUND PAPERS

1.34 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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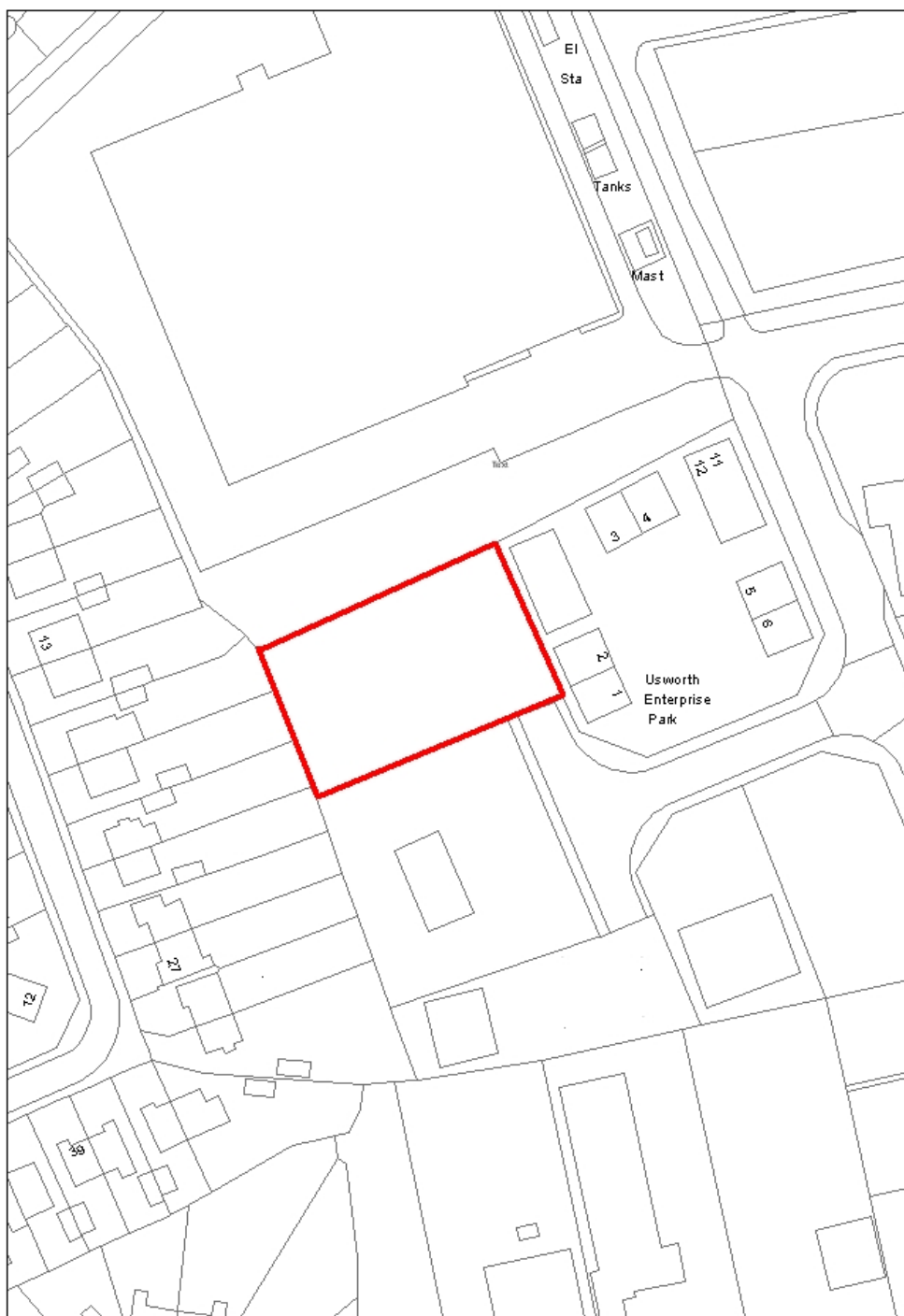
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## USWORTH ROAD



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 : 09/01/13**  
**H/2013/0588**

**No:** 2  
**Number:** H/2013/0612  
**Applicant:** Mr Brendon Colarossi Engineering Consultancy Civic Centre HARTLEPOOL TS24 8AY  
**Agent:** Hartlepool Borough Council Mr Brendon Colarossi Civic Centre Victoria Road HARTLEPOOL TS24 8AY  
**Date valid:** 19/12/2013  
**Development:** Change of use of public open space to construction of 4 parking areas  
**Location:** Land at Sitwell Walk HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 There has been no recent relevant planning history.

## PROPOSAL

2.3 Planning permission is sought for the change of use of public open space to the construction of 4 parking areas. The proposal involves the removal of approximately 400 square metres of grass verge and its replacements with 4 small car parks for residents giving 4 additional spaces per area.

2.4 The application is being reported to committee as it relates to Council owned land.

## SITE CONTEXT

2.5 The site relates to four separate parcels of land on Sitwell Walk and is currently in use as open space on land owned and maintained by Hartlepool Borough Council. It comprises of a grass verge that runs between the frontages of Sitwell Walk and the boundary fence of Brierton School.

## PUBLICITY

2.6 The application has been advertised by way of 8 neighbour letters and a site notice. At the time of writing this committee report the consultation period had not expired and no objections had been received. One e-mail stating no objections had been received.

2.7 Any comments received prior to the committee meeting shall be updated to members at committee. The neighbour consultation period does not expire until 27/1/2014.

## **CONSULTATIONS**

2.8 The following consultation replies have been received:

**HBC Traffic and Transport:** No objections

## **PLANNING POLICY**

2.9 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

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

GEP1: General Environmental Principles  
 GEP3: Crime Prevention by Planning and Design  
 GN6: Protection of incidental open space

### National Policy

2.11 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.

Part 7. Requiring Good Design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.



## PLANNING CONSIDERATIONS

2.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual amenity, residential amenity and highways.

### Principle of Development

2.13 The proposed parking areas would create 16 parking spaces, which would contribute towards alleviating parking issues in the area, as residents of Sitwell Walk currently do not have any parking facilities.

2.14 The application site comprises incidental open space and is therefore protected by virtue of GN6: Protection of Incidental Open Space in the adopted Hartlepool Local Plan 2006. The policy seeks to resist the loss of areas of incidental open space however in instances where there is special locational requirements and there is no other appropriate site in the vicinity the loss of open space is considered acceptable subject to enhancement of adjoining open space or a compensatory scheme.

2.15 In this instance a large strip of verge will be retained and a condition proposing its enhancement is attached.

2.16 It is considered that the proposal would not lead to a significant loss of public open space as the application relates to only part of a wider area of open space.

2.17 It is considered that the proposed development would improve the amenity of the area and would improve parking provision and traffic circulation locally. The development is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan.

### Visual Amenity

2.18 The application site forms part of a wider open grassed area. It is considered that the proposed development would not be significantly detrimental to the visual amenity of the area as the majority of the open space would remain and indeed be enhanced by virtue of the proposed condition. The car parks shall be surfaced with tarmac to match the existing highway. All lighting shall be designed and installed by HBC Street Lighting.

2.19 The development is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan and Part 7 of the NPPF.

### Residential Amenity

2.20 It is considered that due to the scale of the proposed development the loss of open space would be minimal and would not be significantly detrimental to the amenity of neighbouring properties. It is considered that the location of the car parks would offer the opportunity for good surveillance of the parking areas from

neighbouring properties. In addition it is considered that the improvements to parking and traffic circulation in the locality would be of benefit to residents.

2.21 The proposed development is considered to be in accordance with policies GEP1 and GEP3 of the Hartlepool Local Plan.

### Highways

2.22 The Councils traffic and transport section have been consulted and raise no objections to the proposed development in terms of access or parking.

2.23 The proposed development is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.24 There is no evidence of equality or diversity implications.

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

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

2.26 There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – Minded to approve subject to conditions and no objections being received prior to the expiry of the consultation period, with the final decision being delegated to the planning services manager. Should any objections be received these would be considered by the Planning Services Manager in consultation with the Chair of Planning Committee.**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19/12/2013 (Drawing no. PR523/1/PA, Proposed parking scheme), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Notwithstanding the submitted plans a scheme including a programme of works for the enhancement of the adjacent open space 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.

In the interests of visual amenity.

## **BACKGROUND PAPERS**

2.28 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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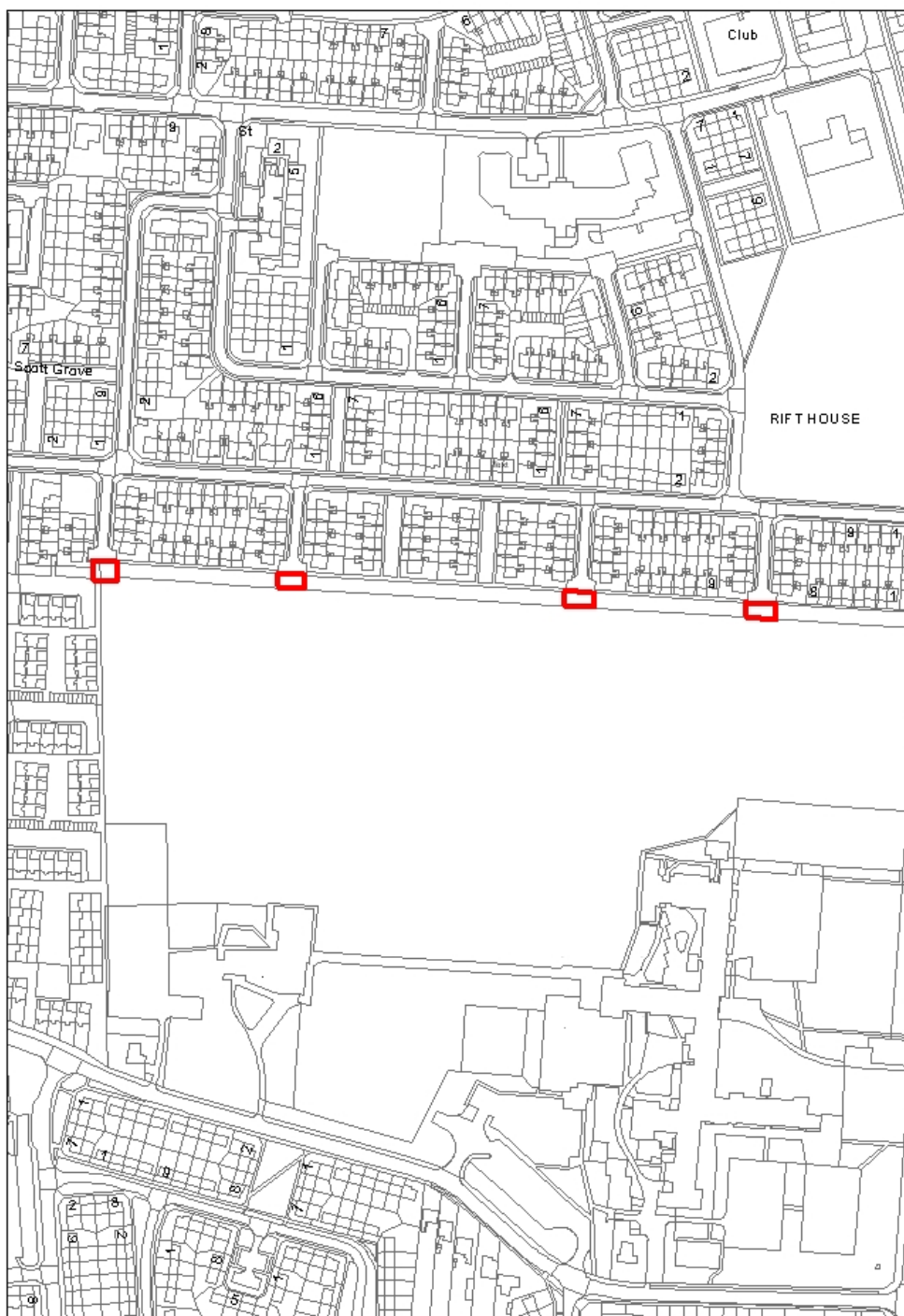
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## LAND AT SITWELL WALK



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 : 09/01/13**  
**H/2012/0612**

**No:** 3  
**Number:** H/2013/0561  
**Applicant:** Ms Jane Young 8-9 Church Street HARTLEPOOL TS24 7DJ  
**Agent:** Hartlepool Borough Council Mr Colin Bolton Property Services Division Church Street HARTLEPOOL  
**Date valid:** 18/11/2013  
**Development:** Erection of a single storey extension to provide additional bedroom  
**Location:** Exmoor Grove Childrens Home Exmoor Grove HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

3.2 Planning History:  
CDC/0046/83 Erection of a home for mentally handicapped children – approved 9/8/83.

3.3 H/2011/0540 Installation of photovoltaic array to south and west facing roof. Approved 20/12/2011.

## PROPOSAL

3.4 The proposals are for the erection of a single storey extension to provide additional bedroom at a childrens home in Exmoor Grove. The existing 10 bed space facility provides a respite and residential service for children with learning difficulties and or challenging behaviour. The new extension will house an en-suite shower room to one of the existing bedrooms. Part of the new extension together with internal alterations will provide an additional bedroom.

3.5 This application has been referred to the Committee as it is a HBC application and an objection has been received.

## SITE CONTEXT

3.6 The site comprises a single storey accommodation block of traditional construction erected during the mid 1980s set in its own grounds comprising a secure children's play area secured by a 2400mm high wire security fence. The site has a tarmac car park/drop off/turning and service area with access to the south. There are landscaped garden areas secured by 1200mm timber boarded perimeter fences to all the boundaries.

3.7 The Children's Home is located in a residential area with predominantly 2 storey domestic dwellings to the north, south and west of the site. A community centre owned by the Local Authority but leased to a local community group is located to the east of the site.

## **PUBLICITY**

3.8 The application has been advertised by way of site notice and an advert in the Hartlepool Mail and neighbour letters (27). To date, there have been 1 objection.

The concerns raised are:

- Car parking is a problem and with this extension the car park must be enlarged.

Copy letter B

3.9 The period for publicity has expired.

## **CONSULTATIONS**

3.10 The following consultation replies have been received:

**HBC Public Protection – No Objection**

## **PLANNING POLICY**

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

### Local Plan Policy

3.12 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

GEP3: Crime Prevention by Planning and Design

### National Policy

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

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

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

3.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the potential loss of amenity of the occupants of neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposals in relation to the existing children’s home and highway safety.

3.15 The proposed extension will protrude 1.8m south from the existing home and have two small windows facing south to the nearest residential property at 13 and 15 Exmoor Grove which are approximately 35m away. Therefore and bearing in mind the extension is single storey it is considered that the physical relationship of the extension is such that there is unlikely to be any significant impact upon neighbouring properties in terms of privacy, light, outlook or dominance. The proposals comfortably meet separation distances and are in line with current policy guidelines. All materials for the extension will match the existing property.

3.16 There is one objection from a neighbour concerned about the potential impact on parking. While the proposals are for an additional bedroom it is envisaged that there will be no or little increased in vehicle movements and there will be no increase in staff numbers. Therefore it is considered that there will be little impact on highway safety.

3.17 Having regard to the above considerations the application is recommended for approval subject to conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.18 There is no evidence of equality or diversity implications.

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

3.19 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.

3.20 There are no Section 17 implications.

## **REASON FOR DECISION**

3.21 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 -**

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 (807/10/001 & 807/10/002 Rev E) and details received by the Local Planning Authority on 15 11 13, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity.

## **BACKGROUND PAPERS**

3.22 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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# EXMOOR GROVE CHILDRENS HOME



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 : 09/01/13**  
**H/2013/0561**

## **POLICY NOTE**

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

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

**GEP3** (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

**Ind5** (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

**Ind8** (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

**GN6** (Protection of Incidental Open Space) - Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

### **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet+ the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**11.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**12.** This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

**13.** The National Planning Policy Framework is a material consideration in determining applications.

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

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

**20.** To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century

**21.** Investment in business should not be over-burdened by the combined requirement of planning policy expectations

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

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

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

## PLANNING COMMITTEE

22 January 2014



**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 been carried out and concluded in response to a complaint regarding a replacement PVC double glazed window in the side elevation of a property on Roxby Close. No action necessary as the improvement work is considered to be permitted development.
2. An Investigation has commenced in response to a complaint regarding the erection of a boundary wall to front and side garden of a property on Huxley Walk.
3. Officer monitoring noted an untidy front and rear garden of a property on Arncliffe Gardens.
4. An investigation has commenced in response to a complaint regarding the conversion of an attached garage to room space at a property on Rosebud Close. In this case permitted developments rights have been removed concerning which extensions, improvements and alterations a householder may make to their house and the area around it without the need for an application for planning permission.
5. An investigation has been carried out and concluded in response to officer monitoring noting the creation of a vehicular access from Stanley Road onto Belle Vue Way. The Councils Transport and Engineering Section confirmed this is a temporary access to assist businesses while works to the A689 Brenda Road Roundabout are carried out and anticipated to be completed by February then it will be closed and reinstated to its original condition.
6. An investigation has been carried and concluded in response to a complaint regarding the conversion of flat roof to mono-pitch roof of an existing single storey extension at a residential property on Leamington Parade. Permitted

development rights applied in this case, however Building Regulations were applicable.

7. An investigation has commenced in response to a complaint regarding the erection of rear boundary fence at Palace Row, Hart.
8. An investigation has commenced in response to a complaint regarding building works such as roof alterations being carried to an existing single storey extension to a residential property on Eamont Gardens.
9. An investigation has commenced in response to a complaint regarding a plastic banner advertising 'Slimming World' fixed on the gable of a residential property on Chelston Close.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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## **PLANNING COMMITTEE**

Wednesday 22<sup>nd</sup> January 2014



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

**Subject:** LOCALLY LISTED BUILDINGS

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### **1. PURPOSE OF REPORT**

- 1.1 In January 2012 a list of Locally Listed Buildings was agreed by the Portfolio Holder. This report outlines the review of the list that is proposed.

### **2. BACKGROUND**

- 2.1 Hartlepool has some 200 listed buildings. These are properties which have been designated by the government as structures which are of 'special architectural or historic interest'.
- 2.2 Locally listed buildings are not of national significance however they may merit protection because, for example, they are the work of a local architect or have a link to a locally significant historical figure which, although not nationally noteworthy, nevertheless makes a contribution to the local sense of place. These buildings are sometimes omitted from the national list because the view is that there are better examples elsewhere within the country. Some characteristics of buildings may, however, be rare within Hartlepool or may have important group value or may display important local distinctiveness which makes up the town's heritage. There are currently 182 locally listed buildings in Hartlepool comprising buildings, parks, street furniture and monuments.
- 2.3 The National Planning Policy Framework (NPPF), describes heritage assets as, 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets and assets identified by the local planning authority (including local listing).' Within the NPPF there are policies relating to both designated and non-designated heritage assets.



### 3. UPDATING THE LIST

- 3.1 The original work carried out to establish the list encompassed surveying buildings across the borough. It is considered that the most effective way to continue to update the list is on a thematic basis, rather than attempt to review large areas again. This is similar to the methodology used by English Heritage for listed buildings.
- 3.2 It is proposed that the surveys for new buildings to add to the list will encompass buildings, structures and spaces associated with both the World Wars. This subject is already covered in the list by way of two pill boxes and anti-tank defences in Greatham, and a number of war memorials across the town. It is felt that this would be an opportunity to achieve more comprehensive coverage. Research has shown that there are remnants of pill boxes and anti tank track obstacles elsewhere in the borough. In addition 2014 is the centenary of the First World War and there are a number of events and projects planned in Hartlepool to mark this occasion. The choice of this subject matter will link in to those events.
- 3.3 The selection criteria for the list will be the same as that used to decide the original list in 2012. A copy has been attached in **Appendix 1** for information. It is proposed that an independent panel is established to select the final entries to be added to the list.
- 3.4 Alongside the new additions it is proposed that where buildings already on the list have been demolished or radically altered these will be deleted to ensure that the list is up to date and remains relevant.

### 4. METHODOLOGY

- 4.1 Officers will use existing research material to identify potential locally listed buildings. Alongside this it is proposed that the process is opened up to public consultation to allow residents and local groups an opportunity to nominate buildings which they feel are significant.
- 4.2 A standard form was developed when the initial list was compiled in 2011. This will be made available at Council offices and on the website. Alongside this is a guidance note including the criteria for listing requesting, where possible, that people include a photograph of their nominated site or a location plan so there can be no doubt of the building which is proposed. In addition they would be asked to provide any research or information they have on the nominations which they feel demonstrates why the site is locally important. This methodology was used in the compilation of the original list in 2011 and was successful.
- 4.3 Local groups and committees would be invited to submit any nominations that they have. It is suggested that these groups would include the Hartlepool Conservation Area Advisory Committee, Hartlepool Civic Society, Parish Councils and residents groups across the town.

## **5. SELECTION PROCESS**

- 5.1 Once nominations are closed officers will compile a full list of the sites including any relevant information which would assist in the selection process. This list would then be published with a further period of consultation to enable residents and groups to nominate any buildings they feel have been missed off the initial draft list.
- 5.2 All of the sites will be contacted directly to make owners and occupiers aware that their building has been nominated and inviting them to make any comments. Their comments will be presented alongside any material considered for selecting the buildings to be placed on a final list.
- 5.3 It is proposed that the selection of buildings would be carried out by an independent panel. The panel would comprise individuals with specialist knowledge in the field of conservation, architecture or history.
- 5.4 Once the panel have compiled the final list owners and occupiers will be notified that their properties are on this list and given an opportunity to comment.
- 5.5 The final list will be presented to Planning Committee for agreement.

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

- 6.1 There are no equality or diversity implications.

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

- 7.1 There are no Section 17 Implications

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 None

## **9. RECOMMENDATIONS**

- 9.1 That the Planning Committee agrees to the review of the list of Locally List Buildings for Hartlepool.

## **10. BACKGROUND PAPERS**

None

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**APPENDIX 1****Defining a locally important building**

The statutorily listed buildings can be all sorts of structures including telephone boxes, walls and gates as well as what we all recognise as buildings. In addition there is also a statutory process which recognises parks and gardens. It is proposed that when considering locally important buildings these definitions are combined and therefore the list will not be limited to buildings but will include other streetscape structures along with parks and landscapes.

**Assessment Criteria**

The assessment criteria that will be used;

- **Design merit:** is it the work of a particular architect or designer of regional or local note? Does it have qualities of age, style or distinctive characteristics relative to the area? Does it have landmark quality? Is it characterful and time-honoured or locally-valued
- **Historic interest:** does it relate to an important aspect of local, social, economic, cultural, religious or political history; does it have an historic association with an important local feature?
- **Historic association:** does it have close associations with famous local people (must be well documented); does it relate closely to any statutorily protected structure or site?
- **Survival:** does it survive in a substantial and recognisable form; are historic features and layout still present; does it represent a significant element in the development of the area?
- **Layout:** is it part of a planned layout that has remained substantially intact e.g. a terrace or a square?
- **General:** does it provide an important visual amenity?

# PLANNING COMMITTEE

22 January 2014



**Report of:** Director of Regeneration & Neighbourhoods

**Subject:** NEIGHBOURHOOD PLANNING (PARK  
NEIGHBOURHOOD PLAN AREA AND FORUM  
DESIGNATION)

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## 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek a decision from Planning Committee on the designation of Park Neighbourhood Plan Area and Forum.

## 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).
- 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 In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations published on 6 April 2012, the Local Planning Authority (LPA) has a statutory obligation to fulfil a number of duties throughout the development of a Neighbourhood Plan which include:
- Providing technical assistance, support and guidance to the Parish Council or Neighbourhood Forum. This can include sharing evidence and information on planning issues, providing advice on national and

local planning policies, assisting with consultation and facilitating communication with external partners;

- Formally publicising the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Parish Council or Neighbourhood Forum. 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;
- To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
- Should a simple majority vote be gained at referendum, the LPA has a statutory obligation to adopt the Neighbourhood Plan. Any implications for the Council's Budget and Policy Framework will be subject to a report and any necessary approvals from Council.

2.5 There are currently four Neighbourhood Plans being developed in Hartlepool, including:

- Hartlepool Rural Plan;
- The Headland Neighbourhood Plan;
- Wynyard Neighbourhood Plan and;
- Park Neighbourhood Plan.

### **3. REPORTING AND DECISION MAKING PROCEDURE: NEIGHBOURHOOD AREA AND FORUM DESIGNATION**

- 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, Neighbourhood Services Committee on 14 October 2013 and Planning Committee on 23 October 2013 and 18 December 2013.
- 3.2 As Neighbourhood Planning is a new policy introduced by Central Government through the Localism Act 2011, Officers continually monitor and evaluate the process. Given the changes to Hartlepool Borough Council's governance arrangements and the recent withdrawal of the Hartlepool Local Plan 2013, a review of the procedure in relation to the designation of neighbourhood areas and / or forums has been undertaken.
- 3.3 As outlined in Part 2 of the Neighbourhood Planning Regulations (General) and Section 2.4 of this report, the LPA has a duty to publicise and complete a period of statutory consultation on the proposed Neighbourhood Plan area and qualifying body (i.e. Parish Council or Neighbourhood Forum) before making a decision on whether or not to formally designate.
- 3.4 Given the nature of the LPA's involvement in the Neighbourhood Planning process, and in accordance with the Council's governance arrangements, it was proposed and agreed at the Planning Committee meeting held on 18 December 2013 that Planning Committee will consider, amongst other

matters, the designation of neighbourhood areas, given its general function ‘relating to town and country planning’. In addition, it was felt that the planning experience and knowledge of Planning Committee coupled with the extended membership of this particular Committee will also prove extremely advantageous in the decision making process.

#### 4. PARK NEIGHBOURHOOD PLANNING FORUM DESIGNATION

- 4.1 In light of the agreed reporting and decision making procedure in relation to Neighbourhood Area and Forum designation, a decision on the Park Neighbourhood Plan Area and Forum is requested, based on the submission received by Park Neighbourhood Planning Forum (attached as **Appendix A**).
- 4.2 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.
- 4.3 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.
- 4.4 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 area.
  - A minimum of 1 person who works in the proposed Neighbourhood Plan area: a number of members are currently working in the area.
- 4.5 The Park Neighbourhood Planning Forum has identified a proposed Neighbourhood Plan boundary and submitted the details to Hartlepool Borough Council as the 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 Planning Forum is the appropriate body to be making the application, and has the capability to take the development of the plan forward.

## 5. PARK NEIGHBOURHOOD PLAN AREA DESIGNATION

- 5.1 The proposed Park Neighbourhood Plan area 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), a proportion of the Burn Valley and Hart wards and also a fraction 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 LPA publicly consulted on the proposed Park Neighbourhood Plan boundary and Forum (full submission attached as **Appendix A**) which ran between September and November 2013. This consultation period was in excess of the statutory requirements as outlined in the Neighbourhood Planning Regulations (General) adopted in April 2012 and is similar to the consultation carried out for the Rural, Headland and Wynyard Neighbourhood Plan boundaries approved at the 18 December 2013 Planning Committee meeting.

## 6. CONSULTATION PERIOD: WRITTEN REPRESENTATIONS RECEIVED

- 6.1 As part of the statutory consultation process between September and November 2013, a written representation was received from GVA for and on behalf of Taylor Wimpey UK Ltd (letter attached as **Appendix B**) noting their interest in becoming a key stakeholder in the Park Neighbourhood Plan process, given their interest in Tunstall Farm.
- 6.2 In addition, it should be noted that there are ongoing concerns from the Rural West Ward Members in relation to the proposed Park Neighbourhood Plan Area and Forum. The concerns are noted below:
- the proposed Park Neighbourhood Plan area is not co-terminous with the Hartlepool ward boundaries;
  - low level of resident representation involved in defining the Park Neighbourhood Plan Area;
  - low level of engagement with Ward Members in the process of defining the Park Neighbourhood Plan Area;
  - should another Neighbourhood Planning group or Forum wish to include parts of the proposed Park Neighbourhood Plan Area (if adopted) that extend into adjoining wards, namely Hart, Burn Valley and Victoria, in defining their Neighbourhood Plan Area, this would not be possible.



## **7. RISK IMPLICATIONS**

- 7.1 Any consultation required throughout the Neighbourhood Planning process will be delivered in adherence with the Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI) for a statutory period of eight weeks. This accommodates the Neighbourhood Planning Regulations (General) adopted in April 2012 which stipulates a minimum six week consultation period.

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 The Park Neighbourhood Plan will be subject to an independent examination and referendum; both of which the Local Authority has 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 that may be incurred would have to be secured from elsewhere.

## **9. LEGAL CONSIDERATIONS**

- 9.1 Regulations are now in force and which relate to the generality of the procedures that apply in relation to neighbourhood planning and specifically to the holding of a referendum on proposals, following an independent examination, the subsequent report from that examination and plan proposal decisions. As outlined in Section 2.4, the Local Authority will have a duty to adopt the Park Neighbourhood Plan should a simple majority vote be gained at a referendum. The National Planning Policy framework indicates that 'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan'. Further, once adopted, a neighbourhood plan's policies will 'take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict'. Any implications for the Council's Budget and Policy Framework will be subject to a report and any necessary approvals from Council.

## **10. STAFF CONSIDERATIONS**

- 10.1 As outlined in Section 2.4, the Local Authority has a statutory obligation to provide technical assistance, support and guidance to the Park Neighbourhood Planning Forum, formally publicise and designate the boundary, validate the Plan before organising an independent examination and referendum.

## **11. ASSET MANAGEMENT CONSIDERATIONS**

- 11.1 There are no asset management considerations in this instance.

## **12. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 12.1 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 Park Neighbourhood Plan.
- 12.2 The Park Neighbourhood Planning Forum will be developing a range of engagement mechanisms to ensure that the Neighbourhood Plan process is inclusive to all residents and communities within the Neighbourhood Plan Area (once adopted) as well as other groups that have a common interest in the area.

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

- 13.1 There are no Section 17 implications in this instance.

## **14. RECOMMENDATIONS**

- 14.1 A decision from Planning Committee is requested on the following:
- Designation of the proposed Park Neighbourhood Plan Area and;
  - Designation of the Park Neighbourhood Planning Forum as the appropriate body to develop the Park Neighbourhood Plan.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 Hartlepool Borough Council is implementing Neighbourhood Planning Policy in line with the Localism Act 2011.

## **16. BACKGROUND PAPERS**

- 16.1 Cabinet (9 January 2012) – Review of Community Involvement and Engagement (including LSP Review).
- 16.2 Cabinet (3 September 2012) – Neighbourhood Planning (Reporting and Decision Making Procedure).

- 16.3 Cabinet (18 March 2013) – Neighbourhood Planning (Update).
- 16.4 Neighbourhood Services Committee (14 October 2013) – Neighbourhood Planning.
- 16.5 Planning Committee (23 October 2013) – Neighbourhood Plan Boundary & Forum Designation
- 16.6 Planning Committee (18 December 2013) – Neighbourhood Planning (Neighbourhood Area and Forum Designation)
- 16.7 <http://www.hartlepool.gov.uk/neighbourhoodplanning>

## **17. CONTACT OFFICER**

Denise Ogden  
Director of Regeneration & Neighbourhoods  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY

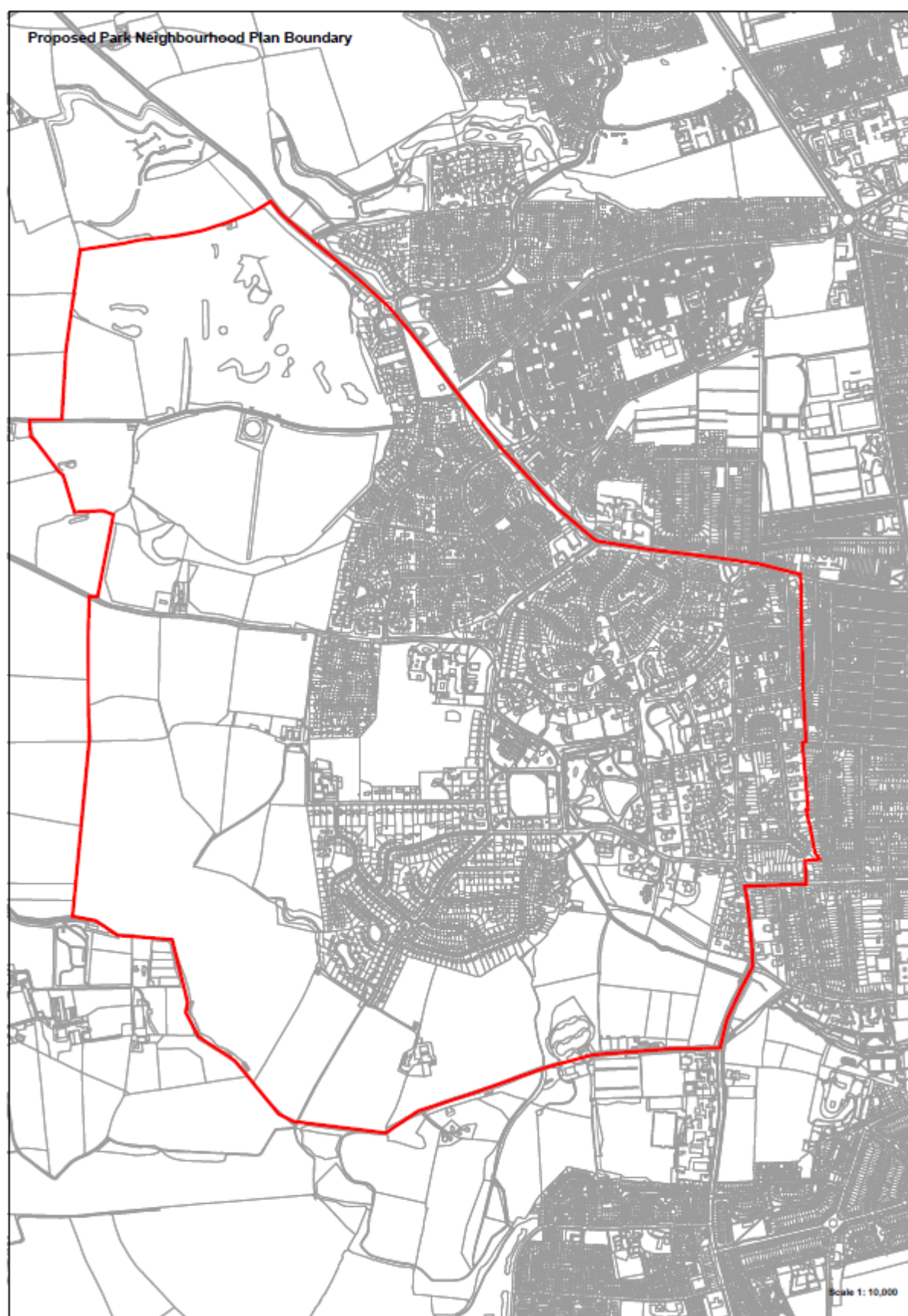
Tel: (01429) 523300  
E.mail: [denise.ogden@hartlepool.gov.uk](mailto:denise.ogden@hartlepool.gov.uk)

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**APPENDIX A**

Park Neighbourhood Plan Area & Forum Submission



### **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**

Ted Jackson  
Chair, Park Neighbourhood Planning Forum  
C/O 7 Amble Close  
Hartlepool  
TS26 0EP

## **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 B**

Park Neighbourhood Plan Area & Forum Designation (Written Representation – GVA on behalf of Taylor Wimpey UK Ltd)



Tom Britcliffe  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

GVA  
Central Square  
Forth Street  
Newcastle u/T  
NE1 3PJ

Dear Tom

**Representations regarding Neighbourhood Plan Boundary – Park Neighbourhood Plan and Forum**

GVA, on behalf of Taylor Wimpey UK Ltd ('Taylor Wimpey'), wishes to provide representations to the Park Neighbourhood Plan boundary consultation.

Introduction

Taylor Wimpey has promoted land referred to as Tunstall Farm (see annexure 1) for residential development for over five years. The site currently falls within the proposed Park Neighbourhood Plan boundary. Given Taylor Wimpey's interest at Tunstall Farm, our client should be a key stakeholder in the Neighbourhood Plan process and indeed our client is willing to dedicate time and assistance to the process to ensure that a legally compliant and sound plan can come forward which meets the development needs of both the local area and the Borough as a whole.

Background to Tunstall Farm

Tunstall Farm was first identified as a housing allocation in the Deposit Draft Local Plan (2001) and the subsequent Revised Deposit Draft (2003). However, the site was not included in the adopted Local Plan (2006) because of borough-wide housing supply conditions at the time and specifically a focus on providing most of the Borough's housing on brownfield regeneration sites in accordance with national planning policy which existed at that time which introduced a sequential approach to housing development.

Following a recognition by the Council that a wider mix of greenfield urban extensions as well as regeneration sites were required to meet development needs in the Borough, the Council identified Tunstall Farm as a preferred allocation for housing in the Core Strategy Preferred Options Report Draft 1 (2009) and Draft 2 (2010). The allocation was however removed at a Hartlepool Cabinet Meeting in September 2011 *'as a result of the objections received and site issues including potential flooding and traffic impact'*.<sup>1</sup>

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<sup>1</sup> Quote taken from Local Plan Sustainability Appraisal June 2012



Flooding and traffic impact issues at Tunstall Farm have been addressed comprehensively by Taylor Wimpey and independently verified by the Planning Inspectorate through the Examination in Public (EiP) process. A transport analysis of the highways network has been undertaken by Tim Speed Consulting and confirms that there is sufficient capacity in the surrounding roads and junctions to accommodate the development traffic and in future years improvements to key junctions would actually alleviate congestion over and above the baseline scenario. Flooding has also been objectively assessed by Queensbury Design Ltd. It is acknowledged that flood risk has been an existing problem in the wider area, however recent investments in drainage infrastructure have resulted in significant improvements. Our client's drainage assessment of the site has demonstrated that the development can be accommodated without increasing the risk of flooding elsewhere and will, in fact, further improve local drainage conditions.

This evidence was presented to the Local Plan Inspector during the EiP along with evidence relating to the need for further housing in this part of Hartlepool. At the EiP issues regarding infrastructure capacity were discussed and highways evidence was submitted demonstrating that an allocation for more than 100 dwellings could be accommodated. Further Hearing Sessions, focussing on flooding at Valley Drive, were held, with the Environment Agency and Council confirming that *'....the site could be considered appropriate for housing with regard to flood risk'* (Hartlepool Council's Statement for Tunstall Farm Hearing).

On 16 October 2013 the Inspector published a number of recommendations entitled *'Outline of modifications required for soundness.'* The recommendation included a number of those set out in Taylor Wimpey's Hearing Statement including:

- **Allocating Tunstall Farm for approximately 100 dwellings;**

It was therefore the Planning Inspectorate's express recommendation that the allocation of Tunstall Farm was required to make the Hartlepool Local Plan **sound**. The Council subsequently withdrew the Local Plan at a Full Council meeting on 17 October 2013. The implication of this is that there is no up to date National Planning Policy Framework (NPPF) compliant Local Plan in Hartlepool.

In conclusion, the site is suitable and sustainable and meets a borough-wide identified need for higher market housing on the western edge of Hartlepool.

#### Representations

Procedural matters governing the preparation of a Neighbourhood Plan are provided by the Localism Act 2011, the Neighbourhood Planning Regulations 2012 and the NPPF 2011.

Paragraph 184 of the NPPF states that *'Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan'*. The Local Plan in Hartlepool (2006) no longer provides an appropriate basis on which to progress a Neighbourhood Plan. The Local Plan is inconsistent with the NPPF as it is out of date and does not include allocations or policies which enable the authority to *'boost significantly the supply of housing'*.<sup>2</sup> Given this, Taylor Wimpey is concerned about

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<sup>2</sup> The Secretary of State has confirmed that when a plan does not provide sufficient viable housing sites to meet the housing requirement it is not consistent with the NPPF's primary objective of boosting significantly the supply of housing. APP/R0660/A/10/2141564

whether a Neighbourhood Plan progressed without a full understanding of the up to date strategic policies for an area, including policies and evidence relating to housing need, is sound or legally compliant.

The Planning Advisory Service states that *'Neighbourhood Plan areas should be coherent, consistent and appropriate in planning terms and should have regard to development proposals in the area'*. The presence of Tunstall Farm, a potential strategic housing allocation, within the proposed boundary should be a key consideration for the Neighbourhood Forum and Council. As successfully argued by Wycomb District Council (in Daws Hill Neighbourhood Forum Vs Wycomb District Council), the future of potential development sites which have a greater than local significance – i.e. strategic sites which have been assessed as needed to meet an identified borough-wide need – should not be determined by a Neighbourhood Plan in the absence of a clear strategic policy for the site. Indeed, Tunstall Farm was identified as being necessary to the soundness of the Local Plan by the EiP Inspector following a thorough review of all potential housing sites across the Borough. If Tunstall Farm is included within the Neighbourhood Plan boundary, the history of the site in terms of its wider importance to meeting borough-wide housing need and its emergence through the Local Plan process and EiP should be taken into account when the Neighbourhood Plan is progressed.

#### Benefits of Tunstall Farm

Housing development at Tunstall Farm represents sustainable development. There are a number of significant benefits associated with developing the land at Tunstall Farm for residential development, they include:

- The site is deliverable and sustainable and can therefore meet some of the Council's identified under-supply of housing;
- Infrastructure improvements will be provided which will reduce drainage and flood risk for the whole of the Valley Drive area;
- Funding can be provided to build new and refurbish existing affordable properties across Hartlepool.
- The creation of a distinctive residential neighbourhood within an attractive framework of open space and landscape to soften the urban edge and frame views from the south.
- Based on a scheme of around 100 dwellings, the following economic benefits will be derived from the proposals at Tunstall Farm:
  - Capital investment of circa £12 million in Hartlepool from the construction of new properties at Tunstall Farm
  - Around 60 new full time local jobs for the 3 year build period and a further 7 'spin-off' jobs in the local economy
  - Additional expenditure by residents of around £1.1 million in local shops.
  - Approximately £1.2 million in New Homes Bonus payments (based on Council Tax Bands D - F).
  - Approximately £2.2 million in additional Council Tax payments over 10 years.

The site therefore accords with the NPPF's objectives to support economic growth through the planning system.

### Conclusions

On the basis of information contained within these representations, Taylor Wimpey has significant concerns about the appropriateness of progressing the Park Neighbourhood Plan in the absence of strategic policies based on up to date evidence. This would conflict with the provisions of the NPPF (paragraph 47) which states that development plan policies should be based on an up to date objective assessment of need. Upon adoption of up to date strategic policies for Hartlepool, any Neighbourhood Plan would be rendered out of date.

The significance of Tunstall Farm in meeting a borough-wide need for new higher value family housing on the western edge of Hartlepool should be recognised and the site should be taken forward and allocated through the strategic policies of the Local Plan rather than the Neighbourhood Plan.

If a Neighbourhood Plan is progressed, evidence relating to the previous Local Plan process, the EiP, the Inspectorate's recommendations and housing need should be considered and the site should be allocated for residential development of approximately 100 dwellings.

Taylor Wimpey wishes to fully engage with the Neighbourhood Plan process as a key stakeholder / interested party in the Valley Drive / Park area and requests that any developments with regard to the Neighbourhood Plan are referred to Taylor Wimpey in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Tom Baker', with a long horizontal line extending to the right.

**Tom Baker**  
**Principal Planner**  
**GVA**

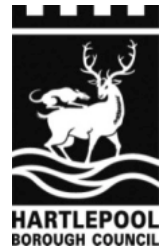
For and on behalf of Taylor Wimpey UK Ltd





# PLANNING COMMITTEE

22<sup>nd</sup> January 2014



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

**Subject:** Proposed Creation of Two New Public Footpaths within Elwick Parish

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## 1. PURPOSE OF REPORT

- 1.1 This report seeks approval to create two new public footpaths within the parish of Elwick – see **Appendix 1** by entering into and subsequently confirming agreements with relevant landowners, in accordance with s.25 of the Highways Act 1980.

## 2. BACKGROUND

- 2.1 In 2009 a Heritage Lottery Fund bid, called Limestone Landscapes Project, was successful and was awarded close to £2 million of funding. It had a five year period that closes at the end of 2014.
- 2.2 As part of this large project a sub-project, called 'Leg It across the Limestone Landscape', was started.
- 2.3 The main thrust of this sub project was to provide and improve access within the Limestone Landscape project area. Some of the access improvements are located within Hartlepool Borough, specifically Elwick Parish. See **Appendix 1** for location plan.
- 2.4 The Limestone Landscape Project area is based on the geological Magnesium Limestone Plateau, which lies across the majority of the North East Region of England.
- 2.5 Part of the required match funding for the sub-project was to be provided through another access fund, called Partnership for Communities (P4C) (managed by Natural England). An application for the P4C funding was sent in by the Elwick Path Partnership, comprising of Elwick Parish Council (EPC), Hartlepool Borough Council (HBC) and Limestone Landscapes (LL).

4.5 Planning 22.01.14 Proposed creation of 2 new public footpaths within Elwick Parish

It was successful in bidding for funding for the creation and installation of two new public footpaths to the south and to the east of Elwick village.

- 2.6 The match funding awarded by the P4C fund provided for landowner's compensation and also countryside furniture, fencing and footbridge installation

### 3. **PROPOSALS**

- 3.1 The proposed public footpath creations, shown on **Appendix 1 plan**, will link four individual and unlinked public footpaths and so create a more varied, interesting and improved access network around the village.
- 3.2 Creation of Public Footpath No.27, Elwick Parish (see **Appendix 2**) will link the existing Public Footpaths of Elwick No.4 and Elwick No.6.
- 3.3 Creation of Public Footpath No.28, Elwick Parish (see **Appendix 3**) will link the existing Public Footpaths of Elwick No.6 and Elwick No.7.

### 4. **LEGAL CONSIDERATIONS**

- 4.1 Under Section 25 of the Highways Act 1980 a creation agreement may be entered into with the local authority if it is satisfied that a relevant person (landowner) has the necessary power for the dedication by that person, of a footpath over land in their area.
- 4.2 When looking at Section 25 of the Highways Act 1980; the following considerations have to be regarded:
- 4.3 **Landowner/Public Interest**  
The proposed creation of the two new public footpaths has been looked at in detail and discussed fully by various groups and organisations and the landowners and without exception everyone has seen the benefits of the creations in relation to improved accessibility and public safety.
- 4.4 **Termination Points**  
The proposed creation of the two public footpaths have termini with existing public footpaths and therefore fulfil the legal requirements to link to existing highways, which in this case are public rights of way. See **Appendices 2 & 3** for details of the existing network of paths that the new paths will link to.
- 4.5 **Compensation for loss caused by the proposed creation agreements (Section 28, Highways Act 1980)**  
This will be more fully discussed within the Financial Consideration's section; suffice it to say the funding for the compensation, to the relevant

4.5 Planning 22.01.14 Proposed creation of 2 new public footpaths within Elwick Parish

landowners, is being fully provided through the P4C fund – Elwick Path Partnership

4.6 **Consideration of the Rights of Way Improvement Plan 2007**

The Rights of Way Improvement Plan 2007 looks to improve the local access network of paths, within Hartlepool Borough, and this includes creating improvements to the rights of way. This proposal to create two new paths aligns perfectly with the Plan and its aims.

5. **FINANCIAL CONSIDERATIONS**

5.1 As mentioned in section 3.8; the compensation, to the relevant landowners, for the creation of the two new paths will be fully funded by the P4C fund and will be administered by the senior partner of the Elwick Path Partnership – namely Elwick Parish Council

5.2 The total compensation funding would amount to £5,100.00. Similarly Elwick Parish Council will be administering the purchase and installation of the afore-mentioned fencing, countryside furniture and footbridge. These items will also be fully funded by the P4C fund and the Limestone Landscapes Project. The costs amount to £12,120.00.

5.3 The Council will be funding its own cost in relation to the legal and administration costs associated with entering into agreements with the relevant persons by carrying out the legal process in accordance with section 25 of the Highways Act 1980. The full amount for these costs will be between £500.00 and £1,000.00.

5.4 Limestone Landscapes will be fully funding the landowner's legal fees in relation to solicitors and land agents costs. This would amount to £3,000.00

6. **EQUALITY AND DIVERSITY CONSIDERATIONS**

6.1 It is believed that there are no diversity issues or constraints in relation to the creations of the two new public footpaths within the Parish of Elwick.

7. **ACCESS/DDA**

7.1 All reasonable steps have been taken to create two new paths that suit the needs of Mobility and Visually Impaired Groups. The installed kissing gates and self-closing gates will be compliant to British standards 5709:2006 and are also compliant in relation to mobility impairment use.

4.5 Planning 22.01.14 Proposed creation of 2 new public footpaths within Elwick Parish

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

- 8.1 The local authority has considered the need to protect the agricultural practices carried out at the relevant landholdings. With this in mind it has sought out and has found funding, through the P4C fund, to provide for the purchase and installation of countryside furniture for both new paths.
- 8.2 Creation of Public Footpath No.27, Elwick Parish – fencing and two self-closing gates
- 8.3 Creation of Public Footpath No.28, Elwick Parish – two kissing gates and a footbridge over Char Beck
- 8.4 It has been agreed by the Council, Elwick Parish Council, Limestone Landscapes and the funder Natural England and the relevant landowners that these considerations are more than adequate in looking at the protection and continuance of the relevant agricultural practices.

## 9. **CONSIDERATION OF BIODIVERSITY**

- 9.1 It is believed that there are no biodiversity issues or constraints in relation to the creations of the two new public footpaths within the Parish of Elwick

## 10. **CONSULTATIONS**

- 10.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these consultees raised any objections to the proposals concerned.
- 10.2 Both Elwick Parish Council and the Ramblers Association have requested that new routes be of a width of at least 2 metres,

## 11. **SECTION 17**

- 11.1 Section 17 of the Crime and Disorder Act 1988 requires local authorities and police authorities to consider the community safety implications of all their activities.
- 11.2 Section 17 states:
  - *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*

4.5 Planning 22.01.14 Proposed creation of 2 new public footpaths within Elwick Parish



- 11.3 The Community Safety Implications, in respect of the creations of the two new public footpaths within the Parish of Elwick, have been taken into account and that all has been reasonably done to prevent crime and disorder.

## **12. RECOMMENDATIONS**

- 12.1 That the Planning Committee:

- approve the creation of two new public footpaths within the parish of Elwick – see **Appendices 1, 2 and 3** - by the entering into and subsequently confirming of agreements with relevant landowners, in accordance with s. 25 of the Highways Act 1980.
- approve the Hartlepool Borough Council financial commitment in relation to the legal and administration costs associated with entering into agreements with the relevant persons by carrying out the legal process in accordance with section 25 of the Highways Act 1980, which will be between £500 and £1,000.00.. (see note 5.3 – Financial Considerations for further details)

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 Section 25 of the Highways Act 1980 allows a creation agreement to be entered into with the local authority if it is satisfied that a relevant person (landowner) has the necessary power for the dedication by that person, of a footpath over land in their area.
- 13.2 In 2012 funding through the Paths for Communities fund was obtained by the Elwick Path Partnership to allow for the creation and installation of two new public footpaths in the Parish of Elwick.
- 13.3 To carry out and finalise the relevant agreements, the approval is required

## **14. BACKGROUND PAPERS**

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

## **15. APPENDICES**

- 15.1 The Appendices referred to are listed below and are attached to this report:
- 4.5 Planning 22.01.14 Proposed creation of 2 new public footpaths within Elwick Parish

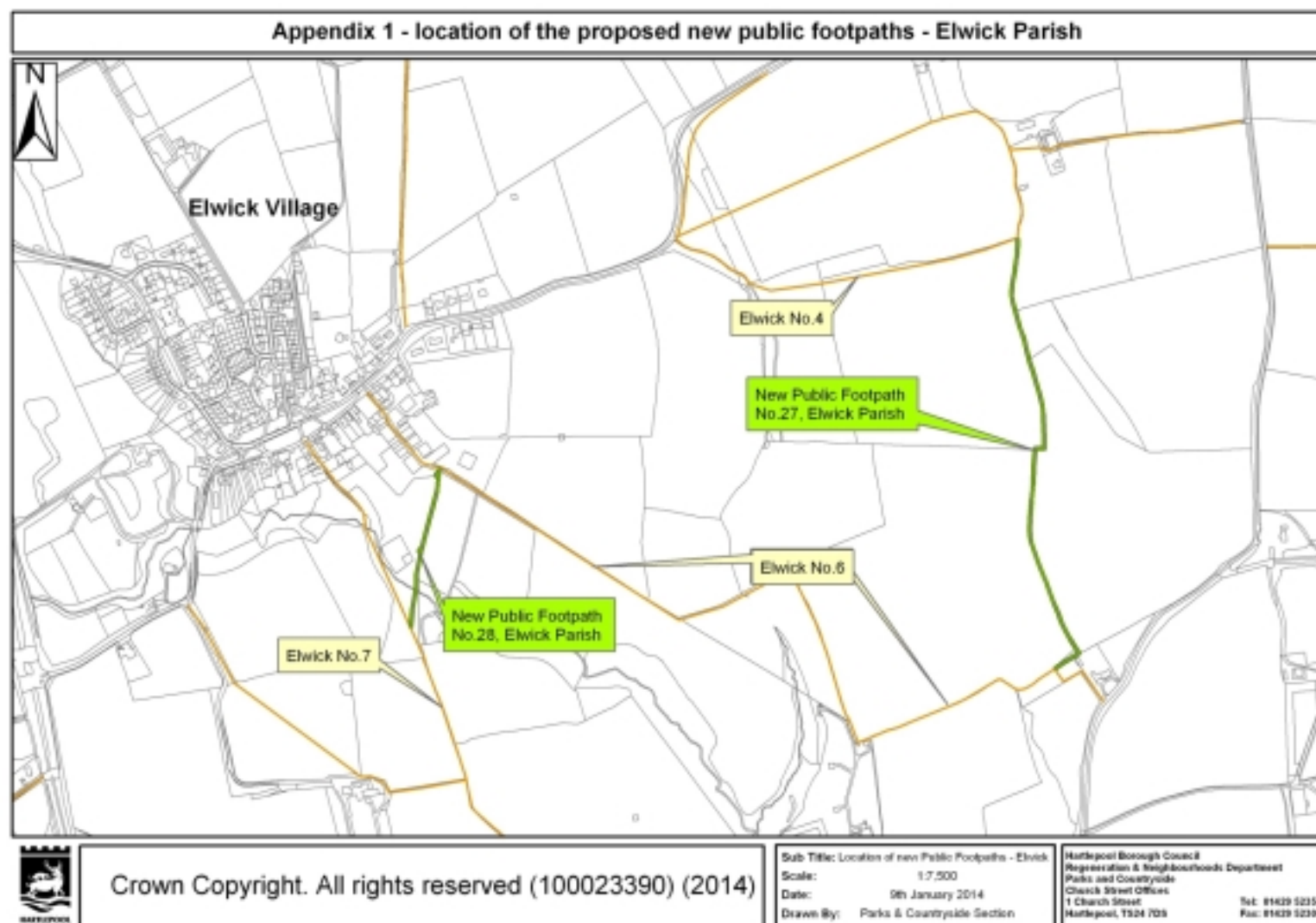
- Appendix 1 – Location plan of the proposed two new public footpaths.
- Appendix 2 – Location plan of the new Public Footpath No.27, Elwick Parish
- Appendix 3 – Location plan of the new Public Footpath No.27, Elwick Parish

**16. CONTACT OFFICER**

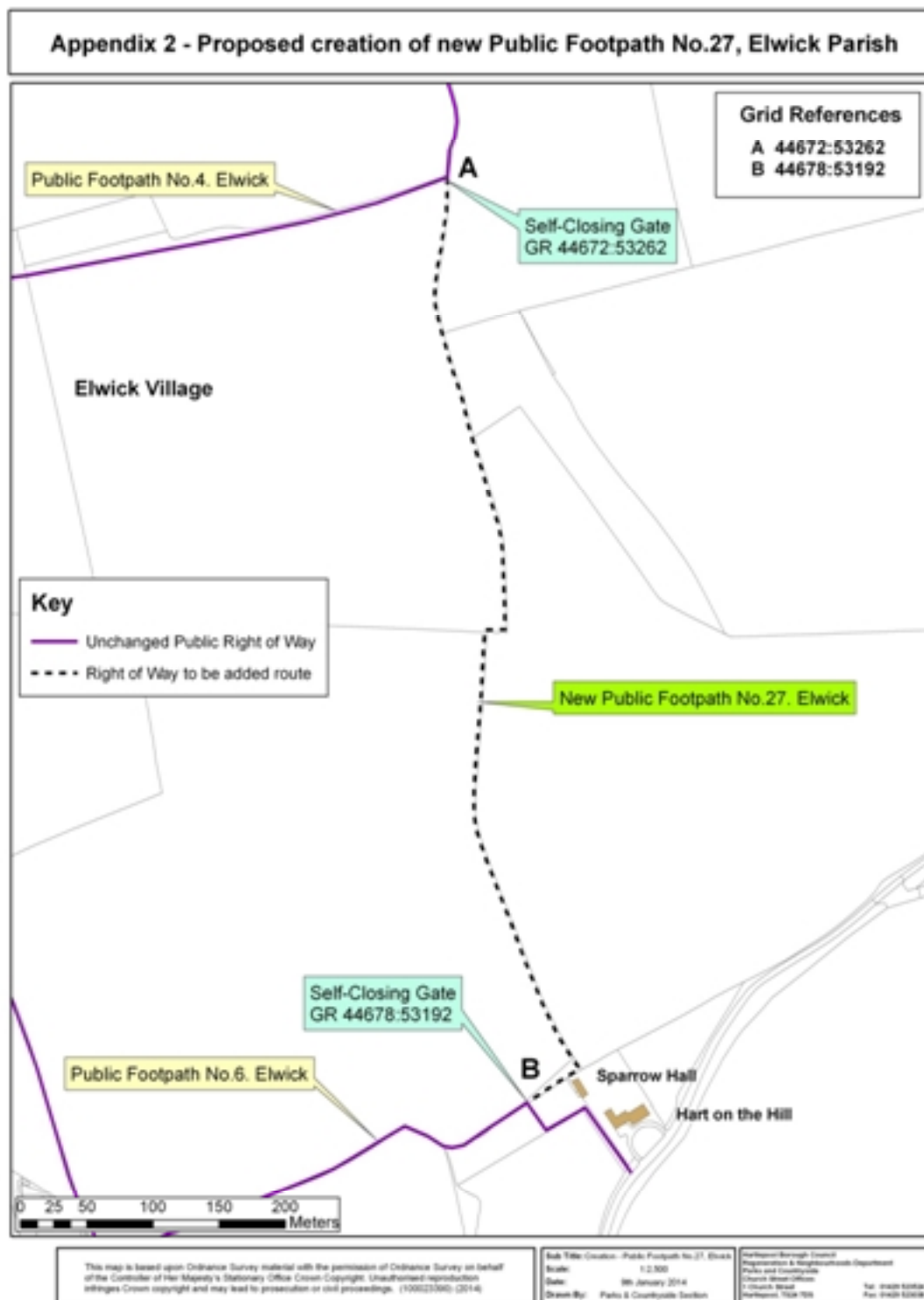
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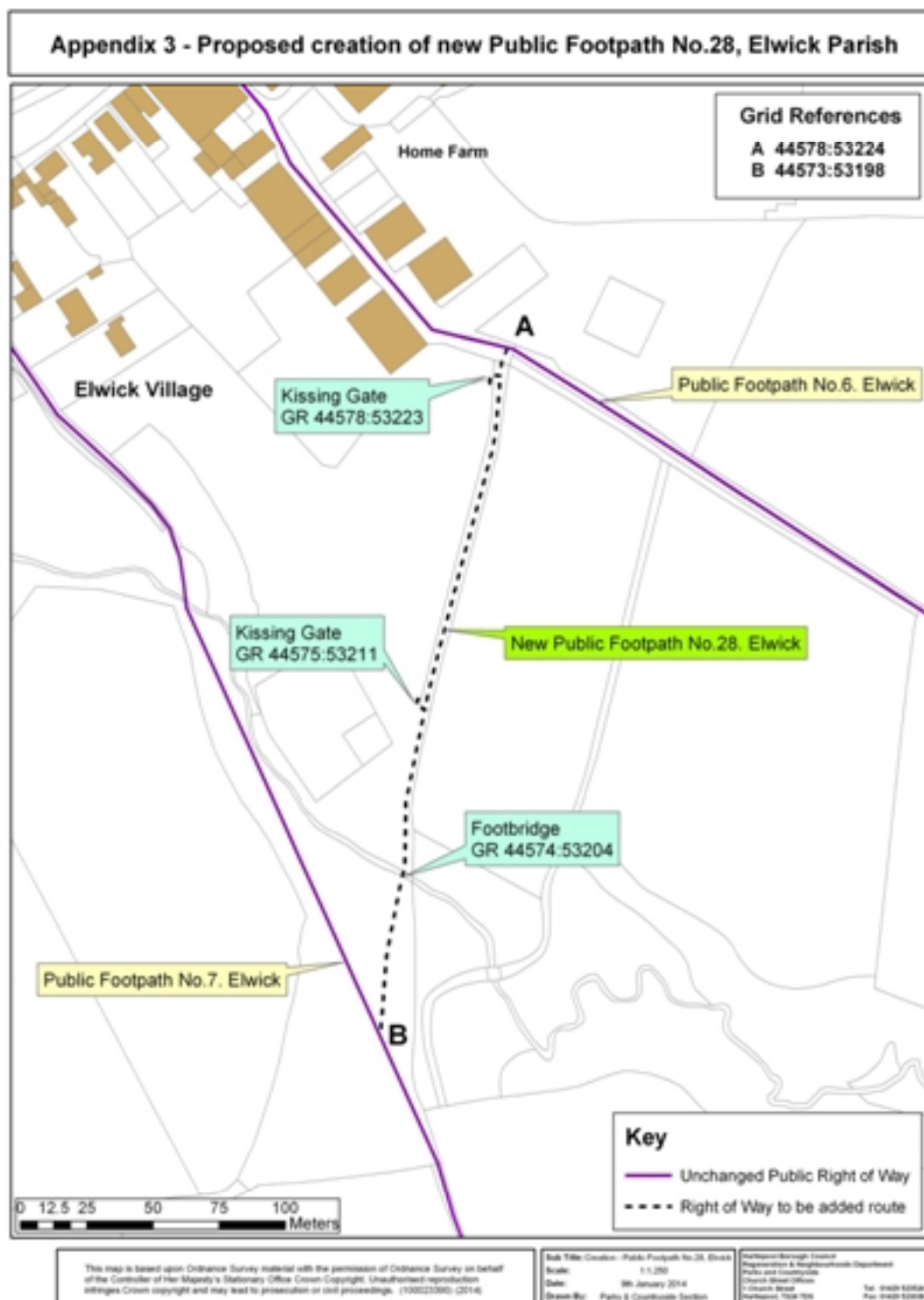
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