

# PLANNING COMMITTEE AGENDA



**Wednesday 13 May 2015**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer.

### 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 25 March, 2015
- 3.2 To confirm the minutes of the meeting held on 22 April, 2015

### 4. **ITEMS REQUIRING DECISION**

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
  - 1. H/2014/0424 Commercial Units – Green Street (page 1)
  - 2. H/2014/0398 Variation of condition – The Front/The Cliff, Seaton (page 14)
- 4.2 Appeal re Land at Brenda Road. Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.3 Appeal at Land at Scallywaggs Nursery Warrior Drive. Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.4 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*

### 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 10 June, 2015.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

25<sup>th</sup> March 2015

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Allan Barclay, Marjorie James, George Morris,  
Robbie Payne and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Peter Devlin, Chief Solicitor  
Damien Wilson, Assistant Director (Regeneration)  
Andrew Carter, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Adrian Hurst, Principal Environmental Health Officer  
Mike Blair, Highways, Traffic and Transportation Manager  
Fiona Stanforth, Planning Policy Officer  
Jo Stubbs, Democratic Services Officer

### **123. Apologies for Absence**

Apologies were submitted by Councillors Stephen Akers-Belcher, Keith Dawkins, Geoff Lilley and Ray Martin-Wells

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

None

### **125. Confirmation of the minutes of the meeting held on 18<sup>th</sup> February 2015**

Approved

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

<b>Number:</b>	H/2015/0023
<b>Applicant:</b>	MR CHRIS POOLEY ALPHA 3, THE BUNTINGS STOWMARKET
<b>Agent:</b>	THE SHADBOLT GROUP MR IAN CARMAN 18 BEWICK ROAD GATESHEAD
<b>Date received:</b>	26/01/2015
<b>Development:</b>	Demolition of Educational Development Centre and erection of two six bedroom residential care bungalows, and four two storey buildings to accommodate sixteen one bedroom Independent Supported Living Apartments
<b>Location:</b>	LOT 1 FORMER EDUCATION DEVELOPMENT CENTRE SEATON LANE HARTLEPOOL

John Hutton from Shadbolts and Bill Rowntree from Mariner Care were present at the meeting and available to answer members' questions on the three planning applications. A member queried the amount of designated disabled parking bays being provided. The Highways, Traffic and Transportation Manager confirmed that 3 disabled bays had been designated as per the Council's standard parking requirement. The Applicant commented that most of the residents would not have their own transport and the intention was to provide community buses to transport residents as and when required. However should more disabled bays be required in the future they would be happy to allocate spaces as and when required. Members asked that this be included in the planning conditions.

A member requested that the ward members be included in discussions as to where the planning contribution funding would be spent, given the need for play facilities and green space in the Jutland Road area. The Planning Services Manager advised that officers would initially identify appropriate sites. Ward members were asked for their comments and could suggest alternatives. In this case no alternatives had been suggested.

A member highlighted a previous planning decision not to allow the building of properties in Brenda Road intended for the elderly and ex-servicemen due to noise concerns. This proposal would have similar issues. The Planning Team Leader advised that sound insulation and acoustic fencing would be provided on the site, commenting that officers had recommended approval for the Brenda Road site.

A member queried whether an outside gym area could be provided for the elderly residents. The Planning Services Manager indicated that a site for the sports provision contribution had already been identified but this could be considered for future developments.

Members approved the application unanimously.

**Decision:** **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£7,000), built sport (£7,000) and play (£7,000), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

#### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated: 2365A-101 (Lot 1 Existing Site Plan) received 19 January 2015, 2365A-102 Rev B (Lot 1 Proposed Site Plan) as amended by condition 17, 2365A-1A-102 Rev A (Building 1A Elevations), 2365A-1A-101 Rev A (Building 1A Plans), 2365A-1B-101 Rev B (Building 1B Plans and Elevations), 2365A-1C-101 Rev B (Building 1C Plans and Elevations), 2365A-1D-101 Rev A (Building 1D Plans), 2365A-1D-102 Rev A (Building 1D Elevations), 2365A-1E-101 Rev B (Building 1E Plans and Elevations) and 2365A-1F-101 Rev B (Building 1F Plans and Elevations) received 12 March 2015. 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. The development hereby approved shall be carried out having regard to the following: 1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the

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

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

3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are

subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.

7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East, West and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores and including position and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in

- the interests of the amenities of the occupants of the adjacent residential property.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
  14. This permission relates to the provision of sixteen independent supported living apartments (Class C2 Use) (Building Nos 1B, 1C, 1E and 1F drawing 2365A-102 Rev B), two residential care dwellings (Class C2 Use) (Building 1A and 1D drawing 2365A-102 Rev B) and the development shall not be used for any other uses including any other uses within Class C2 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. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.
  15. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure satisfactory disposal of foul water.
  16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
  17. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use and retained thereafter for the intended vehicle parking use for the lifetime of the development. In the interests of highway safety.

---

**Number:** H/2015/0024

**Applicant:** MR CHRIS POOLEY ALPHA 3, THE BUNTINGS  
STOWMARKET



**Agent:** THE SHADBOLT GROUP MR IAN CARMAN 18  
BEWICK ROAD GATESHEAD

**Date received:** 26/01/2015

**Development:** Erection of one four bedroom residential care bungalow and four two storey buildings to accommodate twenty one Independent Supported Living one bedroom apartments

**Location:** LOT 2 SEATON LANE HARTLEPOOL

Members approved the application unanimously. It was noted that the additional condition relating to additional parking for disabled persons on the Lot 1 application would be included.

**Decision:** **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£6,250), built sport (£6,250) and play (£6,250), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority of 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated: 2366A-101 (Lot 2 - Existing Site Plan) received 19 January 2015, 2366A-102 Rev B (Lot 2 Proposed Site Plan) as amended by condition 17, 2366A-2A-101 Rev A (Building 2A - Plans and Elevations), 2366A-2B-101 Rev C (Building 2B - Plans and Elevations), 2367A-2C-101 Rev B (Building 2C - Plans and Elevations), 2367A-2D-101 Rev B (Building 2D - Plans and Elevations) and 2367A-2E-101 Rev B (Building 2E - Plans and Elevations) received 12 March 2015. 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. The development hereby approved shall be carried out having regard to the following:
1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
  2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
  4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local

Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
8. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.
9. No development shall take place until the details of an acoustic wall/fence to the East and Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
10. Details of the proposed bin stores including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
11. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In

- the interests of the amenities of the occupants of neighbouring properties.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
  13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
  14. This permission relates to the provision of twenty one independent supported living apartments (Class C2 Use) (Building Nos 2B, 2C, 2D and 2E drawing 2366A-102 Rev B), and one residential care dwelling (Class C2 Use) (Building 2A drawing 2366A-102 Rev B) the development shall not be used for any other uses including any other uses within Classes C2 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. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.
  15. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure satisfactory disposal of foul water.
  16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
  17. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use, and retained for the intended vehicle parking use for the lifetime of the development.

In the interests of highway safety.

---

<b>Number:</b>	H/2015/0025
<b>Applicant:</b>	MR CHRIS POOLEY ALPHA 3, THE BUNTINGS STOWMARKET
<b>Agent:</b>	THE SHADBOLT GROUP MR IAN CARMAN 18 BEWICK ROAD GATESHEAD
<b>Date received:</b>	26/01/2015
<b>Development:</b>	Erection of ten Independent Supported Living bungalows, a four bedroom residential care dwelling and a two storey day centre
<b>Location:</b>	LOT 3 SEATON LANE HARTLEPOOL

Members approved the application unanimously. It was noted that the additional condition relating to additional parking for disabled persons on the Lot 1 and Lot 2 applications would be included.

**Decision:** **Minded to APPROVE** subject to the completion of a legal agreement to secure the following developer contributions, green infrastructure (£3,500), built sport (£3,500) and play (£3,500), the conditions in the report and an additional condition requiring additional parking for disabled persons. The decision is subject to the consideration by the Planning Services Manager of any additional representations received prior to the expiry of the consultation period, with the final decision including authority to add, delete or amend conditions delegated to the Planning Services Manager.

### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 19 January 2015 and the following drawings received at the Local Planning Authority on the days indicated, 2367A-100 (Lot 3 Location Plan) received 19 January 2015, 2367A-102 Rev E (Lot 3 Proposed Site Plan) received 11 March 2015 as amended by condition 20, 2367A-3D-101 Rev A (Building 3D Plans and Elevations) 2367A-3E-101 Rev A (Building 3E Plans and Elevations) 2367A-3F-101 Rev A (Building 3F Plans and Elevations) 2367A-3C-101 Rev A (Building 3C Plans and

Elevations) 2367A-3B-101 Rev A (Building 3B Plans and Elevations) received 10 March 2015 and 2367A-3A-102 Rev B (Building 3A Elevations) 2367A-3A-101 Rev B (Proposed Plans) received 11 March 2015. 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. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
  2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
  4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved

development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public



- authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. In the interests of visual amenity.
  7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
  8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).
  9. No development shall take place until a detailed scheme of noise insulation measures for the residential elements of the development has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Thereafter the approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter. To ensure that the buildings are adequately soundproofed in the interests of the amenity of their occupants.

10. No development shall take place until the details of an acoustic wall/fence to the Southern boundary of the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the wall/fence shall be constructed in accordance with the approved details prior to the occupation of the dwellings and be permanently retained thereafter. In the interests of the amenities of the occupants of the residential units.
11. Details of the proposed bin stores and cycle park including position and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the approved scheme shall be implemented and retained for the lifetime of the development. In the interests of visual amenity.
12. The use of the daycentre hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises. In the interests of the amenities of the occupants of neighbouring properties.
13. The day centre shall only be open to the public between the hours of 9am and 12 Midnight Mondays to Sunday inclusive. In the interests of the amenities of the occupants of neighbouring properties.
14. No music shall be played in, or be piped/relayed to, the external garden areas or outside seating area of the day centre. In the interests of the amenities of the occupants of neighbouring properties.
15. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
18. This permission relates to the provision of ten independent supported living bungalows (Class C2 Use) (Building Nos 3C, 3D, 3E and 3F, drawing No: 2367A-102 Rev E), residential care dwelling (Class C2 Use) (Building 3B drawing 2367A-102 Rev E) and day centre (Class D1 Use) (Building 3A drawing 2367A-102 Rev E) the development shall

not be used for any other uses including any other uses within Classes C2 and D1 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. For the avoidance of doubt, and to ensure that the buildings are used for the uses proposed in order to ensure adequate parking provision is accommodated and in the interest of the amenity of neighbouring properties.

19. No development shall commence until details for the disposal of foul water from the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved. In order to ensure the satisfactory disposal of foul water.
  20. Notwithstanding the submitted details prior to the commencement of development a revised proposed site plan, showing additional vehicle parking for disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the plan so approved and the approved parking provided prior to the buildings being brought into use, and retained for the intended vehicle parking use for the lifetime of the development.
- In the interests of highway safety.

### **127. Appeal at land at former Coastguards Office, Moore Terrace, Headland, Hartlepool** *(Assistant Director (Regeneration))*

Members were advised that an appeal had been lodged against the refusal of the Local Planning Authority, against officer recommendation, to allow the change of use of the former coastguards' station to a dwelling. The appeal will be decided by written representation.

#### **Decision**

That authority be given to officers to contest the appeal.

### **128. Neighbourhood Planning Update** *(Assistant Director (Neighbourhoods))*

Members were given a brief update on Neighbourhood Planning in Hartlepool. Introduced under the Localism Act 2011 Neighbourhood Planning was intended to give local people greater ownership of plans and policies that affect their local area and provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area. Once adopted a Neighbourhood Plan becomes part of the formal planning process and must be in general conformity with national planning policy and the Local

Authority's Development Plan. Three Neighbourhood Plans were currently under development in Hartlepool: Hartlepool Rural, Headland and Wynyard. Members were advised as to the current status of each Neighbourhood Plan.

With reference to the Wynyard Neighbourhood Plan members queried whether the ward councillors had been involved in the process. The Planning Policy Officer advised that the plan was being developed by the Wynyard Residents Association with support from Stockton Borough Council and Hartlepool Borough Council. She was unsure what level of involvement Hartlepool's ward councillors had been given. Members commented that this had been described as a partnership but without member involvement it was not a true partnership. The Chair asked that the ward councillors be involved. The Assistant Director confirmed he would investigate and circulate an update within a week.

The Chair of Headland Residents Association highlighted his involvement in the formulation of the Headland Neighbourhood Plan. However he had previously been advised that there was not a need to officially declare an interest in this case.

## Decision

That progress in relation to Neighbourhood Planning in Hartlepool be noted

### **129. Appeal at land at Quarry Farm, Elwick Road, Hartlepool** (*Assistant Director (Regeneration)*)

Members were advised of a recent appeal decision in relation to land at Quarry Farm. Planning members had previously refused an application for the erection of 81 dwellings at the site, against officer recommendations. The developer had subsequently appealed this decision and an inquiry had taken place following which the inspector had allowed the appeal. It was noted however that the developer had not pursued a claim of costs against the Council which could have been substantial. Members queried whether it would be possible that a letter be sent to the developer thanking them for this and indicating a willingness to work together in the future. This would be sent through the economic development department. The Assistant Director commented that although legal costs had been avoided there had still been expenditure on the part of the Council in terms of officer time and employment of consultees to mount a defence. Members noted this but that it was incumbent upon officers to defend decisions made by councillors.

The Chair advised that a decision in relation to the Tunstall Farm appeal was not expected until June.

## Decision

That the decision be noted

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

Members' attention was drawn to 14 ongoing issues currently being investigated.

With reference to a complaint regarding the display of posters at a sports centre on Brierton Lane a member advised that similar posters had been placed on railings outside Burn Valley Gardens. They queried whether there had been any prosecutions for fly posting. The Chair commented that he would not advocate this as any benefits would be outweighed by the cost of prosecuting. Members suggested spot fines for littering but this could only be done if those responsible were caught in the act.

The Planning Services Manager advised members of residents' concerns that land currently being resurfaced in Tanfield Road would be turned into a car park. This was not the intention.

Decision

That the report be noted

**131. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

**132. Compulsory Purchase Orders (CPO)**

A member referred to a consultation on CPOs currently being carried out by the Secretary of State for Communities and Local Government. At a recent Finance and Policy Committee members had requested that their concerns at the length of the process be highlighted as part of the consultation response. He asked that the Planning Committee endorse this and be involved in the process. The Chief Solicitor indicated that the consultation was due to run until 9<sup>th</sup> June. The stated intention was to make the process clearer, fairer and more efficient although the Assistant Director did not believe that the changes would be particularly radical. Members suggested that officers liaise with the Local Government Association during the consultation process to find other Local Authorities with a similar viewpoint.

### **133. Future site visit and meeting**

Members were advised that a site visit to the south west extension would take place on 15<sup>th</sup> April 2015. Transport would be leaving the Civic Centre at 10am. A member queried why the site visit was taking place in April when the decision was not expected to be taken until May. The Chair advised that this was to allow the officers ample time to address any concerns which might become apparent following the site visit. A further additional Planning Committee meeting had also been scheduled for 22<sup>nd</sup> April 2015.

The meeting concluded at 10:55am

CHAIR

# **PLANNING COMMITTEE**

## **MINUTES OF PROCEEDINGS**

**22 April 2015**

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

### **PRESENT:-**

Officers: Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Jo Stubbs, Democratic Services Officer

### **134. APOLOGIES FOR ABSENT MEMBERS**

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer

### **135. ABANDONMENT OF MEETING**

In the absence of a quorum, the Chief Solicitor notified persons present that in accordance with Council Procedure Rules the meeting was abandoned. It was noted that the absence of a quorum was due to the Members of the Committee having been informed, following consultation with the Chair, that there was no business to conduct at the meeting.

The meeting concluded at 10:03 am.

CHAIR

**No:** 1  
**Number:** H/2014/0424  
**Applicant:** Tower House Tower Street HARTLEPOOL TS24 7HL  
**Agent:** ASP Associates Mr David Loughrey Vega House  
8 Grange Road HARTLEPOOL TS26 8JA  
**Date valid:** 24/10/2014  
**Development:** Erection of a two storey commercial development with  
central tower block to provide 11 self contained units with  
central courtyard and internal balcony  
**Location:** Land at Green Street HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The site previously had a three storey brick built building which provided premises for a number of commercial uses including garage, vegetable wholesaler, snooker hall and motor workshop. The building was completely destroyed by fire in 2014. The site is currently cleared and vacant.

## PROPOSAL

1.3 Full planning permission is sought for the erection of a new commercial building to provide 11 self contained commercial units (Use Class B1). The building will be some 36m x 24m and some 7.8m high to eaves and 8.8m to ridge, the design incorporates a central tower which will be some 8.8m to eaves and 10.5m to the highest point at ridge. The external materials will be a mix of brick work to the ground floor elevations facing Green Street, Burbank Street and Thompson Street, block work with rendered finish to the ground floor facing Tones car parking area, with corrugated steel cladding to first floor elevations with corrugated roof sheets and commercial aluminium guttering. The ground floor units and access into the internal courtyard will be through roller shutter doors which will allow vehicles to access/egress from the units, with exterior doors also provided for access. The first floor elevations include aluminium framed double glazed windows. The proposal has been amended since first submitted to allow for additional parking provision.

1.4 The application is reported to Committee for consideration due to the number of objections received.

## SITE CONTEXT

1.5 The application site is currently a vacant plot with the previous building completely destroyed by fire. The site is located within the Longhill Industrial Area



which is within a designated Industrial Improvement Area. To the south of the site is McDonalds restaurant with Tesco super store beyond, Stranton Conservation Area is to the west which includes All Saints Church a listed building, to the north of the site are industrial units which have a number of commercial businesses. The site sits within a prominent position within the industrial area and is adjacent to the A689.

1.6 The site is within walking distance to the town centre and local amenities including pay and display car-parks.

## PUBLICITY

1.7 The application has been advertised by way of press notice, site notice and neighbour letters (9). Amended plans have been received with a full consultation being carried out. To date, there have been 1 letter of no objection and 5 letters of objection raising the following concerns:

The inadequate no of parking spaces would lead to vehicles being parked in neighbouring territory  
 Vehicle parking outside Tones Car Park would greatly diminish the value of future retail development through visual obstruction and physical impediment  
 Current parking proposals are not effective  
 Insufficient parking for the development the proposal will lead to inappropriate parking  
 The internal parking spaces would obstruct access  
 The internal parking would take up valuable workshop/unit floor space  
 There is insufficient operation parking and manoeuvring  
 Over development of the site.

Copy Letters **A**

1.8 The period for publicity has expired.

## CONSULTATIONS

1.9 The following consultation replies have been received:

**HBC Traffic & Transport:** The site is adjacent to an on street car parking area with a capacity of approximately 20 spaces, this car park serves several other businesses in the immediate area. There is a small lay-by on the opposite side of the site which can accommodate 2 vehicles. A limited amount of Business Parking and restricted parking is available in Burbank Street. Town centre car parks are located approximately 10 minutes walk away.

The proposed site would comprise of 731m<sup>2</sup> of office accommodation and 632m<sup>2</sup> of light industrial units. The normal parking requirement for such developments is 1 space per 35m<sup>2</sup> and 1 space per 45m<sup>2</sup> respectively. This would equate to a total requirement of 34 spaces. The development should also provide 2 cycle parking spaces per 200m<sup>2</sup> which equates to 7 spaces.

The proposed development provides an additional 15 parking spaces. The access to parking bays would also result in the loss of the parking lay-by. This would result in a net increase of 13 parking spaces. The proposed parking bays on Green Street would require the construction of appropriate drive crossings on the adopted highway, this works should be carried out by an NRSWA approved Contractor.

The amended scheme would still result in a shortfall of parking as prescribed by the Councils Design Standard, which may result in shortfall in parking in the immediate vicinity. The site however is within walking distance of town centre car parks, and provides a minimum extra 13 parking spaces when compared to the previous use. I would therefore consider it would be difficult to sustain an objection.

**HBC Public Protection:** No objection

**HBC Landscaping:** Normally I would expect soft landscaping to be incorporated as part of Policies GEP1(xi) and GEP7 of the Hartlepool Local Plan. In this case however, as the site is extremely tight and constrained by the access road of Green Street and heavily used but limited car parking, any landscaping would be compromised or else parking would be constrained.

In this case I have no objections to the application as it stands.

**HBC Conservation:** This site is opposite Stranton Conservation Area (a designated heritage asset) and is separated from the area by a dual carriageway road.

In this instance relevant planning policy can be found in the National Planning Policy Framework which states, 'In determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness' (paragraph 131). It goes on to state that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation' Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, (paragraph 132).

Local Plan policy HE3 is relevant this states, 'The design and materials used in new development which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.'

The site is sufficient distance from Stranton Conservation Area that it should not impact on the setting of the conservation area and therefore the significance should not be harmed by this proposal.

**Hartlepool Civic Society:** Society members have studied the plans and would make the following comments: We are pleased that a number of workshop/business units are to be provided in the Town Centre Area. However, we are disappointed with the design of the proposed building. We realise that security is always a concern but the exterior on all sides is so bland - particularly so near the Listed All Saints Church Stranton in its position in the Stranton Conservation Area. The appearance is more akin to a building found in the middle of an industrial estate.

We would urge that the designers should try to come up with something more in keeping and more attractive in this area.

**Cleveland Police:** I understand the proposed refuge and cycle storage is located internally in a secure area it is important that access is controlled to this area.

I would recommend that doors and all accessible windows meet the requirements of Secured by Design Physical standards to reduce the crime risk to the development.

Doors and windows certified to PAS 24-2012 and glazing to a minimum of 6.8mm. Consideration should be given to providing grilles or shutters doors and windows. The minimum standard for such products LPS 1175 Issue 7 Security 1 or STS202 Burglary Rating 1.

Roofs can be vulnerable to criminal intrusion access to the roof area should therefore be prevented by not providing any climbing aids.

Fire Exit doors can be vulnerable to criminal attack. These doors must comply with Fire Regulations and must be devoid of any external door furniture. The door should be strong enough to keep intruders out whilst allowing occupants of the building to escape. A door alarm should be fitted to all fire escape doors and signage displayed to this effect.

I would recommend intruder systems are fitted and would recommend that they comply to BS EN 50131&PD6662 for wired systems, or BS6799 for wire free systems.

Secure mail delivery should be provided with anti-arson measures in place.

**HBC Engineering Consultancy:** It is noted that at this stage all drainage will discharge to NWL sewer. While I can not see any record of any liaison with Northumbrian Water for the sake of this application I have to take this as the preferred drainage option. I request a standard land drainage condition to ensure that no flood risk is passed on elsewhere. In terms of Contaminated Land, can I please request contaminated land condition given the brownfield nature of this site.

**Environment Agency:** Initial submission of the Flood Risk Assessment was unacceptable, we object to the grant of planning permission and recommend refusal. The FRA submitted with the application did not comply with the requirements set out in paragraph 9 of the Technical Guide to the NPPF. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

An amended FRA was submitted, having considered the submitted documents, the previous objection is withdrawn subject to conditions.

**Northumbrian Water:** The planning application does not provide sufficient detail with regards to the management of foul and surface water therefore relevant conditions should be imposed to enable NWL to assess our capacity to treat the flows from the development.

**Hartlepool Water:** In making our response Hartlepool Water carried out a desk top study to assess the impact of the proposed development on our assets and has assessed the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development. No objection to the development.

**Cleveland Fire Brigade:** Cleveland Fire Brigade offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in approved document B volume 1 of building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of approved document B volume 2 for both access and water supply requirements.

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

1.10 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

Paragraph 001: Apply policy  
Paragraph 011: Planning law and development plan  
Paragraph 012: Statutory status of development plan  
Paragraph 013: NPPF is material consideration  
Paragraph 014: Presumption in favour of sustainable development  
Paragraph 019: Sustainable economic growth  
Paragraph 096: Quality of development  
Paragraph 103: Flood Risk  
Paragraph 131: Determining heritage planning applications  
Paragraph 132: Impact on the significance of a designated heritage asset

## **LOCAL PLAN (2006)**

1.12 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

1.13 Within the current Hartlepool Local Plan this site lies within the limits to development, to the south of the town centre. The following policies are relevant to this application.

GEP1: General Environment Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 GEP7: Frontages to Main Approaches  
 GEP9: Developer Contributions  
 GEP18: Development on Contaminated Land  
 HE3: Development in the Vicinity of Conservation Areas  
 Ind5: Industrial Areas  
 Ind8: Industrial Improvement Areas  
 Tra15: Restrictions on Access to Major Roads  
 Tra20: Travel Plans

## **PLANNING CONSIDERATIONS**

1.14 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, impact on amenity of neighbouring properties, impact of the visual amenity of the area, impact on the conservation area/listed building, highways, and drainage.

### Principle of development

1.15 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.

1.16 The site is situated in an area allocated for industrial development by virtue of policy IND5 of the Hartlepool Local Plan. The site is also located within an industrial improvement area as identified by policy IND8 of the Hartlepool Local Plan. Policy IND5 of the Hartlepool Local Plan supports development for business uses in this area but seeks a particularly high quality of design and landscaping for development fronting the main approach roads and estate roads.

1.17 It is considered that the proposed development would be acceptable in principle in this location.

1.18 It is considered that the proposal is in line with the policies and proposals contained within the Hartlepool Local Plan 2006 and National Policy outline within the NPPF.

### Developer Obligations

1.19 Policy GEP9 of the Hartlepool Local Plan 2006 states that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission. The obligations will be secured through legal agreement.

1.20 In line with previous obligations sought for the type of development, the Planning Obligations will be based on the size of the development. The proposal creates 1,373 floor space generating a developer contribution of £9,000.

1.21 Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for green infrastructure. It is considered in this instance that the contribution would be directed toward landscaping/tree planting along the A689 corridor and improving footpath links toward the town centre.

### Impact on the amenity of neighbours

1.22 The site is located on the edge of the Longhill/Sandgate industrial area though there are residential properties some 130m to the north east of the site, beyond existing industrial units.

1.23 HBC Public Protection has been consulted and raised no objection to the proposal. It is not considered that the proposal will significantly affect the amenity of any neighbours.

### Impact on the visual amenity of the area

1.24 The site is located within an established industrial area with existing commercial/industrial buildings. The site sits lower than the adjacent road and is separated by a wall and railing detail. It is considered that the design and appearance of the building is acceptable in this context. The proposal has been refined through discussions since originally submitted with the reduction of units from 13 to 11 and the design of the elevations being altered to provide a softer appearance of the building.

1.25 Officers consider that the design of the building is acceptable and is reflective of the surrounding area. It is not considered that the proposal would have a detrimental impact upon the visual amenity of the area.

### Impact on the conservation area/listed building

1.26 The site is opposite the Listed All Saints Church which is located within the Stranton Conservation Area. The site is separated from this area by the dual carriageway of the A689 which is the main arterial route into Hartlepool Town Centre.

1.27 Concerns have been raised with regard to the impact the proposal will have both on the Conservation Area and the Listed Church. HBC Conservation Officer has been consulted and raises no objection to the proposal. It is considered that given the significant separation distance from the Conservation Area and Listed Building the proposal will not have a detrimental impact on the setting of the Conservation Area or Listed Building.

### Highways

1.28 The site is adjacent to an on street car parking area with a capacity of approximately 20 spaces, this car park serves several other businesses in the immediate area. There is a lay-by on Green Street which currently can accommodate 2 vehicles. A limited amount of Business Parking and restricted parking is available in Burbank Street. Town Centre car parks are located within walking distance.

1.29 The proposal includes the provision of one parking space within each of the ground floor units (6), including bicycle storage within the communal internal courtyard and bin storage. Additional parking (9) is provided on an area to the south side of the development on Green Street. Amended plans were submitted to include this area which is currently in the ownership of Hartlepool Borough Council, the applicant is in the process of purchasing this land.

1.30 Concerns have been raised with regard to the provision of parking being provided for the scale of the development.

1.31 The Council's Traffic and Transport section have been consulted on the proposal including the amended plans and acknowledges that there is a shortfall in the provision of parking as prescribed by the Council's Design Standard. However given that the site is within walking distance of the town centre car parks, and there is a provision of parking provided it would be difficult to sustain an objection on these grounds.

1.32 It is therefore considered that the proposal is acceptable in highway terms.

### Drainage

1.33 The latest flood map from the Environment Agency website illustrates that the area is located within flood zone 3.

1.34 The Environment Agency assessed the proposal and initially raised objection with regard to the information provided within the Flood Risk Assessment (FRA). Advice was given to the applicant and a revised FRA submitted which addressed the concerns raised by the Environment Agency which subsequently withdrew their objection and requested conditions.

1.35 Northumbrian Water raised no objection to the proposal subject to conditions for the disposal of surface water and foul sewage discharge.

1.36 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land condition be imposed.

1.37 In drainage terms the proposal is considered acceptable.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.38 There is no evidence of equality or diversity implications.

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

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

1.40 There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement to secure contributions for green infrastructure (£9,000) and the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 24 October 2014 and amended plan(s) Dwg No(s) 1821/1 Rev A (Existing site plan) and 1821/2 Rev C (Proposed floor plan) received at the Local Planning Authority on 16 February 2015, Dwg No(s) 1821/3 Rev D (Proposed elevations 1 & 2) and 1821/4 Rev D (Proposed elevations 3 & 4) received at the Local Planning Authority on 14 April 2015 and Dwg No 1821/5 Rev C (Proposed site plan) received at the Local Planning Authority 6 March 2015.  
For the avoidance of doubt.
4. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.



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

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

a. human health,

b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

c. adjoining land,

d. groundwaters and surface waters,

e. ecological systems,

f. archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1

(Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

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

6. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) rev 1 and the following mitigation measures detailed within the FRA:

Finished floor levels shall be set no lower than 11.6m above Ordnance Datum (AOD) as stated in Section 6.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To reduce the risk of flooding to the proposed development and future occupants.

7. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved detail. Piling could create new pathways allowing contamination to impact the underlying Magnesian Limestone principal aquifer.
8. The premises hereby approved shall be used for purposes falling in Class B1 only 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. To ensure the site is developed in a satisfactory manner.
9. Prior to the units being brought into use a scheme showing the formalised parking provision shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved plans and shall be retained for the lifetime of the development.

In the interests of highway safety.

- 10 No unit shall be occupied until the parking scheme required by condition 9 has been provided. The parking scheme shall be retained thereafter for the use of the development hereby approved for the lifetime of the development.  
In the interests of highway safety.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

- 1.43 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: (01429) 523400  
E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

## **AUTHOR**

- 1.44 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
  
Tel: (01429) 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)

## GREEN STREET



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013

**H/2014/0424**  
**Scale: 1:1000**  
**Date : 23/02/15**



**No:** 2  
**Number:** H/2014/0398  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL Civic Centre  
 HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR DALE  
 CLARKE Civic Centre HARTLEPOOL TS24 8AY  
**Date valid:** 01/04/2015  
**Development:** Variation of condition No. 4 of planning application  
 H/2013/0432 to allow the use of a generator on the site  
 during operational hours  
**Location:** Land at The Front / The Cliff Seaton Carew  
 HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

2.2 **Approval H/2013/0432;** Planning permission was granted on 4<sup>th</sup> December 2013 for a change of use to the siting of amusements, rides, catering vans and use of the bus station kiosk for sale of hot beverages, snacks and newspapers at three separate parcels of land located along Seaton Carew front and the reopening of the newsagents kiosk within the bus station. The three parcels of land were annotated as site A, site B and site C;

### Site A - Land east of the village green

This site was not considered appropriate for the increased commercial activities and therefore condition 05 of the approval restricted this site to allow for the continued use of two catering vans (only) that were already licensed to operate on this parcel of land.

### Site B - Land north of the paddling pool (which relates to the current application)

Site B is identified in the extant Hartlepool Local Plan (2006) as a commercial development site (Policy To4) where more intensive commercial and recreational development would be acceptable. The proposed use of the site for commercial and recreational facilities was considered to enhance the attraction of Seaton Carew and was therefore considered to be acceptable in principle.

The site was however approved subject to a restriction on the type and scale of facilities provided on site; this was limited to small children's rides such as tea cups, hook-a-duck, bouncy castles and merry-go-rounds. The site is permitted to be in use

for a 6 month period covering April to September with a requirement for the overall permission to cease on 1st October 2016 unless planning permission is sought (and granted) to extend the period for permission. Condition 11 of the original approval also permitted a maximum of two catering vans/trailers on this site. A condition restricted the use of the generators on the site.

#### Site C - Land to the rear of the bus station

This site was approved to be used for larger rides, such as dodgems and waltzers. The same timescale restrictions applied to Site B also apply to Site C.

### **PROPOSAL**

2.3 This application seeks planning permission to vary condition 04 of approval H/2013/0432 to allow a generator to be used on site B (land to the north of the paddling pool). It is understood that the generator is currently on site and the application will therefore be considered as retrospective.

2.4 The generator is stored within a white box-van vehicle towards the east of the site, adjacent to the funfair facilities and catering vans. The applicant has provided specification/technical details of the generator. It is understood that the generator was used on the site during last year's season. The Council's Estates team has advised that the rides and facilities on the site cannot operate without a generator and the power supply adjacent to the paddling pool is not suitable for the operation of the rides.

2.5 Objections have been received to the scheme which relates to Council owned land. As such, the application has been referred to the Planning Committee under the Council's Planning Delegation Scheme.

### **SITE CONTEXT**

2.6 The application site relates to land to the north of the paddling pool, located along The Front, Seaton Carew. The site, identified as site B of planning approval H/2013/0432, relates to a grassed area of public open space adjacent to the fenced off paddling pool site to the south with the derelict Longscar Centre beyond. Commercial and residential properties are present to the west along The Front. Beyond the eastern perimeter of the site is the Esplanade.

2.7 The application site is located within the Seaton Carew Conservation Area. The Conservation Area contains some 20 listed buildings, the nearest to the site being the Marine Hotel to the west of the application site. The site is also identified in the extant Hartlepool Local Plan (2006) as a commercial development site (Policy To4).

2.8 The site is currently operational (during the permitted April-September period) with a number of small rides, fairground equipment and two catering facilities on site. As noted above, a box van (housing the generator) and a caravan are also located on the site.

## **PUBLICITY**

2.9 This application has been advertised by neighbour notification, site notice and a press notice.

2.10 To date, 2 objections have been received and a further representation (indicating neither support nor objection) has been received outlining a number of concerns. These objections/concerns can be summarised as follows;

- existing noise issues from site would be exacerbated by a generator
- air pollution/fumes from generator
- the use of a generator may facilitate larger fairground equipment
- a generator was used last year. Why is permission only being sought now?
- alleged tampering/use of electricity supply adjacent to paddling pool
- the original application should not have been granted planning permission
- additional traffic and car parking problems in the area as a result of the fair
- a representation has queried why the mains electricity supply cannot be used
- if a generator is to be used, can the funfair be relocated away from residential properties.

### **Copy Letters B**

2.11 At the time of writing the consultation period was still outstanding. Consultation letters to neighbours expires 30/04/2015. The period for publicity expires on 06/05/2015 (press notice) and 08/05/2015 (site notice). Any additional responses received will be tabled at the meeting.

## **CONSULTATIONS**

2.12 The following consultation replies have been received:

### **Public Protection**

I would have no objections to this application subject to the following conditions;

The use of the generator should be restricted to between the hours of 11:00am and 8:00pm Monday to Saturday and 11:00am to 6:00pm on a Sunday or a Bank Holiday. The generator should be sited in the location identified on the location plan submitted with the application and should be housed within an enclosed vehicle or an acoustic enclosure. If the above conditions are adhered to the noise from the generator should be unperceivable above the general background noise due to traffic and other commercial activities in the area. I have no issues re odours/fumes considering the residential properties are much closer to the traffic on the road than the generator and the fumes from the generator exhaust will disperse over a very short distance.

### **Heritage and Countryside**

This site is located in Seaton Carew Conservation Area, a designated heritage asset.

In this instance relevant planning policy can be found in the National Planning Policy Framework which states, 'In determining planning applications, local planning



authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness' (paragraph 131).

It goes on to state that, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation' (paragraph 132).

Local plan policy HE1 is relevant this states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area'.

Seaton Carew Conservation Area comprises a number of structures which reflect the settlements early fishing and agricultural origins and its later development as a seaside resort. The earliest buildings are single or two storeys at the most, constructed in random rubble stone, often rendered. Nineteenth century buildings are usually two or three storey, some with traditional gabled dormers to the attic rooms. There are two distinct parts to the conservation area which is divided by Seaton Lane. To the north of this the area is predominantly residential and to the south is the commercial centre of Seaton. The significance of the conservation area lies in the layout and architectural detailing of the buildings along with the historic interest in the role this seaside area has played in the development of Hartlepool.

The proposal is the installation of a generator to the east of the fair ground site which is located opposite 1 to 5 The Front.

The main issue for consideration is the impact that the proposal will have on the character of the conservation area. The use is already established on site and this proposal is to locate a generator to the eastern side of the site. It will be seen as part of the fairground apparatus and therefore visually would not appear out of the ordinary within the context of this part of the conservation area whilst this use is ongoing.

With regard to the noise, Planning Policy Guidance states that the setting of a heritage asset can be influenced by, 'other environmental factors such as noise, dust and vibration from other land uses in the vicinity'. It would follow this interpretation could be applied to a use within a designated heritage asset. It is considered that in this instance the noise of the generator would be heard among the other noises found already in the conservation area such as traffic, the fair ground itself and the nearby commercial centre.

Given the context it is considered that the appearance and noise of the generator will not impact on the significance of the conservation area.

### **Transport and Engineering**

There are no highway or traffic concerns with this application.

### **Tees Archaeology**

The proposal will not have an impact on any known archaeological site. I therefore have no objection to the proposal and have no further comments to make.

### **Historic England**

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

### **Countryside Access Officer**

No comments

### **Engineering Consultancy**

No comments on this application.

### **Economic Development**

No comments received to date

### **Property Services**

No comments received to date

## **PLANNING POLICY**

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

### Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GEP7: Frontages of Main approaches

GN3: Protection of Key Green Open Spaces

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

REC9: Recreational Routes

To3: Core Area of Seaton Carew

To4: Commercial Development Sites at Seaton Carew

### National Policy

2.15 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 Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of

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

Paragraph 14 presumption in favour of sustainable development

Paragraph 19 support sustainable economic growth

Paragraph 61 the connections between people and places and the integration of new development

Paragraph 74 Protection of open space, sports and recreational buildings and land, including playing fields

Paragraph 123 Noise pollution

Paragraph 131 sustaining and enhancing the significant of heritage assets

Paragraph 132 impact upon heritage assets

Paragraph 133 consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Paragraph 134 harm of a designated heritage asset should be weighed against the public benefits of the proposal

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

## PLANNING CONSIDERATIONS

2.16 The principle of development for a change of use to the siting of amusements, rides and catering vans at the application site (site B) has been established by way of the original planning approval (which limits the use to April-September with the overall use to cease by October 2016). This application seeks to vary condition 4 of the original approval (to allow a generator to be used on site).

2.17 As such, the main issues for consideration in this instance are the appropriateness of the scheme in terms of the policies and proposals held within the Development Plan and in particular the impact on the amenity of neighbouring land users, the impact on the character and appearance of Conservation Area and setting of listed buildings and the impact on highway safety and car parking. These and any other matters are considered below.

### Amenity of neighbouring land users

2.18 Concerns have been raised with regard to the generator exacerbating existing noise levels and an increase in air and odour pollution/fumes.

2.19 With respect to noise, paragraph 123 of the National Planning Policy Framework (NPPF) states that "*planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.*

2.20 As part of the assessment of the original application, the Council's Public Protection team recommended restricting the number of catering vans (to 2) and the type of funfair rides and facilities that can operate on the site that was secured by condition 05 of the original approval (which required final details to be agreed in writing with the Local Planning Authority). Such details have since been agreed for site B under the associated discharge of conditions application (ref; D/2014/0023). Condition 04 of the original approval also restricted the use of a generator on the site.

2.21 The box van vehicle (housing the generator) is located approximately 55m from the nearest properties to the west of the site along The Front, with a busy highway in between. Consideration is also given to the restricted operating hours of the fairground to 11:00 - 20:00 hours Mondays to Saturdays inclusive and between the hours of 11:00 - 18:00 hours on Sundays and Bank Holidays, as secured by condition 03 of the original approval.

2.22 The Council's Public Protection team has considered the current application and the submitted specification details of the generator and has recommended a number of planning conditions to control the use of the generator including a restriction on the hours of operation (which is limited to those of the main use/original approval) and the generator remaining housed within the vehicle (a boxed van) and in the identified location (on plan E/G/659-B). These conditions are considered to be appropriate and can be secured by separate planning conditions. A further planning condition can ensure that none of the other conditions attached to the original approval (H/2013/0432) are varied or discharged. The Public Protection team has concluded that subject to the compliance with the above recommended conditions, the resultant noise from the generator would be 'unperceivable' above the general background noise due to traffic and other commercial activities in the area.

2.23 The Public Protection team has also raised no objections to the siting of the generator in terms of odours/fumes commenting that the fumes from the generator exhaust will disperse over a very short distance. The scheme is therefore considered to be acceptable in this respect.

2.24 Taking the above considerations into account, including the established principle of development on this parcel of land and above referenced separation distances and relationships, it is considered that on balance, the development will not result in an adverse loss of amenity for existing and future occupiers of surrounding properties in terms of noise disturbance or odour/air pollution. The scheme is therefore considered to accord with the provisions of the NPPF (para 23) and saved Policy GEP1.

### **Impact on character and appearance of the conservation area and setting of listed building**

2.25 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possesses and to the desirability of preserving or enhancing the character or appearance of conservation areas.

2.26 Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”.

2.27 The generator is housed within a white box van vehicle, located towards the east of the site, adjacent to the Esplanade. When viewed from the footpath to the front of the site along The Front, the box van is considered to read as part of the site and apparatus/vehicles that would be commonly associated with a fairground site/use and does not appear incongruous within the context of this part of the conservation area whilst this use is ongoing. The box van is also set off from the adjacent Esplanade/footpath along the sea front by approximately 10m.

2.28 Given the restricted timescale for the vehicles and rides to be situated on the land (between April-September) and with a restriction on the overall permission to October 2016, it is considered that on balance, the siting of the box van vehicle (to house the generator) does not adversely effect the character and appearance of the Seaton Carew Conservation Area. The box van is also situated approximately 55m from the nearest listed building (The Marine Hotel) to the front/west of the site. In view of this distance, which includes a busy highway in between, it is considered that it will lead to a less than substantial harm on the setting, character and appearance of the listed building and wider conservation area. This view is supported by the Council’s Heritage and Countryside Manager who has raised no objections to the scheme commenting that the scheme would not impact on the significance of the conservation area.

2.29 The scheme is therefore considered to accord with the provisions of the NPPF and saved Local Plan policies HE1 and HE2.

**Impact on highway and pedestrian safety**

2.30 Concerns have been received in respect of the impact of the fairground on car parking provision and highway safety in the area, in particular for residents of the immediately adjacent properties. The original approval (H/2013/0432) was considered to be acceptable in terms of highway and pedestrian safety with the Council's Traffic and Transportation team raising no objections regarding any increase in traffic and parking problems.

2.31 The Council's Traffic and Transportation team has raised no objections to the current application. As such, it is considered that the proposal will not result in an adverse loss of highway and pedestrian safety and the scheme is therefore acceptable in this respect.

**Residual Matters**

2.32 With respect to the retrospective nature of the application, whilst the Local Planning Authority does not condone such applications, the applicant has sought to regularise the situation through the submission of the current application, which is considered to be acceptable for the reasons set out above.

2.33 Objections have raised a number of queries regarding the need for the generator and the siting of a caravan on the site.

2.34 Whilst these are not material planning considerations in respect of the current application, in response the Council's Estates section has advised that the single caravan is on site for security purposes and that the occupier of the land has been permitted to utilise the electricity supply of the adjacent paddling pool with the cost for this electricity being re-charged to the occupier. The Estates team has advised that this electricity supply adjacent to the site is only suitable for the caravan. The Estates team has also advised that the provision of a main supply of electricity to the site would be a significant undertaking and a considerable financial commitment to a development that is only permitted to operate between April-September, with the main use permitted to run up until October 2016. These comments are acknowledged.

**EQUALITY AND DIVERSITY CONSIDERATIONS**

2.35 There is no evidence of equality or diversity implications.

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

2.36 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.

2.37 There are no Section 17 implications.

## CONCLUSION

2.38 Subject to the imposition of the identified relevant planning conditions, the proposal is considered to accord with the general principles of the National Planning Policy Framework and relevant saved Local Plan policies. The proposal is not considered to have an adverse impact on the character and appearance of the Conservation Area or setting of listed buildings. The proposal is not considered to result in an unacceptable loss of amenity for neighbouring land users or result in an adverse loss of highway and pedestrian safety.

2.39 The proposal is therefore considered to be acceptable for the reasons outlined above.

## REASON FOR DECISION

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

## RECOMMENDATION – APPROVE subject to conditions

1. The development hereby permitted shall be carried out in accordance with the plans (E/G/659-B and E/G/659), and details received by the Local Planning Authority at the time the application was made valid on 1<sup>st</sup> April 2015.  
For the avoidance of doubt.
2. This permission solely relates to the variation of condition 04 of planning permission H/2013/0432 and all other conditions from that planning permission, except condition 04 which is amended, shall still apply to this permission and shall be complied with.  
For the avoidance of doubt.
3. The generator hereby approved shall operate solely in accordance with the specification details (received 8th September 2014) and be housed at all times within the box van vehicle identified as the 'command centre' on plan E/G/659 (received at the Local Planning Authority on 1st April 2015) and remain positioned in the location as identified on plan E/G/659-B (received at the Local Planning Authority on 12<sup>th</sup> March 2015).  
In the interests of the amenity of neighbouring land users and to accord with the provisions of saved Local Plan Policy GEP1.
4. The generator hereby approved shall only operate between the hours of 11:00 and 20:00 hours Mondays to Saturdays inclusive and between the hours of 11.00 and 18:00 on Sundays and Bank Holidays. No other generators shall be used on the site identified as "Land North of the Paddling Pool" on the plan (E/L/377-B) approved in connection with the original permission (H/2013/0432).  
In the interests of the amenity of neighbouring land users and to accord with the provisions of saved Local Plan Policy GEP1.
5. All equipment used in association with the use hereby approved, save for any equipment associated with the use of the bus station kiosk, shall be removed from the site and the land reinstated to its former condition at or before 30th September of each year for the period of this consent unless an extension of

the period shall first have been approved in writing by the Local Planning Authority.

To ensure the land is re-instated and available for use.

6. The uses/activities hereby approved, save for the use of the bus station kiosk, shall only operate between 1<sup>st</sup> April and 30<sup>th</sup> September inclusive, and shall cease by 1<sup>st</sup> October 2016, unless prior to that date the consent of the Local Planning Authority has been obtained to extend the period of the permission. The use is considered inappropriate on a permanent basis and in order to allow the use to be reassessed in the light of experience.

## BACKGROUND PAPERS

2.41 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

## CONTACT OFFICER

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

Tel: (01429) 523400  
E-mail: [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

## AUTHOR

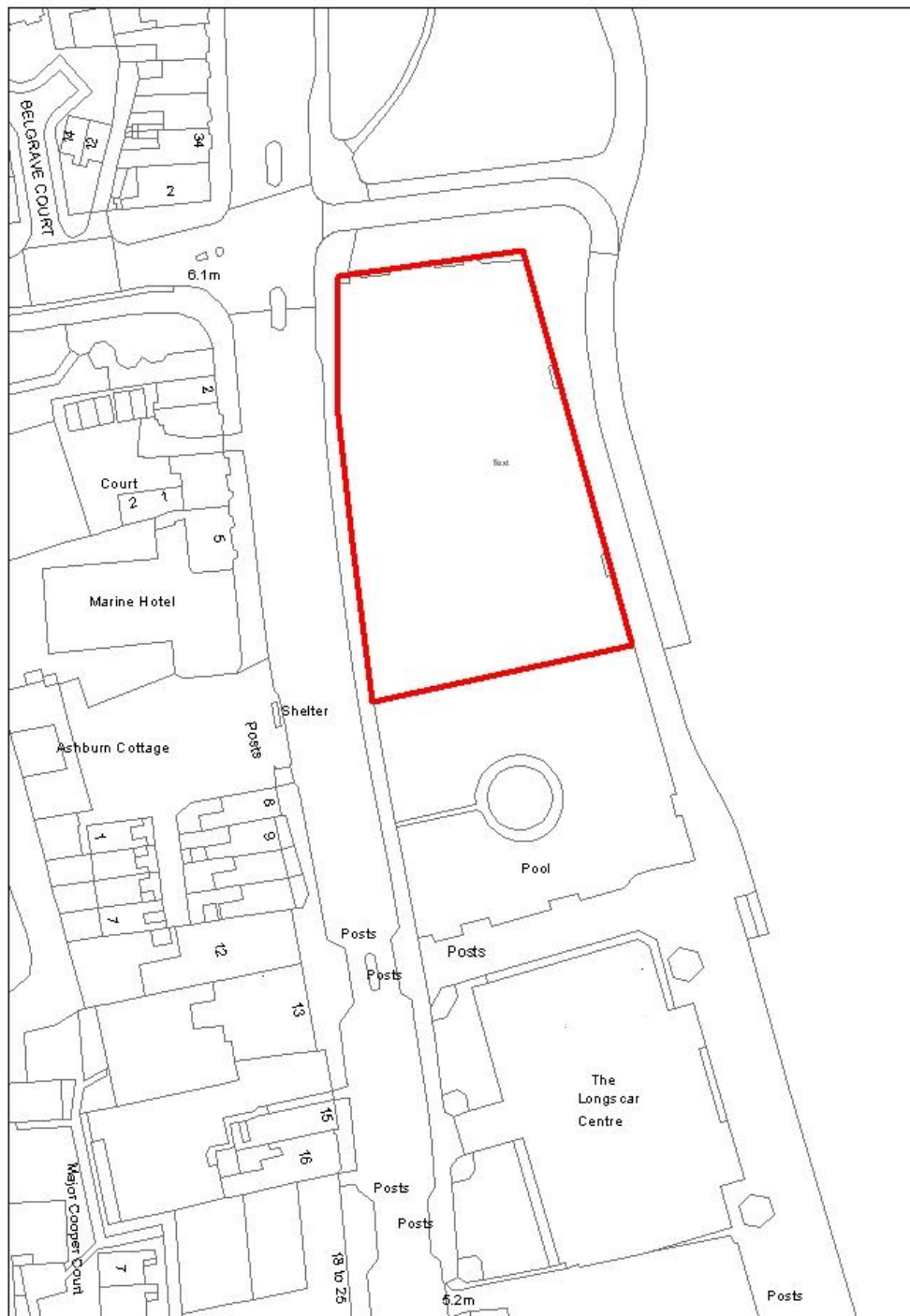
2.43 Daniel James  
Senior Planning Officer  
Hartlepool Borough Council  
Civic Centre (Level 1)  
Victoria Road  
Hartlepool  
TS24 8AY

Tel: (01429) 524319  
E-mail: [daniel.james@hartlepool.gov.uk](mailto:daniel.james@hartlepool.gov.uk)





## THE FRONT/THE CLIFF SEATON CAREW



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY  
**HARTLEPOOL BOROUGH COUNCIL**  
 Level 1, Civic Centre, Hartlepool TS24 8AY  
 Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013

**H/2014/0398**  
**Scale: 1:1000**  
**Date : 29/04/15**

**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.

**GEP7** (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

**GEP9** (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

**GEP18** (Development on Contaminated Land) - States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

**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.

**To3** (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

**To4** (Commercial Development Sites at Seaton Carew) - Identifies this area for appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

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

**Tra20** (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

**Rec9** (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

**HE2** (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

**HE3** (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

## **MINERALS & WASTE DPD 2011**

**Policy MWP1: Waste Audits :** A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

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

**1.** The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

**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.

**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.

**61:** Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**74.** Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

**96:** In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

**103.** When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

**123.** Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness

**132:** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

**134.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**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 April 2015



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

**Subject:** APPEAL AT LAND AT BRENDA ROAD.  
HARTLEPOOL APP/H0724/W/15/3005751 OUTLINE APPLICATION WITH ACCESS (ALL OTHER MATTERS RESERVED) FOR THE DEMOLITION OF BUILDINGS ON THE SITE AND REDEVELOPMENT TO PROVIDE A RESIDENTIAL CARE HOME (70 BEDS - USE CLASS C2), 300 RESIDENTIAL APARTMENTS WITH CARE FOR PERSONS AGED 55 AND OVER (USE CLASS C2), 50 RESIDENTIAL APARTMENTS (USE CLASS C3) 80 KEY WORKER APARTMENTS (USE CLASS C3), 80 HOUSES (USE CLASS C3), COMMUNITY CENTRE (USE CLASS D1), RETAIL (USE CLASS A1), WORKSHOPS AND OFFICES (USE CLASS B1) 641 PARKING SPACES, BANDSTAND AND ASSOCIATED WORKS.  
(H/2014/0177)

---

### 1. PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the above mixed use development at Brenda Road.
- 1.3 The appeal will be decided by the Written representations procedure. The application was refused at the November 2014 meeting of the Planning Committee, against officer recommendation, for reasons relating to the loss of employment land and the developments constraining effect on nearby businesses.

### 2. RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

### **3. CONTACT OFFICER**

- 3.1 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523400  
E-mail [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

#### **AUTHOR**

- 3.2 Jim Ferguson  
Planning Team Leader  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523274  
E-mail: [jim.ferguson@hartlepool.gov.uk](mailto:jim.ferguson@hartlepool.gov.uk)



## PLANNING COMMITTEE

22 APRIL 2015



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

**Subject:** APPEAL AT LAND AT SCALLYWAGGS NURSERY  
WARRIOR DRIVE. HARTLEPOOL  
ERECTION OF A DETACHED SINGLE STOREY  
BUILDING TO CREATE ADDITIONAL FACILITIES  
FOR EXISTING NURSERY SCHOOL.  
APP/H0724/W/15/3005307. (H/2014/0303)

---

### 1. PURPOSE OF REPORT

- 1.1 To notify members of the receipt of an appeal.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the erection of a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School at Warrior Drive.
- 1.3 The appeal will be decided by the Written representations procedure. The application was refused through the chair on 22 August 2014 under the delegated procedure, for reasons relating to the loss of incidental open space at a prominent entrance to the Warrior Park estate. A copy of the delegated report is attached.

### 2. RECOMMENDATION

- 2.1 That authority be given to Officers to contest the appeal.

### 3. CONTACT OFFICER

- 3.1 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523400  
E-mail [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

### AUTHOR

3.2 Jane Tindall  
Senior Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523284  
E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)

## DELEGATED REPORT

### CHAIR DELEGATED REFUSAL

<b>Application No</b>	H/2014/0303
<b>Proposal</b>	Erection of a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School
<b>Location</b>	Scallywaggs Nursery Warrior Drive HARTLEPOOL

**PS Code:** 18

<b>DELEGATION ISSUES</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	09/07/2014 12/08/2014  03/08/2014 17/09/2014
<b>1) Publicity Expiry</b>		
<b>2) Publicity/Consultations</b>  <p>The application has been advertised by site notice and neighbour notifications (6) – 1 letter of objection raising the following concerns:</p> <ul style="list-style-type: none"> <li>• Effect on the open space and entrance to Warrior Drive</li> <li>• Footprint as the previous proposal which was dismissed on appeal</li> <li>• Busy road and congested area</li> </ul> <p>Traffic &amp; Transportation – No objection.</p> <p>Landscape - I would consider the distance between the existing tree and the proposed new structure to be acceptable, however in order to avoid any accidental damage to the tree during construction works, I would recommend that submission of a tree protection plan be made a condition of any approval. In practice this would simply mean the submission of details showing temporary protective fencing erected between the group of trees and the proposed structure at approximately 3m from the nearest tree. I would also recommend that the applicant follow the guidance contained in the NHBC standards _Building near trees_ when calculating the required depth of foundation for the proposed garage. Request standard condition J169.</p> <p>Public Protection – No objection subject to conditions</p>		
<b>3) Neighbour letters needed</b>	Y	

**4) Parish letter needed**

N

**5) Policy**Planning Policy

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

PARA 056 : Design of built environment

PARA 057 : High quality and inclusive design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PARA 014 : Presumption in favour of sustainable development

Relevant Planning Policies

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GN6: Protection of Incidental Open Space

Comments: This proposal will result in the loss of incidental open space at a prominent entrance to Warrior Park (GN6). The application should therefore be resisted.

**6) Planning Consideration**The Site

The application site is an area of incidental open space located on the eastern side

of the entrance to the Warrior Park Estate. It is currently laid to grass with a number of semi mature trees located at its southern end. The trees are covered by a TPO. To the north is a small car park and a modern single storey children's nursery. To the west of the site passes the main spine road for the estate, Warrior Drive, on the opposite side of which, facing the site, are a number of detached modern dwellings. To the east the boundary is formed by a high hedge beyond which is the large garden of a detached property which fronts Station Lane. To the south of the site is a small gas governor building beyond is Station Lane.

#### History of site

H/2009/0019 – Erection of detached dwelling with double garage – Refused

H/2009/0154 – Erection of detached dwelling with double garage (amended scheme) – Refused – dismissed on appeal (ref: APP/H0724/A/09/2106621)

#### Proposal

The proposal seeks to erect a detached single storey building to create additional facilities for the existing Scallywaggs Nursery School on part of the southern end of the site.

The proposed building would measure 20m x 12m with a height to the eaves of 2.7m and a height of 5.3m to its highest point, the proposal would include a security fence around the side to accommodate an outside play space.

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, with particular regard to the principle of the development, impact on the character and appearance of the existing property and the visual amenity of the area, highways and trees.

#### Principle of the development

Policy GN6 of the Hartlepool Borough Council Local Plan seeks to protect areas of incidental open space. In addition policy GEP1 of the Hartlepool Borough Council Local Plan seeks to protect visual amenity. There are many small areas of amenity open space in Hartlepool, often provided as part of housing developments, which contribute both to the integrity of the green space network and to the amenity of residents of the immediate area. They often add character and identity to a local area. The Borough Council considers that such incidental open space should generally be safeguarded from development. Policy GN6 of the Hartlepool Borough Council Local Plan states that the loss of areas of incidental open space will be resisted except where:

- i. It can be demonstrated that the area of open space is detrimental to the amenities of adjoining or nearby properties, and it is too small or difficult to maintain to a satisfactory standard, or
- ii. A proposed development has special locational requirements and there is no other appropriate site in the vicinity.

The application site is considered to be a prominent, well maintained, attractive area of incidental open space contributing to the visual amenity of the surrounding area.

It is therefore considered that the proposal fails to meet exception (i) of policy GN6 of the Hartlepool Borough Council Local Plan.

The business is a children's nursery, this type of business can generally be located in many different areas including residential and commercial areas. Children's nurseries are not restricted to areas similar in nature to the application site. At times businesses outgrow their existing premises and have to relocate to more suitable premises. The nature of the proposed development suggests that the business has outgrown the current premises and location and whilst the business may wish to expand the business could relocate to a more suitable location. It is therefore considered that the proposal fails to meet exception (ii) of policy GN6 of the Hartlepool Borough Council Local Plan.

It is considered that the proposal would result in an unacceptable encroachment into an attractive and well maintained area of incidental open space to the detriment of the amenity of the site and the surrounding area. It is therefore considered that the development would be contrary to policies GN6 and GEP1 of the Hartlepool Borough Council Local Plan.

Appeal APP/H0724/A/09/2106621 for a detached dwelling with double garage on the application site was dismissed as the proposal was found to be contrary to policies GEP1 and GN6 of the Hartlepool Borough Council Local Plan.

#### Impact on the character and appearance of the existing property and the visual amenity of the area

The proposed building is of a modern design and is similar in appearance to the existing nursery. The site is relatively long and narrow and given the restricted width of the site the development would appear somewhat cramped.

In terms of the relationship with the neighbouring properties given the separation distances it is not considered that the development will significantly affect neighbouring properties in terms of privacy or loss of light. The amenity of neighbouring properties would however be eroded by the loss of an attractive area of incidental open space.

#### Highways

Traffic & Transport raise no objection to the proposal.

#### Trees

A number of protected semi mature trees occupy the southern end of the site. The applicant has shown these to be retained in the current scheme and this is considered acceptable. The trees could be protected by a tree protection condition however the recommendation is to refuse.

#### Conclusion

Having regard to policies identified in the Development Plan it is considered that the proposal would be contrary to policies GN6 and GEP1 of the Hartlepool Borough Council Local Plan and is therefore recommended for refusal.

**7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

**8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

There are no Section 17 implications.

<b>9) Chair's Consent Necessary</b>	<b>Y</b>
<b>10) Recommendation</b>	<b>REFUSE</b>

**CONDITIONS/REASONS**

1. The proposal will result in the loss of incidental open space at a prominent entrance to the Warrior Park estate and will detract from the character and visual amenity of the area contrary to policies GN6 and GEP1 of the Hartlepool Local Plan 2006.

**INFORMATIVE****Signed:****Dated:**

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

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

**Signed:****Dated:**

Chair of the Planning Committee

## PLANNING COMMITTEE

13 May 2015



**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 commenced in response to a complaint regarding an untidy rear garden and wind damaged boundary fence at a vacant former bakery on Ashgrove Avenue.
2. An investigation has commenced in response to an overgrown vacant plot of land on Fernwood Avenue.
3. An investigation has been completed in response to a complaint regarding graffiti sprayed on the gable of a shop unit on Brierton Lane. As a result of assistance and input from the Council Cleansing Department the graffiti was removed.
4. An investigation has been completed in response to the Council's Public Protection Team sharing information with the Council's Planning Enforcement Officer regarding late opening of takeaway on Northgate in breach of an operating time condition linked to a planning consent. Following helpful assistance from the business operator a retrospective planning application has been submitted
5. An investigation has been completed in response to complaints regarding the formation of a new means of access onto the highway and erection of a brick wall with wood panel infills between brick pillars on Kielder Road. The formation of the access was permitted development. Thus there was no breach of planning control in this case. The erection of the boundary wall is a breach of planning control and following helpful assistance from the property owner and his builder a retrospective planning application has been submitted.
6. An investigation has commenced in response to a complaint regarding a residential use of an outbuilding at a property on Coal Lane.



7. An investigation has been completed in response to a complaint regarding the erection of a boundary fence along the perimeter of a piece of land linked to a children's nursery on Warrior Drive. Following helpful assistance from the nursery manager and landowner it was established the fence height would be reduced to 1m high to make it permitted development, not requiring planning permission. No action required.
8. An investigation has been completed in response to a complaint regarding a livery yard, caravan storage and field rental business at a farm on Easington Road. There existed long-standing mixed uses and erection of stables, thus no action is required.
9. An investigation has commenced in response to a complaint regarding building works at two properties on Hutton Avenue.
10. An investigation has commenced in response to a complaint regarding the installation of replacement UPVC windows at a property on The Green, Elwick.
11. An investigation has been completed in response to an anonymous complaint regarding the erection of a fence/wall to the front of a property on Dalry Grove. Permitted development rights applied in this case. No action necessary.
12. An investigation has been completed in response to the Council's Public Protection Team sharing information with the Council's Planning Enforcement Officer regarding a livery riding school operating at a farm on Brierton Lane.
13. An investigation has been completed in response to the Council's Revenues Team sharing information with the Planning Services Team regarding the conversion of a first floor to flats at a commercial property on Elwick Road. Permitted development rights for a change of use apply in this case. No action necessary.
14. An investigation has commenced in response to a complaint regarding the construction of outbuildings and erection of high breeze block boundary wall in the rear garden of a residential property on Caledonian Road.
15. An investigation has been commenced and completed in response to a complaint regarding the erection of a garden room on Park Road. Permitted development rights applied in this case. No action necessary.
16. An investigation has commenced in response to complaint regarding an overgrown front and rear garden at a property on Eskdale Road.
17. An investigation has commenced in response to complaint regarding the erection of a high rear boundary fence at a property on Owton Manor Lane.
18. An investigation has commenced in response to a Parish Council complaint regarding the display of two mobile adverts on the forecourt of a commercial building on High Street, Greatham.

19. An investigation has commenced in response to a Ward Councillors complaint regarding a change of use from shop to a stonemasons at a commercial property on Park Road.
20. An investigation has commenced in response to officer monitoring noticing engineering operations taking place to alter the profile of land at Wynyard.
21. An investigation has commenced in response to a complaint regarding householder waste dumped on the front palisade of property on St Pauls Road.
22. An investigation has commenced in response to a complaint regarding the erection of structural steel single storey industrial building on land in Graythorp.
23. An investigation has commenced in response to a complaint regarding works vehicles parking outside resident's properties blocking driveways when making deliveries to a housing development on Elwick Road.

## **2. RECOMMENDATION**

- 2.1 That members note this report.

## **3. CONTACT OFFICER**

- 3.1 Damien Wilson  
Assistant Director (Regeneration)  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel 01429 523400  
E-mail [damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)

## **AUTHOR**

- 3.2 Paul Burgon  
Enforcement Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
Tel (01429) 523277  
E-mail: [paul.burgon@hartlepool.gov.uk](mailto:paul.burgon@hartlepool.gov.uk)