

# PLEASE NOTE VENUE

## PLANNING COMMITTEE AGENDA



**Wednesday, 25<sup>th</sup> October, 2006**

**at 10.00 a.m.**

**in West View Community Centre,  
Miers Avenue, Hartlepool**

### MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, D Allison, R W Cook, S Cook, Henery, Iseley, Kaiser, Lauderdale, Lilley, Morris, Payne, Richardson, M Waller, R Waller, Worthy and Wright.

#### 1. APOLOGIES FOR ABSENCE

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

#### 3. MINUTES

- 3.1 To confirm the minutes of the meetings held on 24<sup>th</sup> July, 2006 (attached), 27<sup>th</sup> September, 2006 (to follow) and 12<sup>th</sup> October 2006 (to follow)

#### 4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – Assistant Director (Planning and Economic Development)

1. H/2006/0304 SHULIN, Elwick Road  
(following site visit on 23<sup>rd</sup> October 2006)
2. H/2005/5486 TESCOs
3. H/2006/0461 Country Park – Wynyard
4. H/2006/0571 Eldon Grove Primary School
5. H/2006/0677 8 Torcross Close

- 4.2 Update on Current Complaints – Assistant Director (Planning and Economic Development)

# PLEASE NOTE VENUE

- 4.3 Appeal Ref APP/HO724/A/2025568/NWF: H/2006/0282 Erection of a Small Retail Food Unit, Slake Terrace, Hartlepool, TS24 ORU – Assistant Director (Planning and Economic Development)
- 4.4 Appeal Ref APP/HO724/A/06/2025540/NWF: H/2006/0502 Change of use to a Hot Food Takeaway Shop, 143 Elwick Road – Assistant Director (Planning and Economic Development)

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

## 6. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 20<sup>th</sup> November 2006 at 11am.

Next Scheduled Meeting – 22<sup>nd</sup> November 2006

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

24 July 2006

**Present:**

Councillor Bill Iseley (In the Chair)

Councillors Rob Cook, Gordon Henery, Carl Richardson, Maureen Waller, and Ray Waller.

Also Present: In Accordance with Council Procedure Rule 4.2 (ii) Councillor David Young as substitute for Councillor Dr Morris.

Officers: Richard Teece, Development Control Manager  
Roy Merrett, Principal Planning Officer  
Tony Brown, Chief Solicitor  
Adrian Hurst, Principal Environmental Health Officer  
David Cosgrove, Principal Democratic Services Officer  
Jo Wilson, Democratic Services Officer

### **28. Apologies for Absence**

Councillors Shaun Cook, Stan Kaiser, John Lauderdale, Dr George Morris, Gladys Worthy and Edna Wright.

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

None at the commencement of the meeting.

### **30. Planning Applications** (*Assistant Director (Planning and Economic Development)*)

**Number:** H/2006/0460  
**Applicant:** ALAB ENVIRONMENTAL SERVICES Billingham Reach  
Industrial Estate Billingham TS23 1PX  
**Agent:** Able House Billingham Reach Industrial Estate  
Billingham TS23 1PX  
**Date received:** 13/06/2006  
**Development:** Installation of treatment plant for the  
solidification/stabilisation of liquid wastes (revisions to  
approved scheme H/FUL/0043/03) RESUBMITTED  
SCHEME)

**Location:** Seaton Meadows Brenda Road Hartlepool

**Issue(s) for consideration by the Committee**

At the meeting on 29 March 2006, the Committee refused consent for amendments to a waste treatment / solidification plant at Seaton Meadows on grounds that insufficient information had been made available by the Health and Safety Executive (Nuclear Safety Directorate). The application was re-submitted, and at the meeting of the Planning Committee on 29 May 2006 it was again refused.

The application for consideration at this meeting was an identical re-submission. It has been re-submitted following a degree of confusion when the application was last considered. A further consultation exercise has been undertaken. Consultees have been informed that their previous responses would be taken as applicable to this application unless they indicated otherwise within 14 days. That 14 day period has now expired. The representations received subsequent to the issue of the report were outlined to Members at the meeting.

In June 2003 the Planning Committee granted planning permission for the installation of a treatment plant for solidification / stabilisation of liquid wastes at Seaton Meadows subject to conditions. The current application seeks a number of changes to the layout of the site and its structures along with an increase in the site area to 0.95 hectares.

It was stressed that there were no alterations to the waste treatment processes including the method by which the plant will operate, means of access to the site and vehicle traffic flows and hours of operation already approved by virtue of the previous planning permission. The process undertaken at the site involves entrapping waste in a concrete matrix utilising fly ash before disposal to the adjoining landfill site.

The report went on to outline the details of the amendments being sought by the operator, the publicity that had been undertaken in accordance with the usual guidelines and the responses to the consultation exercise. The Development Control Manager's report also set out the detailed planning issues relating to the application, which was for amendment of an existing permission, and recommended to the Committee that the application be approved with a series of further conditions set out in the report.

Two representatives from the applicant company, ALAB Environmental Services, addressed the Committee in support of the application. The representatives from ALAB indicated that the amendments they were proposing took into account new and revised best practice and would ensure that the plant meet changing legislation and would also provide more efficient site management. The changes proposed would reduce the visual impact of the site.

The Chairman allowed three objectors to speak against the application at the

meeting. These were Ms Iris Ryder, Mrs Jean Kennedy and Mr P Tweddle, a representative of Friends of the Earth.

Ms Ryder referred to a petition against the application said to contain 1300 signatures but this was not placed before the Committee. Ms Ryder also indicated that she had been informed that a number of the changes to the site including the installation of the oil separation tank above ground had been at the specific instruction of the Environment Agency. This was, however, denied by the ALAB representatives. Ms Ryder's principle concerns related to the use of fly-ash for the disposal of the toxic waste and the long term potential for the waste to be drawn into the water table.

Mrs Kennedy indicated concerns at the increase in the size of the site and expressed concerns that insufficient publicity had been undertaken, commenting that many concerned residents were not aware of this meeting. The Development Control Manager confirmed to the Committee that the application had been advertised in accordance with the Council's and government policy requirements.

Mr Tweddle, Friends of the Earth, asked questions in relation to the operation of the site, such as would the waste be encapsulated in concrete before being disposed of on the site or would the concrete be poured and the waste encapsulated at the point of disposal into the ground. Mr Tweddle also echoed Ms Ryder's concern in relation to the potential for waste to come into contact with the water table in that area. Mr Tweddle also referred to the government's intention to reduce the number of toxic waste disposal sites around the country and expressed concern that Seaton Meadows could end up being used for significant amounts of toxic waste from all over the country.

The Development Control Manager reminded Members that an existing permission for this site and these processes already existed; this application was simply for amendments to the site operation, the placement and size of facilities on the site and the overall size of the site itself. The facility would have to be removed as part of the process of finishing the waste disposal site at the end of its operational life. It was therefore not a permanent facility.

Members discussed the application in detail and referred to the comments made by the applicants. Objectors and officers during their consideration. Members discussed further the following points: -

- Clarification of the requirements to amend the placement of the oil separation facility.
- The reasons behind increasing the site from 0.3 to 0.95 hectares.
- The fact that site already had a valid planning permission.
- The fact that the site, even if further planning approval was granted, would still be subject to licence approval prior to operation by the Environment Agency.
- The need to include reference to all previously approved conditions and regulations when considering revisions to planning approvals.

Councillor David Young indicated that he considered that he was duty bound to represent the views of his constituents and would therefore be voting against the application. The Chief Solicitor advised that, as all Members were aware, Members were not permitted participate in determination of a matter on which they had a fixed view; this amounted to predetermination, which would debar them from participating. The Chief Solicitor invited Councillor Young to respect that principle.

At that point Councillor Young withdrew from the meeting.

The Chairman noted that at this point the meeting had become inquorate. The Chair apologised to all present but stated that in light of the meeting being inquorate a decision could not be reached and therefore the meeting was abandoned at this point.

### **Decision**

That due to the Committee becoming inquorate, the meeting was abandoned and no determination of the application was made.

W. ISELEY

CHAIRMAN

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

27th September 2006

**Present:**

Councillor Councillor Rob Cook (In the Chair)

Councillors Councillors D Allison, S Belcher, Dr G Morris, R Payne, M Waller, G Worthy and E Wright.

In accordance with Council Procedure Rule 4.2(ii) Councillors J Brash and S Griffin were in attendance as substitutes for Councillors R Waller and W Iseley respectively.

Officers: Richard Teece, Development Control Manager  
Roy Merrett, Principal Planning Officer  
Peter Devlin, Legal Services Manager  
Ralph Harrison, Head of Public Protection and Housing  
Derek Wardle, Arboricultural Officer  
Chris Roberts, Development and Coordination Technician

### **53. Apologies for Absence**

From Councillors S Cook, G Henery, S Kaiser, J Lauderdale, C Richardson and R Waller

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

None

### **55. Confirmation of the minutes of the meeting held on 30<sup>th</sup> August 2006**

The minutes were confirmed with one amendment as follows:  
Councillor E Wright referred to page 5 where it was indicated that she had voted in support of the Decision when she had actually voted against.

### **56. Planning Applications** (*Assistant Director (Planning and Economic Development)*)

The following planning applications were submitted for the Committee's determinations and decisions are indicated as follows:

**Number:** H/2005/5921

**Applicant:** Chase Property Dev Limited  
C/O Agent

**Agent:** Savills Fountain Court 68 Fountain Street  
Manchester

**Date received:** 04/11/2005

**Development:** Alterations to existing units, erection of additional units and associated infrastructure and landscape works

**Location:** Teesbay Retail Park Brenda Road Hartlepool

**Decision:** Subject to the applicant entering into a planning agreement to secure retail employment opportunities for local people, a travel plan aimed at reducing reliance on access to the site by car the provision of finance to secure a cycleway link to the site and the following conditions **Minded to APPROVE** but the application be referred to **GONE** for consideration under the terms of the Shopping Floorspace Directive. Members also delegated authority to officers to ensure consistency between this proposal and any existing legal agreement restricting the range of goods that can be sold from the site including any necessary deed of variation.

### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details.  
Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.  
In the interests of highway safety.
3. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.



- In the interests of visual amenity.
4. The total new retail warehouse floorspace hereby permitted shall not exceed 6,480 sq m gross  
In the interests of protecting the viability of the town centre
  5. The retail warehouse development hereby permitted shall not be provided in nor subdivided into units of less than 929 sq m gross unless otherwise agreed in writing by the Local Authority.  
To protect the viability of the town centre.
  6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (Or any Order revoking and re-enacting that Order with or without modification) the proposed retail warehouse units shall not be used for the sale of:
    - i) food and drink;
    - ii) clothing or shoes (including sports clothing);
    - iii) books and stationery;
    - iv) CDs and other recorded audio-visual material;
    - v) toys and children's goods;
    - vi) jewellery, clocks and watches;
    - vii) sports equipment and accessories;
    - viii) china and glassware;
    - vix) musical instruments;
    - x) medical, chemist and opticians' goods; and,
    - xi) pet products.
 To protect the viability of the town centre
  7. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Redamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.
  8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. To prevent pollution of the water environment.

9. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.  
To prevent pollution of the water environment.
10. Prior to the development hereby approved being brought into operation cycle parking shall be provided to serve the site in accordance with details to be previously agreed in writing with the Local Planning Authority.  
encourage non-car access to the site
11. Approval of the details of the layout, siting, scale and appearance of the building(s), and the landscaping of the site including the location and form of any related structures and engineering operations (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
To ensure the site is developed in a satisfactory manner.

Mr J Heinz and Mr P Pearce (on behalf of the applicant) were present at the meeting and addressed the Committee.

The Committee considered representations in relation to this matter.

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**Number:** H/2005/6033

**Applicant:** Mr, Mrs Hopper  
MEADOWCROFT ELWICK ROAD HARTLEPOOL

**Agent:** Blackett Hart & Pratt Westgate House Faverdale  
Darlington

**Date received:** 23/12/2005

**Development:** Erection of a gatehouse

**Location:** MEADOWCROFT ELWICK ROAD HARTLEPOOL

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. It is considered that the proposed dwellinghouse by reason of its size and design would appear unduly large and out of keeping to the detriment of the setting of Meadowcroft and Meadowside, nearby listed buildings, and the appearance of the Park Conservation Area contrary to policies HE10, HE1, Hsg9 and GEP1 of the adopted Hartlepool Local Plan 2006.

Mr Hesmondalgh (agent for applicant) and Mrs Patterson (objector) were present at the meeting and addressed the Committee.  
The Committee considered representations in relation to this matter.

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**Number:** H/2006/0304

**Applicant:** Mr Ted Jackson  
Tyne Valley Developments 7 Amble close Hartlepool

**Agent:** Jacksonplan Limited Mr Ted Jackson 7 Amble  
Close Hartlepool

**Date received:** 09/05/2006

**Development:** Erection of 17 executive apartments with access  
road and service facilities

**Location:** SHU-LIN ELWICK ROAD HARTLEPOOL

**Decision:** **Deferred for a Member's site visit**

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**Number:** H/2006/0334

**Applicant:** Baker Hughes  
Tekchem Works Tofts Farm Industrial Estate  
West Hartlepool

**Agent:** Baker Hughes Tekchem Works Tofts Farm Industrial  
Estate West Hartlepool

**Date received:** 02/05/2006

**Development:** Application for hazardous substance consent to

increase the quantity of 5 hazardous substances stored including propylene oxide and acrolein (Amended scheme to increase the proposed amount of acrolein from 30 to 40 tonnes)

**Location:** BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL

**Decision:** **Subject to no objections from the Nuclear Installations Inspectorate Hazardous Substances Consent Approved**

### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The drums and cylinders used for storage of the Hazardous Substances to which this permission relates shall only be stored outside.  
In the interests of safety.
3. The Hazardous Substances shall not be kept or used other than in accordance with the application particulars provided in Form 1 and accompanying papers, nor outside the areas marked for storage of the substances on the plan which formed part of the application.  
In the interests of safety.
4. The storage of Acrolein upon the site must be in pressure containers of 1.1 tonne capacity. The containers must be IMO type 1 tanks rated at 150 psig unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of safety.
5. The permission hereby granted in relation to the increased amount of acrolein on the site is valid up to 30 September 2007 and the additional acrolein shall be removed from the site on or before that date unless the prior consent of the Local Planning Authority has been obtained to an extension of this period.  
To enable the Local Planning Authority to assess the impact if any of the additional quantity of acrolein approved on developments outside the application site.

The Committee considered representations in relation to this matter.

**Number:** H/2006/0506

**Applicant:** Mr Graham Fenny  
Hartlepool Borough Council Hartlepool

**Agent:** Hartlepool Borough Council Mr Graham Fenny  
Bryan Hanson House Hanson Square Lynn Street  
Hartlepool

**Date received:** 03/07/2006

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

**Location:** Rear of 1 BLAKELOCK GARDENS/ STOCKTON  
ROAD/MARSKE STREET/WESTBOURNE ROAD  
HARTLEPOOL

**Decision:** **Members took the view that the benefits from  
securing the rear lane would outweigh any  
disbenefit therefore Council Consent Approved**

#### CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development to which this permission relates shall be begun not later than five years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Appropriate signage shall be erected and maintained on the proposed security gates advising non-key holders where and how entry can be obtained.  
In order that public utilities can gain access.

The Committee considered representations in relation to this matter.

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**Number:** H/2006/0516

**Applicant:** Mr Nigel Dawson  
H M C Group Limited Keel Row 12  
Watermark Gateshead

**Agent:** Mackellar Architecture Limited Mr Brian Wood 77-87  
West Road Newcastle Upon Tyne

**Date received:** 06/07/2006

**Development:** Erection of a 3 storey, 80 bedroom care home with  
car parking

**Location:** Land at corner of Warren Road and Easington Road

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

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. It is considered that the proposed development by reason of its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.
2. It is considered that the proposed development would have inadequate parking facilities to meet the needs of the development and that this together with the consequent loss of staff parking facilities within the hospital site which the proposed development will displace would lead to increased on-street parking in Warren Road and other nearby streets to the detriment of the amenities of the occupiers of houses in those areas, the free flow of traffic and highway safety contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.
3. It is considered that inadequate information has been provided to demonstrate that the proposed development will not be subject to flooding or that any consequent mitigation measures would not be detrimental to the amenities of the occupiers of nearby developments in terms of increased flooding risk or dominance from possible finished floor levels contrary to policy Dco2 of the adopted Hartlepool Local Plan 2006.

Mr Barker (representing the applicant) and Mrs P Conlon (objector) were present at the meeting and addressed the Committee.  
The Committee considered representations in relation to this matter.

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**Number:** H/2006/0541

**Applicant:** Mr. Alfred Amerigo  
116 Elwick Road Hartlepool

**Agent:** Derek Stephens Associates Darfield House 17  
Lowthian Road Hartlepool

**Date received:** 17/07/2006

**Development:** Erection of a pair of semi-detached houses with  
integral garages

**Location:** 116 ELWICK ROAD HARTLEPOOL

**Decision:** Planning Permission Approved

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.  
In the interests of visual amenity.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) M4040/2B received on 31st August 2006, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.  
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. The access gate(s) hereby approved shall open into the application site only and not out over the highway.  
In the interests of highway safety.
6. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.  
To ensure that any site contamination is addressed.
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. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

In the interests of visual amenity.

9. Notwithstanding the submitted details, the boundary wall between the application site and 114 Elwick Road shall be 2.4 metres in height, constructed in accordance with details, including timing of construction, to be first submitted to and approved in writing by the Local Planning Authority. The wall shall thereafter be constructed in accordance with the approved details.

In the interests of the amenities of the occupants of 114 Elwick Road.

10. Details of the treatment of the boundary between the application site and the building at 114 Elwick Road where buildings are to be demolished shall be first agreed in writing by the Local Planning Authority. The details shall include a programme of works. The boundary treatment shall thereafter be carried out in accordance with the approved details.

In the interests of the amenities of the occupants of 114 Elwick Road.

The Committee considered representations in relation to this matter.

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**Number:** H/2006/0572

**Applicant:** Mrs J Deville  
Eldon Grove School Eldon Grove School Eldon  
GroveHartlepool

**Agent:** Hartlepool Borough CouncilMr Phil Skinner  
Leadbitter Buildings Stockton Street Hartlepool

**Date received:** 25/07/2006

**Development:** Alterations and extension to classrooms

**Location:** ELDON GROVE PRIMARY SCHOOL ELDON  
GROVE HARTLEPOOL

**Decision:** **Deferred for additional information**

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**57. Update on Current Complaints** (*Assistant Director (Planning and Economic Development)*)

Members were advised that during the four week period prior to the meeting forty nine (49) planning applications had been checked. Forty seven (47) had required site visits resulting in various planning conditions being discharged by letter.

Member attention was drawn to 13 current ongoing issues detailed in the report.

**Decision**

Members noted the report.

The Chairman ruled that the following item 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.

**58. Appeals by Mr M T Walker, Land at Woodburn Lodge, Hartlepool** – Assistant Director (Planning and Economic Development)

Members were advised that an appeal had been lodged following the refusal of the Local Planning Authority to grant lawful development certificates for the erection of a detached garage and two gates.

The appeals had been dismissed which meant that the appellant was required to make planning applications for the proposed developments. The Inspector's findings were outlined in the report and Members were advised that the appellant had applied for an award of costs against the Local Planning Authority on grounds of alleged unreasonable behaviour. The Inspector had refused the application stating that an award of costs was not justified. The decision letter of the Planning Inspectorate was attached to the report.

**Decision**

Members noted the report.

ROB COOK

CHAIRMAN

**APPLICATIONS TO BE CONSIDERED AT  
PLANNING COMMITTEE ON 25 OCTOBER 2006**

1	H/2006/0304	SHU LIN	JF
2	H/2005/5486	TESCOS	RM
3	H/2006/0461	COUNTRY PARK – WYN YARD	RM
4	H/2006/0572	ELDON GROVE PRI8 MARY SCHOOL	GS
5	H/2006/0677	8 TORCROSS CLOSE	RH

Complaints update

Appeals:     Slake Terrace  
                 Oxford Road

**No:** 1  
**Number:** H/2006/0304  
**Applicant:** Mr Ted Jackson 7 Amble close Hartlepool TS26 0EB  
**Agent:** Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP  
**Date valid:** 09/05/2006  
**Development:** Erection of 17 executive apartments with access road and service facilities  
**Location:** SHU-LIN ELWICK ROAD HARTLEPOOL

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## Background

1.1 This application was considered at the last meeting (27 September 2006) when it was deferred pending a site visit. The site visit will take place before the meeting.

## The Application and Site

1.2 Planning permission is sought for the erection of 17 executive apartments with access road and services facilities. The application site currently forms part of the extensive garden of Shu Lin a large two storey modern detached dwellinghouse erected some years ago. It lies within the Park Conservation Area and has vehicular access onto Elwick Road. To the east is the donor property of Shu Lin and beyond that Holly House a large modern dwellinghouse. To the north are three modern detached dwellinghouses (309 Elwick Road, The Roost and Well Close) which are enclosed by a high hedge which forms most of the northern boundary of the application site. A recent planning permission for a fourth house in the rear garden of Well Close, is currently being implemented. To the west of the site is a rough grassed paddock where planning permission for the erection of three dwellinghouses was recently refused. The boundary with the paddock is open save for a line of recently planted widely spaced young trees. To the west of the paddock is an area of mature woodland. To the north west are Meadowcroft and Meadowside which together form a Grade II listed building. The boundary here is screened by trees and bushes augmented by recent planting. At the southern end of the site the land falls away down to a fence beyond. The fall is approximately 1.4m and the boundary is lined with mature trees and bushes beyond which is a public footpath, a stream and farmland rising up to Summerhill. A public footpath climbs to Summerhill across farmland to the south.

1.3 The applicant's approach in bringing forward the application is outlined in his attached planning statement (Appendix 1). The applicant considers that the most suitable form of development is one in the form of two detached mansions (Mansion A/Mansion B) located within a parkland setting. The proposed apartment blocks will be constructed to the west of Shu Lin. They will be substantial three storey T shaped buildings some 11 to 11.7 m high to the ridge. The main elevation of each T shaped block will be some 25m wide, the maximum depth of the blocks from the main elevation, including the rear projection or the body of the T, will be some 28.3m. The blocks are of an almost identical design incorporating front balcony's, a front porch and projecting three storey bays. The external finishes of the buildings are traditional. The apartments will be three bedroomed and will also incorporate a lift.

1.4 Mansion A will be located at the northern end of the application site approaching the adjacent housing (Well Close, The Roost and 309 Elwick Road). It will be oriented with its principal elevation facing south east into the site. This block will be dug down into the site. It differs from Mansion B in that the rear projection will be two storey. This block will accommodate eight apartments.

1.5 Mansion B will be located at the southern end of the application site, approaching the footpath and beck. The land falls away at this point and the rear projection of the building will be stepped down to account for this. It will be oriented with its principal elevation facing north east into the site. It will accommodate nine apartments.

1.6 Externally, an access road, three car port blocks, two bin store blocks, parking and landscaping will be provided. An acoustic wall will be provided along part of the northern side of the site and a new wall, fence and hedge will be provided variously on the boundary with Shu Lin. The applicant has indicated a parkland setting would be maintained around the development and that additional tree planting would be undertaken.

1.7 The site will share the existing access with Shu Lin from Elwick Road. The access will be modified. It will be shifted to the east and selectively widened these works will involve the removal of part of a conifer hedge and three trees which are protected by virtue of their location in the Conservation Area. To accommodate the access modifications part of the existing boundary wall will be demolished/rebuilt.

1.8 The application is supported by various reports. The arboricultural report is discussed below. A ground investigation and desk top report in relation to the risk of contamination was also submitted which concluded that there is no apparent risk of fill or disturbed ground on the site and that there is no significant risk of contamination from the previous use of the site.

## **Publicity**

1.9 The application was originally advertised by neighbour notification (30), site notice and by press advert. Twenty four representations were received. Seven letters of objection, three letters of no objection, thirteen letters of support and one letter making observations were received.

1.10 The objectors raise the following issues:

- 1) Design, size, density, scale and nature incongruous, intrusive and out of character with Conservation Area.
- 2) Detrimental impact on character of Conservation Area
- 3) Visually intrusive from countryside/footpaths
- 5) It will dominate the rural nature of the Park Conservation Area.
- 6) Unattractive
- 7) Overdevelopment
- 8) Loss of trees
- 9) Loss of sunlight/privacy
- 10) Noise and traffic nuisance.
- 11) Application and appeal turned down on Briarfields site adjacent.

- 12) Increased traffic congestion/hazards on an already congested and hazardous road.
- 13) Development is not needed given recent approvals at Tunstall Court.

1.11 Those writing in support of the application (13) have raise the following issues:

- 1) The new application more carefully considers the character of the area and the impact on the privacy of existing dwellings.
- 2) The proposal for two mansion blocks is In keeping with the style of surrounding buildings.
- 3) Excellent development will allow existing residents to downsize freeing up larger properties in the area.
- 4) Will increase choice of properties in area.
- 5) Shortage of this type of high quality accommodation.
- 6) Will be appropriate and beneficial use of garden area.
- 7) Better and more economical than building more large detached properties as proposed at Briarfields.
- 8) In accordance with government guidance.
- 9) Will be an asset to the town.
- 10) Development allowed to north overlooking Shu Lin. Hedge will be maintained. Building line shouldn't be determined by English Heritage. Footpath to south is at lower level. Views south are screened by trees.

1.12 One person makes the following observations:

- 1) Developments in the area piecemeal, no overall planning (for services,access,TPO's) needs to be planned for along with other development proposed in the area.

1.13 Following discussions the proposals have been amended. The amended drawings were advertised by neighbour notification (40). Nine letters of objection, eight letters of no objection and three letters of support were received.

1.14 The objectors raise similar issues to those identified in the relevant section above and the following additional points:

- 1) Site will be visible from listed buildings (Meadowcroft/Meadowside).
- 2) The modern development to the north far from justifying the development is a powerful reason to refuse it for reasons of precedent.
- 3) Disagree in principle with development in gardens which has a detrimental affect, and ultimately will result in a lack of quality housing in reasonable surroundings.
- 4) Proposal not appropriate to area. As yet no blocks of flats in that location and flats would be detrimental to it.

1.15 Those writing in support of the application(3) raise similar issues to those identified in the relevant section above. One makes the additional point that the new proposal offers even better opportunities for the enjoyment and privacy of the surrounding area without adversely affecting the neighbouring houses.

The time period for representations has expired.

## Copy Letters C

1.16 As indicated the applicant has produced a statement in support of the application and this is attached as appendix 1.

## Recent Planning History

1.17 In December 2005 an application for the erection of 18 apartments on the site was submitted. This scheme in the form of a single three storey block was withdrawn in March 2006 following discussions when fundamental concerns were raised in relation to the scheme. (H/2005/6027)

## Consultations

1.18 The following consultation replies have been received:

**English Heritage** : The amended proposals remain largely unchanged from the original scheme. We continue to be of the view that the proposed development will harm the character and appearance of the conservation area by virtue of its layout, architectural form and detailing, and by a miscellany of associated infrastructure including bin stores, car ports, brick boundary walls, acoustic barriers, hardstandings and traffic signs. We also consider that the proposed development will intrude upon views from the neighbouring listed villa known as Meadowcroft, particularly during the winter months. We therefore recommend that the application be refused.

1. The Park conservation area is characterised by large residential villas set within generous grounds and centred on the Ward Jackson Park. The southern edge of the conservation area in the vicinity of the application site is rural in nature. This is in contrast to the built-up edges of the conservation area elsewhere and, in our view, is an important element of the character of the conservation area as a whole. As stated in our earlier letter, we consider that the application site and adjoining open land forms an important spatial buffer between the open countryside to the south and the edge of the more densely populated settlement to the north. This buffer has a long history as an area of open land and retains its semi-rural/parkland character despite the recent development of Shu Lin.

2. The amended proposals remain largely unchanged from the original scheme. This is disappointing given the points we discussed during the site meeting with the applicant's agent in July 2006.

3. We continue to be of the view that the proposed development will have an adverse effect upon the character and appearance of the conservation area. We consider that the tight grouping of two substantial apartment blocks in an established residential curtilage does not respect the predominant open grain of the built form in this part of the conservation area. The architectural form and detailing of the proposed residential blocks continue to lack quality and coherence, and fail to pay sufficient regard to the nature of the site and its surroundings. In our view, the miscellany of bin stores, car ports, brick boundary walls, acoustic barriers,

hardstandings and traffic signs is entirely at odds with the informal semi-rural character of this part of the conservation area. We are also mindful that part of the proposed development will intrude upon views from the neighbouring grade II listed villa known as Meadowcroft, whose position and orientation was no doubt established to take advantage of the open south-facing aspect.

4. As a footnote to the above, we note that the lack of a comprehensive character appraisal for the Park conservation area has probably given rise in the past to some unfortunate development. We would urge your Council to prepare an appraisal and related management proposals as soon as possible in order to provide a sound and informed basis for future development control decisions.

We consider that the proposed development will not preserve the character and appearance of the conservation area, and will have an adverse effect upon the setting of the adjoining grade II listed villa. In accordance with our earlier advice, we recommend that the application be refused.

**Tees Archaeology** : No objections.

**Environment Agency** : No objections require that any surface water discharges from the site are regulated to reduce any risk of flooding this can be conditioned. They also request an appropriate condition to control the discharge of foul or contaminated drainage to surface waters.

**Head of Public Protection & Housing** : No objections.

**Northumbrian Water** : No objections. Surface water must be prevented from entering public surface water or combined sewer.

**Engineers**: Request details of proposed soak-away prior to any approval or confirmation that the Environment Agency is satisfied with a discharge into the adjacent watercourse. In light of the report on the risk of contamination which concluded that there is no significant risk of contamination no conditions are required in relation to this issue.

**Traffic & Transportation** : The footpath should be brought forward to the edge of the road and the parking spaces no 3 to 9 should be relocated to the back of the footpath so vehicles can manoeuvre in and out of the bays. This can be done as a planning condition.

The footpaths and roads to be constructed to an adoptable standard either through a section 38 agreement or Advance Payment Code agreement with the Local Authority. Depending on which agreement is used, it should be in place before any construction works commence.

**Cleveland Police** : No comments received.

## Planning Policy

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

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

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP9: 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.

HE1: 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.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility,



range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

## **Planning Considerations**

1.20 The main planning considerations are policy, the impact of the development on the character and appearance of the Conservation Area/setting of the nearby listed building, trees, impact on the amenity of nearby residential properties, highways and drainage.

### **POLICY**

1.21 The site is not an allocated housing site in the adopted Hartlepool Local Plan and so the proposal is defined as a windfall development.

1.22 The site is within the defined limits to development and is technically defined as previously developed land.

1.23 Ongoing monitoring of the rates of housing development indicates that the current supply of housing is in excess of strategic allocations for the Borough. However the emerging RSS raises the possibility of support for redevelopment on brownfield sites regardless of housing numbers. It is therefore considered that it would be difficult to sustain an objection to this scheme in housing numbers terms.

1.24 There are concerns about more apartments in the town. The supporting text to policy Hsg5 of the Local Plan states. ... in view of the high number of high density apartments which are currently being provided in the Marina area and are proposed for Victoria Harbour the Borough Council is unlikely to consider proposals for such types of dwelling as of high priority unless they form a minor part of a larger mixed housing development or it can be demonstrated that there are specific locational or other factors by which the need can be demonstrated.... The applicant and many of those writing in support of the application suggest it could meet a special need and propose a scenario whereby people in the area would downsize into these apartments so releasing their properties to the market. This would have the added benefit of releasing larger properties which are currently under represented in the town. The proposal is for 3 bedroom apartments. There is no guarantee that this phenomenon will occur. There is already provision for apartments in the area (Tunstall Court) and in the town as a whole to potentially meet this downsizing "need". However at this point in time it is considered that it would be difficult to object to an apartments development per se on housing policy grounds. The proposed Housing Market Assessment anticipated by Spring 2007 should give greater quantitative clarity to this issue.

1.25 The applicant has agreed that should planning permission be granted he would make a contribution of £3000.00 per dwelling towards housing clearance/regeneration in other parts of the Borough and off site play facilities in line with current Council practice.

#### IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA/SETTING OF THE NEARBY LISTED BUILDING

1.26 The site is located within the Park Conservation Area where policies seeks to preserve and enhance its special character and historic interest. English Heritage and the Conservation Officer have raised objections to the proposal.

1.27 This part of the conservation area presents a feeling of spacious low density development with dwellings concealed by mature trees and shrubs. Whilst infill development has occurred to the north of the application site this has tended to be single albeit large dwellings set within relatively generous plots, largely screened from the application site by high hedging.

1.28 The application site forms part of the substantial garden area of Shu Lin and is largely laid to grass and taken together with the adjacent paddock give this part of the Conservation Area an open character in contrast to the more built up areas to the north. This openness is reinforced by the lack of any buildings on the site, the absence of any formal enclosures along the boundary with the paddock to the west and the fact that the site is elevated in relation to the boundary fence to the south with views out from the site towards the adjacent countryside. It is considered this area forms an important spatial buffer between the open countryside to the south and the more built up area to the north and is an important contributory element to the Conservation Areas special character. The particular character of this part of the conservation area was noted by the inspector when dismissing the appeal against the refusal of infill housing on the adjoining Meadowcroft site when he noted “In contrast to elsewhere around the edge of the Conservation Area it is in the vicinity of the appeal site that the Conservation Area has a rural nature. This, in my view, is an important element of the character of the Conservation Area”. (The relevant appeal decision is attached as Appendix 2). The proposal, the substantial apartment blocks with separate carports, bin stores and significant hardstandings would change the character of this part of the Conservation Area introducing an intrusive, and dominant built form. It is acknowledged that the site benefits from a good degree of screening with wooded areas to the west and mature trees and bushes to the east and south however the development would be visible from the southern edge of the Conservation Area from both the public footpaths to the south as well as in more distant views from Catcote Road particularly in winter months. The elevated siting of mansion B relative to the public footpath would tend to make this element appear more prominent from this viewpoint.

1.29 The prevailing built form of residential properties in the Conservation Area consists of individually designed dwellings which by their use of materials and design details provide a variety which contributes greatly to the special character of the Conservation Area. English Heritage have particular concerns that the architectural form and detailing of the blocks lacks quality and coherence and as a whole the

scheme fails to pay sufficient regard to the character of the Conservation Area, the nature of the site and its surroundings. These comments are reproduced in full, in the consultation replies above.

1.30 The applicant has challenged the views of English Heritage and the Conservation Officer refuting the view that the site is rural/open/undeveloped, questioning the visibility of the site and pointing to development elsewhere in the Conservation area (particularly the apartment development at Four Winds and the infill development to the north of the site) and to the one time proposed allocation of the Briarfields site for housing. The issues of the openness and visibility are discussed above. In relation to the other sites in the Conservation Area it is the case that both the infill and new development has been approved extensively and in principle this can be acceptable, however each site must be addressed on its own merits and in its own context. The houses immediately to the north for example are large individually designed properties which are set within a more urbanised setting in the Conservation Area. The Briarfields site no longer forms part of the housing allocations proposed in the Local Plan. However when that scheme was originally promoted the proposal was for large individually designed houses on large plots (10 per hectare). No layout was considered and the boundary detailing to the countryside edge were not identified at that time.

1.31 It is concluded that the proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance of this specific part of the Park Conservation Area.

1.32 To the north west of the site is a grade II listed building (Meadowcroft/Meadowside). The property was constructed to take advantage of views of the countryside to the rear. English Heritage consider the proposed development would intrude on these views particularly in winter and therefore detract from the setting of the listed building. This was part of the argument which resulted in the failure of the appeal referred to earlier at Meadowcroft. While substantial additional planting has been provided at Meadowcroft since then views from Meadowcroft and Meadowside will embrace this site to some extent.

## TREES

1.33 The development will result in the removal of three trees at the entrance to the site to accommodate amendments to the access. These are a Beech, and two Ash trees. The application has been supported by an Arboricultural Report which has been reviewed by the Arboriculturalist.

1.34 The Beech tree is diseased and the Report recommends its removal on safety grounds. One of the Ash trees has been suppressed by Elms which have been removed in the past and its condition is described as poor, the report recommends its removal on safety grounds. The consultant is concerned that the other Ash would be vulnerable to winds with the removal of the other trees and again recommends the tree is removed. The report concludes that the two Ash trees if retained would require extensive surgery to make them safe especially to their uppermost branches. Replacement planting is proposed.

1.35 Other trees will be affected by alterations to the access within the site and special construction techniques are proposed to limit any disturbance. The removal of a high Leylandii Hedge would also be required but it is considered that this is of limited amenity value.

1.36 The Arboriculturalist considers that the Report provides a comprehensive assessment of the trees on site and accepts that the reasons given for the removal of the trees are valid especially in relation to the Beech. It is clear that the removal of the three trees will result in the removal of mature trees that do have a presence in the Conservation Area, however there are other mature trees in close proximity. The Beech will need to be removed in any case and the two Ash trees if retained would require extensive surgery to make them safe especially to their uppermost branches.

1.37 The applicant has advised that he has explored an alternative scheme should the removal of the Ash trees be unacceptable. The Arboriculturalist has confirmed that he would prefer to see the design accepted and appropriate replanting take place. It is considered in the long term this would be the best option. Elsewhere on the site appropriate conditions would secure the retention and health of retained trees.

#### THE IMPACT OF THE PROPOSAL ON THE AMENITY OF THE OCCUPIERS OF NEARBY RESIDENTIAL PROPERTIES

1.38 Concerns have been raised in relation to the developments relationship with adjoining occupiers to the north in terms of noise from traffic, loss of light and of privacy.

1.39 A number of concerns have been raised in relation to disturbance which might be caused to the occupiers of nearby residential properties from traffic movements associated with the occupation of the site. The properties most directly affected would be The Roost, Holly House, Well Close and the new house being erected in the rear garden of Well Close. At their closest points Holly House and Well Close would be gable ended on to the access which would be some 19m and some 12m distant respectively at its closest point. The closest property would be the new house being erected in the rear garden of Well Close. The access will narrow in part and the applicant maintains that this will effectively reduce traffic speeds and any potential disturbance. The applicant has also agreed to erect an acoustic wall on the northern boundary of the site. It is also the case that the access drive is currently relatively well screened by intervening fencing, trees, bushes and this could be augmented by condition. The rear of the Roost faces the site but would be some 29m from the closest of the parking areas and further from the access. The closest part of Shu Lin would be some 13m from the access and again a proposed intervening wall would afford some protection. The issue has been discussed with the Head of Public Protection and he has not objected to the proposal. Given the relationships, the level of separation, the proposed provision of a walls, the screening afforded by existing boundary treatments which could be augmented by condition it is not considered that the proposal would unduly affect the amenity of the neighbouring properties in terms of any disturbance due to traffic movements associated with the site.

1.40 Objections have been received from the occupiers of adjacent properties to the north in relation to loss of light and privacy.

1.41 Given the separation distances and the orientation of the proposed block it is not considered that block B would unduly affect the amenity of adjacent residential properties including the donor property in terms of loss of light, privacy or in terms of any overbearing effect.

1.42 Block A at the northern end of the site is located closer to the residential properties to the north. Given the separation distances involved it is not considered that Block A would unduly affect the existing amenity of the donor property, Well Close, Holly House or the new house being erected in the rear garden of Well Close in terms of loss of light, privacy, outlook or in terms of any overbearing effect. The properties located immediately to the north The Roost and 309 Elwick Road are closer. The details submitted by the applicant show that block A will be set down on the site at a lower level than the properties to the north. For example ground level at the Roost is shown as 100.44m whilst the finished floor level of the block is shown as 98.63m. Following discussion the applicant has also agreed to lower the height of the rear projection which faces northward toward these properties to two storeys. The amended plans show that the closest part of block A, the main three storey element, will be some 23m from the closest part of the nearest dwellinghouse (309 Elwick Road) and some 11m from its garden boundary. The boundary here is formed by a substantial hedge some 12ft high, whilst under the high hedges legislation the neighbour could at any time apply to reduce the height of the hedge, at the moment it presents a substantial screen. A number of first and second floor windows will face towards the neighbouring properties. In the closest part of the main three storey block these will be secondary lounge and bath room windows which could be conditioned to be obscure glazed although separation distances are achieved. Whilst additional views towards 309 Elwick Road will be possible from rear bedroom windows these views would be more distant/oblique and from bedrooms not normally occupied during the day. In relation to the two storey rear projection views towards the neighbours will be from first floor bedroom windows and some 12m off the boundary and some 26m from the closest part of the nearest house (309) well in excess of this authorities guidelines. The outlook and current levels of privacy/seclusion enjoyed by the closest residential properties 309 Elwick Road and The Roost will undoubtedly change given the erection of such a large development to the rear and the introduction of facing windows. However given the orientation of the proposed apartment block, the separation distances proposed, the screening afforded by the existing substantial hedge, the fact that the block will be set down on the site and the opportunity to impose conditions in relation to window glazing it is not considered that any impact would be so detrimental in terms of loss of light, privacy or in terms of any overbearing effect as to warrant refusal of the application.

#### HIGHWAY CONSIDERATIONS

1.43 Objectors have raised highway safety concerns. In particular that the proposal will exacerbate congestion and create additional hazards on Elwick Road. Highways have not objected to the proposed access arrangements and raised concerns only in relation to the detailed arrangements within the site elements which could be

conditioned. It is considered therefore that in highway terms the proposed access arrangements are acceptable.

### DRAINAGE

1.44 Foul drainage will be to the public sewers with surface water to soakaways. The Engineers have raised concerns that ground conditions may preclude the use of soakaways. They have therefore requested details of proposed soak-away prior to any approval or confirmation that Environment Agency is satisfied with a discharge into the adjacent watercourse. The Agency have previously indicated that though a soakaway would be preferable a regulated discharge of surface water to the adjacent water course would be a possibility should ground conditions preclude soakaways (H/2005/6027 refers). It is considered therefore that the details of the proposals for the disposal of surface water could be conditioned in this case.

1.45 The proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance this part of the Park Conservation Area contrary to policy HE1 of the adopted Local Plan.

1.46 The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy HE10 of the adopted local plan.

### **RECOMMENDATION - REFUSE**

1. The proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policy HE1 of the adopted Hartlepool Local Plan 2006.
2. The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy HE10 of the adopted Hartlepool Local Plan 2006.



## The Planning Inspectorate

Room 1404  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117 - 987 8927  
Switchboard 0117 - 987 8000  
Fax No 0117 - 987 8139  
GTN 1374 - 8927  
E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Derek Stephens Associates  
17 Lowthian Road  
HARTLEPOOL  
Cleveland  
TS24 8BH

Dept of Environment & Development  
Bryan Hanson House, Hanson Square

17 DEC 1998

HANDED TO:

REPLY

FILE NO

Your Ref:

B3032

Our Ref:

T/APP/H0724/A/98/298990/P7

Date: 15 DEC 1998

✓ update complete  
record  
advise off, Districts + etc.

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY PAUL HOPPER ENTERTAINMENTS LTD  
APPLICATION NO: H/OUT/0553/97**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Hartlepool Borough Council to refuse outline planning permission for the construction of new private driveway within the grounds of "Meadowcroft" and the provision of three plots for detached dwellings on land at Meadowcroft, Elwick Road, Hartlepool. I conducted a hearing on 2 December 1998.
2. The application was submitted in outline form with all matters reserved for future consideration except for siting and means of access. I shall determine the appeal on this basis. The appeal site is part of the setting of a Grade II listed building and is situated within the Park Conservation Area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of the listed building and Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
3. From the foregoing, my inspection of the site and its surroundings, and from the written representations, I consider the main issues to be the effect of the proposal on; first, the setting of the listed building; second, the character of the Park Conservation Area; and third, highway safety on Elwick Road.
4. The Development Plan for the Area includes the Hartlepool Local Plan (LP). LP policy Gen1 provides that, in determining planning applications, the Council will take account of, amongst other things, the external appearance of the development and its relationships with the surrounding area, highway safety, and existing trees and other landscape features. Criteria based LP policy Co2 reiterates the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. LP policy Ho7 carries forward the thrust of LP policy Gen1 with regard to housing developments and LP policy En15 states that the felling of trees which are subject to a Tree Preservation Order or which are within Conservation Areas will not normally be permitted and where permission is given to fell trees replacement planting will normally be required.



An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office

5. In consideration of the first issue, the listed building was originally built as a large villa, in 1895, but is now two dwellings, Meadowcroft and Meadowside. The dwellings are surrounded by substantial garden and recreational areas and the building is set back about 40 metres behind a high boundary wall to Elwick Road. The appeal site, which is an unused paddock, lies to the south of the listed building. It is an open area across which there is an expansive vista towards open countryside from the principal rooms in, and terraced private garden areas to, the dwellings. To the west of Meadowcroft and the appeal site is a woodland area protected by a Tree Preservation Order. This woodland area is likely to have remained virtually undisturbed since the construction of the original villa.

6. Access to the proposed housing development would be off the drive leading to Meadowcroft. The proposed access would be about 140 metres long and would pass through the woodland area for its whole length. You have stated that the construction of the access would result in the loss of only five trees out of a total of 160. Even though this may be a conservative estimate of tree loss I am not so concerned about this element of the proposal given that there is scope for replacement planting. However, the proposed access road would, in my opinion, be an intrusive and incongruous feature which would harm the appearance of the woodland area and result in it losing its undisturbed character.

7. The vista across the appeal site is, in my judgment, particularly important. The position and orientation of the original villa will have been established to take advantage of the open south-facing aspect towards countryside and away from urban development to the north. The woodland area curves around to the south and enhances this aspect which is directly across the appeal site. Though the listed building is slightly higher than the appeal site the proposed dwellings, given their siting and intended size, would almost completely obscure the open aspect across the appeal site. This would cause serious damage to the setting of the listed building. In my opinion, the proposed construction of the access drive and the dwellings would harm, and would therefore not preserve, the setting of the listed building. The proposal would thus be contrary to the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. In consideration of the second issue, the Conservation Area encompasses a substantial urban area to the north and east of the appeal site, the parkland setting of the listed building, and the woodland area. It also encompasses a paddock area and listed building, Tunstall Hall, to the west of the woodland area. In contrast to elsewhere around the edge of the Conservation Area it is in the vicinity of the appeal site that the Conservation Area has a rural nature. This, in my view, is an important element of the character of the Conservation Area. Along the south-west edge of the woodland area is a public footpath which divides to continue both to the east and south. In the latter direction the footpath rises onto higher ground known as Summer Hill from which the appeal site is clearly visible. From the footpath adjoining the woodland area and from other vantage points to the west the site would be screened, during the summer months, by the dense deciduous woodland. However, at the time of my site visit, the site was visible through the trees.

9. Criteria (i) of LP policy Co2 states that the scale and nature of the development should be appropriate to the character of the Conservation Area. Again, I am not so concerned about the loss of trees or the construction of the access road. However, from the west the proposed dwellings would be in line and would be seen as ribbon development, along the skyline from the footpath adjoining the woodland area, extending into the rural edge of the Conservation Area. From all directions, particularly from Summer Hill, the development



would be a prominent and intrusive feature in the landscape. I can only conclude that the scale and nature of the proposal would be inappropriate to, and would therefore not preserve, the character of the Conservation Area. I have reached this conclusion despite the size of that part of your client's property which would remain undeveloped and the similar nature of a nearby dwelling to the east, Shu Lin. The proposal would thus be contrary to LP policy Co2 and to the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. In consideration of the third issue, the entrance to the drive to Meadowcroft is at the unusually wide junction of Elwick Road and a lane which leads to Tunstall Hall and three other dwellings. Elwick Road widens considerably in the vicinity of the junction and traffic is subject to a 30 mph speed limit. Notwithstanding the configuration of the junction it was agreed at the hearing site visit that visibility to the east along Elwick Road for drivers of vehicles exiting the lane, which is restricted by the boundary wall, is only about 42 metres. Given that this is below any recommended minimum standard the Council contend that the additional traffic that would be generated by the proposed development would compromise highway safety.

11. The speed of traffic approaching from both directions is unlikely to exceed the speed limit due to the proximity of a right angle bend in Elwick Road about 60 metres to the west. Visibility in this direction is unrestricted allowing drivers of vehicles exiting the junction, when there are no vehicles approaching from the west, to concentrate on traffic approaching from the east. Given also that five properties are accessed off the lane and that I have seen no evidence to suggest that the safety of traffic is currently at risk it is my opinion that the additional traffic associated with the proposed development would not adversely affect highway safety on Elwick Road. In this respect the proposal would not be contrary to LP policy Gen 1.

12. Turning to other material considerations, you assert that the Council have established a precedent for the proposed development, with regard to its position within the Park Conservation Area, by allowing other housing developments and by allocating for housing other currently undeveloped sites. Apart from the permitted development within the boundaries of The Moorings and Well Close, to the east of the appeal site, all the other sites to which you have referred are clearly within the built-up area. The aforementioned neighbouring development would be within established residential curtilage and would not extend in a linear form into the adjoining countryside. There are, in my view, significant differences between these other developments and your client's proposal. You have also brought to my attention other listed buildings in the area close to which other development has been allowed. None of these other listed buildings have similar settings to the appeal building. Previously permitted development is not a sufficient reason to allow harmful development. In any event, it is a well established planning principle that each development proposal is considered on its merits.

13. Taking all these factors into account I have concluded that the proposed development would have a significant adverse effect on the setting of a listed building and on the character of the Park Conservation Area but would not compromise highway safety on Elwick Road. Notwithstanding my conclusion on the third issue it is my opinion that the harm that would be caused to the setting of the listed building and to the Conservation Area is of overriding concern and warrants withholding planning permission in this case. I have decided that the proposal is therefore unacceptable.

14. I have taken into account all other matters raised but have found nothing that outweighs the main considerations that have led me to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

*John Braithwaite*

John Braithwaite BSc(Arch) BA(Hons) RIBA  
Inspector

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## Shu Lin, Elwick Road



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>22/6/06</b>
	SCALE <b>1:1500</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H-2006-0304</b>	REV

**No:** 2  
**Number:** H/2005/5486  
**Applicant:** Tesco Stores Limited P.O. Box 400 Cirrus Building Shire  
 Park Welwyn Garden City Herts  
**Agent:** Development Planning Partnership Josephs Well  
 Hanover Walk Leeds LS3 1AB  
**Date valid:** 03/06/2005  
**Development:** Extension to store to provide additional sales and storage  
 areas and associated works  
 (AMENDED PLANS RECEIVED)  
**Location:** TESCO STORES LTD BELLE VUE WAY HARTLEPOOL  
 HARTLEPOOL

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### The Application and Site

2.1 The application is for planning permission to extend the existing Tesco store to form a unit with a total floor area of 12090 square metres (gross), associated parking, landscaping and highway improvements. The extension which is some 2600 sq m (net) relates to an area of land to the east of the existing Tesco store which was formerly a Jewson depot which is currently allocated for employment purposes but has been vacant since 2000. The proposed extension would be almost half the existing net floor area of the store. The extension is intended to enable a wider range of convenience and ancillary comparison goods to be offered and to allow improvements in the level of customer facilities.

2.2 As part of the application it is proposed to relocate the vehicular access point to the site further to the east along Burn Road. This would comprise of a new signalised junction. It is also proposed to undertake amendments to Burn Road / Belle View Way roundabout to provide increased junction capacity to accommodate the additional traffic. The most significant of these amendments comprises the introduction of a new segregated left turn from Burn Road East to Belle Vue Way. The new access into the site junction is intended to incorporate access facilities for pedestrians.

2.3 The proposal incorporates the following elements:-

- i) Pedestrian routes improved with pedestrian crossing provided within the site access junction, pedestrian access provided to Baltic Street and widened pedestrian walkway/cycleway which links to a new pedestrian route to Burn Road.
- ii) The existing pedestrian crossing on Belle Vue Way would be upgraded to a Toucan crossing, and the footpath width between the store and the crossing will be increased with the cycleway extended subject to a detailed survey.
- iii) A bus lay-by and shelter provided within the site, linked to the store entrance by a dedicated pedestrian route.

- iv) The provision of a bus gate to allow egress onto Burn Road for buses only. It is anticipated that the bus gate will incorporate a rising bollard activated by a transponder within the vehicle.
- v) An off-street parking area will be provided to ensure that neighbouring businesses are not disadvantaged by changes to on-street parking regulations that would be required to accompany the development proposals. To further ensure that businesses are not disadvantaged access to the car park will be separate from the main Tesco car park as it is considered that such an arrangement is far more convenient for them.
- vi) The car park will be constructed to Tesco own design standards which they say will incorporate many of the same features of the “secured by design” standards e.g. CCTV, lighting and staff surveillance.
- vii) Cycle parking will remain in its previously proposed location some 30 metres from the main entrance and are positioned to tie in with the main pedestrian/cycle routes into the store.
- viii) Petrol station to be expanded.
- ix) Rear service yard to be expanded.

2.4 A further 351 car parking spaces are proposed taking the total to 961.

2.5 The site is bounded to the north by Burn Road and a small vacant area of land, opposite the site is a McDonalds Restaurant and a Vauxhall car dealership. The western boundary of the site is formed by Belle Vue Way beyond which is a large residential area. To the east of the site is Baltic Street and the Longhill Industrial Estate. In terms of the layout of the site, the food store is located to the south and the proposal would see the store extended eastwards. The car parking and the petrol filling station are located to the north of the existing store.

2.6 The design of the building would comprise a combination of brickwork and composite cladding.

2.7 The application is accompanied by a Retail Statement and Statement on Employment land issues prepared by Development Planning Partnership. A Transport Assessment has been provided.

2.8 The above studies make the following points in respect of the application:-

- The company is able to install a mezzanine level floor (up to 3187 square metres net) within the store without the need for planning permission. If implemented this modification would not be subject to any planning control. On the other hand the ‘at level’ extension, being subject to control, could produce various benefits through agreement such as highway infrastructure improvements and restrictions over the type and range of goods sold in the interests of protecting the viability of the town centre. Furthermore it would

allow for an extended car park to be constructed to accommodate the extra traffic attracted to the store.

- In a recent appeal decision in Hatfield the Inspector gave weight to the fact that the extension was preferable to the fallback position of the mezzanine being implemented.
- There is a qualitative need for the proposed development. The store is in need of refurbishment which if implemented would result in a greater range and choice of goods for customers.
- There are no available alternative sites within the town centre to accommodate the store including extension.
- There is currently a lack of industrial related interest in the site. Recent marketing revealed there to be no interest. The development would provide up to 80 new jobs for local people and would allow for the re-use of a brownfield site.
- The development would not prejudice the supply of industrial related land in the Borough which exceeds demand.
- Re-allocation of the site would be appropriate given the need for environmental regeneration in an area where such improvements are encouraged.
- The proposal includes a number of measures designed to improve access by non-car modes, including:-
  - i) improved pedestrian crossing facilities at the site access
  - ii) provision of a cycleway
  - iii) the funding of an upgrade to existing pedestrian crossing on Belle Vue Way to accommodate cyclists, thereby linking into the town centre cycle network.
  - iv) A staff travel plan is proposed to reduce dependency on travel to the store by car

2.9 A planning agreement is offered incorporating the following benefits:-

- i) Various offsite highway works relating to improvements to Burn Road (Belle Vue roundabout and new signalised junction providing access to store.
- ii) Financial contributions to 516 bus service linking the site with outlying areas of the town and Elwick Village. This would amount to £25,000/year for a five-year period.
- iii) Upgrade of pelican crossing to toucan crossing facility - £50,000.
- iv) Contribution to the Longhill Industrial Estate CCTV scheme – 4 cameras - £85,365.72
- v) 40 space car park for local business accessible from Baltic Street
- vi) Targeted training and recruitment

- vii) Residual money from £400,000 budget for highway improvements at Burn Road/Belle Vue Way roundabout to be paid to Council for pedestrian related improvements.
- viii) New lay-by outside 'Fixings' on Burn Road.
- ix) Agreement not to complete the mezzanine floor.

## **Publicity**

2.10 The application has been advertised by way of neighbour letters (.). To date, there have been 2 letters of no objection and 2 letters of objection.

2.11 The concerns raised are:

1. Proposed development would conflict with the policies of the development plan and the Tees Valley Structure Plan in that the site is allocated for industrial use; it would prejudice the development of a sequentially preferable site for retail development in the town centre; it would fail to maintain the viability of the town centre; there is a lack of evidence of need for the development.
2. There should be no access to the site from Baltic Street on grounds of highway safety and crime risk.

Following the reconsultation exercise one letter of no objection has been received. A further letter of comments has been received from 'Fixings' stating that the lay-by should have a loading/unloading max. waiting time of 10 minutes in order to limit its use. Enquire about possibility of a lay-by on the opposite side of the road as well. A letter of objection has been received to pedestrian and vehicular access points to the site from Baltic Street.

Copy letters A

The period for publicity expires before the meeting.

## **Consultations**

2.12 The following consultation replies have been received:

**Engineering Consultancy** – Recommends a condition is imposed to remediate land if found to be contaminated.

**Hd of Public Protection & Housing** – No objections

**Northumbrian Water** – Large car parks to be cleaned through oil interceptors.

**Hd Economic Development** - Support the application.

**Environment Agency** – Final comments on flood risk awaited

**Ecologist** – Condition should be imposed to remove Giant Hogweed and Japanese Knotweed from the site. A contribution towards Poplar tree replacement along Belle Vue Way is requested.

**Head of Technical Services** – Comments awaited

## Planning Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Ind5: 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.

Ind10: States that proposals for underground storage in this area will only be approved subject to criteria set out in the policy relating to risk to people, effect on the aquifer, watercourses and nature conservation sites, and amount and visibility of above ground structures. In these respects particular regard will be taken of advice



received from the Health and Safety Executive, the Environment Agency, Hartlepool Water Company and English Nature as appropriate

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

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP9: 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.

### **Planning Considerations**

2.14 The main planning considerations which need to be addressed are as follows:

- a) Does the proposal conform to the current Development Plan?
- b) Is there a quantitative and qualitative need for the development?
- c) Does the application site conform to the sequential approach?
- d) How will development impact on the vitality and viability of the town centre?
- e) Traffic and Transportation considerations
- f) Regeneration, Community & Environmental Issues
- g) Crime and Disorder Issues
- h) Landscaping
- i) Flood risk
- j) What is the impact on occupiers of nearby properties?

#### **(a) The Development Plan**

2.15. PPS6 sets out factors for consideration including:

- Demonstration of need
- Sustaining and enhancing the vitality and viability of town centres
- Optimising transport other than the private car
- to maintain efficient competitive and innovative retailing

The principal policy in the Local Plan 2006 is Com8 which states that the preferred locations for shopping developments are:

- within Hartlepool town centre as indicated on the Proposals Map
- edge-of-centre sites (as set out in policy Com4)
- the out of centre Victoria Harbour regeneration area, then
- other out of centre locations accessible by a choice of means of transport and which offer significant regeneration benefits

The existing Tesco site and the proposed extension site clearly lie outside the defined town centre boundary. The Tesco site was specifically excluded from the defined Town Centre by the inspector at the Local Plan inquiry. She did not accept Tesco's request to widen further the town centre boundary to include land for a possible extension to the existing Tesco store. In her view the inclusion of the adjacent industrial land would serve no logical purpose in terms of a functional definition of the town centre. Moreover, the distance from the primary shopping area of this site and the adjoining Tesco store, together with the intervening dual carriageway and extensive non-town centre uses, indicated that this amounts to an out-of centre location for retailing as defined in national and strategic policy.

2.16 The land is also clearly identified for industry and the use for retailing is contrary to Policies of the 2006 adopted plan. The loss of the land in itself would not be critical.

### **(b) Qualitative and Quantitative need**

#### *Quantitative need*

2.17 The applicant's agent DPP states that the existing Tesco store is trading at 30% below company average. Drivers Jonas acting for the Council consider that this would indicate that a quantitative and qualitative need for further floorspace does not exist, in accordance with findings of their own household survey undertaken in 2002.

2.18 In addition the applicants admit within their statement that there is a shortfall in capacity from new floorspace of £32m and £24.29m within the Study Area for convenience and comparison floorspace respectively.

2.19 This suggests that there is no quantitative need for the proposed development. Town centre development could therefore be likely to suffer if permission were granted and the store were to trade successfully.

#### *Qualitative need*

2.20 The applicants have argued that the proposed development will significantly improve the qualitative offer of Tesco. While it is accepted that the proposal will result in improvements to the store itself, the development will not improve the retail offer in Hartlepool as a whole given that most, if not all, of these goods are already available in the town centre, foodstores and retail parks. Notwithstanding this it is considered that Tesco is located too far from the primary shopping area to meet any qualitative need.

2.21 Despite the above, the results of the residents survey clearly indicate that Tesco is losing trade from within its own catchment area to the more modern facilities provided at Asda. The development of Morrisons on the former Greyhound stadium site is likely to result in further trade draw away from the existing Tesco store. The improvement of the Tesco facilities will increase competition with existing out-of-centre stores and could reduce the number of trips undertaken by the private car by drawing trade from the south of the town, trade which currently drives through the town to reach Asda and Morrisons. This reduction in the use of private car journeys if it occurs would accord with policy guidance contained in PPG13. However, the need for this development in terms of competition with existing stores and commitments is not considered to justify the proposal in qualitative terms.

2.22 With respect to the most recent retail statement, the applicant draws attention to the fact that their customers have indicated that they experience queues at the checkout, food shortages and congestion in the aisles as an indicator of qualitative need.

2.23 On the other hand Drivers Jonas independently commissioned Survey in 2002 found the Tesco store to be undertrading by more than £10 million. DJ indicate that the implication from this is that the store is not trading so significantly as to warrant the need for additional floorspace to mitigate against features such as queuing and stock shortages; these could be issues of store management rather than true indications of need.

#### *Fallback position of mezzanine*

2.24 In the event that planning permission is refused for the extension it would be possible for a mezzanine level floor to be completed within the store without the need for planning permission. (The company started work on a mezzanine before a change in the law to protect their fallback position). The mezzanine floorspace at up to 3189 square metres in area would exceed the floorspace of the proposed extension by up to 600 square metres. Therefore it could be argued that its impact on the viability of the town centre relative to the at level extension would be that much greater. This point is key to the applicant's case for granting permission for the proposed extension.

2.25 The question of whether it would be possible in reality to implement the mezzanine floor has been examined by the Council's structural engineers. The practicality of this conversion was questioned because the present construction of the roof structure with lattice trusses means that the freedom to move around on a mezzanine level would be significantly restricted. It was confirmed however that the lattice trusses could be replaced with traditional stanchions and beams sufficient to implement the mezzanine floor.

2.26 It is therefore considered that in the event of planning permission being refused for the 'at level extension' there would be a real prospect of the mezzanine floor being installed.

2.27 In support of their case the applicant refers to a previous appeal decision where an Inspector gave weight to the case for a store extension in preference to the fallback position of a larger mezzanine. The Inspector cited how the extension would enable the Council to exercise more control over the development.

### **(c) The Sequential Approach**

2.28 On the basis of a lack of need, there is no need to then proceed to an assessment of sequential sites.

2.29 Nevertheless, there are alternative sites available for the type of retailing involved although this would not satisfy customer demand for a larger existing store. The Assessment does not explain fully why the proposed extension cannot be accommodated on other sites more accessible to the town centre.

### **(d) The Impact on Vitality & Viability of the town centre**

2.30 The applicant's agent has provided an assessment of the likely impacts of the proposed superstore to accompany the application.

2.31 This assessment has been considered by Drivers Jonas who comment that whilst they would broadly agree with the assumptions that DPP make in respect of trading implications they would question where their actual proportion of trade diversions have come from.

2.32 The range of goods to be sold in the expanded area is likely to include those sold within the town centre including clothing, pharmaceutical and other comparison goods. Thus it is likely that the extension would have a detrimental effect on the vitality and viability of the town centre.

### **(e) Traffic and Transportation Considerations**

#### **Traffic Issues**

2.33 The final comments of the highway engineers with regard to the various highway improvements are awaited and will be confirmed in an updated report. The proposals have however been the subject of close collaboration between the applicant and engineers.

#### **Public Transport**

2.34 Public transport access to the existing store is currently provided through a bus stop within the site. The proposed development would include an improvement to the existing service through the provision of a bus lay-by. Under the terms of the proposed planning agreement there would be an annual contribution of £25,000/year over a 5-year period for the continued operation of the 516 bus service.

#### **Car Parking**

2.35 There is no objection to the proposed level of car parking provision.

### Pedestrian and Cycle Access

2.36 Improvements could be secured through the imposition of appropriate conditions and through the planning agreement. This would secure an upgraded crossing on Belle Vue Way, reservation of cycle links on to the site and financial contribution to general pedestrian improvements at the Burn Road/Belle Vue Way junction.

### **(f) Regeneration, Community & Environmental Issues**

2.37 The proposal provides both a development and employment opportunity. It will have the direct benefit of securing the rejuvenation of a site that has been derelict for several years following the demise and closure of Jewson builders merchants in March 2000. The site is allocated for general industrial purposes in the adopted plan.

2.38 The extension of the store will create additional jobs. However given the lack of quantitative need these may have to be set against possible losses elsewhere. The planning agreement will secure targeted training and recruitment for the benefit of local people.

### **(g) Crime and Disorder Issues**

2.39 Part of the proposed planning agreement involves a financial contribution towards the provision of the Longhill Industrial Estate CCTV scheme equivalent to 4 cameras. It is considered that this will help to deter crime within the area and therefore the fear of crime that may be held by nearby land users.

### **(h) Landscaping**

2.40 A condition can be imposed to secure landscaping improvements within and around the site. The applicant is being requested to agree that a portion of the residual money to be made available for pedestrian improvement can be allocated towards the replacement of Poplar trees on Belle Vue Way.

### **(i) Flood Risk**

2.41 The final views of the Environment Agency on supplementary information are awaited and will be confirmed in an update report.

### **(j) The Impact on Occupiers of Nearby Properties**

2.42 There are no residential properties within close proximity of the application site. In addition it is not considered that any of the neighbouring uses will be significantly adversely affected as a result of the development.

### **Overall Conclusion**

2.43 It is recognised that the proposed extension would have a positive impact in terms of the regeneration of an otherwise vacant site and also the likely benefits in terms of employment generation.

2.44 However the proposed development would result in an extension to the existing retail provision in what is regarded as an out-of-centre location. This would potentially undermine the strategy for retail development set out in the Local Plan which recognises the importance of protecting and promoting the town centre. The applicants have failed to demonstrate that there is a need for the proposed facilities in quantitative and qualitative terms. They have also failed to show why the goods proposed for sale could not be sold from the town centre, in accordance with the sequential approach.

2.45 However it is critical in this case that the company has a fall back position of resorting to the mezzanine floorspace without need for permission. This would result in the provision of more floorspace, with potentially more damaging implications on the town centre trade. Further more the opportunity for the various planning gains for the town would be lost. It is therefore likely that subject to the views of outstanding consultees the recommendation will be minded to approve subject to a decision by the Secretary of State not to call in the application.

**RECOMMENDATION** – Update to follow

**No:** 3  
**Number:** H/2006/0461  
**Applicant:** Legato Properties Ltd 28-30 The Parade St Helier Jersey JE4 0SZ  
**Agent:** Nunthorpe Construction Services 5 Castle Wynd Nunthorpe Middlesbrough TS7 0QB  
**Date valid:** 23/05/2006  
**Development:** Provision of car park and footpaths to enable access to country park  
**Location:** Country Park Wynyard Woods Billingham

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### The Application and Site

3.1 Detailed planning permission is sought for the formation of a footpath and car parking area on land at Wynyard. The footpath would be routed in an east –west direction through an expanse of open space which is being developed as a country park. The original plan was for the path to extend to western end of the Wynyard Woods link road with a spur providing a separate connection to Wynyard Woods further to the east. However this proposal resulted in a number of objections from Swainston Close residents to the orientation of path close to the rear of their properties. Consequently the footpath would now only take the route from the car park to the eastern spur. Neighbours have been advised of these latest changes. The path would be finished in tarmac. The proposed car park would provide for 18 parking spaces, access to be taken from the Wynyard Woods estate road. It is a grassed site at the eastern end of the proposed country park.

### Publicity

3.2 The application has been advertised by way of a press notice, site notice and neighbour letters (69). To date, there have been 12 letters of objection received

3.3 The concerns raised are:

1. There will be traffic related problems.
2. It will adversely affect wildlife and will cause harm to what is a peaceful area of unspoilt countryside.
3. The development would not be busy enough to warrant a car park
4. It will set a precedent.
5. This is an attempt to get permission for a car park which will be followed by an application for shops etc.
6. Car parks already exist on the A689 for people wishing to use the country park and bridleway. Car park should be located near the security offices so it could be observed and controlled better.
7. Visitors will present a security issue.
8. The car park is in close proximity to the boundary of residential properties. It would be harmful to privacy.

9. The development would lead to litter and dog fouling.
10. Footpath pushes too close to the rear of properties and will give rise to nuisances.

There have been 4 letters of no objection and 1 letter of support citing the significant level of benefits to the area.

3.4 The period for publicity in relation to the reconsultation exercise expires before the meeting.

Copy letters A.

### **Consultations**

3.5 The following consultation replies have been received:

Head of Public Protection – no objection

Head of Traffic and Transportation – No objections subject to the car park incorporating an aisle width of 6 metres and a visibility splay of 4 x 45 metres.

Northumbrian Water – comments awaited

Elwick Parish Council – No objections

Sedgefield Borough Council – No comments received

Stockton Borough Council – No comments received

### **Planning Policy**

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

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

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



GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

Rur18: States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

Rur2: States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

### **Planning Considerations**

3.7 The main issue for consideration in this case is whether the development would result in any adverse impact on residential amenity.

3.8 The proposed car park would be at some distance from the nearest residential properties. It would be about 80 metres from the nearest dwelling plots further to the west along Wynyard Woods, and around 50 metres from properties on Amerston Close. The car park is relatively small in scale and given its location would not be expected to result in disturbance to residents. Further the car park is close to existing security offices.

3.9 The proposed car park would be on a grassed area. It would not involve the loss of any trees and therefore any impact on wildlife is considered likely to be minimal. The Council's ecologist has raised no objection to the development but would wish to see landscaping around the perimeter in order to help soften its appearance and ensure that it better blends into its surroundings.

3.10 The proposed route of the footpath would run near to the rear of certain properties notably the end self build plot on Wynyard Woods and the proposed Bellway site further to the west. However appropriate tree planting will help to maintain privacy. At the western end of the route the path would have passed within 3 meters of the rear of 7 Swainston Close, which is bounded by relatively open 'deer park' style fencing. It is considered that this resulted in justified concern about loss of privacy and security fears. Consequently the applicant heeded a request to relocate the path. Discussions are continuing about the siting closest to the self build plots.

### **Other issues**

3.11 A revised plan has been provided confirming that satisfactory driver visibility and aisle width can be made available as requested by the Highway engineer.

3.12 With regard to concerns about establishing a precedent, each application would be considered on its own individual merits. The development of a car parking area on the scale proposed within a housing estate would not be an unusual arrangement and it is considered that concerns with regard to security, litter and dog fouling could

not be sustained at appeal. A planning condition could be imposed requiring the provision of litter and waste bins.

Conclusion

3.13 The proposed development is considered to result in an attractive amenity. Discussions are continuing about the final siting of the path and publicity is still outstanding. In the circumstances a final recommendation will be made at the meeting.

**RECOMMENDATION** – Update to follow.

Country Park, Wynyard



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>17/7/06</b>
	SCALE <b>1:6000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG. NO <b>H/2006/0461</b>	REV

**No:** 4  
**Number:** H/2006/0572  
**Applicant:** Mrs J Deville Eldon Grove School Eldon Grove Hartlepool  
TS26 9LY  
**Agent:** Hartlepool Borough Council Leadbitter Buildings Stockton  
Street Hartlepool TS24 7NU  
**Date valid:** 25/07/2006  
**Development:** Alterations and extension to classrooms  
**Location:** ELDON GROVE PRIMARY SCHOOL ELDON GROVE  
HARTLEPOOL HARTLEPOOL

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## **Background**

4.1 This application was deferred at the last meeting so that a representative from the education department could be present to answer Members questions.

## **The Application and Site**

4.2 The application site constitutes the buildings and associated grounds of Eldon Grove Primary School which is located on the corner of Eldon Grove and Elwick Road.

4.3 The application proposal seeks to provide alterations and classroom extensions to the northern and eastern elevations of the existing school building.

## **Publicity**

4.4 The application has been advertised by way of neighbour letters (27) and a site notice. There have been 3 letters of no objections and a further 6 letters of objection.

4.5 The concerns raised are:

- i. Loss of light and view;
- ii. Security;
- iii. Car Parking

4.6 Amended plans were received before the last meeting which repositioned the access slightly and immediate neighbours on Eldon Grove were advised. There have been no objections to this revision.

Copy letters F

## **Consultations**

4.7 The following consultation replies have been received:

**Head of Public Protection and Housing – No objection**

**Northumbrian Water – No objection**

**Head of Traffic & Transportation** – Eldon Grove has no loading restrictions outside the school. There are existing parking problems with parking congestion in Eldon Grove. The school has its own off-street service area for deliveries and refuse collection. The applicant is proposing to remove this servicing area with the proposed extension. The school will receive its deliveries and refuse collected from the highway. This would be unacceptable due to the width of Eldon Grove and would add to the existing parking congestion. The refuse and delivery vehicles would block the free flow of traffic in Eldon Grove when collecting or delivering to the school and add more congestion to the existing problems.

I refer to the amended plan. I have no objection to the proposed relocation of the service area. The construction of the proposed access should be an industrial crossing and the existing access should revert back to a footpath at the expense of the applicant. This must be done before the extension of the school comes into operation.

**Planning Policy**

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

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

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

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

4.9 There are no planning policy objections.

**Planning Considerations**

4.10 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, security, car parking and highway safety.

4.11 The proposed development seeks to provide 5 additional classrooms to the northern elevation of the school building and also seeks to extend two existing classrooms and a studio to the eastern elevation of the school building. The proposed alterations and extensions are considered to be of a scale and design which complement the existing school buildings.

4.12 A number of residents of Belmont Gardens have raised concerns in terms of security as a result of the proposed development. The application proposal seeks to provide a flat roofed extension to the eastern elevation of the building which will take the school buildings in closer proximity to the rear boundaries of properties along Belmont Gardens. However, the proposed extension will be set away approximately 4 metres from the rear boundaries and it is therefore considered that it will be very difficult for intruders to gain access to the rear garden areas of the properties along Belmont Gardens via the proposed extensions.

4.13 The proposal, as originally submitted, sought to remove the existing off-street service area and, as a result, the school would have needed to receive deliveries and have refuse collected from the highway. Eldon Grove currently experiences significant problems due to parking congestion and consequently there is a no-loading restriction in force outside the school. It was considered that the proposal, as originally submitted, would have exacerbated existing parking problems. Amended plans have therefore been submitted which provide an off street servicing area within the school grounds. This involves moving the access into the site northwards. This is now considered satisfactory.

**RECOMMENDATION** – APPROVE subject to the following condition(s)

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.  
In the interests of visual amenity.
  3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 707/23/091 received on 12th September 2006, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
  4. Final details of the proposed access to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The existing access shall also be blocked up and reverted to a footpath.  
In the interests of highway safety
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Eldon Grove Primary School



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>14/9/06</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO <b>H/2006/0572</b>	REV

**No:** 5  
**Number:** H/2006/0677  
**Applicant:** Mr Lax TORCROSS CLOSE HARTLEPOOL TS27 3ND  
**Agent:** 8 TORCROSS CLOSE HARTLEPOOL TS27 3ND  
**Date valid:** 01/09/2006  
**Development:** Erection of a first floor bedroom extension, alterations to existing garage to form family room and erection of a detached garage (amended scheme)  
**Location:** 8 TORCROSS CLOSE HARTLEPOOL HARTLEPOOL

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## The Application and Site

5.1 The site to which this application relates is a modern, two storey detached dwelling with single storey pitched roof attached garage and utility room to the side. The dwellinghouse is located upon a corner plot within a predominantly residential area. The property has an east facing rear garden, which falls away in ground level from the dwelling.

5.2 This application is an amended scheme to a recent planning application (H/2006/0213) which was refused, under delegated powers. It was considered that within the previous planning application the proposed detached garage would appear unduly large and have an adverse impact on the streetscene. It was also considered that by virtue of its size and positioning that the garage would appear overbearing and affect the amenities of the occupiers of 6 Torcross Close by creating poor outlook, contrary to policies GEP1 and Hsg13(A) of the Hartlepool Local Plan 2006. This application is very similar in content, however the proposed garage has been reduced in both height and length and is to be set at a lower level relative to the adjacent property.

5.3 The application also seeks consent for a first floor bedroom extension to the side and conversion of the existing garage to a family room.

5.4 The proposed first floor extension is to project 2.715m from the side of the main two-storey dwellinghouse at the same height and depth of the main dwellinghouse.

5.5 The proposed garage conversion incorporates the removal of the existing garage door to the front elevation and the provision of a dwarf wall and flush window.

5.6 The proposed garage is to be located within the rear garden close to the shared boundary with no 6 Torcross Close. The dimensions of the proposed garage are approx 6.4m in length, 4.0m in width and 2.6m in height to the eaves. The proposed detached garage upon the previous application (H/2006/0213), which was refused, measured approx 7.1m in length, 4m in width and 3m to the eaves.

5.7 The applicant has submitted a supporting letter, which highlights the need for the proposed 2.64m high garage door to accommodate a trailer, which is used for the transportation of bicycles, camping equipment and some business items. They



indicate that they feel the storage of the trailer within the proposed garage will be more complementary to the street scene than it being left on the driveway as at present.

## **Publicity**

5.8 The application has been advertised by way of neighbour letters (3). There have been 3 letters of objection.

5.9 The concerns raised are:

- 1 The towing vehicle and commercial size trailer are much wider than the road which when reversed will completely block the road.
- 2 Increase in congestion or even swerving vehicles trying to avoid collision could lead to a serious accident or worse still a fatality.
- 3 May cause conflict with existing driveways opposite.
- 4 The street lighting on that side of the road is inadequate which would lead to more problems, especially for pedestrians.
- 5 The proposed garage is not in keeping with normal domestic garage and may look more industrial than the local domestic garages.
- 6 The size and location of the proposed garage will lead to a reduced natural light to the entrance door, landing window and rear garden.
- 7 Access is going to go over a public footpath causing more inconvenience to everyone living in the surrounding houses.
- 8 Highway safety concerns of children living/playing in the area

The period for publicity has expired.

## **Consultations**

5.10 The following consultation replies have been received:

**Head of Traffic and Transportation** – No objection. Difficult to sustain an objection on highway grounds as there are other properties which have their access from the same section of the street. An extra access would not cause a major access in highway terms. There have been no recorded accident (injuries) with vehicles in Torcross Close.

## **Planning Policy**

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees,

landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

### **Planning Considerations**

5.12 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals held within the Local Plan, impact upon the character of the street scene and the amenities of the occupants of neighbouring properties.

5.13 It is considered that the design and siting of the first floor extension are acceptable, as it complements the main two-storey dwellinghouse in terms of scale, roof design and proposed materials.

5.14 The separation distances associated with the proposed extension are considered acceptable as they meet the requirements set out in the Hartlepool Local Plan. The proposed first floor extension will not project further forward of or to the rear of the existing primary windows in the front and rear elevation.

5.15 As the proposed extension is not projecting further forward of the existing dwellinghouse it is considered unlikely that the proposal would appear unduly large or dominant upon the character of the streetscene.

5.16 Given the physical relationship with the surrounding properties it is considered unlikely the proposal would lead to any detrimental overshadowing, dominance or outlook issues upon the neighbouring properties.

5.17 The objection letters received do not relate to the proposed first floor extension.

5.18 With regard to the proposed detached garage to the rear. Officers are seeking final clarification from the applicant as to the proposed ground levels associated with the garage development, given the fall in ground level from the main dwellinghouse to the property to the east in the form of a section. Supporting information suggests this will be dug out to match the driveway of the neighbouring property. It is anticipated that this information will have been submitted prior to the Committee meeting and therefore an update report will follow. It is anticipated that a recommendation to approve will be made.

**RECOMMENDATION** – Update report to follow:-

**No:** 2  
**Number:** H/2005/5486  
**Applicant:** Tesco Stores Limited P.O. Box 400 Cirrus Building Shire Park Welwyn Garden City Herts  
**Agent:** Development Planning Partnership Josephs Well Hanover Walk Leeds LS3 1AB  
**Date valid:** 03/06/2005  
**Development:** Extension to store to provide additional sales and storage areas and associated works  
 (AMENDED PLANS RECEIVED)  
**Location:** TESCO STORES LTD BELLE VUE WAY HARTLEPOOL HARTLEPOOL

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## Update report

### Publicity

1. A further letter of objection has been received from HQ Engineering Company situated on Burn Road. The objections are as follows.

1. The site access is too close to the yard gates which will have a detrimental effect on business
2. Traffic congestion will be increased to an unacceptable level.
3. Accessibility of vehicles to and from the premises could be inhibited by the design of the new site access junction.

### Highway related issues

2. The highway engineer has confirmed that there are no objections to the proposed development on highway safety related grounds subject to the various improvements that are proposed to be subject to a planning agreement.

3. With regard to the proposed lay- by proposed outside 'Fixings' the engineer has confirmed that a 10 minute maximum waiting time restriction could be imposed enforceable by the Council's Highway Division. With regard to the request for a second lay-by on the opposite side of Burn Road, the engineer would not be satisfied given the pedestrian safety hazard arising from a lack of crossing facilities in this location.

4. The proximity of the junction to HQ Engineering is acknowledged by the engineer. He considers that whilst there is likely to be some additional congestion in the locality no objection is raised. To assist vehicles manoeuvring into and away from the site it may be possible to mark 'keep clear' signage on the road in front of the premises. This matter is being discussed further with the applicant and the position will be updated at the meeting.

5. It is important for Members to be aware that the introduction of the segregated left turn lane from Burn Road into Belle Vue Way would necessitate the felling of

approximately 6 mature trees on this corner location. The trees in question comprise a combination of Willow and Poplar. This matter has been considered by the Council's ecologist and arboriculturist who are of the opinion that the trees in question would need to be removed for safety reasons over the longer term in any event. They raise no objection to the trees being removed but would advocate a mature replacement tree in this location by way of compensation.

### Flood risk issues

6. The Environment Agency raises no objection to the development but has stated that significant flood risk remains. They have therefore recommended that flood proof construction methods and a flood warning plan be put in place. They have also recommended that the emergency services be contacted with regard to any residual risk.

7. The points raised by the Environment Agency have been discussed with the Council's drainage engineer. He notes that the applicant's risk assessment has made several assumptions in order to derive flood levels. He considers that this has led to a conservative over-estimation of flood levels compared to actual observed historical events. He considers that flood waters would disperse over a wide area rather than concentrate on the Tesco site and would not place undue pressure on emergency services resources or in-store evacuation procedures. A copy of his comments are attached for information.

8. On this basis the development is considered to be acceptable taking into account flood risk.

### Installation of the mezzanine

9. It is apparent that work has commenced on this project. Evidence has been provided that pile foundations have been installed. Furthermore some of the vertical steel columns and horizontal beams have been put in place. The Building Control Manager considers this work to be consistent with the provision of the mezzanine floor. It is therefore considered that notwithstanding recent changes in legislation that bring mezzanine construction under planning control, sufficient works have been undertaken prior to this time to allow the mezzanine to be completed without any planning control. As per the main report the proposed extension is therefore considered to have the lesser impact in terms of its effect on town centre trade.

10. Notwithstanding this Drivers Jonas, the Council's retail advisers consider that it would be appropriate to impose a condition restricting the proportion of non-food sales. The extent of this restriction remains under consideration and will be reported at the meeting.

### Recommendation

Minded to APPROVE subject to the following conditions, the planning agreement terms listed at points i-ix of para. 2.9 of the main committee report with additional requirements concerning the installation / reservation of cycleway access to the site

and the Belle Vue Way tree replacement programme discussed above final consideration of the HQ Engineering position and to a decision by the Secretary of State not to call in the application.

**RECOMMENDATION – Update to follow**

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. 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. The scheme must include the planting of heavy standard specimens in a precise location to be agreed, adjacent to the Burn Road/Belle Vue Way roundabout.  
In the interests of visual amenity.
3. 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.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.  
In the interests of visual amenity.
5. Prior to be discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.  
To prevent pollution of the water environment.
6. No development approved by this permission shall be commenced until:
  - a) a desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.
  - b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be

submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to all potential sensitive receptors associated both on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on all potential sensitive receptors, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

To protect human health and controlled waters and ensure that the remediated site is reclaimed to an appropriate standard.

7. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the applicant has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.  
To ensure that the development complies with the approved details in the interests of protection of human health and controlled waters.
8. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.  
To protect human health and controlled waters by ensuring that the remediated site has been reclaimed to an appropriate standard.
9. The development of the site should be carried out in accordance with the approved Method Statement.  
To ensure that the development complies with approved details in the interests of protection of human health and Controlled Waters.
10. Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.  
The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.
11. 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.  
In the interests of visual amenity.

12. Unless otherwise agreed with the Local Planning Authority prior to the development hereby approved being brought into use a pedestrian/cycleway link between the upgraded toucan crossing on Belle Vue Way and the store access shall be implemented in accordance with details to be previously agreed by the Local Planning Authority.  
In order to promote non-car relation access to the store.
13. Prior to development being commenced a management plan including timescales for the disposal of Japanese Knotweed and Giant Hogweed on the site shall be submitted to and agreed by the Local Planning Authority.  
In the interests of environmental protection.
14. The overall proportion of non-food good sales floorspace shall not exceed ....% of the overall floorspace of the store as extended.  
In the interests of protecting the vitality and viability of the town centre.
15. Prior to the development being commenced, unless otherwise agreed with the Local Planning Authority details of flood proof construction measures to be incorporated within the building shall be submitted to and agreed by the Local Planning Authority.

## MEMO

To: Roy Merrett, Regeneration & Planning  
From: Dave Thompson, Engineering Consultancy, Bryan Hanson House  
Ext: 3245  
Your Ref: H/2005/5486      Our Ref: DT/TM/GN28  
Date: 19 October 2006



### Tesco Extension

I refer to the e-mail from Gary Cutter (Dales Planning) at the Environment Agency dated 13 October 2006 re the above development, and spoke to him on 16 October 2006 on this matter.

I note the Environment Agency statement that they do not wish to object and would concur with this view, that the development floor levels are acceptable as proposed.

As stated in the risk assessment several assumptions have been made in the document in order to derive the flood levels and I feel that this has given rise to a rather conservative over-estimation of flood levels compared to actual observed historical events. When very heavy storm events fall on this catchment there is certainly surcharge in the Oxford Street sewer, but more on the west side of the dual carriageway than evidenced on the east side, and not to the levels indicated, but such as to cause transitory ponding on highways. Given the predominantly level geography in this vicinity I would agree with the Fairhurst statement in the letter dated 10 May 2006 which states that "displacement is extensive", thereby mitigating and dispersing flood waters over a wide area rather than concentrating them in the Tesco site.

Garry had made other comments regarding insurers and emergency services which are purely advisory for the benefit of the developer, and which obviously can be passed on to the developer. My personal opinion is that the risk of flooding within the store from external sources is not significant and therefore would not place any inordinate drain on emergency services resources, or indeed the instore evacuation procedures.

*D. Thompson*

Dave Thompson  
Engineering Consultancy



**No:** 3  
**Number:** H/2006/0461  
**Applicant:** Legato Properties Ltd 28-30 The Parade St Helier Jersey JE4 0SZ  
**Agent:** Nunthorpe Construction Services 5 Castle Wynd Nunthorpe Middlesbrough TS7 0QB  
**Date valid:** 23/05/2006  
**Development:** Provision of car park and footpaths to enable access to country park  
**Location:** Country Park Wynyard Woods Billingham

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## Update report

### Publicity

Two further letters of objection have been received reiterating concerns previously lodged.

A further amended drawing has been received relocating the path further still from the rear of the eastern most self-build plot on Wynyard Woods. Nearby residents are to be reconsulted.

### Recommendation

That in the event that no further objections, materially different to those already lodged are made that a decision be delegated to the Development Control Manager in consultation with the chair of the committee to approve the application subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.
3. 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.

4. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 20 October 2006, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt

**No:** 5  
**Number:** H/2006/0677  
**Applicant:** Mr Lax TORCROSS CLOSE HARTLEPOOL TS27 3ND  
**Agent:** 8 TORCROSS CLOSE HARTLEPOOL TS27 3ND  
**Date valid:** 01/09/2006  
**Development:** Erection of a first floor bedroom extension, alterations to existing garage to form family room and erection of a detached garage (amended scheme)  
**Location:** 8 TORCROSS CLOSE HARTLEPOOL HARTLEPOOL

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## Update

1 The applicant has submitted an elevational detail showing the proposed garage in relation to the existing attached garage to the side of 6 Torcross Close. The applicant has also further confirmed that the ground level on which the proposed garage is to be built is to be made level with that of the adjacent property.

2 While the garage as proposed would be set forward of the existing attached garage of the adjacent property. It will be set back from the road frontage by 7m and will not project further forward towards the highway than the main dwellinghouse and the adjacent property. It is considered unlikely therefore that the structure would appear dominant or obtrusive upon the street scene. A planning condition requiring proposed levels to accord with the most recently submitted information can be attached to any approval to minimise the visual effect upon the street scene and the adjoining property in terms of dominance.

3. As stated in the original report, the applicant feels that by creating a garage large enough to accommodate the trailer, which they currently own, it will make a positive contribution to the existing street scene by removing it from public view.

4 The design of the proposed garage is considered acceptable as it is similar to those in the immediate surrounding area with regards to roof design and materials proposed. The garage is to be approximately 0.2m higher than that of the garage of the adjacent property, 1.3m wider and 1m longer. It is considered at this size that the proposed garage would not be out of keeping with the mixture of single and double garages in the immediate surrounding area.

5 The siting of the proposed garage is such that the frontage will be located in line with the access door upon the side elevation of no 6 Torcross Close. The owner of this property has objected to the proposal on the grounds that it will reduce natural light upon the side entrance door, landing window and rear garden. It is considered that due to the orientation and the physical relationship of the proposed garage to the surrounding properties, it is unlikely the proposed garage would create a significant and detrimental effect upon the amount of natural light reaching the rear garden of number 6 and 10 Torcross Close. With regard to the amount of natural light reaching the landing window and access door upon the west elevation of 6 Torcross Close, it is acknowledged the proposed garage may preclude an amount of light reaching the partially glazed door and landing window at certain parts of the

day. However, it is not considered a refusal could be substantiated upon those grounds given the proposed garage is to be set approximately 3.5m away from both and is single storey in height. Moreover, the landing window and glazing upon the entrance door are not considered to be primary windows in this instance given the existing windows in the front and rear elevations of the main dwelling.

6 Objections have been raised by residents of the nearby surrounding properties regarding the highway safety implications of the proposed garage being accessed, with particular regard to the applicant's trailer which is to be stored in the proposed garage. The objectors feel that when accessing the proposed garage with the trailer, the highway will become blocked to the detriment of highway safety and the free flow of both vehicles and pedestrians.

7 The Council's Highway Engineer has viewed the proposed plans and has raised no objection. He has highlighted that as nearby properties are accessed from the same section of the street it would be extremely difficult to sustain an objection on highway grounds. Further traffic volumes are not considered to be excessive.

8 The Applicant has submitted a letter to the Local Planning Authority which seeks to address the concerns of the objectors with regards to the movements of the trailer in question. They indicate that the majority of the usage will be on a weekend and when used during the week will generally leave early on a morning and return late evening. An earlier letter confirms that the trailer is used for family purposes for transporting bicycles, camping equipment and for transporting some business equipment related to applicants free lance photography business.

9 It is for the reasons stated above that the application is recommended for approval.

**Recommendation: - APPROVE subject to conditions**

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

REASON: - 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.

REASON: - In the interests of visual amenity.

3) The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.

REASON: - In the interests of the amenities of the occupants of neighbouring properties.

4) Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.

REASON: - In the interests of visual amenity.

5) Unless otherwise agreed in writing by the LPA the garage shall be constructed in accordance with the additional information received by the LPA on 18<sup>th</sup> October the showing finished floor levels the overall height of the garage.

REASON: - In the interests of the amenities of the occupants of neighbouring properties.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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**1. PURPOSE OF REPORT**

- 1.1 During this four (4) week period, fifty two (52) planning applications have been registered as commencing and checked. Forty five (45) required site visits resulting in various planning conditions being discharged by letter.

**2. BACKGROUND**

- 2.1 Your attention is drawn to the following current ongoing issues:

1. A neighbour complaint about the erection of an extension to the rear of a commercial property on Moreland Street is being investigated. Developments will be reported to a future meeting if necessary.
2. A neighbour complaint about the possibility of works commencing without planning permission at a residential property on Osborne Street has been investigated. It was determined that planning permission was granted for the development therefore no further action was necessary.
3. A neighbour complaint about the erection of storage units on land in Dalton Piercy is being investigated and developments will be reported to a future meeting if necessary.
4. A complaint about the replacement of a retaining boundary wall at a property on Egerton Road has been investigated. A planning application has been submitted and any further developments will be reported to a future meeting if necessary.
5. A complaint about the siting of a caravan on land at Mayflower Close has been investigated. Due to the structure being temporary and being in connection with a development it is classed a permitted development.
6. A neighbour complaint about the replacement of a retaining boundary wall on Redwood Close has been investigated. It was determined that permission was necessary and planning application is

anticipated. Developments will be reported to a future meeting if necessary.

7. A complaint about the erection of decking at a public house on Stranton is being investigated. Developments will be reported to a future meeting if necessary.
8. Two cases of properties being converted into self contained flats at Cliff Terrace and Derwent Street are being investigated. Developments will be reported to a future meeting if necessary.
9. An anonymous complaint about the erection of an extension at a house on Challoner Road is being investigated. Further developments will be reported to a future meeting if necessary.
10. Two cases of high fences being erected at properties on Ashgrove Avenue and Boumemouth Drive are being investigated. Any developments will be reported to a future meeting if necessary.
11. An anonymous complaint about the installation of a UPVC window at a house on Cliff Terrace is being investigated. Any developments will be reported to a future meeting if necessary.

**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL REF APP/HO724/A/2025568/NWF:  
H/2006/0282 ERECTION OF A SMALL  
RETAIL/FOOD UNIT, SLAKE TERRACE,  
HARTLEPOOL, TS24 ORU

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## **1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the erection of a small retail/food unit at Slake Terrace, Hartlepool, TS24 ORU.
- 1.2 The appeal is to be decided by written representation and authority is therefore requested to contest the appeal.

## **2. RECOMMENDATION**

- 2.1 Authority be given to officers to contest this appeal.



**Report of:** Assistant Director (Planning & Economic Development)

**Subject:** APPEAL REF APP/HO724/A/06/2025540/NWF:  
H/2006/0502 CHANGE OF USE TO A HOT FOOD  
TAKEAWAY SHOP, 143 OXFORD ROAD,  
HARTLEPOOL, TS25 5RJ

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## **1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the change of use of 143 Oxford Road, Hartlepool to a hot food takeaway shop.
- 1.2 The appeal is to be decided by written representation and authority is therefore requested to contest the appeal.

## **2. RECOMMENDATION**

- 2.1 Authority be given to officers to contest this appeal.