

PLEASE NOTE VENUE

PLANNING COMMITTEE AGENDA



Wednesday 20th December 2006

at 10.00 am

at West View Community Centre, Miers Avenue

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, D Allison, R W Cook, S Cook, Henery, Isley, 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 meeting held on 6th November (*attached*)
- 3.2 To confirm the minutes of the meeting held on 22nd November 2006 (*to follow*)

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications– Assistant Director (Planning and Economic Development)
 - 1. H/5702/05 – T Smith (Fluid Power) Eng. Limited – Thomlinson Road
 - 2. H/2006/751 – Former Niramax Recycling Ltd, Mainsforth Terrace – Apartments
 - 3. H/2006/0821 – 72 Clifton Avenue – Windows
 - 4. H/2006/0461 – Country Park Wynyard Woods
 - 5. H/2006/0780 – 50-54 Northgate
 - 6. H/5486/05 – Tesco – extension
 - 7. H/2006/0472 – 22 Eldon Grove Update

PLEASE NOTE VENUE

- 4.2 Appeals by Mr Horwood – 42 Bilsdale Road, Hartlepool – Assistant Director (Planning and Economic Development)
- 4.3 Appeal by Alab Environmental Services – Assistant Director (Planning and Economic Development)
- 4.4 Update on Current Complaints – Assistant Director (Planning and Economic Development)

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

6. **DATE AND TIME OF NEXT MEETING**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 22nd January 2007 at 9.30 am

Next Scheduled Meeting – Wednesday 24th January 2007

PLANNING COMMITTEE

MINUTES

6th November 2006

Present:

Councillor Rob Cook (In the Chair)

Councillors Derek Allison, Shaun Cook, Gordon Henery, Stan Kaiser, Dr George Morris, Carl Richardson, Gladys Worthy, Ray Waller and Edna Wright

Also present The following Councillors were present in accordance with Council Procedure Rule 4.2 (ii): -
Sheila Griffin as substitute for Bill Iseley
Mike Turner as substitute for Geoff Lilley
Jonathan Brash as substitute for Maureen Waller

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Roy Merrett, Principal Planning Officer
Tony Brown, Chief Solicitor
Alastair Rae, Public Relations Officer
David Cosgrove, Principal Democratic Services Officer
Jo Wilson, Democratic Services Officer

78. Apologies for Absence

Apologies were received from Councillors Bill Iseley, John Lauderdale, Geoff Lilley, Robbie Payne and Maureen Waller.

79. Declarations of interest by members

None

80. Confirmation of the minutes of the meeting held on 12th October 2006

Agreed

81. Absence of Chair and Vice-Chair of Committee and Delegated Powers Decisions on Planning Applications (Chief Solicitor)

Purpose of Report

To seek the Committee's approval to an arrangement to deal with delegated powers decisions relating to planning applications.

Issue(s) for consideration

Members were advised that the majority of planning applications submitted to the authority are dealt with by the Development Control Manager under delegated authority following consultation with the Chair or Vice-Chair. Under this system, the Development Control Manager meets with the Chair or Vice-Chair on a regular basis to discuss and deal with such applications. Currently the Chair, however, is unavailable due to ill health and the Vice-Chair would be unable to undertake this role between 9th November and 10th December owing to a foreign holiday.

In the circumstances, the Chief Solicitor suggested that the Committee appoint one of their members to undertake this role during the absence of the Chair and Vice-Chair. Not having such an arrangement in place could adversely affect the Council's performance on planning applications that could in turn affect grant funding for the Council's planning function.

Decision

That Councillor Ray Waller be appointed to act as consultee for the purpose of the Development Control Manager's exercise of his delegated powers.

82. Local Government (Access to Information) Act 1985

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

Minute 83 – (Para 5) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 83. H/2005/5040/5041 and 5042 – Able UK Ltd TERCC Facility, Tees Road, Graythorp, Hartlepool – Developments 1,2 (Option 1) and 3 (Option 2) and H/2005/5878 – Able UK Ltd TERCC Facility, Tees Road, Graythorp, Hartlepool – Hazardous Substance Consent to store various hazardous substances – Assistant Director (Planning and Economic Development) and Chief Solicitor.**

Purpose of the report

To consider correspondence received from the applicant seeking deferment of the issue of the planning decisions taken by the committee on 12th October 2006.

Issue(s) for consideration

This is set out in the exempt section of the minutes.

Decision

That the Director of Regeneration and Planning issue the appropriate decision notices relating to the planning application decisions made by the Planning Committee on 12th October 2006.

RW COOK

VICE-CHAIRMAN

No: 1
Number: H/2005/5702
Applicant: Ian Rumble 3 Bedford Street Hartlepool TS24 0QU
Agent: 3 Bedford Street Hartlepool TS24 0QU
Date valid: 19/09/2006
Development: Use as a recycling centre
Location: T SMITH (FLUID POWER) ENG LTD THOMLINSON
ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The application site is an existing industrial site at the south end of the Longhill Industrial Estate. Neighbouring properties include other waste transfer stations, scrap yards and coal yards.

1.2 The site consists of a large shed to the front with open yard to the rear.

1.3 The proposal involves the use of the site as a recycling centre, mainly hiring out skips and sorting the full skips on the premises. The majority of the sorted waste would be sold on to be recycled. Anything left over which cannot be recycled would be taken to landfill sites.

1.4 The type of waste to be collected will comprise cardboard, scrap, polythene, glass, aluminium and plastics.

1.5 An area to the front of the site has been allocated for car parking.

1.6 The Use appears to have commenced.

Publicity

1.7 The application has been advertised by way of neighbour letters (2) site notice and press notice. No representations have been received.

The period for publicity has expired.

Consultations

1.8 The following consultation replies have been received:

Head of Public Protection and Housing – No objection subject to the provision of wheel washing facility, dust suppression system and planning condition to prevent open burning on site.

Northumbrian Water – No objections subject to suitable oil interceptors and adequate precautions to prevent contamination of water courses etc.

Environment Agency – No objections in principle subject to a number of standard conditions to be imposed to prevent pollution.

Head of Technical Services – The highway engineer has expressed some concerns regarding traffic problems in the area and has requested maximum daily vehicle usage figures to ascertain the impact on the surrounding road network.

Planning Policy

1.9 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 edges. 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.

GEP4: States that development proposals will not be approved which would have a significant detrimental effect on the environment, on amenities of local residents, watercourses, wetlands, coastal waters, the aquifer or the water supply system or that would affect air quality or would constrain the development of neighbouring land.

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.

Ind6: Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind8: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Planning Considerations

1.10 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan the impact of the development on the surrounding area and on highway safety.

1.11 Whilst the proposed use as a waste transfer station does not strictly accord with Local Plan policy in as much that this type of 'bad neighbour' use should be located in the Sandgate Industrial Estate, no policy objections have been raised. The site is located within an area where there are already a number of long standing bad neighbour' uses. Stranton Waste and Salvage operates from a large site

immediately to the north, with Herrings to the south. There is a scrap yard directly opposite together with a coal yard.

1.12 In view of these existing operations it is unlikely that an objection could be sustained to this particular use in policy terms. The applicant would have to comply with a number of conditions designed to protect the environment and the site is generally well screened from the surrounding areas..

1.13 It is also considered that the proposed use would have little effect on neighbouring uses or the street scene in terms of amenity.

1.14 The highway engineer has indicated that there are some concerns regarding the amount of traffic in this particular location. However, this is an existing industrial site on a long established industrial estate. It is not considered that traffic generated by this use would be unusually high. Accordingly it is considered unlikely that an objection could be sustained on highway grounds.

1.15 In view of the above approval is recommended to this proposal.

RECOMMENDATION – APPROVE subject to the following conditions

1. The permission hereby granted relates to the transfer and processing of non-hazardous commercial, industrial and construction waste, including incidental and ancillary quantities of putrescible waste and household waste only and in particular no noxious sludge, chemical, toxic forms of waste or contaminated liquids shall be deposited or processed therein.
In the interests of the amenities of the area.
2. Waste brought to the site shall not be deposited in the open air other than in the waste sorting bays and shall not be stacked or deposited to a height exceeding 2.5m. Details of the proposed sorting bays are to be submitted in writing and provided within 3 months of the date of this permission.
In the interests of the amenities of the area.
3. Within 3 months of the date of this permission 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.
4. Details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed within 3 months of the date of this permission and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development.

- In the interests of the amenities of the occupants of neighbouring properties.
5. There shall be no burning of materials or waste in the open on the site.

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

 6. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided within 3 months of this permission and retained throughout the life of the development unless otherwise agreed in writing by the Local Planning Authority.

To ensure that proper means are provided for the disposal of foul sewage and surface water from the development.

 7. Within 3 months of the date of this permission dust suppression equipment shall be provided in accordance with a scheme to be first approved in writing by the Local Planning Authority. Once installed the equipment shall be retained for the life of the waste transfer station and shall be available for use at all times during dry weather so that waste storage bays can be watered to lay dust when necessary.

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

 8. Within 3 months of the date of this permission litter catch fencing of a height and design to be first submitted to and approved in writing by the Local Planning Authority shall be placed around the boundaries of the recycling centre. The litter catch fencing shall thereafter be retained during the life of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the amenities of the area.

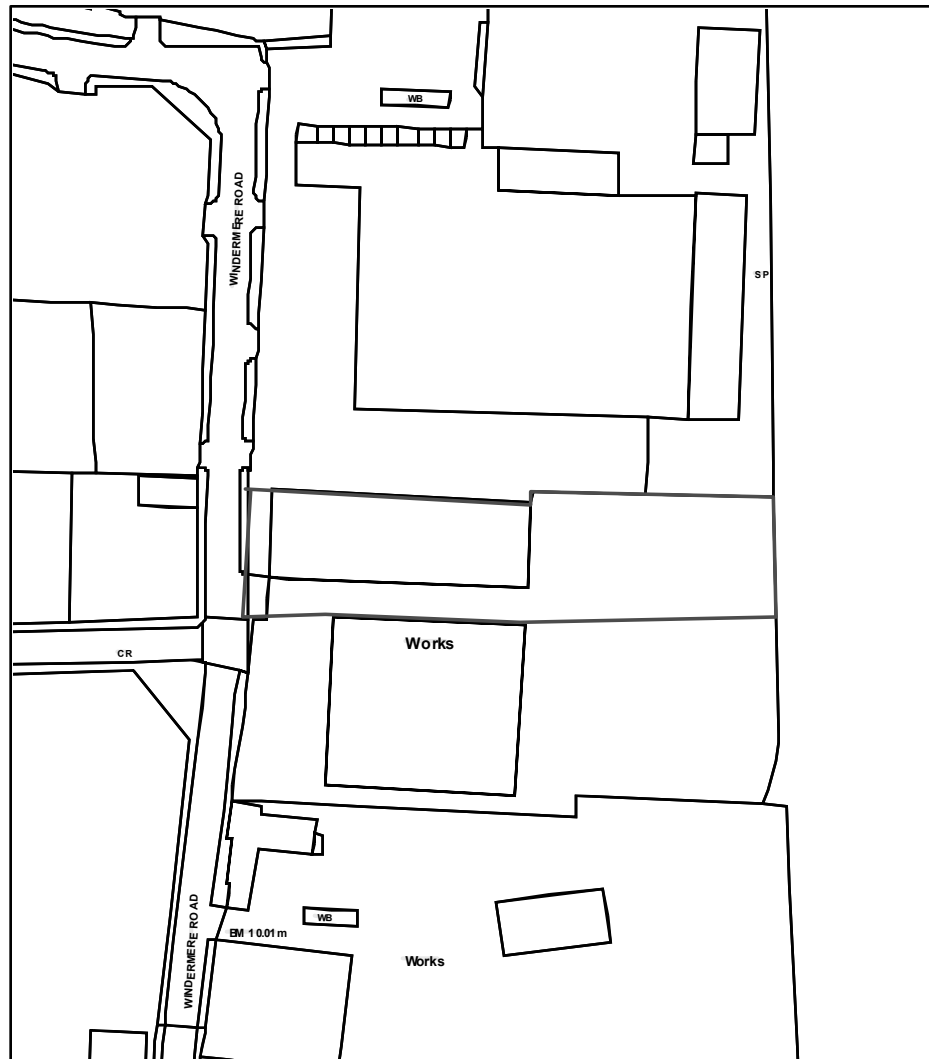
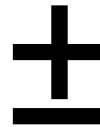
 9. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways.

To prevent pollution of the water environment.

 10. Notwithstanding the submitted details final details of a scheme for the parking of vehicles visiting the site shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented within 3 months of the date of this permission. Once provided, the parking areas shall be retained for their intended use at all times while the approved use continues to operate.

In the interests of highway safety.

Thomlinson Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/12/06
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5702	REV

No: 2
Number: H/2006/0751
Applicant: MR TERRY BATES NIRAMAX HOUSE TOFTS ROAD
 EAST HARTLEPOOL TS255BE
Agent: Stephenson Johnson & Riley Suite 101 The Innovation
 Centre Venture Court Queens Meadow Business Park
 HARTLEPOOL TS25 5TG
Date valid: 09/10/2006
Development: Erection of 74 residential apartments
Location: FORMER NIRAMAX RECYCLING LTD MAINSFORTH
 TERRACE HARTLEPOOL

The Application and Site

2.1 The application site is located at the north end of Mainsforth Terrace between the main road and the main railway line.

2.2 To the east is housing, Ensign Court and Chandlers Close in the Marina, and to the west and north, commercial properties.

2.3 The site which was in use for several years as a tyre recycling facility, has now been cleared and the recycling facility relocated.

2.4 Planning consent was originally granted for 46 houses, however the site was incorrectly surveyed and the development did not proceed. A revised scheme for 24 apartments and 20 houses was subsequently submitted, but after engineering advice regarding highway safety, a further amended scheme was submitted (and approved) for 32 apartments and 17 houses.

2.5 The current scheme now proposed the erection of 74, 2 bed apartments in 5 separate blocks of 3 and 4 storeys.

2.6 In total 105 parking spaces (almost 1.5 per unit) have been provided together with bin stores and a limited amount of amenity/open space.

Publicity

2.7 The application has been advertised by way of neighbour letters (20), site and press notices. 3 letters of no objection have been received.

The period for publicity has expired.

Consultations

2.8 The following consultation replies have been received:

Head of Public Protection and Housing – Informally no objections.

Engineering Consultancy – No objections subject to desk top study.

Northumbrian Water – No objections subject to usual standard conditions.

Traffic & Transportation – Awaited but informally no objections.

Crime Prevention Officer – No objections – has provided guidance and information regarding multi-storey dwellings.

Environment Agency – Awaited but no objections to earlier schemes.

Railtrack – Awaited but no objections to earlier schemes

Planning Policy

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

Com4: Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

Dec2: States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

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 edges. 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.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9: 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.

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.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Tra8: States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

Tra8: States that, where appropriate, safe and convenient pedestrian routes linking new housing to local facilities and amenities will be provided.

Planning Considerations

2.10 The main considerations in this case have been identified as:-

- 1) The principal of the development having regard to the Hartlepool Local Plan and national policy guidance.
- 2) The impact of the development on the surrounding area and on the amenities of nearby residents.
- 3) Highway related issues.
- 4) The design of the scheme itself.

5) Flooding and drainage issues.

Principal of Development

2.11 The site lies within the limits to development as set out in the Hartlepool Local Plan. It is a brown field site with former uses as railway goods yard and recycling centre. There is a valid planning consent for residential development (flats and houses).

2.12 Although there are some policy concerns regarding this current proposal in terms of the increased number of units which are now all 2-bed apartments, there are benefits to be had in securing the redevelopment of this untidy site located on main road and rail approaches to the town. Further, the applicant has concerns that a mixed development of flats and family houses would not be marketable in this particular area.

2.13 In view of the above considerations and the requirements of policy Hsg5 of the Local Plan the applicant has been asked to provide an increased developer contribution towards acquisition, demolition and improvement of housing renewal areas in the town centre, to take into account the additional units. In addition to this, a sum for play facilities has also been requested.

2.14 The contribution previously agreed (for 49 flats and houses) was £20,000. After negotiations, the applicant has now offered £51,250 in total with an element towards off site play provision. This new figure is considered to be acceptable in view of the location of the site and the amount of remediation works which are likely.

Impact on the surrounding area

2.15 The site, which is currently unused, lies adjacent to the main A178 (Mainsforth Terrace) and the main east coast railway line. There are commercial/industrial properties to the west and north, including 23 Taxis, Cameron Holdings and the 4.5 storey, former bonded warehouse which houses Hartlepool Reproduction Centre. The nearest houses are to the east of the railway line in the South Marina.

2.16 As dictated by the long wedge shape of the site, the proposed layout indicates 5 separate blocks of 3 and 4 storey some with sea views, set out along the access road which separates the flats from the railway.

2.17 In terms of visual amenity, there should be little effect on neighbouring properties/uses although most of the existing stone boundary wall on Mainsforth Terrace would be demolished to provide the recommended sightlines. This wall is however in a poor state of repair.

2.18 The new properties would have a similar relationship to the railway lines as existing properties within the Marina.

Highway related issues

2.19 The new access to the site is acceptable in terms of highway safety as there is no junction opposite and the required sight lines can be provided.

2.20 There are turning heads at each end of the site together with gated emergency access to the north.

2.21 105 parking spaces have been provided, almost 1.5 spaces per unit.

The design of the scheme

2.22 The layout of the flats is considered generally acceptable, being dictated by the shape of the site itself. The flats have been set out in different size blocks varying from 3 to 4 storeys, some with views over the Marina to the sea.

Flooding and Drainage issues

2.23 Previous issues which were raised by Northumbrian Water and the Environment Agency were resolved with the former planning approval. A flood risk assessment was carried out together with a site investigation. No objections are envisaged.

RECOMMENDATION – Subject to the provision of a legal agreement in relation to developer contributions and the following conditions - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
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. 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. 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.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

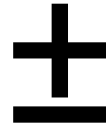
In the interests of visual amenity.

6. No development shall take place until detailed plans for the drainage of foul and surface water drainage of the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented, unless otherwise agreed in writing with the Local Planning Authority.
To ensure that the site can be properly drained in a manner which does not give rise to the pollution of ground and watercourse.
7. Floor levels and flood sensitive equipment should be set no lower than the highest existing ground level within the site boundary.
To reduce the risk of tidal flooding.
8. 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) for the site of all; b) potential contaminant sources, pathways and receptors has been produced; c) a site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (conceptual model). 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 the ground and surface waters associated 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; d) the site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken: a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using 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 ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.
9. 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, 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 Controlled Waters.
10. 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 Statements. 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 Controlled Waters by ensuring that the remediation site has been reclaimed to an appropriate standard.

11. Any surface run-off generated shall be graded so that it does not flow onto the railing lines.
In the interests of railway safety.
12. Any lighting columns erected on the site shall at all times, including when being maintained, not cast a glare onto the railway, or otherwise impair a train drivers view.
In the interests of railway safety.
13. Any excavation works to the site shall not undermine support for the railway formation.
In the interests of railway safety.
14. Notwithstanding the submitted plans a scheme detailing high kerbs to the eastern edge of the proposed roadway which adjoins the railway shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of railway safety.
15. All window s facing Mainsforth Terrace shall consist of a minimum 6-16-4mm double glazed units fitted with acoustic trickle vents as specified in the noise consultants report to ensure that internal noise levels do not exceed 35dB daytime levels in living rooms, 30dB night-time levels in bedrooms and a night-time maximum level of 45dB. The glazing shall be solid well-fitted frames with good flexible seals on all openings. The window detailing shall therefore be retained during the lifetime of the development.
To ensure that the buildings are adequately sound proofed in the interests of the amenity of the future occupants of the buildings.

Niramax, Mainsforth Terrace



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/11/06
	SCALE 1:2500	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0751	REV

No: 3
Number: H/2006/0821
Applicant: Mr Harper CLIFTON AVENUE HARTLEPOOL TS26 9QW
Agent: 72 CLIFTON AVENUE HARTLEPOOL TS26 9QW
Date valid: 01/11/2006
Development: Provision of replacement wooden sash windows with UPVC windows to front of property
Location: 72 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The application site is a semi-detached 2 ½ storey late Victorian dwellinghouse located within the Grange Conservation Area.

3.2 This application seeks consent for the provision of UPVC windows to the front elevation of the property. This will include the removal of the original sliding sash wooden windows.

3.3 Planning permission is required in this instance as the property is subject to an Article 4 (2) Direction, which removes permitted development rights from the front elevation of the dwelling. This would include replacing the windows in a different style.

Publicity

3.4 The application has been advertised by way of neighbour letters (4), site notice and press notice. To date, there have been no letters of objection received.

3.5 The period for publicity has expired.

Consultations – none

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 edges. 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.

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.

3.7 In March 2004 the Planning Committee resolved that in considering planning applications in Conservation Areas on buildings subject to an Article 4 (2) Direction they would adopt the following policy:

‘Any planning application for replacement or alteration of traditional joinery items on the buildings front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent’.

Planning Considerations

3.8 The main planning considerations in this case are considered to be the impact of the proposal on the character and appearance of the Grange Conservation Area.

3.9 Current Local Plan guidance, in accordance with national guidance, requires that development in conservation areas preserves or enhances the character and appearance of the Conservation Area. In such areas it is important to retain traditional features such as original windows, bays and doors, or, where it is necessary to replace them, to ensure that the replacements are of an appropriate traditional design, detailing and materials in keeping with the age of the property. This is particularly the case on public frontages as these features can make a significant contribution to the character and appearance of the street scene. It is these changes that the Article 4 (2) Direction seeks to control and manage.

3.10 It is considered that the provision of UPVC replacement windows do not have the same character and appearance as the traditional joinery and are not considered appropriate for the following reasons: -

1. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ in appearance both at the outset and critically as it ages from one constructed in wood.
2. The appearance of the windows the proposed are vastly different to a sliding sash. They appear to be top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the proposed windows.

3. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus the appearance of a conservation area.

3.11 Four planning applications for the provision of UPVC windows upon properties within the Grange Conservation Area were approved by the Planning Committee earlier this year. Planning Committee Members acknowledged that these decisions were made contrary to policy and as a result set up the Planning Working Party.

3.12 At the first meeting of the Planning Working Party on the 17th of July Members agreed that there was a need to review existing planning policy on alterations to properties in conservation areas, however they felt that in the short term the existing approved policy should be maintained.

3.13 It is considered for the reasons stated above that the provision of UPVC windows as proposed by reason of their design, detailing and materials are unacceptable by conflicting with policies HE1 and GEP1 of the Hartlepool Local Plan by failing to preserve or enhance the character or appearance of the Conservation Area.

RECOMMENDATION – REFUSE – for the following reasons:

- A It is considered that the proposed windows, by reason of their design, detailing and materials detract from the character and appearance of the building and the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.



72 Clifton Avenue



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/12/06
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0821	REV

No: 4
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

Introduction

4.1 At its meeting on 25 October 2006 the Planning Committee decided that in the event that no further objections were received, materially different to those already lodged, that a decision be delegated to the Development Control Manager in consultation with the chair of the committee to approve the above application subject to conditions.

4.2 Further concerns have been raised and so accordingly the matter is brought back before Committee for consideration.

The Application and Site

4.1 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 the 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

4.2 As a result of the further publicity 6 letters of objection was received and 2 raised additional points. Below, listed, all of the concerns raised during the various publicity exercises.

4.3 The concerns raised are:

1. There will be traffic related problems. The development will lead to more noise and exhaust fumes.

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 parks should be located near the security offices so it could be observed and controlled better.
7. Visitors will present a security issue. The previous design regime has enforced open access to the properties and this will invite a 'safe area' for the criminal element.
8. The car park is in close proximity to the boundary of residential properties. It would be harmful to privacy. Tree planting will not protect privacy as this will take time to establish.
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.
11. Nearby car parks on A689 are notorious for vandalism and theft and will attract unwanted elements.
12. The development will change the nature and character of the location.
13. Concerns about the conflicts and lack of information on the location plan presented to Committee.

There has been 1 letter of no objection.

4.4 The period for publicity in relation to the reconsultation exercise has expired

Copy letters A.

Consultations

4.5 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 – No comments received

Elwick Parish Council – No objections

Sedgefield Borough Council – No comments received

Stockton Borough Council – No comments received

Planning Policy

4.6 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

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

4.8 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 which will help to maintain surveillance over the area. Furthermore it is understood that CCTV is in operation on the Wynyard estate and is monitored from the security office. It is important to note, however, that without the proposed development it would still be possible to gain access to the land in question for informal leisure purposes.

4.9 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.

4.10 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.

Other issues

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

4.12 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

4.13 The proposed development is considered to result in an attractive amenity, which will enhance access to the country park and will serve to direct people through the park.

Recommendation – Approval 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

5. Prior to the development hereby approved being brought into use litter and dog waste bins shall be provided within the approved car parking area in accordance with details to be previously agreed with the Local Planning Authority.

In the interests of environmental protection

Country Park, Wynyard



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/11/06
	SCALE 1:5000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0461	REV

No: 5
Number: H/2006/0780
Applicant: Mr H Alexander St John's Drive North Rilton Leeds LS17 0HD
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 30/10/2006
Development: Change of use and alterations to form 5 self-contained flats
Location: 50 54 NORTHGATE HARTLEPOOL

The Application and Site

5.1 The application site is a vacant commercial property on one of the main approach roads into the Headland.

5.2 Formerly known as the 'Old Tile Warehouse' the ground floor of the building has recently been converted (with grants) to three separate shop units.

5.3 Attached neighbouring properties are the Northgate Co-op store and a boxing club/hall. Immediately opposite is the north docks area and to the rear, residential properties. There is a recent planning permission for the formation of a new Council-owned car park in Graham Street to the rear of the application site. This is for the use of local residents.

5.4 The proposal involves alterations to the building to the rear and internally to provide 5 self contained flats. Three flats, each with lounge/kitchen and 2 bedrooms would be located on the first floor with a further 2 units on the second floor. These both have walled roof gardens.

5.5 All flats have access from the back of the building directly onto the back street. No off-street parking is available.

Publicity

5.6 The application has been advertised by way of neighbour letters (16) and a site notice. Two letters of objection have been received along with a petition of 9 names. The objections revolve around the concerns the residents share regarding the type of people who would occupy the flats and the potential for drug dealing, noise and disturbance to what is generally thought to be a quiet neighbourhood.

Copy letter C.

The period for publicity has expired.

Consultations

5.7 The following consultation replies have been received:

Northumbrian Water – Awaited – informally no objections

Hd of Public Protection & Housing – Awaited informally no objections

Traffic & Transportation – Concerns regarding the lack of off-street parking and the fact that there are already problems in the area – does however acknowledge that the new car park in Graham Street would soon be available. Requests cycle stores. Does not consider that there would be a conflict between vehicles using the back street and pedestrians leaving or entering the new flats.

Planning Policy

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

Com6: States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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 edges. 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.

GEP6: States that developers should seek to incorporate energy efficiency principles through siting, form, orientation and layout of buildings as well as through surface drainage and the use of landscaping.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

Hsg8: States that proposals for the residential use of upper floors will be approved where they do not prejudice the further development of commercial activities. Parking requirements may be relaxed.

Planning Considerations

5.9 The main considerations in this case are the appropriateness of the development in terms of the policies and proposals of the Hartlepool Local Plan and the impact of the flats on the surrounding area in terms of amenity and on highway safety.

5.10 Local Plan policy states that proposals for the residential use of upper floors will be approved where they do not prejudice the further development of commercial activities. In this particular case, the applicant believes that the provision of flats above the shops should make the building more attractive to potential users and could prevent the building falling back into disrepair.

5.11 The scheme would also improve the rear of the property which has not been part of the refurbishment plan to date.

5.12 From a visual amenity point of view, it is unlikely that the proposals would harm neighbouring properties or the street scene. However the second floor roof gardens do give rise for concern but could easily be omitted from the scheme.

5.13 Whilst it is acknowledged that the neighbours do have concerns regarding the future tenants of the flats, this in itself is not a material planning consideration and it is unlikely that a refusal could be sustained to the flats on these grounds alone. Members should note that planning law would normally allow the use of upper floors above a shop as a single flat without the need for permission.

5.14 In terms of highway safety, it is acknowledged that engineers do not see a conflict between users of the new car park who would gain access to some of the parking spaces along the back street, and pedestrians entering/leaving both the flats and the rear of the shops. There is a concern as to whether the position could be improved and further discussions are taking place in order to ascertain whether this is possible.

5.16 It is hoped that this information will be available for the meeting.

RECOMMENDATION – Update to follow

No: 6
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 BELLEVUE WAY HARTLEPOOL
 HARTLEPOOL

Background

6.1 This planning application was deferred at the previous meetings of the Planning Committee on 25 October and 22 November 2006 to enable further consideration of highway related concerns raised by HQ Engineering, a local business situated on Burn Road. Secondly, Members requested further clarification about the possibility of allocating the bus service contribution to the reinstatement of morning services on the 526 route. These matters are addressed below. The original report updated as necessary follows on from this. Appended to the report are the most recent representations from HQ Engineering incorporating a response from Mouchel Parkman (in italics) who are responsible for producing the transport assessment

Transportation related matters

6.2 Summary of comments of HQ Engineering

- 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.
- 4 The traffic survey information carried out by Tesco in 2004 is now too old. A traffic survey carried out by HQ engineering at peak hours showed a higher count.
- 5 HBC officers have failed to factor into the survey current traffic problems which leads to traffic varying its route to avoid bottlenecks e.g. traffic unable to turn right onto Burn Road and delays caused by the light system at the bottom of Park Road. We suggested that traffic lights should be set up to replicate the proposed junction as far as possible.
- 6 The proposed 40 space car park will not be sufficient to accommodate all the vehicles that currently park on Burn Road and Baltic Street.
- 7 The position of the new access means that the trailer's of HGVs turning right out of the site will encroach over the eastbound carriageway.

Three alternative suggestions are put forward as means of alleviating traffic problems on Burn Road. These are:- i) an alternative vehicular access from the store onto Belle Vue Way, ii) provision of alternative entry and exit points on to Lower Oxford Street and a method of routing the traffic in the car park so as to filter the traffic to the correct exit points allowing traffic to leave at the north and south ends of the Tesco site and iii) the provision of an additional set of on demand lights to the east of the HQ Engineering yard gates to enable large loads to access and egress from the yard.

6.3 Comments of Highway Engineer

The following comments are made in respect of the representations from HQ Engineering:-

1. The age of the traffic survey data (2 years) is acceptable for traffic modelling given that there have been no major changes to the highway network in this area. The survey information is further reinforced by recent survey information.
2. HQ Engineering believe that the installation of traffic signals will encourage traffic heading towards the north of the town to turn right out of Tesco's in order to miss traffic hold ups at the bottom of Park Road. And will also allow traffic heading towards Seaton Carew to turn right more easily than current situation. HQ commented that these diversions had not been factored into Tesco's calculations.

It is not considered that current conditions on the local road network would result in significant re-routing of Tesco traffic. In order to reassess these claims Mouchel Parkman have rerun the computer model for junction capacity and increased the percentage of trips turning right out of Tesco's from 10% to 20%. Tesco's have proven to the Council that the junction would operate within practical capacity with acceptable levels of queuing.

3. HQ Engineering have misinterpreted the survey information, the figure quoted by HQ (442) relates only to westbound traffic travelling straight on at the Tesco junction, in order to get a comparative recording of the traffic passing the HQ site traffic turning left into Tesco's should be included (112), these figures added together = 556 which is very close to HQ's survey result of 548 vehicles travelling westbound.
4. With regard to HQ's suggestion of installing temporary traffic signals to try and replicate the proposed junction and study the effect on HQ's access. It is considered that the provision of such temporary signals would not adequately replicate the proposed junction for the following reasons.
 - i) The distance between the two junctions.
 - ii) Temporary traffic signals would not be able to replicate the effects of the pedestrian phase of the proposed signals.

- iii) Parking between the temporary traffic signals would have to be prohibited for safety reasons, this would be to the detriment of the business's located between the signal heads.
5. HQ Engineering consider that the provision of a 40 space car park to be inadequate considering the existing level of parked vehicles on Burn Road / Baltic Street.

The Council have undertaken parking surveys on Burn Road between the A689 and Baltic Street and including Baltic Street for 200 metres the following results were obtained:-

Date	Time	Burn Road	Baltic Street
Mon 20 th Nov 06	10.30am	14	0
Tues 21 st Nov	11.30am	10	1
Tues 21 st Nov	4.40pm	4	0
Friday 1 st Dec	11.30am	9	0

The results show the provision of a 40 space car park is more than adequate.

6. HQ Engineering are concerned that trailers measuring 60 feet regularly exit the site. It is acknowledged that in order for such a trailer to turn right it would not be able to pull onto the westbound carriageway without temporarily blocking the carriageway. In this situation traffic turning right out of Tesco's would be temporarily blocked by the trailer. As soon as the westbound traffic signal turned green the trailer would proceed and the blockage removed. In order to facilitate these movements the developer would be required to provide a 'Keep Clear' marking opposite the HQ access, a yellow box within the Tesco junction and No waiting at any time parking restrictions.

The movement of extremely large vehicles is governed by abnormal load regulations and hauliers must inform the Highway Authority in advance. The Engineer confirms there have been no such notifications in respect of HQ Engineers in the last 4 months. Vehicles larger than 30metres, 100 Tonnes or 4.1 metres wide must be escorted by an approved party.

It should also be noted that the presence of the traffic signals would help reduce vehicle speeds passing HQ Engineering and provide gaps in the traffic to enable traffic to exit HQ more readily. Overall it is believed that the proposals will help make the road safer than the current situation.

7. The provision of an alternative exit from Tesco onto Belle Vue Way would not be acceptable in highway terms. The distance between the Burn Road Roundabout and the Oxford Street junction is not sufficient to safely introduce a filter lane, vehicles would accelerate onto the main carriageway and possibly come into conflict with pedestrians using the pedestrian crossing sited in the road ahead, and may also encourage motorists to carry out U-turn

manoeuvres at the Oxford Street junction. This would also be contrary to the Local Plan Policy Tra 15, which restricts further access onto the A689.

The provision of an alternative access on to lower Oxford Street would not be practical in highway terms as the junction would be sited too close to the junction with Baltic Street this may lead to road safety implications. The Highway Authority would not want to encourage traffic to use the uncontrolled Oxford Street / A689 Junction.

The provision of an additional set of on demand traffic signals under the control of HQ Engineering would not be acceptable to the Highway Authority. It would not want to set a precedent by providing on demand signal control at a private access.

Planning comments on Traffic and Transportation Considerations

6.4 Traffic flow Issues

HQ Engineering have maintained their concerns about the effects of additional traffic congestion along Burn Road on their business. The company consider the demand for the right turn out of Tesco is currently suppressed due to the delays at the existing store junction at Burn Road during peak hours. They consider that under the proposed new signal arrangement, this movement would be made easier and therefore demand may increase, sending additional trips past HQ's entrance which would prejudice their business interests.

HQ Engineering state that the transport assessment shows that currently, around 20% of vehicles entering Tesco approach from the direction of HQ (Burn Road East), but only around 10% of vehicles leave in this direction). The assumption made in the original TA was that trips to the extended store would follow the same distribution as existing trips.

Mouchel Parkman, the consultants responsible for the transport assessment, have made further representations in support of the application.

They acknowledge that the introduction of traffic signals will reduce delays to the traffic turning right from Tesco, and it is reasonable to assume that additional vehicles may choose to turn right (they have now modelled up to 20% as opposed to 10%)

Under these revised assumptions, the total eastbound flow on Burn Road past the HQ access is predicted to increase by only around 1 vehicle per minute, increasing from 6 to 7 per minute on Fridays and from 7 to 8 per minute on Saturdays.

Further surveys were undertaken by Mouchel Parkman on 10 and 11 November 2006 which showed peak hour flows to be similar (though overall lower) than the 2006 flow predictions from the transport assessment. They indicate that the use of the 4.00pm – 5.00pm peak hour will typically give the worse case scenario as this time coincides with the heaviest trading times for the store. They state that the counts undertaken by HQ Engineering which surveyed higher vehicle flows were

taken at a different time, therefore not directly comparable, are only 3% higher and within normal flow variations.

Following further modelling Mouchel Parkman concluded that the proposed Tesco junction would continue to operate with acceptable levels of queuing with up to 26% more traffic on all movements (31% on Saturday). They state that this is far more than would be expected from any variation in daily or hourly traffic flows.

The Highway engineer has stated that he considers that the proposed junction would operate within practical capacity with acceptable levels of queuing taking into account current conditions on the local network.

The MP survey revealed that turning movements at the HQ Engineering access during the peak hour were very low, being no more than 4 per hour on any movement. No "outsize" vehicles were observed and there were no reported difficulties with vehicle manoeuvres.

6.5 Replicating traffic flows at the proposed junction

It was suggested by HQ Engineering that temporary traffic lights be set up in order to replicate as far as possible the proposed junction. This has been rejected by Highway engineers as it would not adequately replicate the proposals, would not be practical and the safety implications would not be acceptable.

6.6 HGV manoeuvring in relation to the proposed junction

It became apparent that the entrance gates at HQ are wider than shown on the Ordnance Survey mapping used for the previous swept paths. Revised swept paths for the largest typical UK articulated vehicle (16.5 m) have now been provided. These show that such a vehicle can make all necessary manoeuvres in a single movement in forward gear and, if able to move up to the stopline, would not block vehicles heading east on Burn Road. The Highway engineer acknowledges that abnormal sized loads emerging from the premises could temporarily obstruct traffic turning right out of Tesco's. He does not consider this to be critical and indicates that the situation can be eased with the introduction of keep clear signage and parking restrictions.

6.7 Video Data Provided by HQ Engineering

Mouchel Parkman have analysed information provided by HQ Engineering. This took the form of video data on CD covering the period 0730-1100 on Monday 16 November 2006. The video data shows all vehicles and pedestrians entering and leaving HQ premises via the gated access on Burn Road during the survey period. MP have provided the following commentary on the vehicle movements.

MP state that in the 3.5 hour survey period, a total of 18 vehicles entered the site and 9 vehicles left (an average of 5 vehicles per hour entering and 3 vehicles per hour exiting). None of the vehicles appeared to have any difficulty manoeuvring into or out of the site, and all undertook the manoeuvre in forward gear only. They state that this level and type of vehicle activity appears to tally with that observed during

the recent surveys. MP therefore consider that the amendments already made to the scheme (removal of traffic island and provision of off-street parking) in conjunction with the now proposed "Keep Clear" marking opposite the access to HQ, would satisfactorily accommodate the observed vehicle movements. This view is endorsed by the Council's Engineer

6.8 Adequacy of proposed 40 space car park

Spot counts of vehicles parked on Burn Road and Baltic Street were carried out by highway engineers at 4 separate times. This indicated that the proposed relief car park would have adequate capacity given the observed levels of parking.

6.9 HQ Engineering suggestions to alleviate envisaged traffic problems

The Highway engineer has commented as to why he considers the various alternative suggestions from HQ Engineering to be unacceptable.

It is important for Members to note that the proposals have to date been the subject of close collaboration between the applicant and engineers. The further discussions took place within the context of existing substandard highway safety conditions along Burn Road given that there is already significant on-street parking congestion taking place outside HQ Engineering (see photographs attached to report). It is clear that this on-street parking serves to restrict visibility to drivers emerging from the HQ Engineering premises along with the width of the carriageway along Burn Road. In the event that planning permission is granted it will allow for the provision of a car park for local business' with the intention of alleviating parking congestion on Burn Road.

6.10 Public Transport

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. The allocation of this funding has been given further consideration following the Committee discussion at the previous meeting. The Transportation team leader continues to advocate this contribution towards improving the 516 bus service. His e-mail is attached which further explains his views. It is important that planning gain measures are directly related to the development in question. In this regard the enhancement of the 516 service would improve accessibility to Tesco from the town centre and outlying area of the Borough. It therefore fits with this criteria.

6.11 Car Parking

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

6.12 Pedestrian and Cycle Access

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.

Members queried the accessibility of the site for pedestrians living nearby. Part of the proposals include a new pedestrian crossing phase within the new signalised junction on Burn Road. As stated in the main report there is to be a financial contribution made towards the enhancement of pedestrian crossing facilities in the vicinity of the Burn Road / Belle Vue Way junction.

7. Conclusion

On balance it is considered that the concerns raised by HQ Engineering could not be sustained as a reason for refusal. In fact some of the proposed measures eg the 40 space car park to serve local industry will result in major improvements to visibility and flow of traffic on Burn Road.

The Application and Site

2.2 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.

2.3 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 View Way. The new access into the site junction is intended to incorporate pedestrian crossing facilities.

2.4 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 View 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.

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

2.6 The site is bounded to the north by Burn Road 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.

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

2.8 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.

2.9 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

2.10 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.

In support of their application, the applicant has made a number of further comments. These are summarised as follows:

1. There are no existing units of sufficient size, or other suitable sites in the town centre to accommodate the proposed development.
2. The 516 bus service improves accessibility between the site and the town centre.
3. It is estimated that 60% of the turnover of the extension will be diverted from Asda and Morrisons.

4. The trade diversion would not harm the viability and vitality of the town centre given the greater range of goods sold there along with the fact that many stores there cater for a different market.

Publicity

2.11 The application has been advertised by way of neighbour letters site notice and press notice. To date, there have been 2 letters of no objection and 3 letters of objection.

2.12 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. Further letters of objection were received from HQ Engineering situated on Burn Road which have been considered earlier in the report.

Copy letters B

The period for publicity has expired.

Consultations

2.13 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 – 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.

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 - 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.

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.

The comments made in respect of the HQ Engineering have been provided at the beginning of the report.

Planning Policy

2.14 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 Rec 13 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

2.15 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

2.16. 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.

2.17 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

2.18 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.

2.19 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.

2.20 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

2.21 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, food stores and retail parks. Notwithstanding this it is considered that Tesco is located too far from the primary shopping area to meet any qualitative need.

2.22 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 drawn 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.

2.23 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.

2.24 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

2.25 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 nearly 600 square metres. Therefore it could be argued 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.

2.26 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.

2.27 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.

2.28 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.

2.29 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.

2.30. Notwithstanding this Drivers Jonas, the Council's retail advisers consider that it would still be appropriate to impose a condition restricting the proportion of non-food sales in the event that the at-level extension is given planning permission. The applicant proposes a maximum non-food sales area of 3228 square metres (approximately 40% of the overall sales area). This is considered to be reasonable and can be controlled through condition.

(c) The Sequential Approach

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

2.32 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

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

2.34 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.

2.35 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 negative effect on trading within the town centre.

(e) Traffic and Transportation Considerations

These matters have been considered at the beginning of the report.

f) Regeneration, Community & Environmental Issues

2.43 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.

2.44 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

2.45 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

2.46 A condition can be imposed to secure landscaping improvements within and around the site. The applicant has agreed 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.

2.47 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.

(i) Flood Risk

2.48 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.

2.49 The applicant has confirmed that it would accept conditions to secure flood protection measures and a flood protection plan as appropriate for the site.

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

(j) The Impact on Occupiers of Nearby Properties

2.51 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

2.52 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.

2.53 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 fully explain why the goods proposed for sale could not be sold from the town centre, in accordance with the sequential approach.

2.54 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. Furthermore the opportunity for the various planning gains for the town would be lost.

Recommendation

Minded to APPROVE subject to the following conditions, the planning agreement terms listed at points i-ix of para. 2.10 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 keep clear signage and parking restrictions in consideration of the HQ Engineering position and to a decision by the Secretary of State not to call in the application.

RECOMMENDATION – approve subject to the following conditions

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

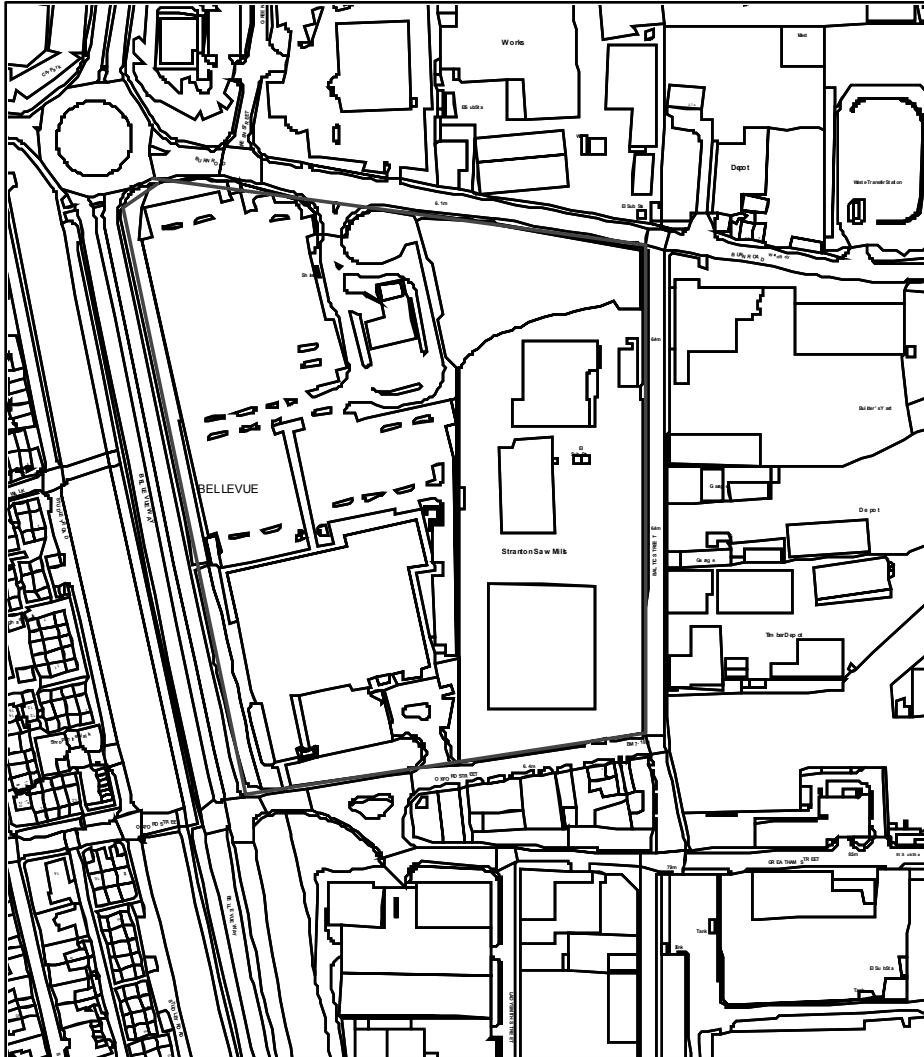
To ensure that the development complies with approved details in the interests of protection of human health and Controlled Waters.

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 goods sales floorspace shall not exceed 40% (3228 square metres) 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.
To safeguard against flood risk
16. The extension hereby approved shall comprise a maximum sales floor area of 2,601 square metres.
In the interests of protecting the vitality and viability of the town centre.

Tesco, Burn Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/10/06
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2005/5486	REV

"Amanda Fogg"

<amanda.fogg@mouchelparkman.com>

28/11/2006 14:57

To Peter.Frost@hartlepool.gov.uk

Cc <Richard.Teece@hartlepool.gov.uk>, <Peter.Nixon@hartlepool.gov.uk>, "Andrew Astin" <Andrew.Astin@devplanning.com>, "Peter Skellem" <peter.skellem@mouchelparkman.com>, <Roy.Merrett@hartlepool.gov.uk>

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Subject: RE: Hartlepool

History: This message has been replied to and forwarded.

Peter,

Further to our telephone conversations last week, please see below our detailed response to the issues raised by HQ. Point 5 refers to the traffic flow comparisons, and it can be seen that HQ's observations do in fact tally well with our various surveys. Therefore, as we discussed, we do not consider it necessary or appropriate to undertake further survey work. We would appreciate your response on this point at your earliest convenience. Please do not hesitate to contact me or Peter Skellem if you require further information or clarification.

Regards

Amanda Fogg

For and on behalf of Mouchel Parkman

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14/11/2006 10:28

To stephen.akers-belcher@hartlepool.gov.uk

cc Derek.Allison@hartlepool.gov.uk, Rob.Cook@hartlepool.gov.uk, Shaun.Cook@hartlepool.gov.uk, Gordon.Henery@hartlepool.gov.uk, Bill.Iseley@hartlepool.gov.uk, Stan.Keiser@hartlepool.gov.uk, John.Lauderdale@hartlepool.gov.uk, Geoff.Lilley@hartlepool.gov.uk, Geoff.Morris@hartlepool.gov.uk, Robbie.Payne@hartlepool.gov.uk, Carl.Richardson@hartlepool.gov.uk, Maureen.Waller@hartlepool.gov.uk,

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Subject TESCO HARTLEPOOL PLANNING PROPOSALS

Dear Sir/Madam

TESCO HARTLEPOOL PLANNING PROPOSAL

With reference to the above, we would like to take this opportunity to draw your attention to the following:

1. HQ Engineering attended the original planning meeting and gave our opinions to the planning committee, this resulted in the committee agreeing to defer the planning decision in order to allow officers of HBC, Tesco and ourselves to hold further consultations on the traffic issues.
2. A meeting has been held at our premises which, in our opinion, highlighted a number of issues that we feel the planning committee should be made fully aware of.
3. The Committee should be made aware that the only survey into the traffic situation on Burn Road was carried out by Tesco and was completed in 2004. The survey has been accepted by the officers of HBC as being reasonable even though the survey is now 2 years old and also the forecasts taken from the survey do not take into account any of the problems that are encountered due to the poor design of the current Tesco entrance junction. The problems with the current junction have been noted by Tesco however as they agreed in the consultation meeting.

Following concerns raised by HBC, further surveys were undertaken on 10 and 11 November 2006. As detailed in our email of 13/11/06, the results of the new survey reinforce the 2004 data, with peak hour flows being very similar, and overall around 9-10% lower than the 2006 flow predictions from the TA. The TA is, therefore, robust in this respect. See below for further comment on trip distribution assumptions for the proposed scheme.

4. The Officers of HBC have not considered the current traffic problems which leads to customers altering their routes to and from Tesco in order to avoid the current bottlenecks, and the fact that at certain times during the day it is not possible to turn right when leaving Tesco due to queuing traffic on Burn Road. None of these current problems have been factored into the traffic survey when calculating the number of additional vehicles that will travel up and down Burn Road when the proposed traffic lights are installed. The Officers of HBC have also failed to factor in to the survey the likelihood of traffic taking alternative routes in order to avoid the traffic light system at the bottom of Park Road, which will in our opinion open up the Whitby Street (south)/Burbank Street area as a rat run for traffic heading to the North of the town.

Peter Frost has verbally agreed that he does not consider that current conditions on the local network would result in significant re-routing of Tesco traffic. He confirmed that at times the Belle Vue Way/Park Road junction experiences some delays and queuing, but this is more

likely to occur on Saturdays; he does not consider there is a significant problem during the weekday peaks.

5. The survey conducted by Tesco in 2004 counted on average 442 vehicles per hour travelling west on Burn Road (towards Belle Vue Way) and on average 327 vehicles per hour travelling east on Burn Road (away from Tesco towards Mainsforth Terrace). We carried out a very simple analysis taking a count of the number of vehicles that travelled past our yard gates between 14:30 and 15:30 on Friday 10th November 2006 the number of vehicles travelling West on Burn Road towards Tesco was 548 and the number of vehicles travelling East on Burn Road was 425. Please note that the traffic survey carried out by Tesco was in their words carried out at peak hours.

HQ have misinterpreted the 2004 survey data. The figures they quote (442 westbound and 327 eastbound) relate to the straight through movements on Burn Road at the Tesco access. As can be seen from the attached copy of Figure C1, the total flow on Burn Road past the HQ access in 2004 was as follows:

Friday 2004 PM Peak: 556 westbound, 361 eastbound

Saturday 2004 Peak: 434 westbound, 390 eastbound

The TA also predicted that the network would experience background traffic growth. The attached copy of Figure C2 shows the TA predictions of 2006 flows past the HQ access:

Friday 2006 PM Peak: 570 westbound, 371 eastbound

Saturday 2006 Peak: 444 westbound, 400 eastbound

HQ observations Friday 10 November 2006:

Friday 2006 PM Peak: 548 westbound, 425 eastbound

Therefore, it can be seen that the HQ observations show similar results to the MP predictions. Peter Frost has also confirmed that he considers the peak hours identified in the TA were appropriate. The periods chosen represent the worst case combined peak taking into account both network flows and Tesco trips. He anticipates that, generally, hourly flows earlier in the afternoon would not be significantly different from those assessed.

6. We suggested at the consultation meeting that temporary traffic lights should be set up which would, as far as possible, replicate the proposed junction. We were assured at the meeting that an officer of HBC would advise us further on this matter. At this moment in time we have had no further discussions with any officer from HBC regarding this suggestion.

Peter Frost has confirmed that this matter has now been considered by HBC officers. They do not support this suggestion, because:

- 1. It would not adequately replicate the proposals*
- 2. It would not be practical*
- 3. The safety implications would not be acceptable*

7. During the consultation meeting we were informed that the car parking area to be provided by Tesco was for the vehicles that currently park in Burn Road and Baltic Street as parking restrictions would be placed upon both of these roads. The car park will have 40 spaces, in our opinion this will not be enough for the amount of cars that currently park on these two roads. Again no officer from HBC it would appear has challenged or researched the number of spaces required.

Peter Frost has confirmed that spot counts of vehicles parked on Burn Road and Baltic Street were carried out by HBC during the working day on 20 and 21 November 2006:

20 November: Burn Road: 14 vehicles, Baltic Street 0 vehicles

21 November Burn Road: 11 vehicles, Baltic Street 1 vehicle

He considers that the proposed car park is adequate, given the observed levels of parking.

8. The traffic survey supplied by Tesco illustrates the effect of a 40ft trailer exiting our yard, turning right, when the proposed traffic lights turn to red. The space available for a lorry with a 40ft trailer will result in the rear end of the trailer encroaching upon the eastbound carriageway of Burn Road. The officers of HBC are of the opinion that this is acceptable, HQ Engineering pointed out during the meeting that trailers measuring 60ft deliver to our yard on a regular basis and they would extend further into the eastbound carriageway upon leaving the yard. This point was dismissed by Tesco and also the officers of HBC as being of little concern. We are dismayed that the safety implications of having an unlit lorry trailer encroaching across the carriageway as traffic turns right out of Tesco's was given such little consideration.

Following the meeting at HQ, MP provided further TRACKS to Roy Merrett (email 9/11/06), which showed the widened access as it exists at present. The TRACKS showed that the largest standard articulated vehicle could turn right out of HQ and wait at the stopline without blocking Burn Road eastbound.

The situation has also been discussed further with Peter Frost, who confirmed that he can see no reason in principle why the proposals are not workable. Whilst it is recognised that difficulties are experienced at present with movements of the larger vehicles, MP and Peter Frost consider that the conditions will not be made materially worse by the proposals. Peter Frost agreed that visibility across the proposed junction is adequate and he pointed out that vehicle speeds are likely to be lower as a result of the signals.

9. During the consultation meeting HQ Engineering put forward three alternative suggestions to alleviate the envisaged problems. Neither Tesco nor the Officers of HBC had any suggestions other than the proposals that are before the committee at present.

All three options were discussed and dismissed at the meeting, as noted below:

SUGGESTIONS TO ALLEVIATE THE ENVISAGED TRAFFIC PROBLEMS ON BURN ROAD

A. The provision of an alternative exit from Tesco direct onto Belle Vue Way.

Peter Frost has confirmed that it would not be acceptable to HBC to provide any additional accesses along Belle Vue Way, as this would be contrary to the road hierarchy principles.

B. The provision of alternative entry and exit points on to lower Oxford Street and a method of routing the traffic in the car park so as to filter the traffic to the correct exit points allowing traffic to leave at the north and south ends of the Tesco site.

These options had been discussed during earlier consultations between MP and HBC. They were rejected on the grounds that:

- 1. They would have an unacceptably detrimental impact on the redevelopment proposals*
- 2. Due to the nature of trip origins and destinations, such accesses would not alleviate any congestion on Belle Vue Way or Burn Road, as vehicles would simply work their way back through towards Belle Vue Way in any case.*

C. The provision of an additional set of on demand traffic lights to the East of our yard gates (closer to Baltic Street junction) which could also be used as a pedestrian crossing by the residents of the Burbark street area travelling to Tesco on foot. These lights would be able to be turned to red when large loads are due to leave our yard. The lights on the west bound carriage way of Burn Road at the proposed junction would stay green allowing traffic to flow from in front of our gates while the lights which allows traffic to flow east on Burn Road would also be on red. This would allow the vehicle to safely exit our yard. When the vehicle is safely out of our yard the lights can then revert to their existing sequence, until either a pedestrian presses the button to cross Burn Road or until another lorry is due to leave our yard.

MP do not consider that the relatively low traffic flows to and from HQ would warrant the provision of such a facility. Nevertheless, this option was discussed at the meeting, where HBC and MP raised concerns over the practicality of providing an on-demand signal stage for this private access. Such a facility would have to be controlled by either HBC or the police, requiring advance notification to be given.

Subsequently, Peter Frost has confirmed that HBC do not wish to set a precedent by providing on-demand signal control at this private access.

We would like to take this opportunity to thank you for reading this e-mail however we feel very strongly that the traffic situation has not been fully investigated on Burn Road and the likely effects that the proposals will have on the surrounding businesses in the Longhill area. If you should wish to discuss any of the above further please do not hesitate to contact the undersigned at our office, or alternatively call into our yard and we can show you the current problems that we encounter on a daily basis and then you can make your own judgement as to the likelihood of any envisaged problems that the proposed new junction will cause. We do feel strongly that further investigation should be carried out by an independent source as once the proposed new junction is in place then HQ Engineering and the Town as a whole will be stuck with the junction, and for the council of Hartlepool to make such an important decision based upon out of date and misleading information is not only dangerous but also foolish

As a final point it should be considered that, if planning permission were refused, Tesco would complete the mezzanine, which could trade without the need for any off-site works at all to mitigate for the impact of increased traffic. Under this scenario, there would be no improvement in capacity at the Burn Road roundabout and it is likely that congestion would result with queues extending past the HQ access leaving them no better off.

However, and more importantly, it would also mean that HBC would lose Tesco's significant financial support for their plans to regenerate the area, a loss that would be felt by the whole community.

The information in this e-mail is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. Any views or opinions expressed in this e-mail may be solely those of the author and not necessarily those of Mouchel Parkman



Figure C1 (rev).tif Figure C2 (rev).tif

Ian Jopling/HBC Domino

10/11/2006 13:09

To: Roy Merrett/HBCDomino@HBCDOMINO

Cc: John Lewer/HBCDomino@HBCDOMINO

Subject: Re: Tesco and Teesbay

History: This message has been replied to and forwarded.

Roy,

As promised, here is our response to Cllr Waller's query regarding support for bus services as part of the Tesco application.

The supported Stagecoach 527 service linked South Greatham with Tesco until April 2002. The first departure from South Greatham was at 9.15 am. From April 2002 the service 527 was changed to service 526 service linking South Greatham with Tesco, the town centre, Elwick and Dalton Piercy. The first departure from South Greatham was at 9.23am, however due to poor patronage the service 526 was withdrawn in August 2002. This was replaced by a revised service 527/516 that no longer linked South Greatham to Tesco, but instead provided links to Asda via the town centre in response to where passengers wanted to travel. The first departure from South Greatham was at 9.17am. The revised service 516 from Elwick and Dalton Piercy provided the links to Tesco. In March 2005 the service 516 was downgraded to a basic two hourly service, due to the loss of funding from the Rural Bus Challenge project.

In summary.....the former 526 service, and the various versions of service 527, have never provided an early morning service from South Greatham, and certainly not a departure time that would be suitable for school children.

As far as I can see, the requirement as part of the Tesco application is to provide a bus service link between the development and the town centre. The potential funding from Tesco would provide the required link to the town centre as well as filling a recognised gap in an existing Council supported bus service that provides a link from outlying rural areas.

If you require any further information, please let me know.

Regards
Ian

Ian Jopling
Transportation Team Leader
Hartlepool Borough Council
Tel: (01429) 284140

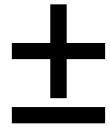




No: 7
Number: H/2006/0472
Applicant: Mr G Raynor ELDON GROVE HARTLEPOOL TS26 9LY
Agent: 18 Oakland Avenue Hartlepool
Date valid: 03/07/2006
Development: Erection of a attached double garage to rear
Location: 22 ELDON GROVE HARTLEPOOL

The above application was reported to the Planning Committee on 22 November 2006 when it was deferred for further discussions. An amended scheme is anticipated and an updated report will hopefully follow.

22 Eldon Grove



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 06/11/06
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2006/0472	REV

No: 5
Number: H/2006/0780
Applicant: Mr H Alexander St John's Drive North Rilton Leeds LS17
0HD
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26
8JA
Date valid: 30/10/2006
Development: Change of use and alterations to form 5 self-contained
flats
Location: 50 54 NORTHGATE HARTLEPOOL

Update

Discussions are still underway with the Highway Engineer regarding the proposed new doorways leading directly onto the back street and the effects on highway safety. It is hoped that some improvements can be made to the scheme and will be reported at the meeting.

No: 7
Number: H/2006/0472
Applicant: Mr G Raynor ELDON GROVE HARTLEPOOL TS26 9LY
Agent: 18 Oakland Avenue Hartlepool
Date valid: 03/07/2006
Development: Erection of a attached double garage to rear
Location: 22 ELDON GROVE HARTLEPOOL

Update

The above application was reported to the Planning Committee on 22 November 2006 when it was deferred for further discussions. Amended plans are anticipated prior to the meeting and an update will be provided if possible.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEALS BY MR HORWOOD 42 BILSDALE ROAD
HARTLEPOOL

1 PURPOSE OF REPORT

1.1 To advise Members of planning appeal decisions.

2 APPEAL

2.1 Two planning appeals were lodged against the refusal of the Committee to grant planning permission for the demolition of no 42 Bilsdale Road, Seaton Carew and for the erection of four dwellings to the rear along with a separate proposal to demolish the garage of that property and develop two dwellings.

2.2 The appeals were decided following an informal hearing and dismissed by the Planning Inspectorate on the basis that the development would lead to unacceptable noise and disturbance to adjoining residents.

2.3 However the Inspector decided that the Local Planning Authority had acted unreasonably in maintaining that the site did not constitute previously used land. He therefore made a partial award of costs to the appellant for the unnecessary expenditure made on this aspect of the appeal.

2.4 The Local Planning Authority has the right to appeal against the costs award. At present further consideration is being given to this matter and the Committee will be updated accordingly.

2.5 A copy of the decision letters are attached with this report.



The Planning Inspectorate

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Bristol BS1 6PN

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Switchboard: 0117-372-8000
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GTN: 1374-6115

<http://www.planning-inspectorate.gov.uk>

Mr R Teece
Hartlepool Borough Council
Department Of Regeneration &
Planning
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Your Ref: H/2005/5997
Our Ref: APP/H0724/A/06/2010866/NWF
Further appeal references at foot of letter
Date: 1 December 2006

Dear Mr Teece

Town and Country Planning Act 1990
Appeals by T Horwood
Site at 42 Bildale Road, Hartlepool, TS25 2AH and 42 Bilsdale Road, Seaton
Carew, Hartlepool, TS25 2AH

I enclose a copy of our Inspector's decision on the above appeals together with a copy of the decision on an application for an award of costs.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

Please note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

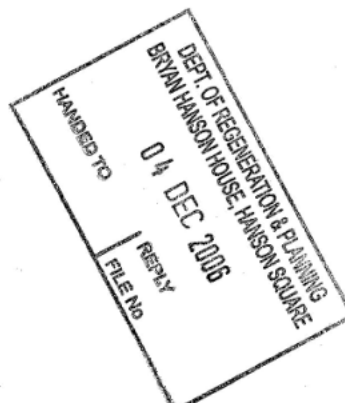
Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours sincerely



Ben White





The Planning Inspectorate

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Mr Ted Jackson
Jacksonplan Ltd
7 Amble Close
Hartlepool
TS26 0EP

Your Ref: H0101.6
Our Ref: APP/H0724/A/06/2010866/NWF
Further appeal references at foot of letter
Date: 1 December 2006

Dear Mr Jackson

Town and Country Planning Act 1990

Appeals by T Horwood

Site at 42 Bildale Road, Hartlepool, TS25 2AH and 42 Bilsdale Road, Seaton Carew, Hartlepool, TS25 2AH

I enclose a copy of our Inspector's decision on the above appeals together with a copy of the decision on an application for an award of costs.

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Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours sincerely

Ben White



Appeal Decisions

Hearing held on 31 October 2006

Site visit made on 31 October 2006

by **George Arrowsmith BA, MCD, MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 1 December 2006

Appeal Ref: APP/H0724/A/06/2007707

42 Bilsdale Road, Seaton Carew, Hartlepool TS25 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Horwood against the decision of Hartlepool Borough Council.
- The application Ref H/2005/5833, dated 3 October 2005, was refused by notice dated 29 November 2005.
- The development proposed is the demolition of No 42 Bilsdale Road and the erection of 4 dwellings with associated private way.

Summary of Decision: The appeal is dismissed.

Appeal Ref: APP/H0724/A/06/2010866

42 Bilsdale Road, Seaton Carew, Hartlepool TS25 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Horwood against the decision of Hartlepool Borough Council.
- The application Ref H/2995/5997, dated 7 December 2005, was refused by notice dated 21 February 2006.
- The development proposed is the demolition of an existing side garage and the erection of 2 dwellings, garages and associated private drive.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Main Issues

2. I consider that the main issues in both appeals are whether the proposals would, i) be the development of a greenfield site contrary to the objectives of policy Hsg 5 in the Hartlepool Local Plan and PPG3, and, ii) cause unacceptable noise and disturbance for the occupants of nearby residential property.

Planning Policy

3. The development plan includes the adopted Tees Valley Structure Plan and the recently adopted Hartlepool Local Plan. Policy SUS2 in the first plan says that the Tees Valley authorities will give preference to the development of brownfield sites, and prevent the unnecessary use of greenfield sites. Policy Hsg5 in the local plan says that the Council will adopt a plan, monitor and manage approach to housing supply. It says that the Council will

Appeal Decisions APP/HO724/A/06/2007707 & APP/HO724/A/06/2010866)

seek to reach the 2008 regional target of 60% of housing development being provided on previously developed land and through conversions of existing buildings. It goes on to say that planning permission will not be granted for proposals that would lead to the recycling targets not being met. Policy GEP1 says that in determining planning applications for development the Council will take account of the effect on the amenities of occupiers of adjoining or nearby properties by noise and general disturbance.

Reasons

Greenfield Development

4. Planning permission No H/2005/5534 allowed the body of the appeal site to be incorporated into the curtilage of 42 Bilsdale Road. What I saw during my site visit satisfies me that the permission has been implemented, a judgement which appears to have been shared by the Inspector in appeal No APP/HO724/A/05/1187827. Guided by Annex C to PPG3 I therefore conclude that the site is now properly classed as previously developed land in the context of the PPG and policy Hsg5.
5. The Council argued that the body of the site had previously been classed as greenfield and pointed to an earlier appeal decision (APP/HO724/A/04/1153768) in which the Inspector regarded it as being outside the definition of previously developed land and a small greenfield plot. They considered that the obtaining and implementation of permission H/2005/5534, amounted to an attempt to engineer the definition of the site and that to now regard the site as previously developed land would be perverse.
6. Despite the Council's reservations, I do not see how the definition of the site as previously developed land can be avoided given the guidance in PPG3 Annex C. However, the way the site is defined does not dictate how an application should be determined. In dismissing appeal No APP/HO724/A/04/1153768 the Inspector noted that the Government's *Tapping the Potential* indicated that vacant land not previously developed should be recognised as a source of housing land. At the same time Annex C to PPG3 recognises that not all land that is classed as previously developed by virtue of falling within the curtilage of a building is suitable for redevelopment.
7. In assessing the proposals against the objectives of the relevant policy and guidance, I have therefore paid particular attention to the site's character and surroundings. In this regard I consider it now to be an integral part of a ribbon of rear gardens sandwiched between the houses on Bilsdale Road and the right of way and railway line to the west. Again, this echoes the views of the Inspector in APP/HO724/A/05/1187827 who found that the site "lies in an area of established extended domestic curtilages up to the rail line" and "differs from its immediate neighbours only in the way it "wraps round" the rear boundaries of adjacent properties". The site is not part of the countryside nor have the Council argued that it has any special visual or recreational functions. Significantly, the Council's representative accepted at the hearing that, if the site is classed as previously developed land, its development would not conflict with Hsg5 or the principles of PPG3. Since I consider that the site is properly defined as previously developed land and since I consider that its development would not do any of the harm normally associated with the development of greenfield sites, I conclude that the proposals do not conflict with the objectives of policies SUS2 and Hsg5 or with the advice in PPG3

Appeal Decisions APP/HO724/A/06/2007707 & APP/HO724/A/06/2010866)

8. I am aware that the Inspector in appeal No APP/HO724/A/04/1153768 concluded that there was no policy support for the 'appeal site's release for housing development and that such release would conflict with Structure Plan Policy SUS2 and the advice in PPG3. However, his decision was influenced by the Council's failure to consider the site as part of its Urban Capacity Study as well as the fact that, at that time; it was not classed as previously developed land. At the hearing the appellant pointed out that the exclusion of the site from the Council's Urban Capacity Study might indicate no more than that the Council had not recognised its potential. I find this a plausible explanation since any potential would have been hidden by the continuous existing frontage development. My finding that the proposals would not conflict with the relevant policies and guidance relates partly to this interpretation of the study as well as to the site's changed status.

Noise and Disturbance

9. I will first consider the application to demolish No 42 and erect 4 dwellings (2007707). The layout of the proposed garage court would shield No 40's garden from the noise of turning and manoeuvring vehicles within the court and the amount of traffic generated would be marginally less than that generated by the 5 houses proposed in the appeal dismissed by a previous Inspector. Nevertheless, I consider that 4 dwellings would still be likely to generate sufficient traffic to cause noticeable noise and disturbance in the rear gardens of Nos 40 and 44. In this regard I note that the previous Inspector found that the extra noise and disturbance resulting from the use of the access drive would be harmful to the living conditions of the residents of the flanking houses. This part of his letter appears to relate to the drive alone.
10. I appreciate that the 1.8m high walls proposed, would reduce noise within the gardens but, this would be counterbalanced to an extent by reflection from the opposite wall. Moreover the walls could create an oppressive feeling in what are already small gardens, and I would be reluctant to impose a condition requiring their construction or retention. In what I acknowledge is a finely balanced judgement, I consider that the need to protect the amenity of nearby residents should take precedence and that the amount of noise and disturbance experienced by neighbouring residents would cross the boundary into unacceptability and would conflict with the objectives of GEP1.
11. I have not directly related my decision to that made by the previous Inspector because it is necessary for me to make an independent assessment of the schemes before me. Nevertheless, it seems likely that the differences between that earlier scheme and the present proposal for 4 dwellings would be reflected in modest noise reductions. My own judgement that the acceptability of the proposal for 4 dwellings is finely balanced therefore seems compatible with his decision.
12. The proposal for 2 dwellings (2010866) would generate less traffic than that for 4, but the reduction would not be as great as might be suggested by a simple comparison of the numbers. First, the dwellings omitted are the smaller semi-detached houses. Second, replacement garaging is proposed for No 42. In fact there is no reduction in the number of garages proposed. I acknowledge that there would be some reduction in traffic compared with appeal No 2007707 but this is at the expense of taking the access slightly closer to No 40's rear garden and actually reducing the width of garden remaining to No 42 in the area immediately to the rear of the house. It seems to me that the gains and losses when compared to the application for 4 dwellings are evenly matched and that consequently the
-

Appeal Decisions APP/HO724/A/06/2007707 & APP/HO724/A/06/2010866)

revised proposal would still cause unacceptable noise and other disturbance for the neighbouring residents. As with the proposal for 4 dwellings I therefore consider that the second proposal conflicts with the objectives of GEP1 and was justifiably refused permission.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Formal Decision

14. I dismiss the appeals.

George Arrowsmith

INSPECTOR

Appeal Decisions APP/HO724/A/06/2007707 & APP/HO724/A/06/2010866)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Roy Merrett, Principal Planning Officer Hartlepool Borough Council, Department of Regeneration and Planning, Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT

Richard Waldmeyer, Principal Planning Officer Hartlepool Borough Council, Department of Regeneration and Planning

FOR THE APPELLANT:

Ted Jackson Jacksonplan Ltd, 7 Amble Close, Hartlepool TS26 0EP

INTERESTED PERSONS:-

Brian Morris 40 Bilsdale Crescent, Hartlepool TS25 2AH

DOCUMENTS

- Document 1 List of persons present at the Hearing
- Document 2 Council's hearing statement in connection with appeal ref: APP/H0724/A/06/2010866
- Document 3 Appellant's hearing statement in connection with appeal ref: APP/H0724/A/06/2010866
- Document 4 Copies of policies GEP1 and Hsg5 in the adopted Local Plan (April 2006)
- Document 5 Copy of Council's letter informing local residents of appeal ref: APP/H0724/A/06/2010866
- Document 6 Copy of Council's letter informing local residents of the date and place of the hearing
- Document 7 Suggested contamination condition from the Council



Costs Decision

Hearing held on 31 October 2006

Site visit made on 31 October 2006

by **George Arrowsmith BA, MCD, MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 1 December 2006

Costs application in relation to Appeals Refs: APP/H0724/A/06/2007707 & APP/H0724/A/06/2010866

42 Bilsdale Road, Seaton Carew, Hartlepool TS25 2AH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr T Horwood for a partial award of costs against Hartlepool Borough Council
- The hearing was in connection with appeals against the refusals of the Council to grant planning permission for, in the case of appeal ref: APP/H0724/A/06/2007707, the demolition of No 42 Bilsdale Road and the erection of 4 dwellings with associated private way, and, in the case of appeal ref: APP/H0724/A/06/2010866, the demolition of an existing side garage and the erection of 2 dwellings, garages and associated private drive.

Summary of Decision: The application is allowed in the terms set out below in the Formal Decision and Costs Order.

The Submissions for the Appellant

1. The Council have behaved unreasonably as such behaviour defined is defined in paragraph 7 of Annex 3 to Circular 8/93 which states that a planning authority should not prevent, inhibit or delay development which could reasonably be permitted in the light of the development plan, so far as it is material to the application, and any other material considerations.
2. In refusing both applications and in its evidence produced for the hearing the Council have effectively ignored the implication of their planning decisions which approved the appeal site as a residential curtilage and the subsequent erection of an approved residential garden shed, and misdirected themselves in respect of the appeal site's status as a brownfield site as defined in PPG3.
3. The Council's action in both applications has resulted in unnecessary expenditure by the appellant in respect of both appeals.

The Response by the Council

4. The appellant has produced no evidence to show that permission to use the land as part of the curtilage to 42 Bilsdale Road has the effect of converting the land to previously used status. PPG3 simply provides guidelines on the definition of previously-used land. The appellant has produced no case law to support this position.
5. The Council was entitled to take account of the appellant's intentions in considering whether the land had previously developed status.

Costs Decision Appeals Refs: APP/H0724/A/06/2007707 & APP/H0724/A/06/2010866

6. The Council have explained why they consider that the relevant policy in this appeal is Hsg5 and what the effect of approving development on a greenfield site would be on their housing targets

Conclusions

7. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
8. Whilst I accept that PPG3 has the status of guidance rather than law it clearly represents the Government's position. The Council might consider that the appellant has used the planning system to change the definition of the appeal site with the objective to securing permission for residential development. However the appellant's motives do not affect the way the site is defined. In the absence of a statutory definition or any reference to case law I consider that the guidance in Annex C to PPG3 is the best indication of the site's status as previously developed land. The Council have not offered any cogent planning argument for taking a different view. In this context it is relevant that during the hearing the Council's representative said that, if the site is defined as previously developed land, then its development for housing would not conflict with the objectives of policy Hsg5 or PPG3. I therefore conclude that the Council have behaved unreasonably in respect of the first reason for refusal and have put the appellant to the unnecessary expense of challenging that reason in both appeals
9. I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has been demonstrated. I therefore conclude that a partial award of costs is justified.

Formal Decision and Costs Order

10. In exercise of my powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990, and all other powers enabling me in that behalf, I HEREBY ORDER that Hartlepool Borough Council shall pay to Mr T Horwood, the costs of the appeal proceedings limited to those costs incurred in challenging the first reason for refusal in both appeals, such costs to be assessed in the Supreme Court Costs Office if not agreed. The proceedings concerned appeals under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission for, in the case of appeal ref: APP/H0724/A/06/2007707, the demolition of No 42 Bilsdale Road and the erection of 4 dwellings with associated private way, and, in the case of appeal ref: APP/H0724/A/06/2010866, the demolition of an existing side garage and the erection of 2 dwellings, garages and associated private drive, both proposals relating to land at 42 Bilsdale Road Carew, Hartlepool TS25 2AH.
11. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Supreme Court Costs Office is enclosed.

Costs Decision Appeals Refs: APP/H0724/A/06/2007707 & APP/H0724/A/06/2010866

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

George Arrowsmith

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)

Subject APPEAL BY ALAB ENVIRONMENTAL SERVICES

1. PURPOSE OF REPORT

- 1.1 At the previous meeting of the Planning Committee it was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to grant planning permission for the installation of treatment plant for the solidification/stabilisation of liquid wastes at Seaton Meadows.
- 1.2 Members resolved to contest the appeal and that given the circumstances of this case to appoint planning consultants to act on behalf of the Local Planning Authority. The outcome of the exercise was to be reported back to committee.
- 1.3 A number of consultancies were therefore approached over whether they would wish to tender to prepare and present the Local Planning Authority's case. As a result of this exercise W.A Fairhurst and Partners have now been appointed to act on behalf of the Local Planning Authority. The company have offices in Newcastle and Leeds and in the Planning Services Directory are listed as providing waste planning services.

2. RECOMMENDATION

- 2.1 That the report be noted

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 During this four (4) week period, Twenty four (24) planning applications have been registered as commencing and checked. Twenty two (22) 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 change of use from a garage to a habitable room at a house on Nuthatch Close has been investigated and was determined as permitted development.
 - 2 An officer complaint about the breach of planning conditions on farmland off the A19 is being investigated and developments will be reported to a future meeting if necessary.
 - 3 A neighbour complaint about the extension of a boundary wall at a house on Guillemot Close is being investigated. Developments will be reported to a future meeting if necessary.
 - 4 A neighbour complaint about the siting of site cabins at a development on Powlett Road has been investigated and was determined as permitted development. The issue is being considered under relevant highways legislation.
 - 5 An anonymous complaint about the erection of a front boundary wall at a house on Shakespeare Avenue is being investigated. The wall has not been built as per the approved plans. Developments will be reported to a future meeting if necessary.
 - 6 A neighbour complaint has been received about an extension on a house on Fenton Road not being built as per the approved drawings. Further to a site visit it was concluded that the extension has been built as per the approved drawings therefore no further action is necessary.

- 7 A neighbour complaint about the erection of a rear boundary wall, at a property backing onto Rectory Way has been received. Developments will be reported to a future meeting if necessary.
- 8 An anonymous complaint about the use of a former service station on Clarence Road as a car park, used in connection with matches at the football ground is being investigated and developments will be reported to a future meeting if necessary.
- 9 An anonymous complaint about the erection of bollards on the highway at a property in Hardwick Court is being investigated. At present works to the highway have stopped and any further developments will be reported to a future meeting if necessary.
- 10 A neighbour complaint about the introduction of a turnstile located at the entrance to a recreation area in Jesmond Gardens is being investigated. Developments will be reported to a future meeting if necessary.
- 11 An officer complaint about the discharging of planning conditions at a development on land located between Angus Street, Hart Lane, Ernest street and Duke Street is being investigated. Developments will be reported to a future meeting if necessary.