

# PLEASE NOTE VENUE

## PLANNING COMMITTEE AGENDA



**Wednesday, 24<sup>th</sup> January, 2007**

**at 10.00 a.m.**

**at West View Community Centre, Miers Avenue**

### MEMBERS OF PLANNING COMMITTEE:

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

Also to Councillor Griffin (substitute for Councillor Iseley)

### 1. APOLOGIES FOR ABSENCE

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

### 3. MINUTES

- 3.1 To confirm the minutes of the meetings held on 22<sup>nd</sup> November, 2006 (*attached*) and 20<sup>th</sup> December, 2006 (*attached*).

### 4. ITEMS REQUIRING DECISION

#### 4.1 Planning Applications– *Assistant Director (Planning and Economic Development)*

1. H/2006/0755 Eden Park
2. H/2006/0834 34A Duke Street (Thai Pan)
3. H/2006/0813 Jomast Flats
4. H/2006/0814 Warren Road
5. H/2006/0906 27 Murray Street
6. H/2006/0816 Middle Warren
7. H/2006/0839 132 Oxford Road
8. H/2006/0861 Lithgo Close

# PLEASE NOTE VENUE

- 4.2 Update on Current Complaints – *Head of Planning and Economic Development*
  - 4.3 Appeal by Paul Gold – site at 12 Moorhen Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
  - 4.4 Appeal by Mr and Mrs Hopper – Site at Meadowcroft, Elwick Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
  - 4.5 Appeal by Tyne Valley Developments – Site at Shu Lin, Elwick Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
  - 4.6 Appeal against Enforcement Notice – Lowfield Farm, Dalton Piercy – *Assistant Director (Regeneration and Planning)*
  - 4.7 Tesco - Belle Vue Way – *Assistant Director (Regeneration and Planning)*
  - 4.8 Draft Development Brief for the former Fair Ground at Seaton Carew – *Director of Regeneration and Planning Services*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

## EXEMPT ITEMS

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) Act 1985”.

## 6. ITEMS REQUIRING DECISION

- 6.1 Appeal Decision – Land at Woodburn Lodge – *Assistant Director (Regeneration and Planning)* (Para 5)
- 6.2 Enforcement Action – 26 Courageous Close, Hartlepool – *Head of Planning and Economic Development* (Para 12)

## 7. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

## 8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 19<sup>th</sup> February 2007 at 9.30 am

Next Scheduled Meeting – Wednesday 21<sup>st</sup> February 2007

# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

22 November 2006

### **Present:**

Councillors Stephen Akers-Belcher, Derek Allison, Gordon Henery, Stan Kaiser, Geoff Lilley, Gladys Worthy and Edna Wright.

Also Present In accordance with Council Procedure Rule 4.2 (ii);  
Councillor Jonathon Brash as substitute for Councillor R Waller  
Councillor Gerard Hall as substitute for Councillor Iseley  
Councillor Lillian Sutheran as substitute for Councillor S Cook.

Officers: Peter Devlin, Legal Services Manager  
Richard Teece, Development Control Manager  
Roy Merrett, Principal Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Gill Scanlon, Planning Technician  
David Cosgrove, Principal Democratic Services Officer

### **84. Appointment of Chair**

In the absence of both the Chair and Vice-Chair, a chair for the Meeting was sought.

Resolved

That Councillor Akers-Belcher be appointed Chair for the meeting.

**COUNCILLOR AKERS-BELCHER IN THE CHAIR**

### **85. Apologies for Absence**

Councillors R W Cook, S Cook, Iseley, Dr Morris, Payne, Richardson, M Waller and R. Waller.

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

Councillor Lilley declared a private and personal interest in application no. H/2005/5486, Tesco Stores Ltd, Belle Vue Way, Hartlepool.

Councillor Lilley declared a prejudicial interest in Minute no. 87, minutes of the meeting held on 25 October 2006.

Councillor Hall declared a private and personal interest in application no. H/2006/0770, 22 Eldon Grove, Hartlepool.

## 87. Confirmation of the minutes of the meeting held on 25 October 2006

Confirmed.

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

**Number:** H/2006/0745

**Applicant:** Mr C Linton  
HILLCREST GROVE, ELWICK, HARTLEPOOL

**Agent:** Mr C Linton, 1A HILLCREST GROVE, HARTLEPOOL

**Date received:** 06/10/2006

**Development:** Variation of approved housing development to provide a new vehicular access and car hardstanding.

**Location:** 1A HILLCREST GROVE, ELWICK, HARTLEPOOL.

**Representations:** Mr C Linton (applicant) was present at the meeting.

**Decision:** **Planning Permission Approved.**

### CONDITIONS AND REASONS

1. 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 brought into use.  
In the interests of visual amenity.
2. The hardstanding hereby approved shall only be used to park vehicles for purposes incidental to the use of the dwellinghouse.  
In the interests of the amenities of the occupants of neighbouring properties.
3. The existing gate to the field to the rear of this site shall be removed and the fencing originally required when the bungalow was built provided before the hardstanding and access hereby approved are brought into use. Thereafter the said fencing or similar shall be retained during the lifetime of the development.  
In the interests of highway safety and for the avoidance of doubt.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting the Order made with or without modification) no vehicular access shall be formed from the application site to the farmland to the rear without prior planning permission.

In the interests of highway safety and the amenities of the occupiers of nearby houses.

The Committee considered representations in relation to this matter.

<b>Number:</b>	H/2005/5486
<b>Applicant:</b>	Tesco Stores Limited P.O. Box 400, Cirrus Building, Shire Park
<b>Agent:</b>	Development Planning Partnership, Suite 1D Josephs Well, Hanover Walk, Leeds
<b>Date received:</b>	03/06/2005
<b>Development:</b>	Extension to store to provide additional sales and storage areas and associated works
<b>Location:</b>	TESCO STORES LTD, BELLE VUE WAY, HARTLEPOOL
<b>Representations:</b>	None.
<b>Decision:</b>	<b>Deferred for additional information</b>
<b>Number:</b>	H/2006/0338
<b>Applicant:</b>	Mr W Morgan
<b>Agent:</b>	B3 Burgess 3rd Floor Grainger Chambers, 3-5 Hood Street, New castle Upon Tyne
<b>Date received:</b>	03/05/2006
<b>Development:</b>	Erection of a 50 bed residential carehome and 4 blocks of apartments comprising 30 dwellings for occupation by people aged over 55
<b>Location:</b>	On The Corner of The Wynd, Wynyard, Billingham
<b>Representations:</b>	Mr W Morgan (applicant) and Mr Gardner (objector's representative) were present at the meeting and addressed Members.
<b>Decision:</b>	<b>Members reaffirmed their earlier decision that they were minded to APPROVE this application subject to a legal agreement under S106 of the Planning Act to</b>

**secure a travel plan aimed at transporting staff to the site, a restriction on the occupancy of the apartments to people 55 and over, securing the proposed care elements for occupiers of the apartments in perpetuity and to a requirement for the additional parking spaces to be put in place in the future should the Local Planning Authority decide this to be necessary and the following condition(s), with the addition that transport should also be made available for use by occupiers of the care home and apartments for the purpose of any social, leisure and/or health related visits to nearby centres.**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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. 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.
4. 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.
5. The kitchen windows serving the specific type B apartments shown on the attached plan shall be obscure glazed.  
In order to protect the privacy of residents.
6. The car parking scheme hereby approved shall be completed prior to the development hereby approved being brought into use.  
In the interests of highway safety.
7. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if

none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on or adjoining the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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

9. A detailed scheme for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented before the development hereby approved is brought into use.  
In the interests of visual amenity.

10. The cycle parking facilities hereby approved shall be made available for use before the care home is brought into use.

To ensure facilities for means of transport other than the car are available on site.

The Committee considered representations in relation to this matter.

**Number:** H/2006/0472

**Applicant:** Mr G Raynor  
ELDON GROVE, HARTLEPOOL

**Agent:** Mr D Cole, 18 Oakland Avenue, Hartlepool

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

**Development:** Erection of a attached double garage to rear

**Location:** 22 ELDON GROVE, HARTLEPOOL

**Representations :** Mr D Cole (Agent) and Dr Picken (objector) were present at the meeting and addressed Members.

**Decision:** **Deferred to enable the applicant to consider whether amendments can be made to the scheme to make the garage less dominant.**

The Committee considered representations in relation to this matter.

**Number:** H/2006/0736

**Applicant:** Mr M Hoey  
SPALDING ROAD, HARTLEPOOL

**Agent:** Mr M Hoey, 60 SPALDING ROAD, HARTLEPOOL

**Date received:** 29/09/2006

**Development:** Erection of a single storey rear kitchen extension and provision of a dormer window to front and rear to create 2 bedrooms in the roofspace (amended scheme involving increase in roof height)

**Location:** 60 SPALDING ROAD, HARTLEPOOL

**Representations :** Mr M Hoey (applicant) and Councillor Gibbon (objector's representative) were present at the meeting and addressed Members.

**Decision:** **Planning Permission Approved**

#### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s).  
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows(s) shall be inserted in the elevation of the extension facing 58 Spalding Road without the prior written consent of the Local Planning Authority.



To prevent overlooking

The Committee considered representations in relation to this matter.

**Number:** H/2006/0770

**Applicant:** Mrs M Oldroyd  
Ocean Road, Hart Station, Hartlepool

**Agent:** Mrs M Oldroyd, 31 Ocean Road, Hart Station, Hartlepool

**Date received:** 12/10/2006

**Development:** Listed Building Consent to replace rear first and second floor windows

**Location:** MAYFIELD HOUSE, FRIAR TERRACE, HARTLEPOOL

**Representations:** The Committee considered written representations in relation to this matter.

**Decision:** **Listed Building Consent Approved**

#### CONDITIONS AND REASONS

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

The Committee considered representations in relation to this matter.

**Number:** H/2006/0717

**Applicant:** Mrs R Creevy  
MCDONALD PLACE, HARTLEPOOL

**Agent:** Mrs R Creevy, 8 MCDONALD PLACE, HARTLEPOOL

**Date received:** 19/09/2006

**Development:** Replacement of rear windows

**Location:** 8 MCDONALD PLACE, HARTLEPOOL

**Representations:** The Committee considered written representations in relation to this matter.

**Decision:** **Planning Permission Approved**

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The windows shall be constructed of timber and shall be painted white or such other colour as may be agreed in writing with the Local Planning Authority.  
In the interests of the character and appearance of the Headland Conservation Area.
3. Unless otherwise agreed in writing the proposed first floor bathroom and toilet windows facing 9 McDonald Place shall be glazed with obscure glass which shall be installed at the time of the installation of the windows and shall thereafter be retained at all times which the windows exist.  
To prevent overlooking

The Committee considered representations in relation to this matter.

**Number:** H/2006/0726

**Applicant:** Wharton Trust  
WHARTON TERRACE, HARTLEPOOL

**Agent:** Stephenson Johnson & Riley, Suite 101, The Innovation Centre, Venture Court, Queens Meadow Business Park, HARTLEPOOL

**Date received:** 05/10/2006

**Development:** Erection of a rear ground floor extension to provide multi-function room

**Location:** THE ANNEXE WHARTON TERRACE, HARTLEPOOL

**Representations:** The Committee considered written representations in relation to this matter.

**Decision:** **Planning Permission Approved**

## CONDITIONS AND REASONS

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

3. Unless otherwise agreed in writing by the Local Planning Authority the extension hereby approved shall only be used to provide a creche, meeting area or training room.  
In the interests of the amenities of the area.

The Committee considered representations in relation to this matter.

## 89. Planning Code of Practice *(Chief Solicitor)*

The Legal Services Manager reported that requests had been received from two members of the public who wished to speak to this item.

The Legal Services Manager reported that the Planning Code of Practice attached as an appendix to the report had been slightly amended from the original version produced in 2004. The document was based on sound advice and had been produced in line with guidance issued by, amongst others, the Local Government Association, Royal Town Planning Institute and the Audit Commission. The draft code also builds upon the ethical framework established under the Local Government Act 2000 and general compliance with the provisions of the Human Rights Act 1998. The document would be open to further amendment over time as new legislation and guidance was issued by government.

Members considered that as this was a significant document an additional meeting of the Committee should be called to consider the code of practice in isolation. Members supported the view that members of the public should be allowed to make comments on the document and indicated that there should be provision for them to do so at the special meeting.

### Decision

That consideration of the Planning Code of Conduct be deferred to an additional meeting of the Committee.

## 90. Development Control Half Yearly Performance Review *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that performance is monitored on a quarterly basis by the Government and through the Council's Performance Plan. There are four key measures, three in terms of the time taken to determine planning applications and the Council's success rate in defending its decisions at appeal. The performance for the half year to date is shown below. Targets are identified by the figures in brackets.

- |      |   |              |
|------|---|--------------|
| i)   | Percentage of major planning applications decided within 13 weeks | 100% (60%)   |
| ii)  | Percentage of minor planning applications decided within 8 weeks  | 75.61% (65%) |
| iii) | Percentage of other applications decided within 8 weeks           | 87.69% (80%) |

- iv) Percentage of appeals allowed against recommendation 75% (33%)

Performance to date has been good in relation to the handling of planning applications and it is expected that this will be maintained throughout the year. Performance in respect of major planning applications will not however be maintained at such a high level as there are a significant number of major applications coming to a conclusion following complex negotiations e.g. S106 agreements in relation to the Victoria Harbour development, Middle Warren Green Wedge etc.

Performance in relation to appeals is disappointing and appears due to a number of factors. For example, officers were instructed to write to the MP in relation to two decisions, which appeared widely at odds with the new Local Plan. It is unlikely that performance will improve significantly during the rest of the year. With this in mind, officers are reviewing all recommendations for refusal to ensure they are as robust as possible. Members will appreciate that performance also forms the basis for the payment of Planning Delivery Grant (£288000 in 2005/06). Appeals performance is likely to have a negative impact on the award for 2006/07.

#### **Decision**

That the report be noted.

### **91. Update on Progress on Dealing with Derelict and Untidy Buildings and Land** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that, as Members are aware, there is a targeted initiative to secure improvements in the appearance/use of derelict and untidy buildings and land. The appendix to the report set out an update in relation to each of the sites. Discussions are ongoing about identifying a further list of buildings and sites and this would be presented to Members in due course.

Members were concerned that the list of buildings had seemed to show little movement over a considerable period. Some Members commented that the Council should be leading the way and ensuring that the buildings and land it owned were in a tidy condition before pressing private property owners to do the same. Members considered that there should be a similar list of public buildings.

The Development Control Manager commented that legislation didn't allow the local authority to demolish buildings except in extreme situations, it could only go as far as boarding up properties to make them safe or tidying them up. It was a concern that a number of the buildings on the list were listed.

#### **Decision**

That the report be noted.

## **92. Proposed Art Feature – Former Seaton Carew Baths Site** *(Assistant Director (Planning and Economic Development))*

Members will recall that at the Planning Committee meeting on 26 April 2006 that planning permission was granted for a development comprising two restaurants and a bar on the former Baths site at Seaton Carew. The permission was subject to a number of planning conditions and a planning agreement to secure a financial contribution to the provision of bus stop improvements in the locality and the provision of an art feature. Members were advised that an architect had been commissioned by the developer to produce a stainless steel sculpture for the site. A model representation of the proposed finished art feature has been produced and was circulated at the meeting.

### **Decision**

That the report be noted.

## **93. Appeal by ALAB Environmental Services Ltd** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that a planning appeal has 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. The appeal was to be decided by public inquiry and authority was, therefore, requested to contest the appeal.

The reasons for the planning application being refused were on grounds of the perceived impact on the amenities and health of local residents and the tourism economy. Given the nature of these refusal reasons, the fact that officers had recommended approval of the scheme and that the fact that they would not therefore be able to defend the Local Planning Authority's position under cross examination, officers were not in a position to prepare and present the LPA's case on this occasion. This situation was acknowledged by Members at the meeting.

A number of consultancies have therefore been approached over whether they would wish to tender to prepare and present the Local Planning Authority's case. There were tight timescales on this as the authority's statement of case needed to be submitted by 12 December 2006. A number of consultants offices based in the North East had been approached to tender for the work. One had indicated that in order to fully represent the 'tourism' reason, they would require additional research to be undertaken to verify this aspect; given the timescales this was not feasible. Another consultancy indicated that they had previously represented ALAB and therefore could not tender for the work.

The Legal Services Manager indicated that the Committee was being asked to approve two specific actions. The first, being authority to contest the appeal,

and the second, the delegation of authority to the Assistant Director (Planning and Economic Development) and the Chief Solicitor to appoint appropriate planning consultants and legal counsel to represent the authority in the appeal.

Two Members of the public had written to the Chair indicating that they wished to speak at the meeting. The Legal Services Manager indicated that this could only be a Member decision but the Committee could if it so wished hear the comments. Members agreed to let the two members of the public present at the meeting address the Committee.

Ms Iris Ryder was concerned at the apparent lack of public consultation on the application initially and also at the consultants approached to represent the Council at the appeal. Mr Young indicated that he was concerned that officers had been allowed to make recommendations on the application in the first instance. Mr Young also indicated his concern with the consultants approached by the department. He considered that major, national companies should have been approached. Mr Young also considered that the information sent to those companies didn't reflect accurately the reasons for refusal.

The Legal Services Manager stated that regardless of whether the authority was to use planning consultants in this matter, it would be employing a leading planning counsel for the public inquiry. The Development Control Manager indicated that the seven consultants that had been approached were leading companies; many were the area offices of national, and in some cases, international, companies with significant reputations in this field. The information circulated to consultants consisted of the committee report and the subsequent minutes, which clearly set out the decision.

Members debated the matter in some detail expressing concerns at the potential costs involved. Members did, however, express their confidence in the integrity of the officers and also commented that there was no reason at this time to doubt the integrity of the consultants that had been asked to tender for this work.

### **Decision**

1. That authority to contest the appeal be approved.
2. That the Assistant Director (Planning and Economic Development) and the Chief Solicitor be delegated authority to appoint appropriate planning consultants and legal counsel to represent the authority in the appeal.

Councillor Kaiser requested that in accordance with Council Procedure Rule 17.5 his vote against the above recommendation be recorded.

**94. Appeal by Gorkhan Tikna, Site at 93 York Road** *(Assistant Director (Planning and Economic Development))*

A planning appeal has been lodged against the refusal of a planning application (H/2005/5940) to extend the hours of operation of a hot food takeaway at the above premises to 1.00am on Monday, Tuesday, Wednesday and Thursday mornings and until 3.00am on Friday, Saturday and Sunday mornings. The appeal is to be decided by written representations and authority was therefore requested to contest the appeal.

**Decision**

That the Assistant Director (Planning and Economic Development) be authorised to contest the appeal.

**95. The Requirement for Planning Permission for Domestic Wind Turbine and Solar Panels** *(Assistant Director (Planning and Economic Development))*

The Development Control Manager indicated to Members that it had been hoped that a report on the requirement for planning permission for domestic wind turbines and solar panel would have been presented at this meeting. However, the matter was proving to be somewhat more complicated than initially anticipated and the matter would therefore be reported to a future meeting.

**Decision**

That consideration of the matter be deferred to a future meeting of the Committee.

**96. Any other items, which the Chairman considers, are urgent.**

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

**97. Site Visit – Potential Development in Hucklehoven Way, Hartlepool** *(Development Control Manager)*

The Development Control Manager reported that an application had been submitted to the Council that was likely to warrant a site visit. The application related to land near Hucklehoven Way and Members would be likely to want to see a similar development elsewhere. Should the application proceed to the stage it was ready to be submitted to the Committee for determination, the Development Control Manager sought Members' views as to whether they would wish to conduct a site visit in advance of the meeting.

Members supported the proposal but commented that the current diared time for site visits was frequently difficult for Members to attend and therefore suggested that this site visit be conducted on an afternoon rather than a morning.

**Decision**

That a site visit be conducted in advance of the application coming to Committee.

SAKERS-BELCHER

CHAIRMAN



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

20<sup>th</sup> December 2006

**Present:**

Councillor Councillor Rob Cook (In the Chair)

Councillors Councillors Stephen Akers-Belcher, Shaun Cook, Stan Kaiser, Geoff Lilley, Maureen Waller, Ray Waller and Edna Wright

In accordance with Council Procedure Rule 4.2(ii) the following Councillors were in attendance as substitutes:  
Councillor Sheila Griffin for Councillor Bill Iseley  
Councillor Pauline Laffey for Councillor George Morris  
Councillor Mary Fleet for Councillor Carl Richardson

Officers: Tony Brown, Chief Solicitor  
Richard Teece, Development Control Manager  
Roy Merrett, Principal Planning Officer  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Traffic Team Leader  
Chris Roberts, Development and Co-ordination Technician  
Gill Scanlon, Planning Technician  
Jo Wilson, Democratic Services Officer

### **98. Apologies for Absence**

Apologies were submitted from Councillors Derek Allison, Bill Iseley, George Morris, Carl Richardson and Gladys Worthy

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

Councillor Geoff Lilley declared a personal non-prejudicial interest in item H/5486/05.

### **100 Confirmation of the minutes of the meeting held on 6<sup>th</sup> November 2006**

Confirmed

**101 Confirmation of the minutes of the meeting held on 22<sup>nd</sup> November 2006**

It was indicated to members that these would be issued prior to the next Planning Committee meeting. Members noted this.

**102 Any other items which the Chairman considers are urgent**

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

**103 Site Visit – Potential Development in Hucklehoven Way, Hartlepool** *(Development Control Manager)*

The Development Control Manager updated members on the previously agreed visits to a number of Three Rivers sites within the locality, including the Reed Street/Hucklehoven Way site. These had not gone ahead as originally planned and it was proposed by the Development Control Manager that these visits be rescheduled and combined with a visit to the Huntsman Tioxides site. This was supported by members.

**Decision**

That a multiple site visit be conducted.

**104 Planning Applications List** *(Development Control Manager)*

The Development Control Manager advised members that a weekly list of planning applications would be e-mailed to all councillors in the new year.

**105 Declarations of interest by members**

Councillor Ray Waller declared a personal and prejudicial interest in item H/2006/0821 and indicated he would leave the meeting during consideration of this item.

## 106 Planning Applications (*Assistant Director (Planning and Economic Development)*)

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

Mrs Harper (Applicant) addressed the Committee in respect of the following application

**Number:** H/2006/0821

**Applicant:** Mr Harper  
CLIFTON AVENUE HARTLEPOOL

**Agent:** Mr Harper 72 CLIFTON AVENUE HARTLEPOOL

**Date received:** 01/11/2006

**Development:** Provision of replacement wood sash windows with UPVC windows to front of property

**Location:** 72 CLIFTON AVENUE HARTLEPOOL

**Decision:** **Planning Permission Approved**

The Committee considered representations in relation to this matter.

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Mr Cole (Representing the Applicant) and Dr Picken (Objector) addressed the Committee in respect of the following application

**Number:** H/2006/0472

**Applicant:** Mr G Raynor  
ELDON GROVE HARTLEPOOL

**Agent:** Mr D Cole 18 Oakland Avenue Hartlepool

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

**Development:** Erection of a attached double garage to rear

**Location:** 22 ELDON GROVE HARTLEPOOL

**Decision:** **Planning Permission Approved**

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) received on 15 December 2006, unless otherwise agreed in writing by the Local Planning Authority  
For the avoidance of doubt
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no window(s) shall be inserted in the elevation of the extension facing 20 Eldon Grove without the prior written consent of the Local Planning Authority.  
To prevent overlooking
5. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

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Peter Skellern (Representative of the Applicant) and Mr Douglas (Objector) addressed the Committee in respect of the following application.

<b>Number:</b>	H/2005/5486
<b>Applicant:</b>	Tesco Stores Limited P.O. Box 400 Cirrus Building Shire Park
<b>Agent:</b>	Development Planning Partnership Suite 1D Josephs Well Hanover Walk Leeds
<b>Date received:</b>	03/06/2005
<b>Development:</b>	Extension to store to provide additional sales and storage areas and associated works (AMENDED PLANS RECEIVED)
<b>Location:</b>	TESCO STORES LTD BELLE VUE WAY HARTLEPOOL
<b>Decision:</b>	<b>Minded to approve subject to the following conditions, the planning agreement terms listed</b>

**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.**

**In accordance with Council Procedure Rule 17.5, Councillor Belcher requested that his vote against the above decision be recorded.**

## **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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 same must include the planting of heavy standard specimens adjacent to the Burn Road/Belle Vue Way roundabout in a precise location to be agreed.  
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 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.

The Committee considered representations in relation to this matter.

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**Number:** H/2006/0751

**Applicant:** MR TERRY BATES  
NIRAMAX HOUSE TOFTS ROAD  
EASTHARTLEPOOL

**Agent:** Stephenson Johnson & Riley Suite 101 The  
Innovation Centre Venture Court Queens Meadow  
Business Park HARTLEPOOL

**Date received:** 09/10/2006

**Development:** Erection of 74 residential apartments

**Location:** FORMER NIRAMAX RECYCLING LTD  
MAINSFORTH TERRACE HARTLEPOOL

**Decision:** **Minded to APPROVE subject to a unilateral undertaking in relation to developer contributions towards town centre redevelopment and off site play facilities and the following conditions:**

### CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
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 600mm above the highest point of the existing ground level within the site boundary or above 5m AOD.  
To reduce the risk of 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 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 35dBL daytime levels in living rooms, 30dBL night-time levels in bedrooms and a night-time maximum level of 45dBL. 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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2005/5702
<b>Applicant:</b>	Ian Rumble 3 Bedford Street Hartlepool
<b>Agent:</b>	Ian Rumble 3 Bedford Street Hartlepool
<b>Date received:</b>	19/09/2006
<b>Development:</b>	Use as a recycling centre
<b>Location:</b>	T SMITH (FLUID POWER) ENG LTD THOMLINSON ROAD HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

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 to 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.

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<b>Number:</b>	H/2006/0461
<b>Applicant:</b>	Legato Properties Ltd 28-30 The Parade St Helier
<b>Agent:</b>	Nunthorpe Construction Services 5 Castle Wynd Nunthorpe Middlesbrough
<b>Date received:</b>	23/05/2006
<b>Development:</b>	Provision of car park and footpaths to enable access to country park (AMENDED PLANS RECEIVED)
<b>Location:</b>	Country Park Wynyard Woods Billingham
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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) no(s) 113-1250 Rev D 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

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2006/0780
<b>Applicant:</b>	Mr Alexander St John's Drive North Rilton Leeds
<b>Agent:</b>	ASP Associates 8 Grange Road HARTLEPOOL
<b>Date received:</b>	30/10/2006
<b>Development:</b>	Change of use and alterations to form 5 self-contained flats
<b>Location:</b>	50 54 NORTHGATE HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development

commences, samples of the desired materials being provided for this purpose.

In the interests of visual amenity.

3. The permission hereby granted shall not relate to the provision of roof gardens and revised plans showing the omission of this detail and the accesses to it shall be submitted to and approved in writing before development commences. The works shall be carried out in accordance with the approved details and thereafter the roof space shall not be used as a sitting out or general amenity area accessible to the occupiers of the hereby approved flats.  
In the interest of the amenities of the occupiers of nearby properties.
4. Before any flat hereby approved is occupied the entrance to that flat from the roadway to the rear shall be fitted with movement sensitive lighting which shall be set to operate from dawn to dusk each day. The lighting detailing shall be first agreed in writing by the Local Planning Authority and once installed shall be retained operable while the flat(s) are being used.  
In the interests of highway safety and the safety of the occupiers of the approved flats.

The Committee considered representations in relation to this matter.

### **107 Appeals by Mr Horwood, 42 Bilsdale Road, Hartlepool** *(Assistant Director (Planning and Economic Development))*

Members were advised that two appeals had been lodged following the refusal of the Committee to grant planning permission for the demolition of 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.

The appeals had been dismissed on the basis that the developments would lead to unacceptable noise and disturbance to adjoining residents.

However the Inspector decided that the Local Planning Authority had acted unreasonably in maintaining that the site did not constitute previously used land. A partial award of costs was therefore made to the appellant for the unnecessary expenditure made on this aspect of the appeal. The Local Planning Authority had the right to appeal against this award and further consideration was being given to this matter.

The decision letter of the Planning Inspectorate was attached to the report.

#### **Decision**

That the report be noted

### **108 Appeal by Alab Environmental Services** *(Assistant Director (Planning and Economic Development))*

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.

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. A number of consultancies had been approached over whether they would wish to tender to prepare and present the Local Planning Authority's case. W.A Fairhurst and Partners had now been appointed to act on behalf of the Local Planning Authority.

**Decision**

That the report be noted

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

Members were advised that during the four week period prior to the meeting twenty four(24) planning applications had been checked. Twenty two (22) had required site visits resulting in various planning conditions being discharged by letter.

Member attention was drawn to 11 current ongoing issues detailed in the report.

**Decision**

Members noted the report.

ROB COOK

CHAIRMAN

**No:** 1  
**Number:** H/2006/0755  
**Applicant:** Mr K Hair 4 Burnhope Road Hartlepool TS26 0QQ  
**Agent:** Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP  
**Date valid:** 09/10/2006  
**Development:** Outline application for the erection of 4 detached houses with detached garages  
 (AMENDED APPLICATION AND PLANS RECEIVED)  
**Location:** EDEN PARK SELF DRIVE HIRE SEATON LANE  
 HARTLEPOOL

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## Proposal

1.1 Outline permission is sought for the erection of four detached dwellings on land to the north of Seaton Lane, Seaton Carew. Consent is sought for access and siting details with design and appearance of the dwellings and landscaping of site to remain as reserved matters. The site is currently used as a commercial vehicle hire depot. Each of the four dwellings would be accessed via individual driveways onto Seaton Lane.

1.2 The site is roughly rectangular in shape. To the north is the Sovereign Park industrial estate. Land to the east and west forms part of a landscape buffer. A little to the west of the site is an isolated pair of semi-detached dwellings. Several detached dwellings front onto the south side of Seaton Lane.

## Planning History

1.3 The site has been subject to two previous applications for residential development, both of which were refused and subject to appeals, which were later dismissed. Most recently in December 2005 planning permission was refused for the construction of 16 flats. The Inspector considered that the development would not relate well to the industrial land to the north and would either unduly constrain the development of the industrial land or result in significant harm to the living conditions of future occupiers of the flats as a result of noise and disturbance. He also concluded that the presence of highway trees adjacent to the site would make it difficult for drivers leaving the site to see and be seen by drivers proceeding in an easterly direction along Seaton Lane. As such there would be an adverse effect on highway safety.

1.4 More recently in November 2006 the Local Planning Authority granted planning permission for 82 new dwellings on land at the former Golden Flatts Public House and adjacent land at Seaton Lane.

1.5 This permission was granted subject to a planning agreement which involved the imposition of constraints on a nearby industrial land user occupying an area immediately to the south of that site. The constraints required that future users of the industrial building be restricted to light industrial uses of the existing use only and



that any industrial processes are carried out within the building and then only when the doors to the building are closed. These constraints were imposed in the interests of protecting the amenities of nearby residents.

1.6 On 17 March 2006 the Committee refused planning permission for a residential dwelling on land to the rear of 65 Seaton Lane. As with the previous case the site borders industrial land to the south. However Members may recall that this proposal was later allowed by an Inspector following an appeal.

1.7 In that case the Inspector considered that that the amenities of residents of the proposed dwelling could be protected from industrial noise through appropriate noise attenuation measures.

### **Publicity**

1.8 The application has been advertised by way of neighbour letters (9). To date, there have been four letters of no objection. Various supporting comments have been made including that the proposal would remove the only commercial property in Lower Seaton Lane and, therefore that it would enhance the approach into Seaton Carew.

The period for publicity has expired.

### **Consultations**

1.9 The following consultation replies have been received:

**Highway Engineer** – No objections. Vehicles able to leave in forward gear. Presence of highway trees would not be sufficient to cause objection. Appropriate method for installing crossing should be used to avoid damage to tree roots. A streetlight may need to be relocated. Redundant site access and exit should be reinstated as footpath at applicant's expense.

**Northumbrian Water** – Comments Awaited

**Head of Public Protection & Housing** – Awaited but informally has concerns over the relationship to the industrial sites.

**Engineering Consultancy** – Condition required to secure land remediation if found to be necessary.

**Arboriculturist** – The tree survey provided recommends raising driveway levels to avoid damaging tree roots. This gives rise to the following concerns:

1. It will increase any overhead obstruction e.g. high vehicle resulting in excessive pruning needing to be carried out.
2. Raising the height of the pavement may not be satisfactory from a pavement construction/use point of view.

## Planning Policy

1.10 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.

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.

Ind4: States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

## Planning Considerations

1.11 The main issues for consideration in this case are the potential constraining effect of the proposed development on the future development of the Sovereign Park Industrial estate to the north; the impact of industrial development on the amenities of future residents; the impact of trees on driver visibility and highway safety and the effects of the development on the well being of the trees themselves.

Constraining effect of the development on industry and implications for residential development

1.12 Applications for residential development on this site were twice previously refused on grounds that the proximity to the nearby Sovereign Park industrial site would either constrain development there or would result in detriment to the living conditions of local residents.

1.13 The nearby Sovereign Park Industrial estate is substantially undeveloped at present however is a longer term allocation within the adopted local plan where it is recognised as a potentially suitable location for B1, B2 or B8 industrial development, B2 and B8 uses subject to a constraint about possible impact on neighbouring uses.

1.14 It is considered that notwithstanding an intervening landscape buffer that previous refusal reasons remain relevant.

1.15 Residential development on the north side of Seaton Lane is extremely limited, with only a single pair of semi detached properties remaining to the west of the site. Much of the land immediately to the north of Seaton Lane has been subject to substantial landscaping work.

1.16 In his decision letter dismissing the most recent application for residential development on the site, the Inspector concluded that notwithstanding a small number of isolated dwellings further residential development would be inappropriate in this location. He said that although the main focus of the Local Plan was to encourage Use Class B1 i.e. offices / light industry on the adjacent industrial estate, the proposed development may hinder otherwise acceptable proposals for development within Use Classes B2 and B8 on land to the north of the site. The Inspector observed that a grassed mound adjoining the northern boundary of the site would not be sufficient in height to serve as an effective noise barrier.

1.17 In support of the current application the applicant states that it is important to consider that there has now been a more relevant appeal decision concerning land to the rear of 65 Seaton Lane. As mentioned earlier in the report, in that case an Inspector found a proposal for residential development to be acceptable. The site in question is adjacent to an existing industrial area. It is also adjacent to the site of a larger residential development proposal referred to in paras 1.4 – 1.5 of this report. The inspector referred to a noise assessment that had been provided in relation to this larger scheme in concluding that it would be possible to incorporate certain design measures to attenuate noise intrusion. Such measures could include an acoustic fence and glazing.

1.18 In spite of the applicant's representations on the comparability of the two sites, there is considered to be an important distinction between the two sets of circumstances.

1.19 The Inspector had decided to allow the 65 Seaton Lane appeal in the knowledge that a nearby industrial site was at that time likely to have been capable of being re-used by a B2 general industrial occupier. Whilst the planning agreement relating to the larger residential development to the west will secure control over the type of user and manner of use of the industrial building in question in the interests of residential amenity there was no certainty that the agreement would have been concluded when the appeal decision was given.

1.20 The permission for the dwelling at the rear of 65 Seaton Lane would not in itself have constrained the use of the nearby industrial building for general industrial purposes as such uses were already permissible there. Therefore in allowing the appeal, the development would not have constrained the industrial use of land in the way that granting planning permission on the present application site is considered to in relation to Sovereign Park.

1.21 Following the appeal decision at 65 Seaton Lane the planning agreement was confirmed in relation to the larger residential site to the west. The effect of this was to constrain the use of the nearby industrial site (see paras. 1.4 – 1.5 earlier in the report). However the distraction in that case was that the industrial site owner had voluntarily entered into such an agreement whereas in the present case the future developers and users of Sovereign Park and their requirements are as yet unknown.

1.22 Notwithstanding the appeal decision at 65 Seaton Lane it is considered that there is insufficient reason to depart from the views of the previous Inspector considering residential development on the current application site in that it would result in significant harm to the living conditions of future occupiers by reasons of noise and general disturbance.

### **Highway safety**

1.23 The driveways providing access to the proposed dwellings would be positioned between highway trees. There would therefore be some obstruction to the visibility available to drivers emerging from the site and in terms of being seen by drivers on Seaton Lane. However the level of traffic generated by the proposed dwellings is considered likely to be no worse and probably an improvement on that associated with the current commercial vehicle hire operation. Provision would also be made for turning space within each of the plots allowing vehicles to enter and leave the site in forward gear. Taking this factor into account it is considered difficult to resist the development on highway safety grounds.

### **Tree protection implications.**

1.24 The applicant has submitted a tree survey with the planning application. The survey acknowledges the presence of two groups of trees either side of the development site. It also considers the implications for a line of 6 trees within the highway verge.

1.25 The survey shows that to avoid damage to the root system of some of the highway trees it would be necessary to reposition two of the proposed driveways slightly to the south. However it would not be possible to reposition a third driveway and therefore to avoid root damage a special hand dug construction solution would be required. This may involve raising the height of the access crossing over the footpath, which would potentially cause a physical obstruction in the footpath. The applicant has failed to provide clarification as to how this obstacle would be overcome. The applicant has therefore been requested to provide further clarification on this matter along with some queries over the positions of surveyed trees.

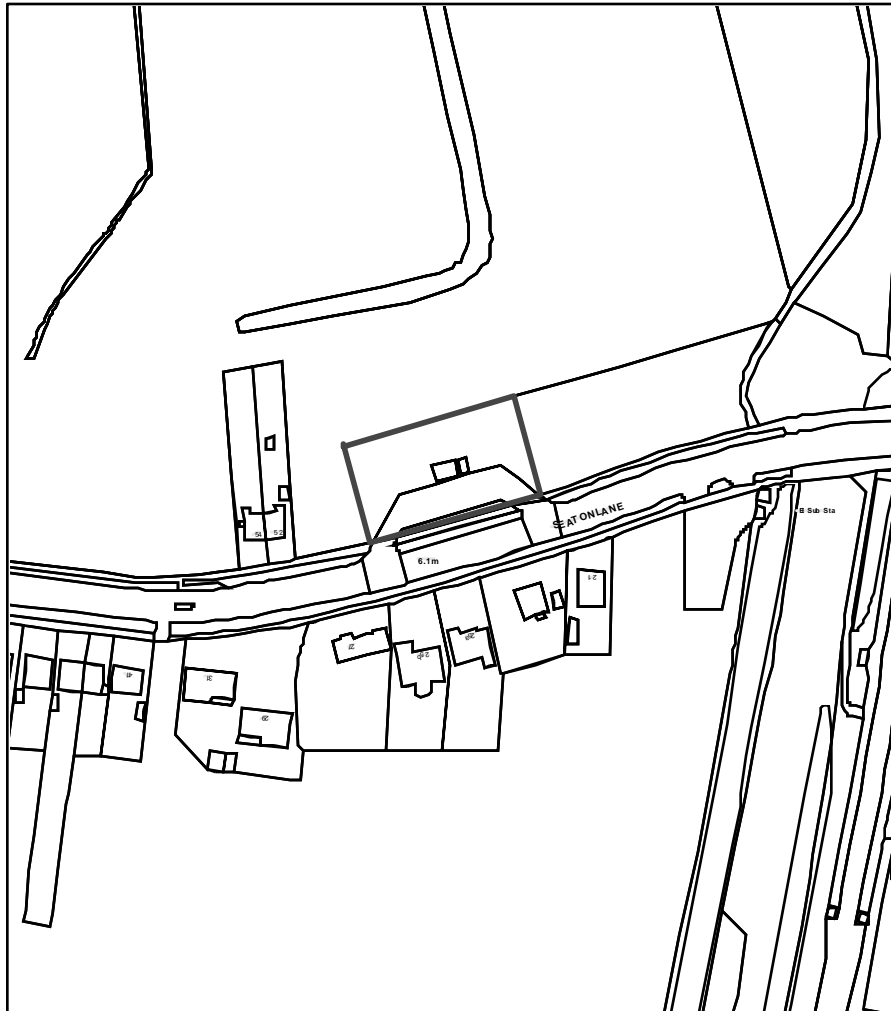
1.26 The siting of one of the plots would necessitate the removal of an Ash tree, part of a group situated immediately to the south of the site.

### **Conclusion**

1.27 The proposed development is considered to be unacceptable due to its proximity to land allocated for industrial development on Sovereign Park to the North. This is likely to lead to a recommendation that the application is refused. The views of the Head of Public Protection and Housing are awaited. The applicant has been asked to provide clarification with regard to the impact on trees and in light of this an update report will be provided.

**RECOMMENDATION** - Update report to follow

## Eden Park Self Drive, Seaton Lane



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0755</b>	REV

**No:** 2  
**Number:** H/2006/0834  
**Applicant:** Mr Amar Dhalwal DUKE STREET HARTLEPOOL TS26 8PU  
**Agent:** Stephenson Johnson & Riley Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park HARTLEPOOL TS25 5TG  
**Date valid:** 15/11/2006  
**Development:** Variation of condition 2 attached to planning approval H/2005/5500 to allow Sunday opening between the hours of 9 a.m. and 10.30 p.m.  
**Location:** 34A DUKE STREET HARTLEPOOL

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### The Application and Site

2.1 The site to which this application relates is an end terraced commercial property situated at the northern end of a residential terrace. The property has a residential flat above, an adjoining 2 storey residential property to the south and it adjoins a residential property to the west by means of a single storey off shoot and a rear yard area. There are commercial properties in the area, however it is predominantly residential in nature.

2.2 The application site is a hot food takeaway which received planning approval on the 28<sup>th</sup> of September 2005 (H/2005/5500) for a change of use from a greengrocers shop (A1) to a hot food takeaway (A5). The application was recommended for refusal by officers but was granted planning permission by Members subject to planning conditions. The proposal was for the relocation of a use from a nearby clearance area. One of the conditions (2) precluded Sunday opening.

2.3 This application seeks consent to vary condition 2 to allow Sunday opening between the hours of 9a.m. and 10.30 p.m.

### Publicity

2.4 The application has been advertised by way of neighbour letters (16). To date, there have been 4 letters of objection: -

2.5 The concerns raised are:

- 1) People do not park in the club car park but in Duke Street and side streets
- 2) All week long there are parking and noise problems
- 3) The only night with some respite
- 4) Since opening there has been a lot more traffic at night.
- 5) There has been no signage put up about parking in the supporters club
- 6) 'the one saving grace from all this noise, traffic and smell is that we get a day off on a Sunday, my wife and I look forward to a Sunday where we can

just relax with the knowledge there isn't going to be any noise, traffic or smell'.

Copy letters

The period for publicity has expired.

### **Consultations**

2.7 The following consultation replies have been received:

**Head of Public Protection and Housing** – Objects. Understands that neighbours are experiencing disturbance and disruption from vehicles visiting this takeaway of which they have no control. Is of the opinion that the neighbours should be at least entitled to one day of the week respite from this type of disturbance.

**Head of Traffic and Transportation** – States that as there is an existing approval for the shop to be open during the week and that he feels there would be less vehicular movements on Duke Street on a Sunday. It would be very difficult to sustain an objection on highway grounds.

### **Planning Policy**

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

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.

Com13: States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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.

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.



## Planning Considerations

2.9 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan and the impact of the proposal upon neighbouring properties and the surrounding area.

2.10 Policy Com 12 of the Hartlepool Local Plan states clearly that hot food takeaway uses (A5 Use Class) will not be permitted in predominantly residential areas where they adjoin residential properties. The recent approval for use of the premises as a hot food takeaway while contrary to this policy, reflected special circumstances.

2.11 The planning condition restricting opening on a Sunday was put in place by the Local Planning Authority to create a certain amount of respite from the associated noise and disturbance issues created from such a use during the working week. While physical measures can be put in place to limit noise escape from the operations from within the premises itself, noise and disturbance arising from visiting members of the public, either by car or on foot in the early and late evening is outside the control of the Local Planning Authority.

2.12 The Head of Public Protection objected to the original change of use planning application. He has indicated that complaints have been received regarding disturbance and disruption from the vehicles visiting this takeaway. He points out that there are no controls in respect of this. For this reason he is of the opinion that neighbours should be entitled to one day of the week respite from this type of disturbance.

2.13 In conclusion It is considered that the existing opening hours condition restricting trading at the premises on a Sunday was reasonably imposed and offers the nearby residents and adjoining neighbours relief from the associated noise and disturbance, and so a degree of peace and quiet on a day which traditionally people would be more likely to spend at home rather than working.

## RECOMMENDATION - Refuse

1. It is considered that the trading of the hot food takeaway on a Sunday, given its close physical relationship with residential properties would be detrimental to the amenities of the occupants of those properties in terms of noise and general disturbance on a day of the week when residents could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP 1 and Com 12 of the adopted Hartlepool Local Plan 2006.

## 34A Duke Street



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0834</b>	REV

**No:** 3  
**Number:** H/2006/0813  
**Applicant:** Mr Alistair Scott Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW  
**Agent:** Jomast Developments Ltd Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW  
**Date valid:** 07/11/2007  
**Development:** Omission of 5 penthouse apartments on Block 27 and replacement with 10 flats and provision of lifts and increase in height of part of building (amendment to planning approval H/FUL/0638/01)  
**Location:** BLOCK 27 FLEET AVENUE HARTLEPOOL

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### The Application and Site

3.1 In 2003 the Committee granted planning permission for a mixed development comprising of apartments, business related uses and retailing on land at the marina. Planning permission is sought to vary the design and content of one of the apartment blocks, Block 27 located to the north of Fleet Avenue.

3.2 Since the development was originally approved in 2003, minor amendments to the design of Block 27 were approved in 2004 under the scheme of delegation. The currently approved details for block 27 currently comprise of 28 apartments and 5 penthouses. The current proposal is to delete the penthouse apartments and replace them with 10 flats. This would result in a net gain of five units. 38 parking spaces would be allocated to the development, one space per apartment. It is also proposed for each floor of the building to be served by a lift.

3.3 The footprint of the building, which is L-shaped would remain substantially the same as already approved. The northern wing of the building would be increased in height by some 1.15 metres (overall height approximately 18m), the southern wing by approximately 20 centimetres (overall height 15.75 m). The frontage elevations are to incorporate curved roof details.

### Publicity

3.4 The application has been advertised by way of neighbour letters (74). To date, there have been 2 letters of no objection and 4 letters of objection raising the following points:-

1. The development would be too high and would block light
2. The development would appear better if all blocks were the same height. Four storeys is high enough.
3. The area is not being kept in a good state.
4. There are too many flats on the development.

5. There is insufficient parking. One parking space per flat is not enough, most people have two cars. It will be necessary to cross the main road to park. Road is too narrow for larger vehicles to pass.

The period for publicity has expired.

### **Consultations**

3.5 The following consultation replies have been received:

**Highway Engineer** – The majority of journeys from the site are likely to be undertaken by car. Cycle parking should be provided within the site. Final comments awaited.

**Head of Public Protection and Housing** – No comments or objections

**Environment Agency** – No objections subject to conditions to prevent flood risk and water pollution.

**Northumbrian Water** – Comments awaited.

### **Planning Policy**

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

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

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

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

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

demand. Developer contributions towards demolitions and improvements may be sought.

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

### **Planning Considerations**

3.7 The main issues for consideration in this case are considered to be the impact of the development on the amenities of nearby residents and the availability of car parking

#### **Residential amenity**

3.8 The apartment block would comprise of a split-level building of 4 and 5 storey height. The number of storeys are no different to what has previously been approved. It is not considered to be out of keeping with the height of the nearest apartment blocks, Keel House 4 storeys, Chart House storeys. Mayflower House directly behind the site is taller at 6 storeys in height.

3.9 The proposed increases in height are relatively minor taking into account the overall scale and bulk of the building as approved.

3.10 A separation distance of some 20 metres would be maintained between the rear elevation of the building and the front elevation of the taller Mayflower House which directly face one another, in keeping with the standards set out in the Local Plan.

#### **Car parking provision**

3.11 The scheme was originally approved with a car parking ratio of approximately 1 space per unit. The proposed amendments would maintain this level of provision and as such would not depart from what has already been approved.

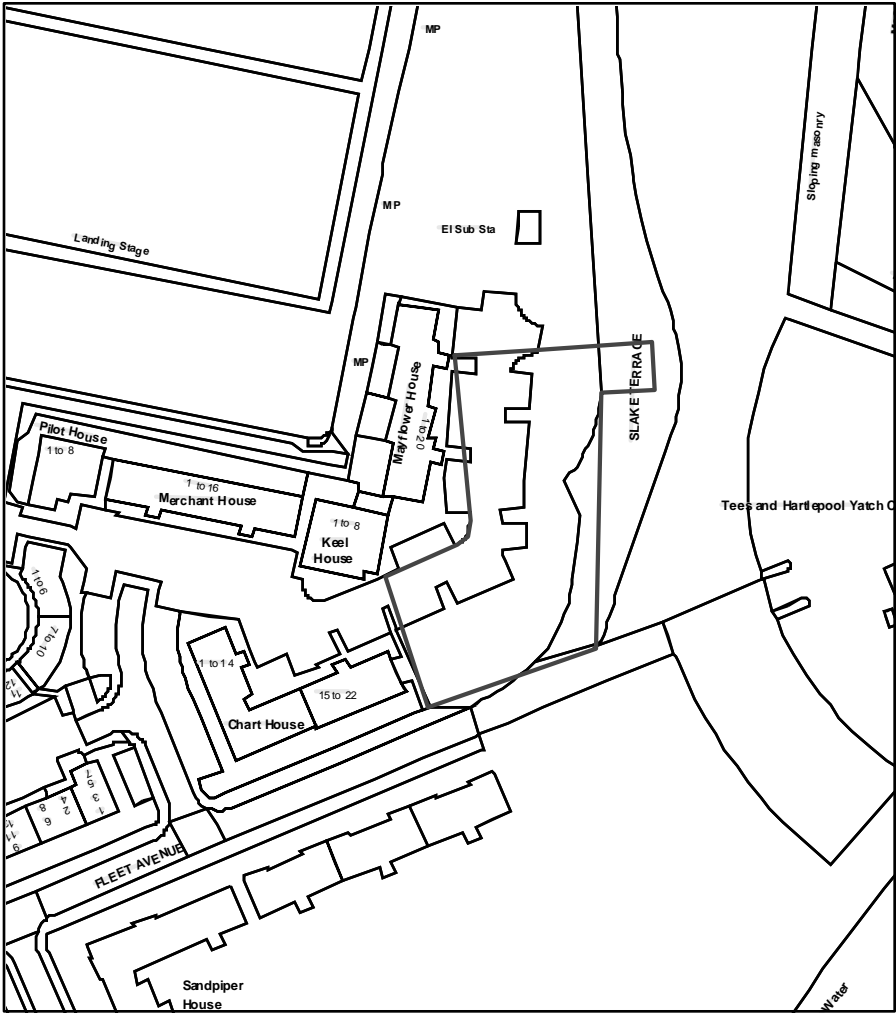
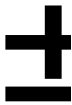
3.12 It is also considered that although there would be a net increase in units, it would be at the expense of the more spacious penthouse apartments and as such any net increase in parking demand is likely to be negligible.

3.13 Whilst some of the parking would mean crossing the access road to the development it remains close by, easily accessible and within view of many of the frontage apartments.

3.14 The final views of the Highway engineer are awaited.

**RECOMMENDATION** - Update report to be provided

Block 27 Fleet Avenue



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0813</b>	REV

**No:** 4  
**Number:** H/2006/0814  
**Applicant:** Mr Nigel Dawson Keel Row 12 Watermark Gateshead  
 NE11 9SZ  
**Agent:** Mackellar Architecture Limited 77-87 West Road  
 Newcastle Upon Tyne NE15 6RB  
**Date valid:** 01/12/2006  
**Development:** Erection of a 3 storey, 80 bedroom care home with car  
 parking (resubmitted application)  
**Location:** LAND AT CORNER WARREN AND EASINGTON ROAD  
 HARTLEPOOL HARTLEPOOL

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### The Application and Site

4.1 Full planning permission is sought for the erection of a 3 storey, 80 bedroom care home with car parking. The application site is located at the junction of Warren Road and Easington Road on land which was formerly part of the University Hospital of Hartlepool complex. It was until recently occupied by a staff parking area but is no longer in use. The site has been purchased by the applicant and no longer forms part of the Hospital estate. It is enclosed on the two public sides by a Hawthorn hedge it was, until the recent erection of temporary fencing, open to the sides facing the hospital.

4.2 To the north is Warren Road on the other side of which are a modern block of flats rising to three storeys (Queens Court), which are on the site of the former Queens Public House, and a pair of residential properties. To the east is a grassed area and the hospital boiler plant. To the south is the hospital spine road beyond which are single storey hospital buildings. To the west is Easington Road.

4.3 The proposed building will be largely located towards the southern part of the site with a wing extending northwards at the Easington Road end this drops from three to two storey as it approaches Warren Road. Access will be taken from Warren Road with car parking for 19 vehicles and cycle parking provided on this side. Areas to the south and west will serve as amenity space. The hedge on the west boundary will be retained. On the northern boundary it will be partially removed to allow for the visibility splay at the access. The walls of building will be constructed in brickwork and render panels with artstone detailing. The roof will be red tiles.

4.4 The applicant advises that "the proposed Care Home is a place for people who require constant medical care. In this instance all of the residents will be aged fifty years and above but they will fall into two categories: those who require personal care only (residential care) and those who require both personal care with interventions and monitoring from a Registered Nurse (nursing care). It is envisaged that the home will provide predominantly residential care but including residents with mental health problems associated with old age. The home is staffed 24 hours per day, 7 days a week... The residents of the home are likely to come from the community and the majority will be funded by the Local Authority".

## Planning History

4.5 In October 2006 a similar application for planning permission for the erection of a 3 storey, 80 bedroom care home with car parking (H/2006/0516) was refused by the planning committee against officer recommendation for the following reasons:

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

4.6 The applicant feels that the revised and redesigned scheme addresses the Members major concerns about the previously refused application and his case is set out in the **attached** design and access statement.

4.7 The main changes in the redesigned scheme include

- The northern projecting wing of the building as it approaches Queens Court has been reduced to two storey and pulled back some 2 metres.
- The main three storey element, which forms the main part of the building, is slightly closer (some one metre) to the houses (173/175 Warren Road) and flats to the north than it was previously.
- The base floor level of the building has been increased by 0.5m. (consequently the overall height of the building relative to the buildings around it has increased a similar amount).
- Part of the western elevation on to Easington Road has been pulled back some two metres from the road.

4.8 The number of parking spaces has been increased to 19 (from the 15 originally proposed in the previous scheme).



## **Publicity**

4.9 The application has been advertised by neighbour notification (36), site notice and in the press. The time period for representations expires before the meeting. At the time of writing the report no representations had been received

4.10 The period for publicity has expired.

## **Consultations**

4.11 The following consultation replies have been received:

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

**Hartlepool Access Group:** No comments received.

**Traffic & Transportation:** My previous comments apply. These comments were as follows. "No objections to the proposed development at this location. It is my opinion that changes with some staff relocating to North Tees mean that overall demand for staff car parking will reduce and the loss of 58 spaces will not have major implications. Also the staff parking is separate from public parking so there would be no loss in public parking numbers. Any increase in staff numbers for the hospital and my department would be looking to develop a travel plan with the hospital. The hospital has already started looking at car sharing initiatives and other travel plan issues. The proposed access spacing to the other road junctions meets the Council's Design Guide Specification for junction spacing.

On the information provided by the applicant, the parking shown for the proposed development is adequate. It would be very difficult to sustain an objection to the development due to the lack of parking provision.

A Traffic Regulation Order will need to be extended on the southern side of Warren Road to prevent parking outside the development at the expense of the applicant. This should be part of the conditions if the permission is granted for the development."

**Engineers:** No comments received.

**Northumbrian Water:** No comments received.

**Environment Agency:** Thank you for supply the amended flood risk assessment. We can now remove our initial objection but we would like to place a number of planning conditions prior to the development taking place. (Discussions are ongoing about these).

**Police:** No comments received.

## Planning Policy

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

Dco2: 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 wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

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

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.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will

consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

### **Planning Considerations**

4.13 The main issues are considered to be policy, design/impact on the street scene, impact on the amenity of nearby residential properties, highways, drainage, flooding and access for all.

### **Policy**

4.14 The site was formerly part of the hospital estate. It is considered that the proposed care home use is acceptable in principle in this location and compatible with the existing hospital use and the residential uses on the other side of Warren Road.

### **Design/impact on the street scene**

4.15 The building extends to three storeys however the flats on the opposite side of Warren Road extend to three storeys as do buildings elsewhere within the hospital complex. The design and appearance of the proposed building is considered acceptable in this location. It is considered that the building will have an acceptable impact on the street scene.

### **Impact on the amenity of nearby properties**

4.16 The impact of the development on the amenity of neighbouring properties, the flats and houses on the opposite side of the road, was identified as a reason for refusal when the original application on this site was considered. Members in particular were concerned that the building due to its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook. This reflected concerns raised by objectors to the original proposal from the occupiers of residential properties on the other side of Warren Road. In particular concerns relating to the height of the development, loss of light and noise.

4.17 The applicant considers that the revised scheme addresses these concerns. In particular, the northern projecting wing as it approaches Queens Court has been reduced to two storey and pulled back into the site. However the building will still extend to three stories to some 8 metres high to the eaves and 12 metres to the ridge. Revised sections have been provided with the new application showing the relationship of the site to the adjacent development. They show the building floor level to be slightly higher, some 0.5m, than the adjacent hospital development to the south and the pair of houses to the north but comparable to the flats development.

4.18 It is considered that in relation to the flats the amended proposal overall does represent an improved relationship. The closest part of the development to the flats, the northern projecting wing, is now two storey, and the separation distance has been increased to some 20m, the separation distance to the closest three storey

element achieves a separation distance of some 26.5m, both of which are considered acceptable.

4.19 In relation to the houses to the north, the main three storey part of the care home in the revised scheme is actually slightly closer (some one metre) than in the original scheme and overall is slightly higher (some 0.5m) relative to the houses. The base height has been raised to account for concerns raised in relation to flooding on the site which appear unfounded. In terms of the main elevation of the proposed building, facing onto Warren Road, the building will still achieve a separation distance of some 30m to 31m to the houses opposite which is considered acceptable.

4.20 To the south the closest of the hospital buildings will be some 23.5 to 25.5m away from the main rear face of the building and again this separation distance is considered acceptable.

4.21 Given the separation distances involved the relationship between the proposed care home and the adjacent development is considered acceptable. It is not considered that it will unduly affect the amenity of the occupiers of the neighbouring properties in terms of loss of privacy, light, outlook or in terms of any overbearing effect. Whilst the relationships are considered acceptable it is considered however that the relationship with the adjacent development, particularly the houses to the north and the hospital development, could be improved if the development could be set down on the site to the level previously proposed, 13.5m. This will be dependent upon discussion relating to a re-assessment of the flood risk on the site. It is proposed to condition the floor and site levels to allow for the outcome of ongoing discussions on this issue. (see below).

4.22 An objection was previously made in relation to noise from the development. The property is a care home and it is not considered that it will generate undue noise and disturbance to the detriment of the occupiers of nearby residential properties. The Head of Public Protection has raised no objection to the proposals.

## Highways

4.23 Objections were previously received in relation to concerns that the development will create highway/traffic problems on an already busy road. These concerns were reflected in the third reason for refusal given by members when the original application was considered. In order to address these concerns the revised scheme has increased parking provision on site by 4 spaces. Highways have not objected to the proposal they did however initially express concerns in relation to the loss of hospital parking. The Hospital Capital Manager has previously advised that as staff parking demands are likely to reduce it is not intended to replace the staff parking at this time. He has stated that the trust will monitor the level of usage and will construct additional spaces if it becomes necessary. The parking areas lost due to the sale of the land served staff rather than the public. Traffic & Transportation are satisfied that given proposals for staff relocation the overall demand to staff parking will reduce and the loss of 58 spaces, will not have any major implication. The hospital is already looking into car sharing initiatives and other travel plan issues. In highways terms the proposal is considered to be acceptable. Highways

have requested that a Traffic Regulation Order be extended on the southern side of Warren Road to prevent parking outside the development. This would be at the expense of the applicant and an appropriate condition can be improved.

### **Drainage**

4.24 The public sewer and pumping station are at capacity and surface water flows from the development cannot be accepted. The applicant has indicated that soakaways are proposed but has not provided detailed proposal, at this stage. Alternatively, subject to agreement with the landowner, a connection would be possible to the culvert on the opposite side of Easington Road. It is considered appropriate therefore to impose a Grampian style condition requiring that no development commence until the proposed means of surface water disposal has been agreed.

### **Flooding**

4.25 The Environment Agency Flood maps indicate that the site lies within a Flood Risk Zone, and is at risk from Fluvial flooding. The Agency objected to the original proposal. They have acknowledged however that the Flood Maps may not accurately represent flood risk in the area. Hartlepool Borough Council's Engineering Consultancy have also raised concerns regarding the accuracy of the Agency Flood Maps. The flood maps are due for review. Concerns in relation to flooding were identified by Members in the third reason for the refusal of the original application on the site.

4.26 In support of the revised application the applicant has produced a revised flood risk assessment this confirms that there is no previous history of flooding on the site and that the risk of flooding at the site is remote. The Environment Agency have confirmed that in light of the revised flood risk assessment they have no objections to the proposal subject to conditions. Discussions are continuing about this.

### **Access for all**

4.27 Level access is available to the building.

**RECOMMENDATION:** Given the outstanding consultation responses a final recommendation and ongoing discussions will be made in an update report. It is anticipated that the final recommendation will be favourable.

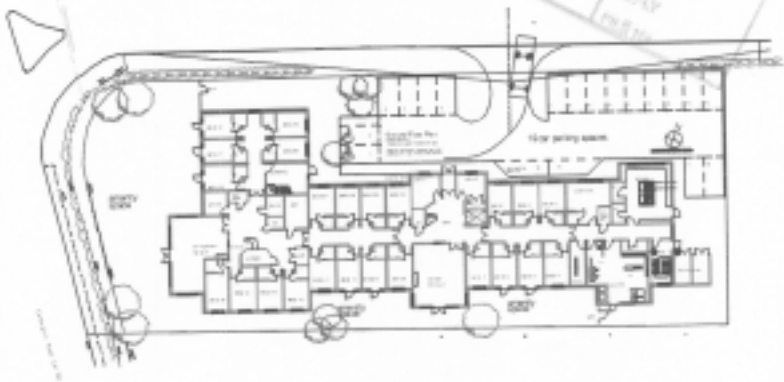
**80 Bedroom Part Two & Three Storey Care Home, Warren Road, Hartlepool.**

**SCANNED**  
14 DEC 2006

DEPT OF REGENERATION & PLANNING  
BRIAN HENDERSON  
17 NOV 2006

DEPT OF REGENERATION & PLANNING  
BRIAN HENDERSON  
08 NOV 2006

HANDLED TO  
REPLY  
FILE



**DESIGN and ACCESS STATEMENT FOR PLANNING APPLICATION**

**80 Bedroom Part Two & Three Storey Care Home.**

Location;	Corner of Warren Road and Easington Road, Hartlepool.
Applicant;	HMC Group Ltd. through agent Mackellar Architecture Limited
Date;	31 <sup>st</sup> October 2006
Proposed Use;	80 Bedroom Care Home
Size of Site	0.6 acres

**New Application related to Refused Application ref: H/2006/0516**

H/2006/0814

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Mackellar Architecture Limited  
Care Home, Warren Road, Hartlepool. Project No. 7097.  
Design Statement 31<sup>st</sup> October 2006.

80 Bedroom Part Two & Part Three Storey Care Home, Warren Road,  
Hartlepool.

#### EXECUTIVE SUMMARY

This revised scheme addresses all the issues raised by the Committee Members in the previous application ref: H/2006/0516.

The previous application for this site was refused on the following grounds although it was recommended for approval by the Planning Officers:-

- 1) It is considered that the proposed development by reason of its siting, massing and size would appear unduly large and detrimental to the visual amenities of the occupiers of nearby houses and flats by reason of dominance, overshadowing and poor outlook contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.

#### Our response:-

We have redesigned the Care Home with the following enhancements:-

- The building area has been reduced by 175 sq m.
- The top floor has been reduced by 12%
- The bedroom wing opposite the flats on Warren Road was three storey. It has been reduced to two storey.
- The distance from the flats has been increased by 2.15meters. The Councils current guidance on gable wall facing distance is 14 meters. We have redesigned the scheme to give 19.85m which exceeds current guidance.
- The large staircase window has been removed from the North wing facing the flats.
- The facing distance from the housing opposite is 31.13m which is greater than the Councils current guidance on facing distances for three storey dwellings. (30m).

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Mackellar Architecture Limited  
Care Home, Warren Road, Hartlepool. Project No. 7097.  
Design Statement 31<sup>st</sup> October 2006.

- 2) It is considered that the proposed development would have inadequate parking facilities to meet the needs of the development and that this together with the consequent loss of staff parking facilities within the hospital site which the proposed development will displace would lead to increased on-site parking in Warren Road and other nearby streets to the detriment of the occupiers of houses in those areas, the free flow of traffic and highway safety contrary to policies Hsg12 and GEP1 of the adopted Hartlepool Local Plan 2006.

**Our response:-**

The redesign using a smaller footprint has enabled us to make the following enhancements:-

- The car number of car parking spaces has increased by 25% to 19.
- The previous application was approved by the highways authority. This application has an increased parking provision compared to the previous application that was recommended for approval.
- The site is owned by the applicant and is not available for use as a car park now or in the future.

- 3) It is considered that inadequate information has been provided to demonstrate that the proposed development will not be subject to flooding or that any consequent mitigation measures would not be detrimental to the amenities of the occupiers of nearby developments in terms of increased flooding risk or dominance from possible finished floor levels contrary to policy Dco2 of the adopted Hartlepool Local Plan 2006.

**Our response:-**

- The floor level of the revised scheme is 500mm higher than the previous application. The ground floor is level with the highest ground floor of the adjacent flat development which was recently approved.
- Our proposed building is one meter higher than the immediately adjacent Hospital complex which is, therefore, at greater risk of flooding, despite providing accommodation for patients who have higher dependencies than the residents of the proposed Care Home.
- The topography of the area is such that the existing site is already higher than the surrounding area and roads fall away from it in both directions.
- The development is to replace an existing surfaced car park. The surface water run off would not increase, therefore, so there is no adverse effect on the downstream catchment.
- We are in discussions with the Water Authority and will confirm in due course that the risk of flooding is not an issue on this site.
- It is concluded in the revised flood risk report that the development is not at risk of flooding, or contributing to flooding elsewhere.

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Meckelfar Architecture Limited  
Care Home, Warren Road, Hartlepool. Project No. 7097.  
Design Statement 31<sup>st</sup> October 2006.



## Introduction

This Application is a revised and redesigned scheme that addresses the Members major concerns about the previously refused application for the same site. This statement outlines the precise composition of the proposed development and, in doing so, confirms that it complies, with all relevant current planning legislation and guidance.

## Care Home Business

The proposed Care Home is a place of residence for people who require constant medical care. In this instance all of the residents will be aged fifty years and above but they will fall into two categories: those who require personal care only (Residential care) and those who require personal care with interventions and monitoring from a Registered Nurse (Nursing Care). It is envisaged that the home will provide predominantly Residential care but including residents with mental health problems associated with old age.

The Home is staffed 24 hours per day, 7 days per week with minimum staffing levels set by the CSCI (Commission for Social Care Inspection) who monitor and inspect each Home. For more information on the CSCI please visit their website [www.csci.org.uk](http://www.csci.org.uk)

Shift systems vary from Home to Home but the favoured systems are 8 hour shifts, 8am – 2pm, 2pm – 10pm, 10pm – 8am or long days, 7am – 7pm. It is likely that the three shift system will be used at this Home.

In addition to care for the residents, food laundry and domestic services are provided within the Home on a shift system. The Home will be run by a Home Manager, with assistance from an administrator, who deals with accounts, and a Deputy Manager. Each shift has a Senior Care Assistant who is responsible for the Home when the Manager or Deputy is not on site.

The residents of the Home are likely to come from the local community and the majority will be funded by the Local Authority.

## 1. Site Analysis

### 1.1 Location;

The site lies at the North Western corner of The University Hospital of Hartlepool Estate, at the junction of Warren Road and Easington Road. The site is no longer part of the Hospital Estate.

### 1.2 Size, shape, boundaries;

The 0.6 acre site is generally flat with a slight West to East downward slope and is currently entered from the spine road within the Hospital. This edge of the site is bordered by the spine road that serves the Hospital buildings. The site is surfaced

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Meckellar Architecture Limited  
Care Home, Warren Road, Hartlepool. Project No. 7097.  
Design Statement 31<sup>st</sup> October 2006.

with grass and tarmac and had two street lighting columns that were connected to the Hospital lighting system. To the North and West of this is a 3 metre high hedge intertwined with a metal boundary fence. The Eastern & Southern boundaries are defined by a new fence.

### 1.3 General History

The site was purchased by HMC Group in March 2006 and is no longer part of the Hospital Estate.

### 1.4 Access

The vehicular access to the site was from the Hospital spine road, which currently serves the Hospital buildings.

The proposal provides for a new vehicular access from Warren Road on the North of the site. The vehicular access has been positioned between the two access roads on the opposite side of Warren Road. All proposals have been designed in consultation with Hartlepool Highway Engineers and in accordance with the Council's highways design guidance documents.

Refuse vehicles, emergency vehicles and delivery vehicles can all access the site and turn round within the site curtilage.

Refuse areas have been sited externally for ventilation and have been positioned on the East gable behind a timber screen for privacy.

Level access is proposed throughout the site, which is predominantly flat, allowing for ease of accessibility across the site to all areas and building entrances/exits.

### 1.5 Natural Features

There are no significant natural features on the site. This predominantly level site has a three metre hedge to the North and West boundaries which will remain after being carefully pruned in accordance with Local Authority guidance and approval. The front (North) boundary will have to be partially removed to create a visibility splay and will be replaced with a low metal fence and shrubs in accordance with Local Authority Highways Engineers requirements. There are no trees within the curtilage of the site.

## 2. Roofscape & Heights

The development along Warren Road currently consists of two storey domestic dwellings with mansard roofs and a new three storey apartment development directly opposite the application site.

Easington Road has open space on the Western side.

The Southern boundary has single storey hospital buildings with large roof overhangs. The rear facing distance between the proposed care home and the Hospital building is 25.7m.

The Eastern boundary has an area of open land with views towards the Hospital boiler plant.

The site has been enclosed with a new fence.

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Mackellar Architecture Limited  
Care Home, Warren Road, Hartlepool. Project No. 7097.  
Design Statement 31<sup>st</sup> October 2006.

DEPT OF RECREATION & PLANNING  
 2000 WILSON DRIVE, HARTLEPOOL  
 06 NOV 2006  
 HANDLED TO: \_\_\_\_\_  
 REPLY: \_\_\_\_\_  
 FILE NO: \_\_\_\_\_

**3. Building Lines & Setbacks**

The building is positioned to provide a frontage to Warren Road with vehicular and pedestrian access on the Northern elevation. The majority of bedrooms will have views Westwards over Easington Road towards the open space and Southwards across the hospital Estate. The Northern and Eastern bedrooms will benefit from views over the entrance area, where there is different visual interest.

**4. Parking**

The refused application provided fifteen parking spaces. This application provides nineteen spaces (segregated into two areas for increased safety; one for the general public/visitors and one for staff/deliveries) including two disabled parking bays and a space for an emergency vehicle. A bicycle rack for five cycles is provided as required by the Planning Authority.

**5. Policy Background**

This is a development designed to respond positively to its surroundings in terms of scale and appearance, without adversely affecting the amenity of neighbouring residents, by enhancing the local area.

The development's access and parking arrangements both accord with adopted highway standards. These areas will be well lit, visible and integrated with the landscaping scheme to enhance security and amenity. The lighting will be designed to minimise impact on adjacent properties.

Due to the nature of the development access for those with disabilities is a key theme – In response to The Disability Discrimination Act & Part M of the Building Regulations level access throughout the site and building is provided with all floors accessible to wheelchair users.

**6. Design Consultation**

Pre-application discussions with Council Officers established that a Care Home use is acceptable, in principle, to the Planning Authority on this site. All aspects of the design were discussed.

**7. Development Objectives**

- To design a building which is responsive to its context and makes a positive contribution.
- To regenerate a brownfield site.
- To provide a high quality environment for residents, staff and visitors.

Mackellar Architecture Limited  
 Care Home, Warren Road, Hartlepool. Project No. 7097.  
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## 8. Design Solutions

### 8.1 Accommodation

The scheme consists of two and three floors of accommodation. The ground floor houses 24 bedrooms, some of which have direct access to external garden and amenity areas, an entrance foyer and associated administration offices and a Laundry/kitchen utility wing.

The first floor has 30 Bedrooms with associated day spaces and ancillary facilities and the top floor has been reduced to 26 Bedrooms also with associated areas.

### 8.2 Overlooking

The footprint has been redesigned to increase the distance from the flatted development and semi-detached dutch bungalows across Warren Road. The distance from the habitable rooms in the Care Home to the habitable rooms in the residences opposite is approximately 30 metres which exceeds current national separation distance guidelines.

The North gable elevation facing the flatted development on Warren Road is now two storeys in height and has been moved 2.15m, giving a separation distance of 19.85m. These changes have the effect of reducing the impact of the care home on the residents in the adjacent properties.

### 8.3 Orientation

The building has been positioned to provide an elevation along Easington Road responding to the massing of the flatted development with a gable fronting Warren Road to reduce visual intrusion.

At the West end of the site the gable of the Care Home was 17.7m from the apartment block. This has been revised to 19.85m. This gable has no windows to habitable rooms and the projecting bay at the end of the internal corridor is designed to prevent direct views across Warren Road. Bedrooms do not face the flats at this point.

By setting back this main wing of the care home from Warren Road the reduction of sunlight and daylight to all the properties opposite is minimised.

The home has been designed to meet excellent care design standards, with group living day spaces positioned around the care home enabling small groups of residents to socialize. Each day space provides alternative aspects throughout the day to maximise views and daylight.

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#### 8.4 Boundary Treatment

A 1.2m high timber fence is proposed along the Southern boundary and a 1.8 metre timber fence is to be constructed along the eastern boundary to provide privacy and enclosure to the garden and amenity spaces.

The existing hedge along the western boundary will be left to give privacy and provide some noise attenuation to the garden areas.

The Northern boundary hedge will be pruned back to allow access and provide a visibility splay giving an open view of the home from Warren Road. A replacement 900mm high metal railing fence to L.A. Approval will be installed where the replacement hedge is provided.

#### 8.5 Drainage/Flood Risk

Northumbria Water have confirmed that the surface water drainage from the site can be taken into soakaways and the foul water can be taken into the mains foul drain in Warren Road.

The flooding risk is being investigated by our engineers who are holding discussions with Hartlepool Water Authority. The risk from flooding comes from a reservoir overflow culvert across Easington Road. Our revised proposals are to raise the floor level 500mm higher than the previous application. The topography of the area is such that the site is higher than the surrounding area and roads fall away from it in both directions. Both Hartlepool Borough Council and the Environment Agency have no record of flooding in the area. Our engineers are in the process of clarifying that the development is not at risk of flooding or contributing to flooding elsewhere.

#### 8.6 Details and materials

The walls will be facing brickwork, render panels, artstone detailing, capped by a red tile pitched roof. Eaves and guttering will be uPVC half round and all exterior woodwork will be painted. All rear garden fencing will be close boarded timber with gated entrances to provide secure areas. The rear garden fencing will have hedging planted against the inside face.

The Northern garden border will be demarcated by low hedging and metal railing fencing of an open type.

All South gardens will principally be lawn with a paved patio area adjacent to each external bedroom door. A raised sensory garden will be built as part of the landscaping proposals.

#### 9. Landscaping

The scheme has various shared and private landscaped areas for the introduction of landscaped elements.

The site will retain the mature boundary hedge to the West to form a natural border and to establish the site within its surroundings.

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Mackellar Architecture Limited  
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Design Statement 31<sup>st</sup> October 2006.

Low level shrubbery will be used to provide shelter and screening, softening the scheme.

Hard landscaping is used across the site to provide parking and paved areas. Paving will be suitable for pedestrian & wheelchair access. The car parking and turning area will be paved with materials which are considered suitable under the Council's Highways: Design Guide and Specification to provide an attractive and practical surface.

#### 10. Sustainability

The Home is designed to meet the new Part L of the Building Regulations. Waste recycling storage areas have been included along with secure cycle storage to encourage sustainable living principles for residents staff & visitors.

#### 11. Impact

The effect on the neighbouring residents will be a positive one. The land which is currently under utilised will be enhanced and improved.

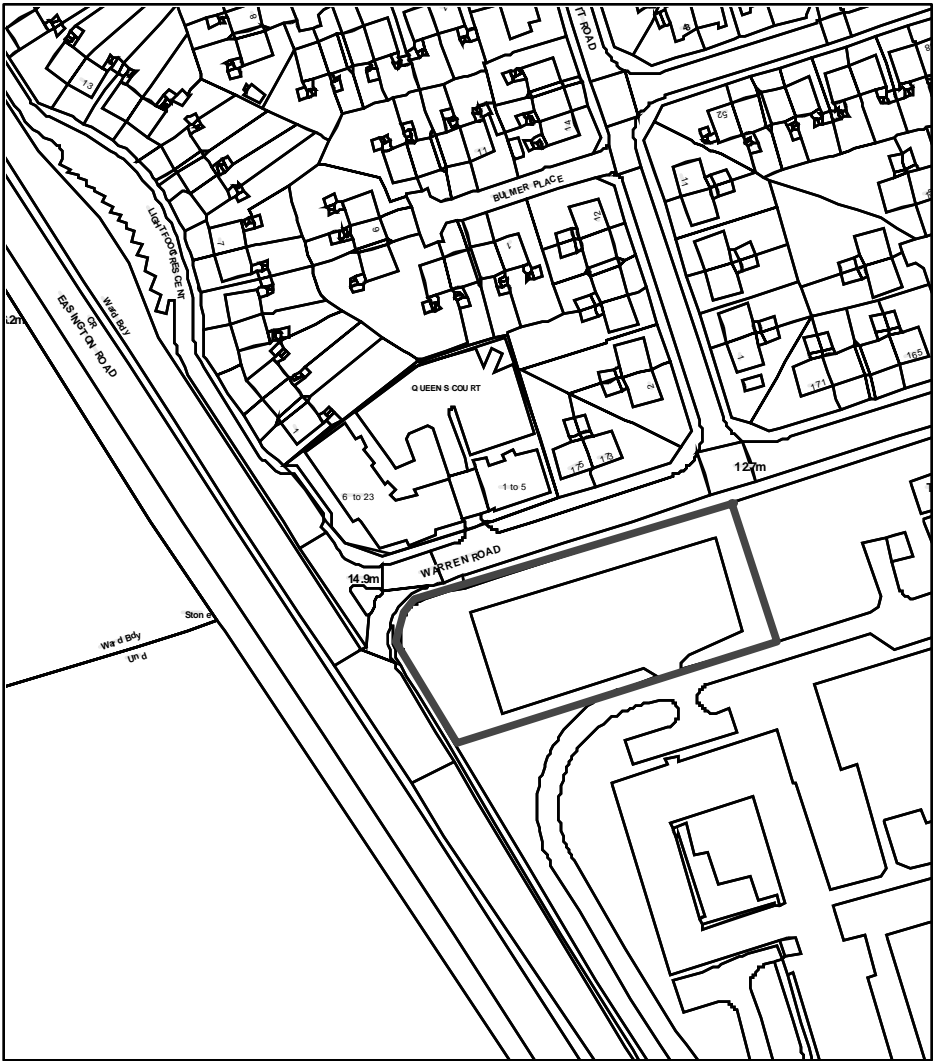
The development will form a corner feature responding to the new flatted development on the opposite corner of Warren Road.

Overall the development will provide an attractive and calm residential environment which is sympathetic to its surroundings and set back from its neighbours.

#### 12. Conclusion

The scheme has been designed in close consultation with the Planning Authority to ensure that the development is acceptable to all parties by respecting not only the application site itself, but also the buildings and uses that exist in the vicinity. The redesigned scheme addresses all the concerns of the Committee Members and provides a reduced building footprint, a lowered two storey wing and an increased facing distance at the apartment end, , varied elevation and roof lines and a significant increase in on-site car parking provision.

Warren Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0814</b>	REV

**No:**  
**Number:** H/2006/0906  
**Applicant:** Mr H Villah Grosvenor Street Hartlepool TS26 8HJ  
**Agent:** Business Interiors Group 73 Church Street  
HARTLEPOOL TS24 7DN  
**Date valid:** 18/12/2006  
**Development:** Alterations, installation of new shop front and change of  
use to provide a hot food takeaway shop  
**Location:** 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

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### **The Application and Site**

5.1 The site to which this application relates is a two storey mid terraced commercial property located within the designated Murray Street Local Centre. The premises have the Murray Street public car park directly opposite and are bounded to the north and south by commercial properties.

5.2 The application seeks consent for the change of use of the premises to a hot food takeaway to open from 5pm until 11:30pm 7 days a week including 3 or 4 lunchtimes.

### **Publicity**

5.3 The application has been advertised by way of neighbour letters (9) and a site notice to the front. To date, there have been 2 letters of objection received

5.4 The concerns raised are:

- 1) Smell of food
- 2) Noise disturbance from car doors banging and engines revving up
- 3) Current problems with youths congregating
- 4) Litter problems
- 5) Isn't there enough takeaway shops in Murray Street already?

Cop letters E

5.5 The period for publicity expires before the Committee meeting.

### **Consultations**

5.6 The following consultation replies have been received:

**Head of Public Protection** – no objection subject to a restrictive hours of operation condition to no later than 23:00hrs as specified in the application and an extract vent condition.

**Head of Traffic and Transport** – no objections



## Planning Policy

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

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.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

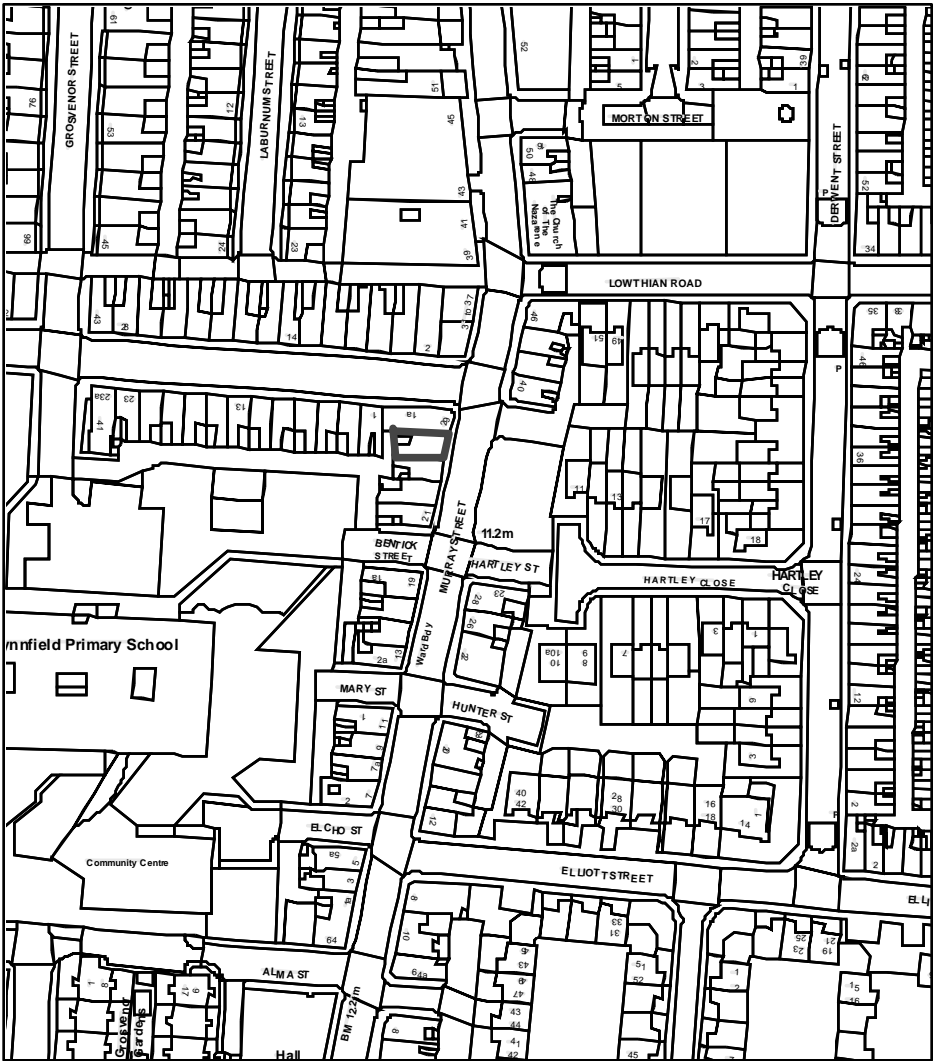
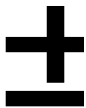
## Planning Considerations

5.8 The main consideration in this instance is the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, the effect upon the amenities of the occupiers of nearby properties and highway safety.

A member of the local residents association has contacted the planning department advising that at least 1 further letter of objection is to be submitted. Given that the period of publicity is due to expire before the meeting it is anticipated that an update report will follow.

**RECOMMENDATION** – update report to follow

27 Murray Street



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY		
<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0906</b>	REV

**No:**  
**Number:** H/2006/0816  
**Applicant:** Leebell Mitchells And Butler Oakdene Capital Ltd  
**Agent:** Signet Planning 26 Apex Business Village Annitsford  
 Newcastle Upon Tyne NE23 7BF  
**Date valid:** 20/11/2006  
**Development:** Erection of a public house and 2 no retail units and  
 associated works  
**Location:** Land At Middle Warren Hartlepool Hartlepool

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### The Application and Site

6.1 The application site comprises 0.7 of a hectare of land on the corner of the Middle Warren estate bounding the A179/Clavering roundabout. The site was identified in the outline application Master Plan for Middle Warren and subject to a legal agreement in 1997 for a local centre of a scale approximately 1 hectare. The site is also allocated in the adopted Hartlepool Local Plan 2006 as a Local Centre.

6.2 The site is bounded to the north by the A179, to the west Merlin Way which is the main distributor road for Middle Warren, to the south an area has been identified for a future local centre extension and to the east an application has been submitted for residential development.

6.3 The application is a reserved matters application and proposes the erection of a public house and 2 retail units the entrance is proposed to be accessed via Merlin Way. Car parking is proposed for both the public house (45 spaces) and the retail units (33 spaces) 3 disabled car parking spaces are proposed in each car park (6 spaces). Extensive landscaping is also proposed around the site.

6.4 The proposed public house would be part of the Ember Inn chain and would be on the corner of the Merlin Way and A179 junction. The building would consist of a 2 storey building comprising a ground floor of 445 square metres allocated to trading area, bar server, kitchen, cold beer cellar, disabled persons toilet and ancillary storage. Public access to the first floor would be limited to ladies and gents toilets. Beyond the area of public use a three-bedroomed manager's flat would be incorporated along with office, staff room, plant and storage. An outside seating is proposed with the public house.

6.5 The retail element comprises a building which is single storey and split internally to form a 743 square metre floor space convenience food store, which is anticipated to be Sainsbury's store and a smaller unit of 186 square metres in floor space which has the potential to be split into 2 units.

### Publicity

6.6 The application has been advertised by way of neighbour letters (56) and 3 site notices. To date, there have been 4 letters of no objection, 1 letter of comment

which queried if a footpath would link the site to the Clavering Estate, and concerns regarding the use of the Clavering roundabout as an entrance to the Middle Warren estate. There have also been 2 letters of objection.

6.8 The concerns raised are:

1. Noise
2. Congestion
3. Generation of additional traffic
4. Traffic dangers
5. Anti-social behaviour
6. Concerns that the site would be similar in terms of existing problems to the Gillen Arms and shop on the Clavering Estate.

Copy letters B

6.9 The period for publicity has expired.

### **Consultations**

6.10 The following consultation replies have been received:

<b>Head of Public Protection</b>	no objection subject to conditions regarding opening hours, deliveries and details for an acoustic barrier between site and adjacent residential development.
Traffic and Transportation	no objection subject to condition regarding delivery times
Engineering Consultancy	no objection subject to a desk top study condition In relation to possible contamination
Hartlepool Access Group	awaiting response
Cleveland Police	awaiting response
Northumbrian Water	no objection; comments regarding new discharges of foul and surface water must be on a separate system and surface water must be prevented from entering public surface water or combined sewers.

### **Planning Policy**

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

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.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

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.

### **Planning Considerations**

6.12 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, highway safety considerations, the impact of the proposals upon the surrounding area, accessibility and crime and disorder issues.

#### Local Plan Guidance

6.13 The application site is allocated in the adopted Hartlepool Local Plan 2006 for a Local Centre. The principle of the development has been accepted in the outline approval which provided for a local centre at this location. Land has been identified by Leebell for the expansion of the Local Centre to the south of the site as per the legal agreement which identified an area of approximately 1 hectare to be allocated for a Local Centre in this location.

#### Landscape and Design

6.14 A landscaping scheme was submitted to accompany this application. As well as the structured planting belt to the north of the site the landscaping scheme within the public house area reflects an established garden, incorporating a patio area, for the whole site there is proposed to be a mixture of shrubs and trees, planting beds and lawns.

6.15 In terms of formal boundaries some low level walls with metal railings and gateposts are proposed within the public house site. As an emblem of an Ember Inn a brick pillar with a fireplace, which illuminates is proposed at the pedestrian entrance to the public house. This beacon is an advertisement and will be subject to a separate advertisement consent application.

6.16 In terms of design the retail unit is a modern single storey simple design, incorporating glazed shop fronts to store frontages with a projecting glazed canopy above the entrance locations.

6.17 The design of the public house is based on the Arts and Crafts period giving the development an imposing but not overpowering gateway building. The elevations reflect the material used during this period with a roofscape of various intersecting elements at different levels, in some instances punctured by dormer windows.

6.18 It is considered that in terms of design both premises reflect the nature of their use and are both functional and stylish.

#### Highways

6.19 A transport assessment, which included servicing turning plans, has been submitted with the application this has been assessed by the Council's Traffic and Transportation section.

6.20 In terms of highways and given the nature of the Local Centre the car parking scheme is considered satisfactory. The vehicle entrance to the site and the footpath/cycleway around and through the site is considered acceptable in terms of highway safety. Cycle parking stands are also proposed adjacent both premises.

6.21 The servicing of both the public house and retail units is proposed to utilise the car parking area associated with the public house. Service vehicles would be able to access and egress the site in a forward gear due to the ability to manoeuvre within the car park. Highways have advised that deliveries to both premises should be restricted in terms of timing to prevent any possible conflict, which may arise with vehicles parked in the public house car park. This can be controlled through a planning condition.

6.22 Concerns have been raised from the public in terms of the generation of additional traffic, traffic danger and congestion, as the principle of a local centre has been established and given there are no concerns from the Traffic and Transportation section it would be difficult to sustain a refusal on these grounds.

6.23 A comment was also raised in relation to the possibility of providing a pedestrian link over the A179 to the estates to the north. A limited pedestrian link is shown but this is currently the subject of discussion with Leebell.

#### Relationship to the surrounding area

6.24 It is anticipated that the relationship between the site and adjoining land allocated for residential use would not conflict. In terms of noise issues subject to appropriate boundary treatments the Head of Public Protection is satisfied with the proposal therefore an acoustic barrier could be subject to a planning condition.

6.25 The location of the local centre is such that it is intended to primarily serve the Middle Warren development its position will also serve the existing housing estates

to the north. It is therefore anticipated that the proximity to the A179 will provide for its success.

6.26 With regard to deliveries Public Protection have no objection to the scheme but want to ensure delivery times are imposed to protect the amenities of the neighbouring residents it is anticipated that as with the concerns from Traffic and Transportation delivery times can be controlled via condition.

6.27 It is also prudent to ensure opening hours are restricted, given the proximity to residential properties.

#### Accessibility

6.28 Although Hartlepool Access Group comments are awaited; design and access statements have been submitted. The design of both premises is proposed to be in line with current building regulations and access guidelines. Access has been incorporated into the buildings and surrounding area in terms of level access, disabled parking, dropped kerbs, tactile paving at changes of levels etc, disabled toilets within the public house.

#### Crime and Disorder

6.29 Information has been submitted which are currently being considered in relation to security measures to be incorporated into the scheme. It is anticipated that further information and comments from Cleveland Police will be available prior to the Committee meeting.

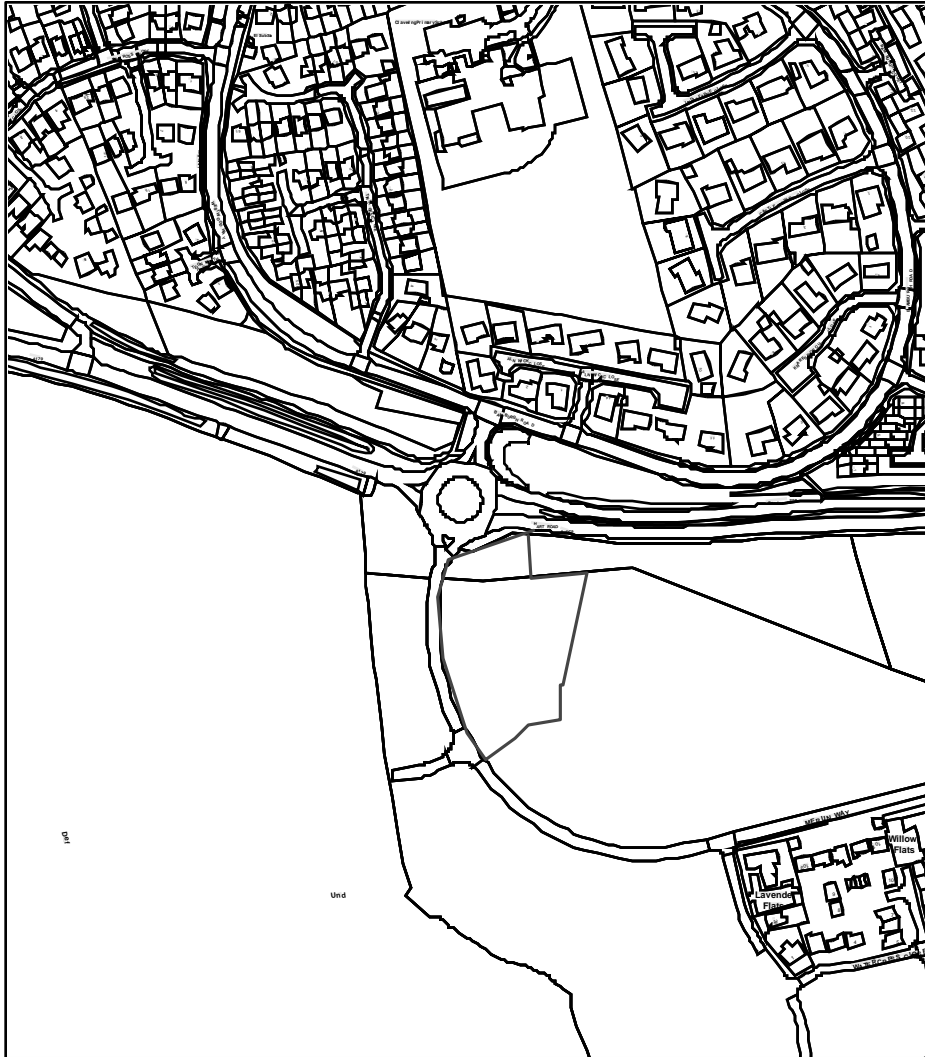
#### Summary

6.30 Subject to outstanding consultation it is considered that the development would provide a gateway building in terms of the public house and much needed convenience shops for the expanding local community.

6.31 It is considered that the proposed development is appropriate for the site, and generally accords with the Master Plan. A final recommendation will follow.

**RECOMMENDATION** – Update to follow

## Middle Warren Local Centre



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

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:3000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0816</b>	REV



**No:**  
**Number:** H/2006/0839  
**Applicant:** Mr A Alfaham Gledstone Wynyard Woods Stockton TS22  
 5GF  
**Agent:** Newbys Solicitors 100 Borough Road Middlesbrough  
 TS1 2HJ  
**Date valid:** 07/12/2006  
**Development:** Change of use to hot food takeaway shop  
**Location:** 132 OXFORD ROAD HARTLEPOOL HARTLEPOOL

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### The Application and Site

7.1 The site to which this planning application relates is a single storey vacant retail unit located upon the western end of a terrace of two storey commercial properties located close to the designated Oxford Road Local Centre. The rear yard of the retail unit adjoins the south elevation of an end terraced residential property. The area is characterised by terraced two storey residential properties with a mix of residential and commercial properties fronting Oxford Road. To the front of the terrace of commercial properties is a parking bay, which is unrestricted in terms of a Traffic Regulation Order.

7.2 The application seeks consent for the change of use of the premises from a previously used butchers shop (A1) to a hot food takeaway (A5). The proposal seeks consent for hours of opening from 4:00pm until 11:00pm every day of the week.

### Publicity

7.3 The application has been advertised by way of neighbour letters (41) and a site notice. To date, there have been 13 letters of objection

7.4 The concerns raised are:

- 1) Increase dramatically the road traffic and parking requirements in an area already stretched.
- 2) Existing problems in the evenings when car owners in the adjacent street struggle to find any parking provision.
- 3) Smell created from such a use
- 4) Litter creation
- 5) More than enough hot food takeaways in the area
- 6) Noise and disturbance problems late at night
- 7) Odour will affect my business/livelihood (a clothes shop adjoining the site).
- 8) May effect house price
- 9) Groups of youths will gather outside
- 10) There is limited parking for customers and delivery vehicles

The period for publicity expires before the meeting.  
 Copy letters D

## Consultations

7.5 The following consultation replies have been received:

**Head of Traffic and Transportation** – comments, given the previous use of the property it would be very difficult to sustain an argument on highway grounds. There are no major highway implications with this application.

**Head of Public Protection** – no objection and requests a restriction on the opening hours and an extract ventilation condition.

## Planning Policy

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

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.

Com5: States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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.

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

## **Planning Considerations**

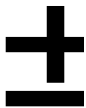
7.7 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the character of the area, the effect upon the amenities of the occupants of nearby residential properties and highway safety.

7.8 It is important to note that there are currently two planning appeals at 145 and 122 Oxford Road awaiting determination by the Planning Inspectorate regarding change of use of premises to hot food takeaways within approximately 50m of the south west and east of the application site respectively. As there is potential for both the appeals to be allowed, the cumulative effect of the provision of another hot food takeaway must carefully considered in this instance along with the other material considerations listed above.

7.9 As there is potential for the outcome of the appeals to be received prior to the meeting of the Planning Committee an update report will follow should this happen.

**RECOMMENDATION** – Update report to follow -

132 Oxford Road



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:1250</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0839</b>	REV

**No:**  
**Number:** H/2006/0861  
**Applicant:** MR DENNIS HANCOCK HANSON HOUSE LYNN STREET HARTLEPOOL TS24 7BT  
**Agent:** HARTLEPOOL BOROUGH COUNCIL HANSON HOUSE LYNN STREET HARTLEPOOL TS24 7BT  
**Date valid:** 01/12/2006  
**Development:** ENGINEERING WORKS COMPRISING REMOVAL OF 600MM OF CONTAMINATED SOILS AND ASSOCIATED REINSTATEMENT WORKS WITHIN RESIDENTIAL CURTILAGES  
**Location:** LITHGO CLOSE HORNBY CLOSE COWLEY CLOSE WAINWRIGHT CLOSE AND WAINWRIGHT WALK HARTLEPOOL

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### The Application and Site

8.1 The site to which this planning application relates comprises 96 of the 97 properties which make up Lithgo Close, Hornby Close, Cowley Close, Wainwright Walk and Wainwright Close to the north of Seaton Carew. The site is bounded by Saffron Walk and Lawson Road to the south, Coronation Drive to the east, and an area of grassed open space to the north and west.

8.2 The application seeks consent for engineering works to remove 600mm of soil, which has been deemed to meet the definition of contaminated land, from the front and rear garden areas of the properties along with areas of grassed open space within the site.

8.3 The remediation statements submitted with the planning application indicates the following processes will be followed:-

- 1) Clearance of all garden vegetation (trees, shrubs, plants, grass etc)
- 2) Clearance of all 'non-permanent' structures comprising fencing, walls, patios, garden paths, hedges, rockeries, ponds, garden sheds etc including car driveways of shallow granular/flagged construction. Where practical the items removed will be carefully dismantled, lifted, removed, cleaned/decontaminated where necessary, and stored in the contractors secure compound.
- 3) Location of all underground and over ground private and statutory undertaker house services before the start of any excavation works and their protection and support throughout the duration of the works and if necessary removal and complete reinstatement.
- 4) Excavation of 600mm of earth and disposal at an appropriate waste management facility licensed to receive contaminated soils in accordance with UK legislation.
- 5) Placement of a brightly coloured geotextile over the whole area of the base of the fully completed 600mm deep excavations to act as a physical and visual

warning to persons carrying out future excavations that deeper excavation may encounter contaminated soils.

- 6) Final full reinstatement of the excavated areas is dependant upon the level of finance available for the scheme. The Council's aspirations for the level of reinstatement are that, where practicable, all areas will be returned to their original condition and layout with all hedges, bedding plants, patios, paths, rockeries, sheds, greenhouses etc being re-established upon completion. A full survey has been undertaken by the applicant indicating buildings, grassed areas, plant beds, shrubs, sheds, fences etc.

8.4 Final funding is still being discussed, it is anticipated that at a minimum, the reinstatement works will comprise of placement of 600mm of uncontaminated soil with a drainage layer, finished as a lawn and/or plant bedding area. Paving stones and garden structures will be re-sited as far as practicable.

8.5 It is important to note that the applicant has considered that the 'hard cover' provided by 'permanent' residential structures within the Estate comprising buildings, garages, and permanent car driveways (in good condition) shall act as a separation layer preventing humans, flora, and fauna coming into direct contact with soil contaminants. No contamination remediation works are therefore considered to be required within or under the physical footprints of the following 'permanent structures' – houses, house extensions, garages, car driveways and access footpaths adjacent to the property (providing they are in good condition).

## Publicity

8.6 The application has been advertised by way of neighbour letters (175), site notices (5) and an advert in the Hartlepool Mail. To date, there have been 32 letters of no objection, 1 letter of comments and 1 letter of objection.

8.7 The letter of comments has raised the following points:

- 1) Once the remedial work has been carried out and there is no problem with contaminated, are these properties then removed from the Contaminated Land Register.
- 2) After the remedial work has been completed, will our gardens be restored to their original state, i.e. 'like for like' this includes paths and patios.
- 3) If the answer to the above questions is no then the resident will strongly object as they feel the works will be of no value whatsoever to the property owner. If the answer is yes then there is no objection.

8.8 The letter of objection raises the following concerns:

- 1) By removing and transporting this soil past other areas it could contaminate these areas.
- 2) Where can you dispose of this soil safely because wherever you dispose of it there again it will contaminate that area.
- 3) The problem will be removed from one place to another
- 4) Removing 600mm of contaminated soil will not solve the problem.

- 5) The contaminated area has been there for over 100 years, it is underneath the foundations and when water levels rise so do the poisons.
- 6) One house in Wainwright Walk the grass used to be black at certain times and no plants would ever grow.

Copy letters C

8.9 The period for publicity expires before the meeting.

### **Consultations**

8.10 The following consultation replies have been received:

**Head of Public Protection and Housing** – No objection, however feel it is prudent to attach a condition to limit the hours of working.

**Head of Technical Services** – No objection.

**Head of Building Control** – Comments

**Environment Agency** – No objection

**Northumbrian Water** – No objection

### **Planning Policy**

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green 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.

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

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.

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.

### **Planning Considerations**

8.12 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, impact of the works upon the well being of the occupiers of the properties that are being treated, the amenities of the occupants of nearby residential properties and highway safety.

#### Policy:-

8.13 When it became clear that contamination was an issue here White Young Green Environmental were appointed as external consultants to undertake and manage site investigations. The site investigation of the 97 properties indicated that 96 of the properties along with the areas of open space met the definition of contaminated land as defined by Part IIA of the Environmental Protection Act 1990 (Section 78A (2) , as introduced by the Environment Act 1995 and that this level of contamination constitutes a long term high health risk to residents on the estate.

8.14 Their report also discusses high risks to the human health of building and maintenance workers (if appropriate PPE and hygiene standards are not taken), a moderate to high risk to the health to flora and fauna, a low risk of aggressive attack to building structures, materials, and services and a low risk to groundwater, freshwater, surface water and coastal salt water being contaminated.

8.15 In the light of this it is considered that the proposed engineering works to remove the contaminated earth is essential. While there are no specific policies in the Local Plan related policies support this approach. The methodology being pursued, removal of contaminants to a specific depth with a secure high visibility membrane is a tried and tested approach both locally and nationally. While some contaminants will remain these will be isolated and relatively safe.

8.16 The Environment Agency have raised no objection to the proposal. They highlight that they have previously been consulted and are satisfied with the approach being taken. They have also raised no objection from a flood risk point of view with a minor qualification and officers are seeking further clarification on this issue from the Environment Agency.

#### Amenity:-

8.17 The applicant has indicated that the likely hours of operation will be between 8.00am to 6.00pm Monday and Friday and 8.00am to 1.00pm Saturday and at no times on a Sunday on a Bank Holiday. The hours proposed are in line with those suggested by the Head of Public Protection and it is considered a restrictive planning condition could be reasonably imposed and enforced to ensure this. On this basis the Council's Head of Public Protection and Housing has raised no objection to the proposed works.



8.18 The contractor will be responsible for the cleaning of the roads and taking appropriate measures to secure the site.

#### Highway safety and Infrastructure :-

8.19 Works are to be carried out upon groups of 6 – 10 properties at a time in order to minimise associated traffic movements and disruption. The supporting plan indicating the site boundary and contractors compound, demonstrates that the main works access will be off Coronation Drive and that there will be a direct access from the estate to the compound. It is acknowledged that there will be an increase in traffic movement upon the estate during the works, however, it is considered that as proposed this is acceptable. The Head of Technical Services has raised no objection to the proposal.

8.20 With regard to individual access to the properties The applicant has indicated that the works will only be taken upon the front or rear of the properties at one time so the pedestrian access into the properties can be retained at all times during the works.

8.21 Should any drainage need to be removed or replaced it will be subject to a Building Regulation application. Northumbrian Water have noted that sewers, rising mains and a pumping station are located upon or close to the estate but it is considered that the majority are located in the roads and public footpaths (which are not intended to be removed). Should any sewers need to be removed or altered then this will be a matter between Northumbrian Water and the Council's Contractor.

#### Residents concerns

8.22 A resident has questioned the position of the works in terms of removing the estate from the Contaminated Land Register. The remediation actions will result in the land being suitable for its current use and the potential effects of any significant harm are remedied. It will not however remove all of the contaminated material from the estate, as it will remain beneath houses, extensions, garages and driveways. The Local Authority are required to keep a public register of all regulatory action taken in respect of determination and remediation of contaminated land. The register will give details of the reasons for determination of contaminated land and will make absolutely clear that the remediation works have taken place. This information will be provided when land is sold through a Local Authority search.

8.23 With regard to the reinstatement works the minimum level has been described earlier. However, supporting text in the remediation statement states-

*'The Council's aspirations for the level of reinstatement are that, where practicable, all areas will be returned to their original condition and layout with all hedges, bedding plants, patios, paths, rockeries, sheds, greenhouses etc being re-established upon completion.'*

8.24 The Council is currently seeking, through all available avenues, to achieve this standard of reinstatement stated above, whilst the minimum level of reinstatement has been previously discussed within the report.

8.25 The contractor appointed for the scheme will be responsible for ensuring that the contaminated soil will be disposed at an appropriate landfill facility, licensed to receive such soils. There may also be potential for the contaminated soils to be treated by a treatment plant situated in the Contractors compound area. This process would remove contaminants in a concentrated form which would then be disposed to a suitably licensed facility with the uncontaminated treated soil replaced.

8.26 With respect to a concern raised by a resident regarding potential rising water levels through the contaminated earth, there are no open water courses on the site, and the nearest water body is the North Sea. Available records detail that the site is located over a non-aquifer comprising low permeability clay soils and there has been no significant groundwater body identified in the superficial deposits underlying the site. It has therefore been considered a low risk that any contaminants could have the potential to enter any controlled waters associated with the site.

### Conclusion

8.27 In conclusion, it is considered that although there will inevitably be a degree of disruption in terms of noise from the works and associated traffic movements there is an imperative for the works to be carried out. It is felt that subject to a restrictive planning condition regarding hours of operation and providing the works are carried out as stated in the supporting information that the works could be undertaken with the minimum amount of disturbance possible.

### **RECOMMENDATION -**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid
2. All works shall be carried out in accordance with the submitted details received on the 1st of December 2006 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. No deliveries shall be accepted at the site outside the hours of 8am and 6pm Monday to Friday, 8am to 1pm Saturday and at no time on a Sunday or a Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
4. No works shall be carried out upon the site outside the hours of 8am and 6pm Monday to Friday (inclusive) and 8am and 1pm Saturday and at no time on a Sunday or a Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
5. All bulk storage of materials and plant shall take place in the storage area/compound to the north of the site indicated on drawing PR216-PA3

received on the 1st of December 2006 unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.



Lithgo Close etc



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>11/01/07</b>
	SCALE <b>1:3000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2006/0861</b>	REV

**No:** 1  
**Number:** H/2006/0755  
**Applicant:** Mr K Hair 4 Burnhope Road Hartlepool TS26 0QQ  
**Agent:** Jacksonplan Limited 7 Amble Close Hartlepool TS26 0EP  
**Date valid:** 09/10/2006  
**Development:** Outline application for the erection of 4 detached houses with detached garages  
 (AMENDED APPLICATION AND PLANS RECEIVED)  
**Location:** EDEN PARK SELF DRIVE HIRE SEATON LANE  
 HARTLEPOOL

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### Update Report

1. The Head of Public Protection raises objections to the proposed development on grounds that it would constrain development on the nearby industrial estate.
2. The tree survey submitted shows that to avoid damage to the root system of some of the highway trees it would be necessary to reposition two of the proposed driveways slightly to the south. However it would not be possible to reposition a third driveway and therefore to avoid root damage a special hand dug construction solution would be required. This may involve raising the height of the access crossing over the footpath, which would potentially cause a physical obstruction in the footpath. The applicant has been requested to provide clarification as to how this obstacle would be overcome along with some queries over the positions of surveyed trees. The applicant has not yet responded to these queries.

### Conclusion

3. The proposed development is considered to be unacceptable due to its proximity to land allocated for industrial development on Sovereign Park to the north. This is likely to lead to a recommendation that the application is refused. The applicant has been asked to provide clarification with regard to the impact on trees. In the event that this information is not forthcoming prior to the meeting a recommendation to defer the application will be given.

**RECOMMENDATION** – Final update to be provided at meeting

**No:** 2  
**Number:** H/2006/0834  
**Applicant:** Mr Amar Dhaliwal DUKE STREET HARTLEPOOL TS26 8PU  
**Agent:** Stephenson Johnson & Riley Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park HARTLEPOOL TS25 5TG  
**Date valid:** 15/11/2006  
**Development:** Variation of condition 2 attached to planning approval H/2005/5500 to allow Sunday opening between the hours of 9 a.m. and 10.30 p.m.  
**Location:** 34A DUKE STREET HARTLEPOOL

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#### Update

1 Since the original report was prepared a supporting statement has been submitted by the applicant's agent, a copy of which is attached to this update. A letter of support has also been received from the occupants of 34 Duke Street. The original letters of objection are labelled G on the background papers.

2 The applicant makes reference to the application proposing the same hours as enjoyed at the previous premises at 2 Lancelot Street. As each application is determined on its own merits this in itself is not a justification to remove such a condition.

3 The applicant's supporting statement makes comparisons to nearby retail and hot food units, which open on a Sunday and do not have off street parking facilities. While accepting this the properties in question have longstanding established uses as either hot food takeaways or convenience stores. There have been planning applications within the locality over the last decade for hot food takeaway uses with the commercial row of shops at 42-44 Duke Street. These applications have been refused by the Council and dismissed at planning appeal with regard to the impact upon the amenities of nearby residents and highway safety.

4 The agent has also indicated that applicant is willing to offer a free delivery service to customers on a Sunday evening to encourage customers to have their orders delivered instead of collected, accept an earlier closing time of 9.30pm for Sundays and not trade on a Monday. The agent also makes reference to Thai Pan securing use of the Supporters club car park for its customers and that it is advertised as such inside the shop. As stated on the original planning application for the hot food takeaway, it is the opinion of the Local Planning Authority that it is not possible to enforce that customer's park in the club car park. Further the HPP has received complaints about disturbance associated with people visiting the premises by car. Although a free delivery service could be offered on a Sunday to attempt to minimise the associated disruption there is obviously still potential for customers to visit the shop by either vehicle or on foot.

5 In relation to closure on a Monday it is the opinion of the LPA that there is traditionally a marked difference in typical working patterns and periods of times that people would be expected to spend at home between Sunday and any other day of the week. It is considered that the existing opening hours condition restricting trading at the premises on a Sunday was reasonably imposed and offers the nearby residents and adjoining neighbours relief from the associated noise and disturbance, and so a degree of peace and quiet on a day which traditionally people would be more likely to spend at home rather than working. Moreover, although it is acknowledged that by reducing the proposed hours from 10.30pm and 9.30pm will reduce the period of associated disturbance, there will still inevitably be comings and goings at a time of day when nearby residents would be most likely to expect a reasonable degree of peace and quiet.

6 A very recent appeal decision on a proposal for a hot food takeaway at 143 Oxford Road has been allowed. In determining the appeal, the Inspector restricted the takeaway from opening on a Sunday and Bank/ Public Holidays to 'protect the living conditions of nearby residents'. 143 Oxford Road is adjoined at either side by commercial units at ground floor and is located within a designated local centre. It is therefore considered that given 34A Duke Street is attached to residential properties and is located within a predominantly residential area which is outside a designated commercial centre, the restriction on Sunday opening is not unreasonable.

7 Notwithstanding the new information the recommendation to refuse in the original report remains the same.

**Supporting statement:-****APPLICATION NUMBER H/2006/0834**

Variation of Condition 2 attached to planning approval H/2005/5500 to allow Sunday opening between the hours of 9.00am and 10.30pm

34A Duke Street, Hartlepool

APPLICANT: Mr Amar Dhaliwal

AGENT: SJR Architects

**Supporting notes to accompany planning application.**

The application is to reinstate those opening hours previously granted to and utilised by the business at its' former premises at 2 Lancelot Street, where it operated for over 3 years without any disturbance or inconvenience to neighbours. The business relocated to its' current Duke Street site as part of Hartlepool Revival's program of urban renewal.

Whilst the application is to remove the restriction of not being able to open on Sunday's, the business is not seeking to be open seven days a week. Indeed, the business has always traded on being open 5.30-10.30pm six days a week, historically choosing to be closed on a Monday.

When the original application for the change of use was submitted, there were 22 neighbour objections. However, since the renovation and reopening of the Thai Pan takeaway, many of those original objectors have actually approached Mr Dhaliwal and congratulated him on the high standard of the refurbishment, and confirmed that their initial fears were unfounded, and have wished him well. The current application has received 4 letters of objection, stating consistent parking problems; noise problems; 'smell' problems, and increased traffic around the area, as their reasons for objection.

However, the two neighbouring properties on either side of the Thai Pan premises, ie. Nos 32 & 34 Duke Street have submitted letters of no objection, together with supporting statements confirming their not experiencing any problems with the operation of the premises, and their support for Sunday opening.

The neighbouring occupants of 3 Topcliffe Street, Mr & Mrs Hughes, submitted a letter of objection, extracts from which form most of the six points listed as the 'neighbour concerns raised' as detailed in the officers report to committee. Mrs Hughes once visited the Thai Pan to complain about 'banging doors' within the shop disturbing them, and stated that she was



calling public protection, to report the problem. It was pointed out to Mrs Hughes that all doors have soft closing self closing devices fitted, which prevent the doors from being 'slammed' at all times. Mrs Hughes still reported the problem never the less, and public protection made a site visit, and concluded that the source of the reported problem was not at all evident.

Mr Hughes also visited the premises on a separate occasion, complaining about 'being able to hear people talking and general noise' from within the premises. It was explained to him that the walls had been 'sound insulated' to local authority approval, and that there existed between his living room and the shop area, his staircase; the gable wall of his house; a two metre length of sound insulated party wall (of a toilet compartment); a large lobby area; and thereafter the shop area. He then became abusive to the staff, and he was then asked to leave the premises. He has consequently been barred from the premises due to his behaviour. Contrary to the statement in his letter of objection, he has never been into the shop to ask a customer to move a vehicle from outside his premises, nor has anyone else ever been into the shop to make such a request.

It is interesting to note that the neighbouring resident at No 34 Duke Street, who's entire habitable living areas physically adjoin the premises, have confirmed that they cannot hear anything of what goes on within the premises, praising the effectiveness of the sound insulation treatments. It is also worth noting that the extract ducting from the Thai Pan premises is located adjacent to the party wall with No 34, within 2 meters of the rear windows of their property, and they do not at any time experience cooking smells from the Thai Pan premises, nor have they ever experienced problems at any time in being able to park outside their property as a result of Thai Pan customers.

It is also a fact that within 50-100 yards of the Thai Pan premises, the following retail premises are all already in operation on a Sunday, most of which are still open to the public beyond 10.30pm., and non of which have 'off street' parking arrangements, unlike the Thai Pan :

Charlie's Convenience Store	10.30pm closing
Charlie's Pizzeria Takeaway	12.00am closing
Cost Cutter Store	11.00pm closing
Blossom Garden Takeaway	11.30pm closing

Also within the locality : Supporters Club 11.30pm closing

One letter of objection (another Mr Hughes, this time of 57 Duke Street) complains of noise and traffic problems 'all week long', citing all of the above premises together with the computer shop and motor cycle shop as

contributory factors. It is reasonable to say that the 'traffic problems' he might experience are far more likely to be related to the customers of the Convenience Store, rather than the customers of the Thai Pan.

In conclusion, we can confirm that the applicant simply wishes to have the same opening hours previously applied to his former business premises before his enforced relocation via Hartlepool Revival. This would allow him to continue to open **six days** a week, on the days of his choice as before.

As the Thai Pan provides restaurant standard food for eating 'at home', it takes orders for 'party bookings' from its customers for special occasions. Due to the current operating restrictions, this meant that as Christmas Eve 2006 fell on a Sunday, the business had to take payments for its 17 'Christmas orders' on the Saturday, and opened briefly on the Sunday for the allocated collection of the pre-paid orders. (No retailing took place on the Sunday, only collection). Subsequently, the Thai Pan was closed for business on New Years Eve, a usually lucrative date, as it fell on a Sunday.

As a gesture of goodwill, the applicant is prepared to offer a free delivery service to customers on a Sunday evening, to encourage customers to have their orders delivered rather than collected, and additionally he would accept an earlier closing time of 9.30pm for Sundays, if this was deemed more acceptable to the committee.

We would however remind the committee that Thai Pan has secured by financial means, the use of the Supporters Club car park for its customers, and has notices displayed in the premises advising its customers of the fact. We would also confirm that highways have no sustainable objections to make to the application.

Thank you for your time in reading this statement.

SJR Architects,  
on behalf of Mr Amar Dhalwal.

**No:** 3  
**Number:** H/2006/0813  
**Applicant:** Mr Alistair Scott Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW  
**Agent:** Jomast Developments Ltd Oriel House Bishop Street STOCKTON-ON-TEES TS18 1SW  
**Date valid:** 07/11/2007  
**Development:** Omission of 5 penthouse apartments on Block 27 and replacement with 10 flats and provision of lifts and increase in height of part of building (amendment to planning approval H/FUL/0638/01)  
**Location:** BLOCK 27 FLEET AVENUE HARTLEPOOL

### Update report

1. Objection letters were copied as section F of background papers.

### Residential amenity

2. The apartment block would comprise of a split-level building of 4 and 5 storey height. The number of storeys are no different to what has previously been approved. It is not considered to be out of keeping with the height of the nearest apartment blocks, Keel House 4 storeys, Chart House 4 storeys. Mayflower House directly behind the site is taller at 6 storeys in height.

### Car parking provision

3. The highway engineer has not objected to the proposals. The parking arrangements are such that there will be one parking space per unit. This is infact slightly less than originally approved but in overall terms is not considered significant.

### Northumbrian Water

4. Verbally have raised no objection to the development subject to surface water draining to the marina. A planning condition can be imposed to require this.

## 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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.  
In the interests of visual amenity.
3. The car parking spaces shown on the plan hereby approved shall be provided prior to the development being brought into use.  
In the interests of highway safety.
4. Floor levels should be set no lower than 5.00m AOD.  
To protect the development from flooding.
5. No part of the development shall commence unless the Local Planning authority is satisfied that there is adequate capacity in the foul and surface water drainage system to accommodate the foul and surface water flows arising from that part of the development.  
To ensure the adequate foul and surface water drainage facilities are available to serve the development.
6. Notwithstanding the submitted details final details for the storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be made available for use before the building they are designed to serve is brought into use and shall thereafter be retained for the intended purpose at all times during the life of the development.  
To ensure adequate facilities are available to serve the development/in interests of the visual amenities of the area.
7. Details of the provision for cycle parking to serve the development shall be submitted to and agreed by the Local Planning Authority prior to the development being commenced.  
To encourage alternative means of transport to and from the site

**No:** 4  
**Number:** H/2006/0814  
**Applicant:** Mr Nigel Dawson Keel Row 12 Watermark Gateshead NE11 9SZ  
**Agent:** Mackellar Architecture Limited 77-87 West Road Newcastle Upon Tyne NE15 6RB  
**Date valid:** 01/12/2006  
**Development:** Erection of a 3 storey, 80 bedroom care home with car parking (resubmitted application)  
**Location:** LAND AT CORNER WARREN AND EASINGTON ROAD HARTLEPOOL HARTLEPOOL

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## UPDATE

1. This application appears on the main agenda at item 4.
2. The recommendation was left open as a number of consultations and discussions with the Environment Agency were outstanding.

### Representations received

3. The time period for representations has expired. A single letter of representation has been received for the occupier of a residential property across the road. The writer asks for reassurances that drainage issues will be resolved and enquires as to whether a resident only parking scheme is a possibility as the road is busy and used for parking by existing residents. The letter has been included with the tabled items at today's meeting.

### Further consultation responses

**Hartlepool Access Group** : No comments received.

**Northumbrian Water** : No comments received.

**Police** : No objections. Make various recommendations to ensure the development is "Secured by Design". These include advice on entrance features, enclosures, street lighting, security lighting, door and window specifications, car parking, landscaping, drainpipes and alarms.

**Engineers** : Request conditions in relation to contamination and in relation to proposals for the disposal of surface water.

### Planning considerations

4. The further consultation responses and representation outlined above have been received.

5. Discussions with the Environment Agency are ongoing. The Agency have raised no objections to the proposal but have requested various conditions to minimise flood risk on the site. It is considered questionable whether there is in fact any flood risk on the site and the conditions proposed by the Agency to manage any flood risk may not be necessary. One of the conditions particularly requires that the floor levels of the building be a minimum of 14:00m AOD which the applicant has shown. Whilst, as stated in the earlier Committee report the levels proposed are acceptable in terms of the relationship with the neighbouring development, it is considered this relationship would be improved if a lower floor/site level could be agreed. The need for all the conditions proposed by the Agency is the subject of discussions, however it is unlikely that these issues will be resolved prior to the meeting. It is proposed therefore that the final floor levels of the building and site be subject to condition. The other conditions requested by the Agency are included in the proposed conditions detailed in the recommendation below.
6. The Police have recommended that the development incorporate various measures to comply with Secured by Design standards. These have been passed onto the applicant. The applicant is willing to incorporate the majority of the suggested measures with some modifications. However given the fact that the building will be staffed 24 hours and access to it controlled by a buzzer and key pad consider some of the proposed measures unnecessary. Given the applicants response it is not considered that all the measures proposed by the Police can be insisted on. It is proposed however to condition the details of landscaping, lighting and boundary treatments.
7. In terms of the issues raised by the person making representations about drainage and residents parking, the comments of Northumbrian Water are awaited at the time of writing. However their comments on the earlier application indicated that foul drainage can be accepted to the public system and it is anticipated that this will again be their response. In terms of surface water arising from the site, the applicant has indicated that this will be to soakaways. It is proposed to condition the final details of the system proposed. Members will be updated in relation to the Water Authority's comments at the meeting. It is understood that they are no proposals for a residents only parking scheme in this particular area, though a scheme is being brought forward in Holdforth Road. No requests to facilitate such a scheme has been received from the Traffic & Transportation section.
8. The proposal is considered acceptable and is recommended for approval.

**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. Notwithstanding the floor and ground/site levels shown on the submitted plans and details, the final finished floor and ground/site levels shall be submitted to and

agreed in writing with the Local Planning Authority prior to the commencement of development. The finished floor and ground/site levels shall thereafter be in accordance with the levels so agreed, unless otherwise agreed in writing with the Local Planning Authority.

3 The premises shall be used for a care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes)(Amendment)(Order) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.

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

4. The proposed windows in the north elevation of the northern projection of the building shall be glazed with obscure glass which shall be installed before the care home is occupied and shall thereafter be retained at all times while the windows exist.

To prevent overlooking

5 The car and cycle parking areas shown on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development.

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

6 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.

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

In the interests of visual amenity.

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

In the interests of visual amenity.

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

In the interests of visual amenity.

10 The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

11 The development hereby permitted shall not be brought into use until a "prohibition of waiting order" has been implemented on the southern side of Warren Road in accordance with details first submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

12. No development shall commence until details for the disposal of surface water arising from the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In order to ensure that a satisfactory means for the disposal of surface water is agreed and secured.

13. Unless otherwise agreed in writing with the Local Planning Authority, no development shall commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year flood plain, are submitted to and agreed in writing with the local planning authority. This route must be in place before any occupancy of the buildings.

To provide safe access and egress during flood events and reduce reliance on emergency services.

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

To prevent pollution of the water environment.

15 Details of the proposed external lighting for the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the building.



In the interest of security and the amenity of neighbouring properties.

16. Details of proposed materials for all hard surfaces (including access roads, paths, parking areas, manoeuvring areas) shall be submitted to and approved in writing prior to the commencement of development. The development shall be carried out in accordance with the details so approved.

In the interest of highway safety and visual amenity.

**No:** 5  
**Number:** H/2006/0906  
**Applicant:** Mr H Villah Grosvenor Street Hartlepool TS26 8HJ  
**Agent:** Business Interiors Group 73 Church Street  
 HARTLEPOOL TS24 7DN  
**Date valid:** 18/12/2006  
**Development:** Alterations, installation of new shop front and change of  
 use to provide a hot food takeaway shop  
**Location:** 27 MURRAY STREET HARTLEPOOL HARTLEPOOL

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#### **Update :-**

1 Since the original report was prepared a further 3 letters of objection have been from the residents of nearby residential properties. The objections relate to:-

- 1) Too many takeaways, Murray Street is already well provided for.
- 2) Too much traffic outside my property
- 3) Smell
- 4) Increase evening traffic
- 5) Noise disturbance through car door slamming

Copy letters E

2 It is considered that the main consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals within the Hartlepool Local Plan, highway safety, impact upon the amenities of the occupants of surrounding properties and visual amenity.

#### Policy

3 Policy Com5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises including restaurants and cafes (A3), drinking establishments (A4) and hot food take-aways (A5) within designated local centres, providing there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties and on the highway network. Also, when determining such applications it is important that the scale, function, character and appearance of the area is maintained.

4 It considered that in principle the use of the premises as a hot food takeaway is acceptable in this instance.

5 With regard to the function, character and appearance of the area, it is considered that although there are a number of hot food take aways along Murray Street, the majority of the commercial properties which make up the local centre are A1 retail. It is therefore considered unlikely that by granting planning permission in this instance that the function, character and appearance of the Murray Street Local Centre would be adversely affected.

### Highways

6 Given that there is a parking bay directly to the front of the property and the Murray Street public car park is directly opposite, it is not considered that a refusal could be sustained on highway safety or parking grounds. The Head of Technical Services has raised no objection to the proposal.

### Amenity

7 The terrace of properties to which this application relates is made up of a cycle and scooter shop, a garment repair centre, an estate agents and a two storey residential property. The application site is adjoined to the north by the cycle and scooter shop and to the south by the garment and upholstery shop, it would appear from the site visit that both commercial properties have residential units above.

8 The unit to which this application relates is a vacant ex design and print shop, with the first floor served by a separate access from the frontage. The entire property is within the applicant's ownership. The applicant's agent has submitted a statement confirming that the unit above will be used as storage in conjunction with the commercial operations proposed below.

9 It is considered that as the proposed kitchen and food preparation area is physically separated from the garment centre at 25 Murray Street by the hallway serving the first floor area above, it is unlikely that the proposed use would bring about any detrimental odour transfer through the walls and potentially effect the stock of the adjoining property given fabrics involved. The occupants/proprietor of the adjoining cycle shop has raised odour transfer as a concern. Although the Council's Head of Public Protection has raised no objection to the proposal and does not consider odour transfer through the party wall is likely. Notwithstanding this, it is considered prudent in this situation to attach a planning condition, which will require investigation into any potential odour transfer and appropriate mitigation measures if required to avoid any potential conflict.

10 Notwithstanding the two storey residential property within the terrace, it is considered the majority of the surrounding properties to the front and side upon Murray Street are predominantly commercial in nature at ground floor. It is therefore considered very unlikely that a refusal on noise and disturbance grounds could be substantiated in this instance given the hours of use proposed.

11 With regard to the proposed days/hours of operation it is considered that the opening of the premises up to 23.30 appears acceptable, the Head of Public Protection has raised no objection. However, since the submission of this application the Planning Inspectorate has allowed a planning appeal at 143 Oxford Road (planning ref H/2006/0502). This application appears broadly similar given that the site is located within a local centre and is adjoined by commercial properties at ground floor on each side with residential properties to the rear. The application at 143 Oxford Road sought hours of opening from 5pm until 11pm daily. The Inspector when allowing the appeal attached a condition to restrict opening on a Sunday, Bank or Public Holidays in order to protect the living conditions of nearby residents. Given the similarities in terms of physical relationships of the properties and their location

within local centres a similar restriction is considered reasonable in these circumstances.

12 With regard to the concerns of the nearby residents over the potential litter creation from customers. It should be noted that there are numerous litter bins along Murray Street and in particular there are two within 50m to the north and south of the application site. It is considered unlikely that an objection could be substantiated on these grounds.

#### Visual Amenity

13 The application also seeks consent for alterations to the front elevation of the property. The alterations include removing the double door way into the retail unit to a single door, a new door to the first floor entrance, rendering of exposed brickwork and a new roller shutter (to be hidden behind a new fascia board).

14 The design of the proposed new shop frontage is considered acceptable. The design will retain the original pilasters and corbels to the front and create a more appropriate door and window detail, which is considered to improve the aesthetics of the frontage whilst not detracting from the character of the streetscene.

15 In conclusion it is considered that for the reasons stated above and subject to restrictive planning conditions, this application is recommended for approval.

#### **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.

REASON: To clarify the period for which the permission is valid

2) The use shall not take place other than between the hours of 10.00 - 23.30 Mondays - Saturdays and at no other time on Sundays, Bank or Public Holidays.

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

3) Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.

REASON: In the interests of visual amenity.

4) Before the use hereby approved begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with manufacturer's instructions at all times while the use exists and food is being cooked on the premises.

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

5) Prior to the commencement of the use hereby approved investigations shall be undertaken to establish whether measures are required to prevent odours passing through the ground floor party wall. If so, a scheme to prevent the transmission of such odours shall be submitted to and approved in writing by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

6) Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.

REASON: To clarify the period for which the permission is valid

**No:** 6  
**Number:** H/2006/0816  
**Applicant:** Leebell Mitchells And Butler Oakdene Capital Ltd  
**Agent:** Signet Planning 26 Apex Business Village Annitsford  
 Newcastle Upon Tyne NE23 7BF  
**Date valid:** 20/11/2006  
**Development:** Erection of a public house and 2 no retail units and associated works  
**Location:** Land At Middle Warren Hartlepool Hartlepool

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## PLANNING UPDATE

1. The purpose of the update is to report on the outstanding issues.
2. Substantial information has been submitted with regard to the security measures to be incorporated into the scheme. Cleveland Police have considered this and provided comments. Conditions are advised in light of their comments, such as final details and position for CCTV cameras.
3. The developers are willing to enter into a legal agreement to limit the size of vehicles that would serve the site. Therefore articulated vehicles would be restricted from the site in light of the problems experienced with another Local Centre within Hartlepool. Public Protection and Traffic and Transportation are satisfied that this coupled with a restriction on servicing hours would be beneficial for both the site and the proposed residential properties to the east.
4. Discussions with Leebell are continuing with regard to the possibility of providing a pedestrian link over the A179 (Clavering roundabout), this will be reported further at the Committee meeting.

## Summary

5. It is considered that the development would provide much needed convenience shops and a gateway building in terms of the public house to serve an expanding local community. The principle of a Local Centre in this location has already been accepted in the outline approval and the site is identified within the adopted Hartlepool Local Plan 2006.

**RECOMMENDATION** – APPROVE subject to receipt of a legal agreement restricting the size of service vehicles to the site and the following conditions.

1. 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.

2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 1st, 20th, 21st and 30th November, 20th and 21st December 2006, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt
3. The retail unit(s) with floor space comprising 186 square metres hereby approved shall be retained for retail use independent from the larger 743 square metre retail unit at all times.  
For the avoidance of doubt and to ensure a variety of retail units are provided.
4. The retail units shall only be open to the public between the hours of 7am and 11pm Monday to Saturday, (discussions are on-going with regard to Sunday opening).  
In the interests of the amenities of the occupants of neighbouring properties.
6. The public house shall only be open to the public between the hours of 10:00 and 00:30 other than on the following special days when the public house shall be permitted to open between 10:00 and 01:30 hours: the Friday, Saturday, Sunday and Monday of:
  1. Easter Weekend
  2. 1st and 2nd May Bank Holiday weekends
  3. August Bank Holiday
 and on  
 St. Patrick's Day - 17th March  
 Halloween- 31st October  
 Christmas Eve - 24th December  
 Boxing Day - 26th December  
 and from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.  
 In the interests of the amenities of the occupants of neighbouring properties.
7. With the exception of the collection of bottles from the public house hereby approved, the servicing of the public house and retail units shall only take place between the hours of 6am and 5pm daily. The collection of bottles shall not take place before 8am and later than 5pm daily.  
In the interests of the amenities of the occupants of neighbouring properties.
8. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been

completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority. To ensure that any site contamination is addressed.

9. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

In the interests of highway safety.

10. 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.

11. 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.

12. Final location details of the plant bin store to the retail units shall be submitted to and agreed in writing by the Local Planning Authority before development commences. Thereafter the plant bin store shall be carried out in accordance with the approved details prior to the occupation of the development.

In the interests of visual amenity and highway safety.

13. A scheme to define the boundary of the area identified for outside drinking on plan 2276/101/SRDC rev. C shall be submitted and agreed in writing by the Local Planning Authority before development commences. The scheme shall be implemented in accordance with the approved details and thereafter retained during the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity and to control the area allocated for outside drinking.

14. A scheme for the final details and locations for the CCTV cameras shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of crime prevention



**No:** 7  
**Number:** H/2006/0839  
**Applicant:** Mr A Alfaham Gledstone Wynyard Woods Stockton TS22 5GF  
**Agent:** Newbys Solicitors 100 Borough Road Middlesbrough TS1 2HJ  
**Date valid:** 07/12/2006  
**Development:** Change of use to hot food takeaway shop  
**Location:** 132 OXFORD ROAD HARTLEPOOL HARTLEPOOL

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### Update Report

1. Since the original report was prepared a further 3 letters of objection have been received and a 208 signature petition opposing the development. These will be tabled to members at the meeting. The reasons of objection stated in the additional letters are similar in nature to those already described in the original report, however, one resident does highlight that in the applicant's supporting statement he makes reference to the operating hours of a public house, which the nearest one is nearly half a mile away and therefore does not feel it is relevant.
2. Since the original report was prepared an appeal decision in respect of the change of use to a hot food takeaway at 143 Oxford Road (H/2006/0502) has been determined. A copy of the decision is attached. The appeal was allowed subject to planning conditions; this will be discussed in detail below.

### Planning Considerations

3. The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the character of the area, the effect upon the amenities of the occupants of nearby residential properties and highway safety.

### Policy

4. Policy Com 12 (Food and Drink) of the Hartlepool Local Plan 2006 makes provision for food and drink developments of this nature only where there will be no significant detrimental effect on the amenities of the occupants of adjoining or nearby properties, highway safety and does not have a detrimental effect on the character, appearance and function of the surrounding area.
5. Consideration of highway safety and the amenities of the occupants of nearby properties are discussed further in the report. With regard to the character, function and appearance of the surrounding area it is considered that given the number of existing A1 and A2 properties (16) and launderette (1) in the Local Centre and immediate surrounding commercial units on Oxford Road (from Shakespeare Avenue to Rugby Street) the provision of an additional hot food takeaway will not undermine the predominant retail character of the Local Centre, even when the appeal at 143 Oxford Road is taken into account.

6. Members should note that an appeal is currently ongoing at 122 Oxford Road (H/2006/0565) for the change of use of the premises from a tattoo studio to a hot food takeaway. This application was refused under delegated powers and has been refused in the past due to it conflicting with policy Com 12 of the Hartlepool Local Plan. It is considered that even if this appeal is allowed it would be very difficult to argue that the character and function of the area had changed given what is discussed above.

#### Amenity

7. The property to which this application relates is located at the western end of a terrace of commercial properties. This single storey ex butchers shop is attached to a two storey commercial unit with children's clothes shop at ground floor. The remainder of the terrace is made up of a launderette and a craft shop.

8. The nearby residents have raised objection to the noise and disturbance issues created by the related pedestrian and vehicle movements associated with such a use. It is acknowledged that there is potential for this to occur on uses of this nature, however in this instance, although there are residential properties directly opposite and to the rear of the application site, the property is located upon a terrace of commercial properties and is sited adjacent the boundary of the Oxford Road Local Centre. This property has a parking bay directly to the front. Further, taking account of the outcome of the recent appeal at 143 Oxford Road, where the property bounds the curtilage of a residential property to the rear and does not have a parking bay to the front, it is considered that on balance the physical relationships appear acceptable in this case. Finally, The Head of Public Protection has raised no objection. It is your officers view therefore that it would be difficult to sustain an objection of noise and disturbance grounds.

9. The owner of the attached children's clothes shop objects on the grounds that odour and smell will affect her business. With regard to the potential transfer of odours through the party wall, whilst the Head of Public Protection has not objected to the proposal the applicant has indicated that he is willing to undertake works to the party wall to limit/prevent transmission of odours through it. A planning condition could therefore be imposed to require the applicant to investigate such potential and carry out mitigation works if required.

10. Equipment would be needed to adequately control the emission of fumes and smell from the premises. The Head of Public Protection has noted that a flue could be successfully installed if attached to the side of the adjoining property. As there is an objection from the owner of the adjoining property there may be a conflict. However this is a civil matter and not for the Local Planning Authority to resolve.

11. With regard to the nearby residents concerns over the potential litter increase in the area from such a use there are 3 public litter bins located on the opposite side of Oxford Road within approximately 35m and 50m to the east and west of the application site respectively. It is therefore not considered that a refusal could be sustained on these grounds.

12. The Inspectors report for the determination of the takeaway appeal at 143 Oxford Road, which is within approximately 40m of the application site, made reference to the residents concerns over anti- social behaviour and litter. The Inspector commented that she was not convinced that any current difficulties would be made worse by appeal proposal. Moreover as it is considered the application site has clear natural surveillance from the nearby properties and the area is covered by a Council CCTV camera at the Local Centre directly outside 143 Oxford Road. It is unlikely that an objection could be sustained on these grounds.

13. A resident has concerns about the effect of the proposal on the value of their property. As members will appreciate this is not a material planning consideration and therefore cannot be given weight in the determination of this planning application.

14. With regard to the proposed opening hours of the use the applicant is seeking opening from 4.00pm until 11.00pm every day of the week. This is not considered acceptable given the outcome of the nearby appeal at 143 Oxford Road, which restricted opening on a Sunday, Bank and Public Holiday to 'protect the living conditions of nearby residents'. The applicant is happy to accept such a condition.

#### Highways

15. In allowing the recent planning appeal at 143 Oxford Road the Planning Inspector whilst noting that a number of buses use the nearby junctions could not sustain an objection on highway grounds as there was nothing to indicate the customers visiting the takeaway would be more likely to park inappropriately than customers of other shops in the centre.

16. With regard to parking the Inspector made reference to the limited parking facilities on Oxford Road but highlighted that as fewer shops would be open in the evening it follows that there would be greater availability of parking spaces on Oxford Road at times when the proposed takeaway would be at its busiest. Given that there is a parking bay directly to the front of the terrace of commercial properties to which this application relates and that the Head of Technical Services has stated it would be very difficult to sustain an objection on highway grounds due to the previous use of the property, it is therefore considered unlikely that an objection could be sustained on highway safety or traffic congestion grounds.

#### Conclusion

17. For the reasons stated above it is considered that it would be difficult to sustain an objection to this proposal.

**Recommendation:-** Approve subject to the following planning conditions:-

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

**REASON-** To clarify the period for which the permission is valid

- 2) The use shall not take place other than between the hours of 16.00 - 23.00 Mondays - Saturdays and at no other time on Sundays, Bank or Public Holidays.

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

- 3) Before the use hereby approved begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with manufacturer's instructions at all times while the use exists and food is being cooked on the premises.


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

- 4) Prior to the commencement of the use hereby approved investigations shall be undertaken to establish whether measures are required to prevent odours passing through the ground floor party wall. If so, a scheme to prevent the transmission of such odours shall be submitted to and approved in writing by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

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

File copy.

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## Appeal Decision

Site visit made on 3 January 2007

**by Mrs K.A. Ellison BA(Hons), MPhil, 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.gov.uk

Date: 16 January 2007

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**Appeal Ref: APP/H0724/A/06/2025540**  
**Enigma, 143 Oxford Road, Hartlepool, Cleveland TS25 5RJ**

- 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 A Griffiths against the decision of Hartlepool Borough Council.
- The application Ref H/2006/0502, dated 30 June 2006, was refused by notice dated 8 August 2006.
- The development proposed is a hot food take away.

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**Decision**

1. I allow the appeal, and grant planning permission for a hot food take away at Enigma, 143 Oxford Road, Hartlepool in accordance with the terms of the application Ref H/2006/0502 dated 30 June 2006, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The use shall not take place other than between the hours of 08.00 – 23.00 Mondays - Saturdays and at no other time on Sundays, Bank or Public Holidays.
  - 3) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

**Reasons**

2. The appeal property is one of several retail units in the Oxford Road local centre. In addition to waiting restrictions, this stretch of Oxford Road also contains a light-controlled crossing and barriers. However, there is on-street parking nearby, including a small number of spaces in a roadside parking bay.
3. I appreciate that a number of buses use the Oxford Road/Shrewsbury Street junction opposite the appeal property. I also note that that two accidents have been recorded in the locality recently. However, there is nothing in the evidence before me to indicate that customers of the proposed take away would be any more likely to park inappropriately than customers of other shops in the centre. In the circumstances therefore, I consider that there are no grounds to conclude that the appeal proposal would materially affect the free flow of traffic or highway safety so that it would not conflict with the relevant provisions of Local Plan policies GEPI, Com5 and Com12.

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4. Given the limited parking facilities on Oxford Road, I recognise that the centre as a whole would tend to generate on-street parking in the residential streets which lead off it. However, as fewer shops would be open in the evening, it follows that there would be greater availability of parking spaces on Oxford Road at times when the proposed take away would be at its busiest. The proposed delivery service would also help to reduce parking demand. Consequently, it seems to me that parking associated with the take away would be unlikely to cause an undue level of disturbance for nearby residents. I therefore consider that the proposal would not conflict with policies GEPI, Com5 and Com12 in this respect.
5. I note that residents also have more general concerns, particularly regarding anti-social behaviour and litter. However, I am not convinced that any current difficulties would be made worse by the appeal proposal.
6. As suggested by the Council, I have imposed conditions relating to hours of operation and the submission of details of the proposed ventilation system in order to protect the living conditions of nearby residents. However, in my view the proposed condition concerning access would duplicate other controls and so would be unnecessary.
7. I have taken into account all the other matters raised in the representations which have been made, but none of them have convinced me that I should come to any other conclusion. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

K.A. Ellison

Inspector

**No:** 8  
**Number:** H/2006/0861  
**Applicant:** MR DENNIS HANCOCK HANSON HOUSE LYNN STREET HARTLEPOOL TS24 7BT  
**Agent:** HARTLEPOOL BOROUGH COUNCIL HANSON HOUSE LYNN STREET HARTLEPOOL TS24 7BT  
**Date valid:** 01/12/2006  
**Development:** ENGINEERING WORKS COMPRISING REMOVAL OF 600MM OF CONTAMINATED SOILS AND ASSOCIATED REINSTATEMENT WORKS WITHIN RESIDENTIAL CURTILAGES  
**Location:** LITHGO CLOSE HORNBY CLOSE COWLEY CLOSE WAINWRIGHT CLOSE AND WAINWRIGHT WALK HARTLEPOOL

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### Update Report

1. With regard to the outstanding concerns over the transportation of the contaminated soils from the site, the applicant has indicated that the contractor appointed for the scheme will be responsible for ensuring that the contaminated soil will be safely transported to and disposed of at an appropriately licensed landfill facility. Vehicles will be sheeted as necessary. As stated in the main report there may also be potential for contaminated soils to be treated by a treatment plant situated within the Contractors compound area.

**Recommendation:** - The recommendation in the original report remains unchanged.

**Report of:** Head of Planning and Economic Development

**Subject:** UPDATE ON CURRENT COMPLAINTS

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**1. PURPOSE OF REPORT**

- 1.1 During this four (4) week period, Fifteen (15) planning applications have been registered as commencing and checked. Fourteen (14) 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 residential dwelling to a sports injury clinic at a property on Duncan Road is being investigated. Developments will be reported to a future meeting if necessary.
2. A neighbour complaint about the alterations to a property in Alderwood Close including cladding to the front elevation is being investigated. Developments will be reported to a future meeting if necessary.
3. Two neighbour complaints about the erection of advertisement signage at a property on The Front Seaton Carew and land on the Wynd at Wynyard are being investigated. Developments will be reported to a future meeting if necessary.
4. An anonymous complaint about the erection of a large garden shed at a house in Arndcliffe Gardens is being investigated. This may be classed as permitted development. Any further developments will be reported to a future meeting if necessary.



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

**Subject:** APPEAL BY PAUL GOLD - SITE AT 12 MOORHEN ROAD,  
HARTLEPOOL.


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## **1. PURPOSE OF REPORT**

- 1.1 To advise members of the outcome of an appeal against the refusal of planning permission for the erection of a bedroom extension above an existing conservatory at the above property.
- 1.2 The appeal was dismissed the Inspector concluding that the proposed extension would have a detrimental effect on the living conditions of neighbouring occupants in terms of privacy, overshadowing and outlook. A copy of the appeal decision is attached.

## **2. RECOMMENDATION**

- 2.1 That members note the outcome of the appeal.

	<h2 style="text-align: center;">Appeal Decision</h2> <p style="text-align: center;">Site visit made on 11 December 2006</p> <p style="text-align: center;"><b>by Graham E Snowdon BA BPhil DipMgmt MRTPI</b></p> <p style="text-align: center;">an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>The Planning Inspectorate 4th Floor Wing Trafalgar House 2 The Square Trafalgar House London SW1A 8PN Tel: 0171 212 6272 e-mail: enquiries@ planning-inspectorate. gov.uk Date: 20 December 2006</p>
<p><b>Appeal Ref:</b> APP/H0724/A/06/2017336 <b>12 Moorhen Road, Hartlepool TS26 0SY</b></p> <ul style="list-style-type: none"> <li>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</li> <li>The appeal is made by Mr P Gould against the decision of Hartlepool Borough Council.</li> <li>The application ref: H/2005/5818 dated 27 September 2005, was refused by notice dated 21 November 2005.</li> <li>The development proposed is a bedroom extension above existing Garden Room.</li> </ul>		
<p><b>Decision</b></p> <p>1. The appeal is dismissed.</p>		
<p><b>Reasons</b></p> <p>2. The proposed extension, which would be built over an existing single storey extension, would extend beyond the rear wall of the dwelling by some 3.6 metres at a distance of just over 1 metre from the common boundary with 14 Moorhen Road. The Council's adopted Guidelines for House Extensions state that, in the case of detached houses, if an extension is offset a significant distance from a neighbouring property (typically half the property width), an extension projecting up to 2.5 metres from the main wall of the property will normally be permitted. In this instance, the Guidelines would be significantly exceeded. Although the rear elevation of the adjacent property extends marginally forward of its neighbour, I consider that the proposal, given its orientation and size, would lead to a significant level of overshadowing as well as a somewhat overbearing effect on outlook for the neighbouring occupiers. I am mindful of the fact that the staggered layout of the estate means that this is not an unusual arrangement and I also note that the occupants of no.14 have not objected to the proposal. However, the plots are narrow and, in this instance, I consider that the proposal would contribute to an oppressive feeling of enclosure for the neighbouring occupiers.</p> <p>3. The layout plan submitted is not to scale, but the Council claims that the rear elevation of the extension would only be some 16-17 metres from the rear elevation of the property to the rear. This is not disputed by the appellant and my own measurements taken on site appear to confirm the Council's calculations. The Council's Guidelines recommend a separation distance between principal elevations of 20 metres and suggest that extensions that would significantly reduce the separation distances between properties will not normally be permitted. In this instance, I agree that the first floor window on the rear elevation of the proposed extension would facilitate overlooking of the property to the rear, with a consequent unacceptable loss of privacy for its</p>		

Appeal Decision APP/H0724/A/06/2017336

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occupants. The extension would also have a window in its side elevation, directly facing the rear garden of 10 Moorhen Road, at a distance of some 5.5 metres. I find this less disturbing as the existing first floor bedroom window overlooks the neighbouring garden at a closer position, albeit at an angle. Nevertheless it contributes to the overall unacceptability of the proposal.

4. I have taken into account the fact that the existing ground floor extension would, itself, appear to be at odds with the Council's Guidelines and the advice in the Guidelines themselves that the provisions should be interpreted with some flexibility. Nevertheless Policy Hsg 10 in the recently adopted Hartlepool Local Plan states that proposals which are not in accordance with the Guidance set out in Supplementary Note 4 will not be approved and I am satisfied that the current proposal would have a detrimental effect on the living conditions of neighbouring occupants in terms of privacy, overshadowing and outlook.
5. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G. E. Snowden*

INSPECTOR

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

**Subject:** APPEAL BY MR & MRS HOPPER - SITE AT MEADOWCROFT, ELWICK ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the erection of a gatehouse at the above site.
- 1.2 The appeal is to be decided by a hearing and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

- 2.1 That authority be given to contest this appeal.

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

**Subject:** APPEAL BY TYNE VALLEY DEVELOPMENTS SITE  
AT SHU LIN, ELWICK ROAD, HARTLEPOOL

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**1. PURPOSE OF REPORT**

- 1.1 A planning appeal has been lodged against the refusal of the Committee to allow the erection of 17 executive apartments with access road and service facilities at the above site.
- 1.2 The appeal is to be decided by a hearing and authority is therefore requested to contest the appeal.

**2. RECOMMENDATION**

- 2.1 That authority be given to contest this appeal.

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

**Subject:** APPEAL AGAINST ENFORCEMENT NOTICE –  
LOWFIELD FARM, DALTON PIERCY

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**1. PURPOSE OF REPORT**

- 1.1 At a previous meeting of the planning committee, it was agreed to initiate enforcement action to secure the removal of an unauthorised residential building (including extension) from the above site.
- 1.2 The site owner has lodged an appeal against the enforcement notice served and consequently the matter is to be decided by a planning inspector following a hearing.

**2 RECOMMENDATION**

- 2.1 That Members agree to contest the appeal and maintain the enforcement action.

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

**Subject:** TESCO – BELLE VUE WAY

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**1. PURPOSE OF REPORT**

- 1.1 At its previous meeting, the Planning Committee were minded to grant planning permission for an extension to the Tesco store on Belle Vue Way, subject to planning conditions a planning agreement and a decision by the Secretary of State not to call in the application.
- 1.2 The purpose of this report, as it was not made explicit in the previous committee report, is to advise Members that part of the scope of the planning agreement will be to commit the developer to a staff travel plan with a view to reducing dependency on the private car.

**2 RECOMMENDATION**

- 2.1 That the report be noted.

**Report of:** Director of Regeneration and Planning Services

**Subject:** DRAFT DEVELOPMENT BRIEF FOR THE FORMER FAIR GROUND AT SEATON CAREW

## 1. PURPOSE OF REPORT

- 1.1 To inform the planning committee of the draft development brief for the former fairground site at Seaton Carew.

## 2 BACKGROUND

- 2.1 A draft development brief has been prepared for the Council owned former fairground and coach park at Seaton Carew. The site is identified in the Local Plan for commercial leisure and recreational uses. It is considered a key location for the regeneration of Seaton Carew and the aim is to secure a suitable development, which will provide a significant addition to the existing visitor offer. The site also incorporates land owned by Seaton Carew Golf Club. The development brief will be used to market the land and sets out the council's vision and planning guidelines for the development of the site. A copy of the development brief is attached as an appendix to this report.
- 2.2 At its meeting of on 14 August 2006, Cabinet approved the draft brief for the purpose of further consultation, authorised officers to liaise with Seaton Golf Club with a view to agreeing joint marketing arrangements and requested the draft brief be referred to Planning Committee.
- 2.3 Progress so Far
- 1 In August 2005 the Council's Cabinet agreed that the former fairground/coach park site could be marketed in accordance with a development brief (subject to consultation).
  - 2 As part of the response to the public consultation on the draft development brief, which took place in September 2005, Seaton Carew Golf Club made an approach to the Council expressing an interest in including some of their land as a combined development site.
  - 3 A report was considered at the Council's cabinet on 14 August 2006 where it was agreed that officers were authorised to pursue negotiations with Seaton Carew Golf Club with the aim of drawing up an agreement to market the combined sites through a revised brief.
  - 4 Cabinet agreed to re-consult the community with the amended development brief and this is now taking place in January 2007.
- 2.4 The public consultation exercise began on the Monday 8<sup>th</sup> January 2007 and will run till Friday 26<sup>th</sup> January 2007. A permanent exhibition is located at Seaton Library and officer drop in sessions have been arranged. The event



has received widespread interest in the local media including articles in the Hartlepool Mail and Northern Echo on Saturday 6<sup>th</sup> January. And publicity on local Television and radio on 8<sup>th</sup> January.

- 2.5 All nearby residents have been written to informing them of the consultation as well as Ward Members, The portfolio holder for Regeneration, members of the Seaton Carew Renewal Advisory Group and the Town Care Manager covering Seaton Carew.
- 2.5 The results of the consultation will be fed back to cabinet in February when they will be requested to approve the final brief

### **3 RECOMMENDATION**

- 3.1 That the report be noted.

# **Seaton Carew Bus Station and Former Fairground**



**DRAFT**

**Development & Marketing Brief**

**January 2007**

## **1. Purpose of Brief**

- 1.1 This brief provides the planning framework for a key regeneration site at the southern end of Seaton Carew. A recent strategy report, The Seaton Carew Tourism Strategy highlighted the need to extend and diversify the range of attractions at Seaton Carew, and this site was identified as providing a major opportunity for investment in the resort. This brief sets out the options for use of the site and particular requirements on urban design and layout. The brief is intended to assist the marketing of the site, consequently it allows for a degree of flexibility in order to encourage an appropriate development, whilst retaining the requirement for good quality design and a sympathetic treatment of this important site.
- 1.2 The land and buildings to which this brief relate is comprises of:
- a) vacant land to the east of the bus station;
  - b) the former Fairground amusement park; and
  - c) the Seaton Carew Coach Park.
  - d) A portion of Seaton Carew Golf Club land incorporating the northern end of the course including the Club House and car park land.

## **2. Location**

- 2.1 Seaton Carew is an attractive, Victorian seaside resort located a mile south of the main urban area of Hartlepool. Seaton Carew faces eastwards onto the North Sea and is focused around its main attraction - the beach which is one of the longest and sandiest in the region. Seaton Carew is a popular day visitor resort which attracts large numbers of visitors in the summer months. Its features include a long flat promenade, several good quality hotels and guesthouses, amusements, shops and a number of cafes / restaurants.
- 2.2 The brief site is located at the southern end of the resort next to Seaton Carew Golf Club (one of the top links courses nationally) and between the main coast road (The Front) and the beach. It comprises a proportion of the golf club land including the car park and Club House that will be relocated to outside the development site.
- 2.3 The land to which the brief relates is 3.8 hectares in area as shown on the attached plan Appendix 1 and is in the ownership of the Borough Council and Seaton Carew Golf Club. An ownership map can be found on page 4. 2.2 hectares of the brief area is in ownership of the council and this comprises the land to the east of the Bus Station, the former fair ground site and the coachpark. The remainder of the site 1.6 hectares is in ownership of the Gold Club. The agreement to include the Golf Club land in the brief area and to pursue joint marketing of the site has provided a larger site with substantial frontage onto the main road and excellent views of the sea front. This extensive site has high development potential due to its prominent location.

- 2.4 The brief site includes land behind the Grade II listed Art Deco Bus Station to the north of the former fairground site. Whilst the brief area does not take in the actual Bus Station buildings, any development proposals must be sympathetic to the setting of the listed building. The Bus Station, which is still in use, is one of the most prominent buildings in Seaton Carew and is an important focal point along the sea front. The bus station is within the Seaton Carew conservation area. The site is an important gateway to the resort from the south with excellent frontage along Tees Road and impressive views of the coastline to the East



### **3 Site Context and History**

- 3.1 The former fairground site consists of a cleared site to the centre of the overall site and covers an area of 0.6 hectares. To the south of the brief area is an existing car and coach park covering 0.9 hectares. There is also 0.7 hectares of land behind the bus station that makes up the northern parcel of the site. The site fronts directly onto the beach and has a fantastic coastal aspect. Views to the north include the historic and walled Hartlepool Headland with the North York Moors Heritage Coast to the south.
- 3.2 The fairground was closed in the early 1990s and was cleared leaving a large area of open space. The site currently includes a large car park that used to serve the fairground and surrounding resort area. Adjacent to the site are a pumping station and the internationally important Teesmouth and Cleveland Coast Special Protection Area and a Site of Special Scientific Interest (SSSI) located to the south of the site. Access to the adjacent pumping station is provided through the brief site.
- 3.3 The area of the golf club within the brief boundary is currently the site of the Club House and Car Park, which are to be relocated. The golf club was formed in 1847 making it the tenth oldest club in England. It has been host to many championships including the 2003 Senior Home Internationals and is a key visitor attraction. This portion of the development site has extensive frontage onto the main road (Tees Road) and is predominately flat in character. While the site currently accommodates the clubhouse and car park much of this area of 1.6 hectares has never previously been developed.
- 3.3 The Art Deco, Grade II listed Bus Station was built in 1938 and occupies a prominent location on Seaton Carew Front. Although not part of the brief's direct remit consideration of its prominence as a gateway feature and architectural value are important factors when considering development in the wider area. The Bus Station is a focal point for not only this area, but also within the wider area of Seaton Carew. The Borough Council is drawing up a Conservation Plan for the building, with aspirations to secure funding to restore the building.
- 3.4 The building features a clock tower with public toilets as well as two bus shelters. Hartlepool Borough Council has aspirations to restore the Bus Station. This is currently the focus of funding bids for a complete refurbishment. Behind the crescent form of the bus station's passenger shelters there was previously a large structure (The South Shelter) which was used as a shelter for users of the beach and promenade. This was demolished in the mid 1980's leaving an area of tarmac and grassed open space. This area forms the northern part of the brief site.
- 3.5 Vehicular access to the site is from the Front. The existing access has recently been improved with road widening, junction and sightline improvements and a new footpath. As well as these access improvements, a high quality scheme of environmental improvements has recently been completed to the area immediately to the north of the brief site. This forms

part of an ongoing strategy of improvement works to the public realm of Seaton Carew which is being pursued by the Borough Council.

- 3.6 The Seaton Carew Conservation Area boundary splits the development site, with the bus station and grassed area behind it included within the boundary, whilst the adjoining car park lies outside the Conservation Area. Any development, both within and in the vicinity of the Conservation Area must consider the sensitive nature and the high quality of design, particularly with respect to views and vistas along the promenade and The Front. A map of the conservation area can be found in Appendix 2.

#### **4 Development Context**

- 4.1 Hartlepool has seen a large rise in tourism over the last decade and a survey conducted in 2004 found that over 744,000 tourists visited the Borough with the economic impact of this being estimated at £38.53m. As part of its approach to developing its tourism economy, the Council recently commissioned a tourism strategy for the Borough. This report sets out a holistic approach to Hartlepool's tourism development and confirms Seaton Carew's role as a complementary day visitor destination to the major tourism location of Hartlepool Quays.
- 4.2 A further strategy has been prepared for Seaton Carew (Seaton Carew Tourism Strategy 2003 to 2008) aimed at establishing the priorities for the development of the resort. This strategy highlighted the former fairground site, together with the land to the rear of the bus station as providing a major investment opportunity which could significantly enhance the tourism offer at Seaton Carew. In pursuit of the strategy, the Council has already been successful in accessing over £1million of regeneration resources which is focussing on improving the quality of buildings and environment in the resort.
- 4.3 In furtherance of these strategies the Council commissioned consultants to carry out a feasibility study into the development of a geletaria (high quality ice-cream parlour) on part of the site to the rear of Seaton Bus Station. It is envisaged that a facility of this nature based in an iconic building overlooking the beach could well consolidate Seaton Carew's visitor offer and help regenerate the resort as a contemporary day visitor destination.
- 4.4 The feasibility documents set out the key research fundings and conclusions and give an illustration of potential income and expenditure together with sketch layouts and building designs. These will be made available on request and developers will be encouraged to explore the potential for incorporating this facility within their proposals.

#### **5. Development Opportunities**

- 5.1 As indicated earlier in this brief, the Council are looking for a development on this site which will make a major contribution to Seaton Carew tourism facilities.
- 5.2 The Hartlepool Adopted Local Plan considers the former fairground site and car park suitable for the development of appropriate commercial and



recreational facilities. Any proposals would have to demonstrate that they could enhance the attraction of Seaton Carew for both residents and visitors.

- 5.3 The setting of the development site would allow for a whole range of development options. This could range from one large entity with associated car parking and facilities to a number of smaller developments and users occupying the site.
- 5.4 Uses could include retail outlets, restaurants, a hotel and commercial leisure. Smaller scale proposals for convenience good stores might be acceptable provided that they don't prejudice the existing Hartlepool town centre and the Seaton Carew shopping precinct local centre at Elizabeth Way. Retailing with a tourist element or niche market as part of the general offer for Seaton Carew as a seaside resort. Any larger scale retail development would need to comply with the Local Plan policy on the Sequential approach on site selection and include a justification.
- 5.5 A mixed-use cluster style development would be welcome. The size and nature of the site and its prominence to the foreshore would allow a mixture of developments to enhance the development area as a whole.
- 5.6 As part of a larger development the Gelateria concept referred to in 4.3 would be encouraged. The Gelateria concept has been located within the feasibility study as an adjunct to the Bus Station which has the added benefit of making use of the Grade II listed building and giving good links to any facilities developed on the former fairground site. Flexibility of location will however be allowed, in the light of developers overall site assessment and proposals.
- 5.7 There is a possibility of a small element of residential development to enhance the economic viability of any development proposals. However this would be strictly ancillary to the principal commercial and / or leisure scheme and on upper floors.

## **6 General Requirements for Development**

- 6.1 The primary site for large scale commercial and recreational development in the brief area is at the former fairground site and existing coach park to the south of the existing Bus Station. The site offers scope for a wide range of commercial tourism and leisure facilities at the former fair ground site and the potential for less intensive developments behind the bus station.
- 6.2 Any development to the east of the bus station will have to be appropriate to the character and setting of the listed building and Conservation Area. Within the Seaton Carew Conservation Area, commercial and retail developments should take account of the character of the surroundings and particular care is needed to ensure that designs normally associated with modern commercial and retail practices remain sensitive to the quality of the built environment.



- 6.3 Development of this part of the site would be expected to incorporate environmental works to match the design and quality of the public realm works recently carried out to the north of the site.
- 6.4 There is scope to improve pedestrian linkages to both the beach and Rocket House car park to the north of the brief area. The site area can be linked to the centre of the sea front area with a promenade type walkway, which can capitalise on the unique setting and vistas of the foreshore.
- 6.5 The golf course's irrigation system is located on the development site and would have to be relocated as part of a redevelopment scheme. The irrigation tanks and small pumping station can be identified on the ariel photograph on page 4.
- 6.6 The golf club currently lets a small parcel of land to Hutchinson Telecommunications who have erected telecommunications apparatus on site. The lease is renewable every 2 years and is currently up for review again in 2007. Developers are expected to resolve this issue with the golf club.
- 6.5 A list of the relevant local plan policies is given in Appendix 3.

## **7 Design**

- 7.1 The design requirements for the part of the site to the rear of the bus station is outlined in paragraph 7.4. In regards to the main part of the site, development needs to take account of the unique location on the foreshore. Siting and massing will be important particularly as the development will be viewed with long range perspectives along Hartlepool Bay and from the Headland. It is essential that over development of the site is avoided and the height, orientation and massing should be appropriate to its foreshore location. New buildings should be predominately a maximum of two storey with the possibility of some two and half storeys subject to an innovative design.
- 7.2 The frontage facing east to the sea is very important and good design must be of a quality to reflect its outstanding location. The Council recognises that this is the main link with the sea front and would require the provision of a walkway to link potential development to the conservation area. High design and Landscaping is expected along the Tees Road frontage, as it is a key access route from the south, facing existing residential premises. The development must also be sensitive to the character of the remaining golf club land south of the brief site.
- 7.3 The Commission for Architecture and the Built Environment (CABE) have recently produced a publication called Shifting Sands<sup>1</sup>. It provides useful examples of regeneration in seaside towns through both restoration works and new build. Copies of this document can be downloaded from the CABE website ([www.cabe.org.uk](http://www.cabe.org.uk)).

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<sup>1</sup> Shifting Sands, English Heritage/CABE 2003 Product Code 50792

- 7.4 Any work within the setting of the bus station and its immediate surroundings should respect its Art Deco architecture and the themes of the recently completed landscaping works and should be undertaken using appropriate materials which reflect the new works and the character of the bus station.

## **8 Access and Parking**

- 8.1 Access to the site is provided from the Front (see appendix 1). At the south end of the brief area is currently an existing coach park. Any development of the site will need to retain an element of coach parking, parking for the actual new development (in accordance with current standards) and an element of parking for the general public. Early consultation with the Council's Highways Management Section is advised.

## **9 Services**

- 9.1 Northumbrian Water (NW) have provided a plan (see appendix 4) showing the location of the public sewers in the area. The rising main must be accurately located prior to any work commencing on site. NW have stated that they will object to any buildings or structures located over or close to the rising main. Any development must be on separate systems. Surface water must be prevented from entering public sewers, an alternative means of discharge must be investigated. All connections to public sewers must be made by NW.
- 9.2 Hartlepool Water should be contacted regarding the adequacy of water supplies. It is assumed that other services are available to the site although developers should check with the public utility providers.

## **9.3 Contact Details for Utilities**

### **Electricity –**

Northern Electric Distribution Limited (NEDL) owns and maintains the underground electricity apparatus. Correspondence with NEDL should be directed to Manor House, Station Road, New Penshaw, Houghton-le-Spring, DH4 7LA.

### **Gas –**

Transco maintains the network of gas mains. A plan of gas mains can be found in Appendix 5. The local address for Transco is Dunedin House, 2<sup>nd</sup> Floor, Riverside Quay, Columbia, Stockton-On-Tees, TS17 6YH.

### **Water –**

The on site fresh water is provided by the Hartlepool Water Company. Hartlepool Water are based at 3 Lancaster Road, Hartlepool, TS27 8LW.

### **Surface and foul drainage –**

The sewers are owned and maintained by Northumbrian Water. A plan of the sewer system for the site and surrounding area is provided in Appendix 4. Correspondence with Northumbrian Water and should be directed to Leat House, Pattison Road, District 15, Washington, Tyne & Wear, NE38 8LB.

## **10 Building Regulations**

Hartlepool Borough Council offers a service of inspection under the Building Regulations. For further details telephone the Borough Councils Building Control Manager 01429 523290.

## **11 Useful contacts**

Highways Mike Blair 01429 523252 [mike.blair@hartlepool.gov.uk](mailto:mike.blair@hartlepool.gov.uk)

Planning Stuart Green 01429 284133 [stuart.green@hartlepool.gov.uk](mailto:stuart.green@hartlepool.gov.uk)

Leisure John Mennear 01429 523417 [john.mennear@hartlepool.gov.uk](mailto:john.mennear@hartlepool.gov.uk)

Tourism Jo Cole 01429 523508 [joanne.cole@hartlepool.gov.uk](mailto:joanne.cole@hartlepool.gov.uk)

Economic Development

Antony Steinberg 01429 523503 [antony.steinberg@hartlepool.gov.uk](mailto:antony.steinberg@hartlepool.gov.uk)

Legal Pauline Newton 01429 523482 [pauline.newton@hartlepool.gov.uk](mailto:pauline.newton@hartlepool.gov.uk)

Estates Emma Dixon 01429 523216 [emma.dixon@hartlepool.gov.uk](mailto:emma.dixon@hartlepool.gov.uk)

Seaton Carew Golf Club 01429266249 [www.seatoncarewgolfclub.org.uk](http://www.seatoncarewgolfclub.org.uk)

## **12 Summary**

This Brief sets out guidance for perspective developers with an indication of potential uses. However the brief is not prescriptive and so there may be opportunities to consider alternative development solutions provided they conform to the following aims of the Borough Council: -

- a) A mix of uses is sought which will significantly add to Seaton Carew's visitor offer and therefore continues Seaton Carew's Regeneration.
- b) Flexibility of approaches is allowed, but a high quality, sensitive design solution is required to reflect the unique attributes of the site.
- c) That the Gelateria concept could have a role to play, but the brief is flexible to innovative development proposals.



LOOKING SOUTH FROM THE ACCESS ROAD TOWARDS THE BUS STATION



ACCESS ROAD

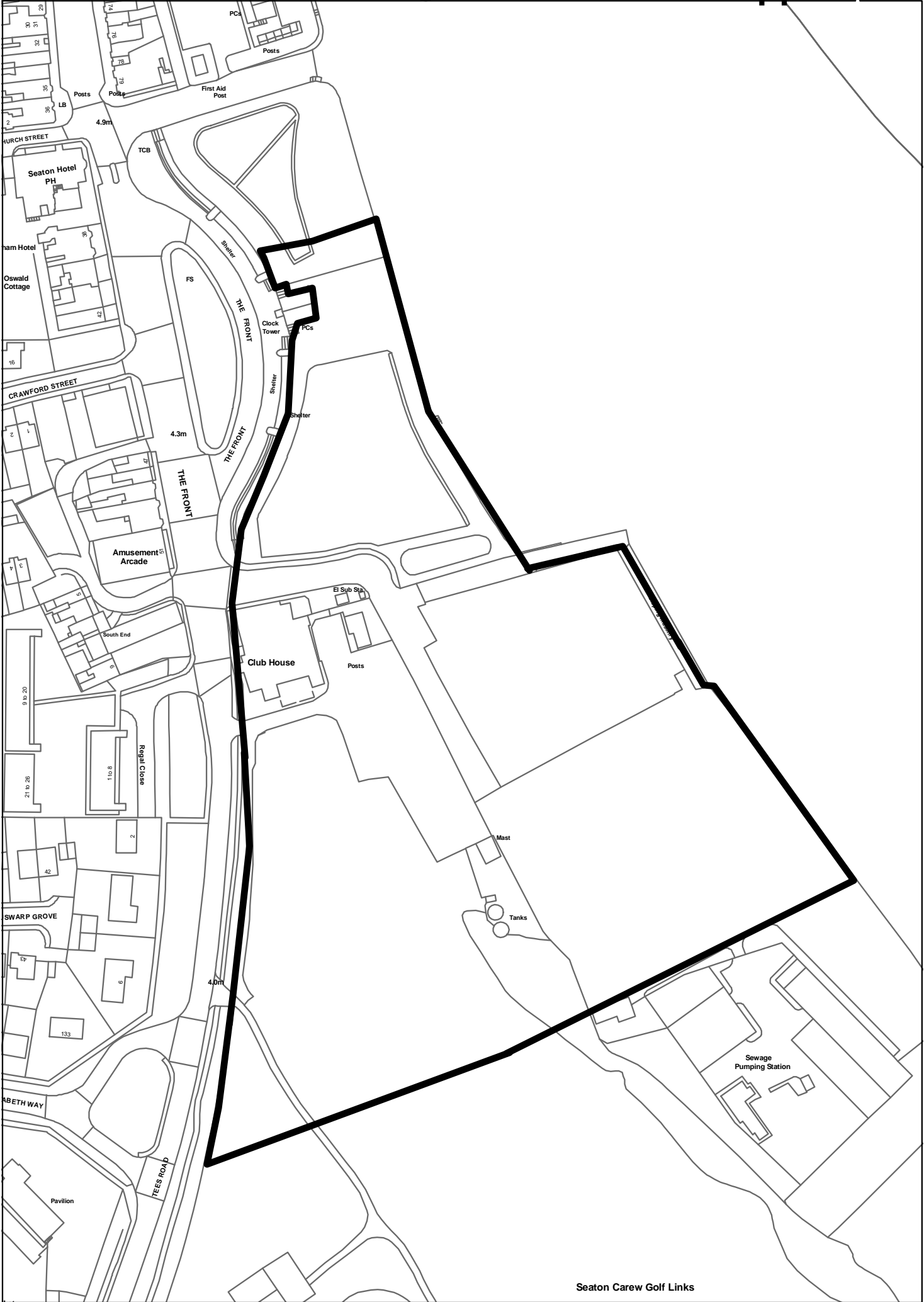




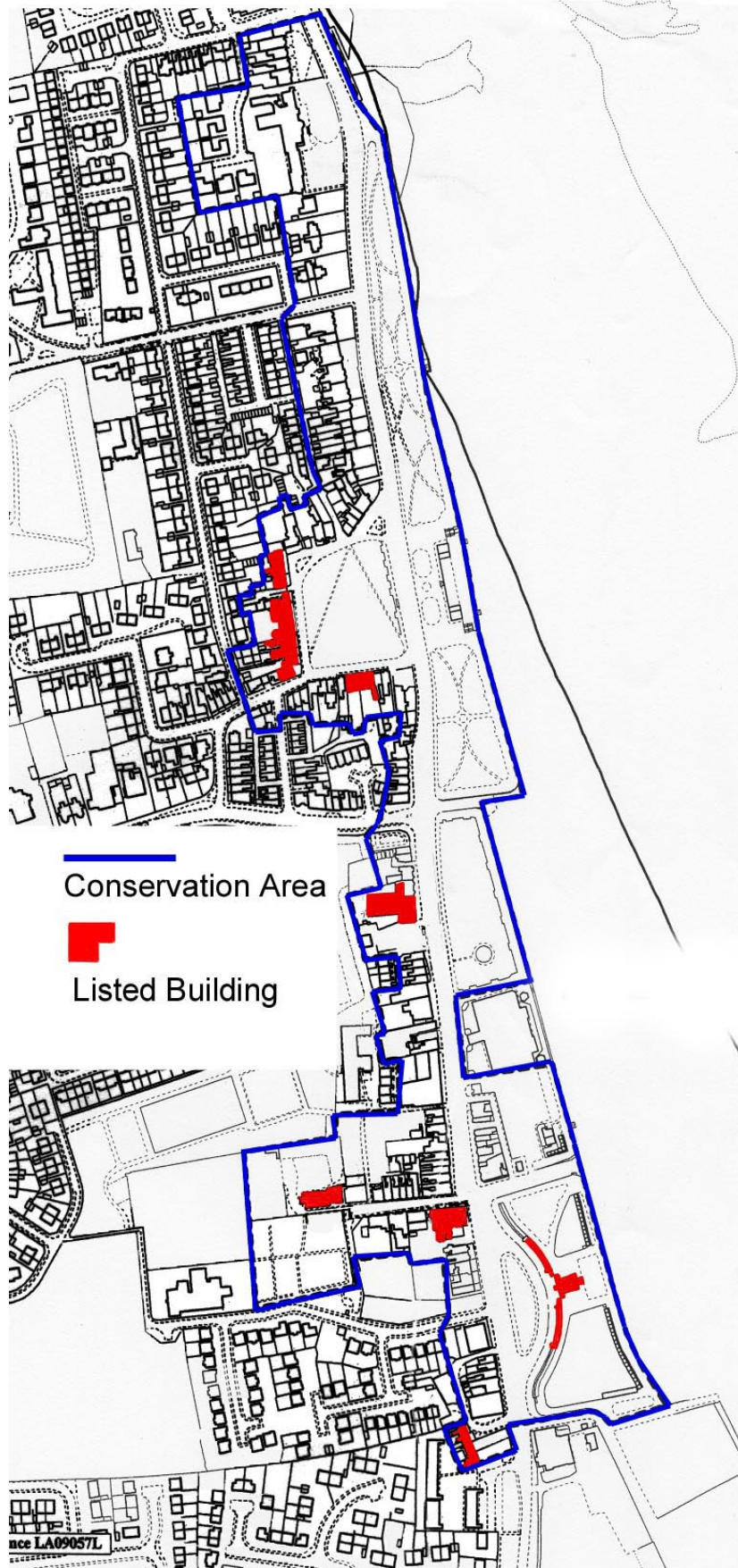
ACCESS ROAD



ENVIRONMENTAL IMPROVEMENTS ADJACENT TO THE SOUTH OF THE DEVELOPMENT SITE



## Seaton Carew Conservation Area





## Local Plan Policy

## Appendix 3

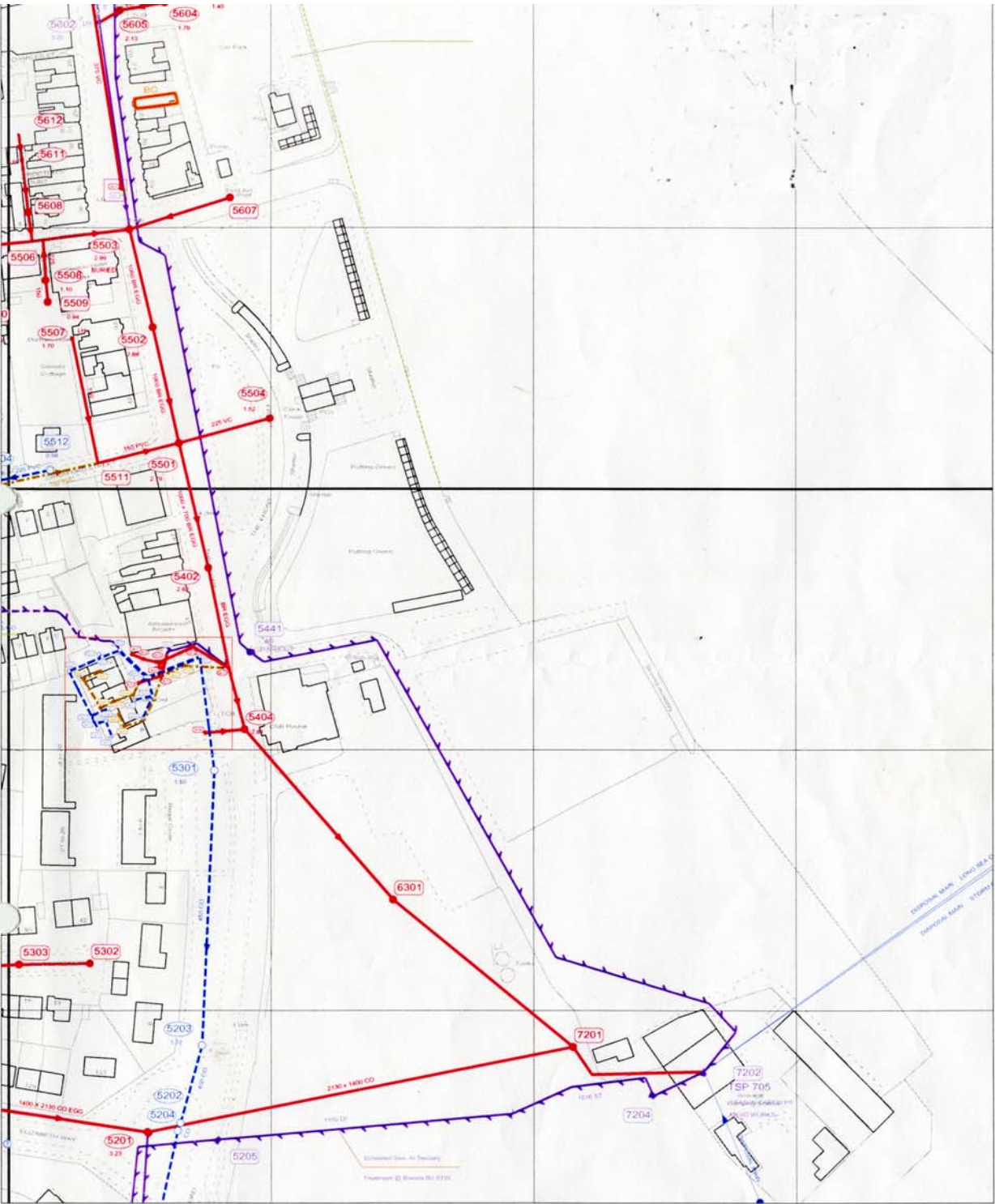
The Local Plan (2006) identifies the under used areas covered by this brief along the seaward side on The Front for commercial and recreational development. The site behind the bus station on The Front, the former fairground and the coach park, all located within the core area of Seaton Carew, are considered suitable for more intensive leisure and commercial facilities.

Development Proposals for the site need to take account of the following policies contained in the 1994 Local Plan:

To3	Core Area of Seaton Carew
To4	Commercial Developments sites at Seaton Carew
Rec 9	Recreational Routes
WL1	Protection of International Sites
WL2	Protection of SSSIs
WL6	Protection of Local Nature Reserves
HE1	Protection and Enhancement of Conservation Areas
HE2	Environmental Improvements of Conservation Areas
HE3	Developments in the Vicinity of Conservation Areas
Rec 4	Protection of Outdoor Playing Space
Supplementary Guidance Note No. 2 Design Requirements for Parking.	

Full details of all of these policies can be found in the Local Plan, which is available on the Council's website [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk) .





	Distribution Main		Private Main		Combined		Private		Abandoned
	Raw Water Main		Out of Commission Main		Foul		Highway Drain		Manhole
	Trunk Main		Abandoned Asbestos Main		Surface Water		Rising Main		Pumping Stn
	Proposed Main		Abandoned Main		Watercourse		Backdrop		Adoption Agreement

Author : wallj

Title : seaton carew

Centre Point : 452686.529459

Date : 24-07-2003

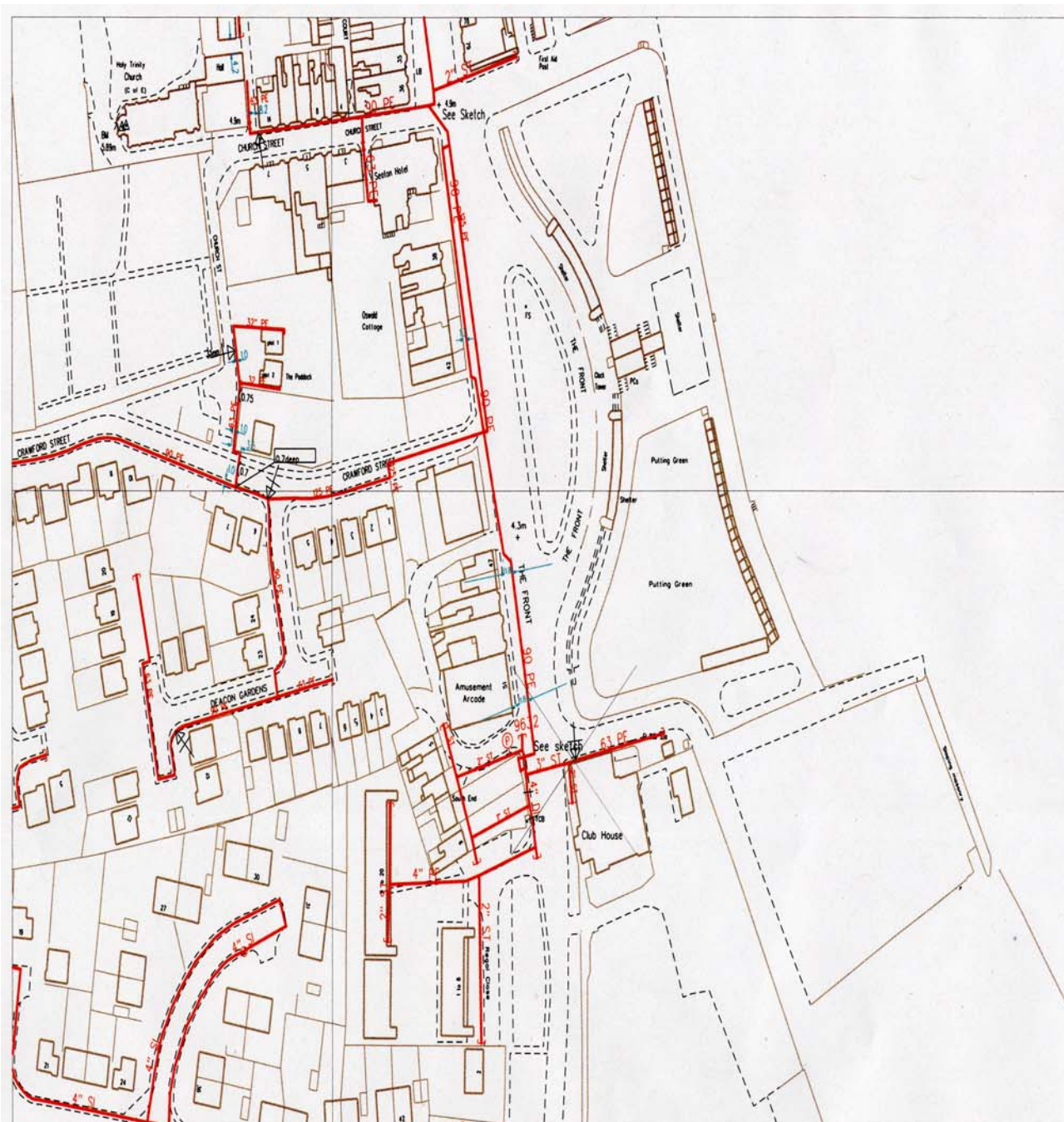
Sheet: NZ5229SE

Scale : 1:2000

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Emergency Telephone Number: 0845 717 1100

**NORTHUMBRIAN WATER**



Origin = (0452373,0529333) MapRef = NZ5229 Extent = (500m,292m) - This map view is not to scale. Data extracted on 15/03/2005 Printed on 23/06/2005  
 Plant Owner = Transco or the relevant Gas Distribution Network MAPS Viewer V4.10.1

This plan shows those pipes owned by Transco plc or the relevant Gas Distribution Network in their roles as a Licensed Gas Transporters (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Transco plc, the relevant Gas Distribution Network, or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

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