

PLANNING COMMITTEE AGENDA



Wednesday, 16th May 2007

at 10.00 a.m.

in

**The Council Chamber
Civic Centre, Hartlepool**

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, R W Cook, S Cook, Henery, Kaiser, Lauderdale, G Lilley, Morris, Payne, Richardson, Worthy and Wright.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 18th April 2007 *(to follow)*
- 3.2 To confirm the minutes of the Sub-Committee meeting held on 23rd April 2007 *(to follow)*

4. ITEMS REQUIRING DECISION

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

- 1. H/2007/0220 21 Clifton Avenue
- 2. H/2007/0207 Greenock Road
- 3. H/2007/0134 J & B Recycling
- 4. H/2007/0218 3-9 Church Square
- 5. H/2007/0259 Travellers Rest

4.2 Update on Current Complaints – Head of Planning and Economic Development

- 4.3 Conservation Policy Review – *Assistant Director (Regeneration and Planning)*
- 4.4 Untidy Land and Derelict Buildings – A Co-ordinated Approach to their Improvement – *Assistant Director (Planning and Economic Development), Director of Neighbourhood Services and Chief Solicitor*
- 4.5 TPO 180 – Woodland West of Naisberry Park – *Assistant Director (Regeneration and Planning)*
- 4.6 Appeal Ref APP/H0724/A/06/2028579:H/2006/0565 Change of Use to a Hot Food Takeaway (As Use), 122 Oxford Road, Hartlepool, TS15 5RH – *Assistant Director (Planning and Economic Development)*
- 4.7 Appeal by Mrs Melanie Goodwin, 9 Guillemot Close, Bishop Cuthbert, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.8 Complaint Files to be Closed – *Assistant Director (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Monday 4th June 2007 at 10.00 am

Next Scheduled Meeting – Wednesday 6th June 2007

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

18th April 2007

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors Stan Kaiser, Geoff Lilley, Dr George Morris, Robbie Payne, Carl Richardson, Maureen Waller and Edna Wright.

Also Present In accordance with Council Procedure Rule 4.2;
Councillor Jonathan Brash as substitute for Councillor Worthy
Councillor Sheila Griffin as substitute for Councillor Iseley
Councillor John Marshall as substitute for Councillor D Allison
Councillor Dennis Waller as substitute for Councillor S Cook

Officers: Stuart Green, Assistant Director (Planning and Economic Development)
Peter Devlin, Legal Services Manager
Richard Teece, Development Control Manager
Roy Merrett, Principal Planning Officer
Chris Roberts, Development and Co-ordination Technician
Adrian Hurst, Principal Environmental Health Officer
Sarah Scarr, Landscape Planning and Conservation Manager
Gill Scanlon, Planning Technician
Jo Wilson, Democratic Services Officer

164. Retiring Members

Prior to the commencement of the meeting Members paid tribute to the contribution made by Councillors Bill Iseley and Ray Waller. It was requested that a letter be sent to both members, thanking them for their years of service.

165. Apologies for Absence

Apologies were received from Councillors Derek Allison, Shaun Cook, Bill Iseley, Ray Waller and Gladys Worthy.

166. Declarations of interest by members

H/2007/0784 Middle Warren: Councillor Edna Wright declared a personal interest

167. Confirmation of the minutes of the meeting held on 4 April 2007

Confirmed subject to the following amendment to H/2006/0338 The Wynd Decision:

'That authority be granted to the Chief Solicitor to conclude the necessary planning agreement'.

168. Planning Applications *(Assistant Director (Planning and Economic Development))*

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

Number:	H/2007/0056
Applicant:	Persimmon Homes Teesside Hilton Road Aycliffe Industrial Estate Newton Aycliffe
Agent:	Persimmon Homes Teesside Persimmon House Hilton Road Aycliffe Industrial Estate Newton Aycliffe
Date received:	18/01/2007
Development:	Approval of reserved matters for the erection of 56, 2 storey houses, and 21, 3 storey apartments and associated works
Location:	AREA 7C MIDDLE WARREN MERLIN WAY HARTLEPOOL
Representations:	Simon Usher (representative of the applicant) addressed the Committee
Decision:	Reserved Matters Approved

CONDITIONS AND REASONS

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. 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.

3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 18th January and the amended site layout plan received on 16th April 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the finished floor levels submitted on the 8th March 2007.
To ensure the site is developed in a satisfactory manner.
9. Notwithstanding the submitted details a scheme detailing the proposed cycle storage and refuse storage shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the apartments. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity.

10. A scheme for access in connection with the building of this site (via Merlin Way) shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. Thereafter the site will be carried out in accordance with the approved details. In the interests of the amenities of the occupants of neighbouring properties.
11. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site. For the avoidance of doubt
12. The flats hereby approved shall be a maximum of 3 storeys in height only. In the interests of visual amenity.

Councillor Wright requested that her vote against the application be recorded.

Number: H/2006/0784

Applicant: Bellway Homes (N.E.) Ltd
Main Street Ponteland New castle Upon Tyne

Agent: Bellway Homes (N.E.) Ltd Peel House Main Street
Ponteland New castle Upon Tyne

Date received: 17/10/2006

Development: Erection of 85 houses and 15 flats with associated estate roads, garaging and landscaping

Location: LAND AT MIDDLE WARREN MERLIN WAY
HARTLEPOOL (Area 7B)

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. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority

on 17th October 2006, 18th January, 2nd February, 15th February and 12th March 2007 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

5. Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the finished floor levels submitted on the 12th March 2007.
To ensure the site is developed in a satisfactory manner.
6. A detailed scheme for the acoustic barrier, mounding and landscaping between the land allocated for the Local Centre and the hereby approved dwellings shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Thereafter the approved scheme shall be retained for the lifetime of the dwellings unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
7. Before the occupation of plots 1091, 1092, 1093, 1094, 1095, 1096 a scheme for noise attenuation measures for the individual properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details and be retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the buildings are adequately soundproofed in the interests of the amenity of the occupants the residential properties.
8. A detailed scheme of landscaping, tree and shrub planting, including a revised scheme for landscaping to the northern boundary of the hereby approved site and the adjacent Charles Church site 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. Prior to the commencement of the development hereby approved, a scheme for the disposal of surface water land drainage shall be

submitted to and agreed in writing with the Local Planning Authority and Northumbrian Water. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

11. Prior to the commencement of the development hereby approved, a scheme detailing land formation of the rear gardens of plots 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1072, 1073, 1074, 1075, 1076, 1077, and 1078 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
12. Prior to the commencement of the development hereby approved, a scheme for the construction of all retaining walls required shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
13. A scheme for the storage of refuse for the flats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties.
14. A scheme for secure cycle storage for the flats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of crime prevention.
15. For the avoidance of doubt the window marked red on the plans for the house type Harris 3 (which serves the master en-suite) shall be obscure glazed and retained as such while the window exists.
To prevent overlooking
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

- To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
18. Prior to the commencement of the development hereby approved final details of the drives which serve plots 1090, 1092, 1096, 1097 and 1084 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of highway safety.
 19. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site.
For the avoidance of doubt

Councillor Wright requested that her vote against the application be recorded.

Number:	H/2007/0097
Applicant:	T Mobile (UK) Ltd Hatfield
Agent:	Turner And Partners Templar House 1 Sandbeck Court Sandbeck Way
Date received:	05/02/2007
Development:	Construction of telecommunications installation comprising 15.3m flagpole with shrouded trisector antenna radio equipment cabinet and ancillary developments and removal of existing flagpole.
Location:	HARTLEPOOL CRICKET CLUB PARK DRIVE HARTLEPOOL
Representations	Mr R Hattersley (representative of the applicant), Ward Councillor Pauline Laffey (objector) and Mrs Carroll (objector) addressed the Committee.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. The application site is located close to housing within the Park Conservation Area and opposite Ward Jackson Park, a registered park. Notwithstanding that the installation has been designed to look like a flagpole it is considered that the installation by reason of its siting and height would appear unduly large and intrusive to the detriment of the visual amenities of the occupiers of nearby housing the character and

- appearance of the Park Conservation Area and the setting of Ward Jackson Park contrary to policies Gen1, PU8, HE1 and HE6 of the adopted Hartlepool Local Plan.
2. It is considered that because the installation will appear unduly large and intrusive it will be a constant reminder to residents living close to the site that the installation is a telecommunications mast and will as a consequence be perceived as a potential health risk to the detriment of the amenities and well being of the occupiers of nearby housing contrary to policy GEN1 of the adopted Hartlepool Local Plan.

Councillors Griffin, Morris, Richardson and Wright requested that their votes against the application be recorded.

Number:	H/2007/0046
Applicant:	Mr P Jenkins Brewery Farm Hart Village
Agent:	GLC Construction Services 1A Hillcrest Grove Ewick Hartlepool
Date received:	18/01/2007
Development:	Erection of 2 stables and storage room (resubmitted amended application)
Location:	Opposite 16 to 21 MILBANK CLOSE NORTH OF THE A179 HART 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. 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. 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.
5. The proposed development shall be for the stabling of privately owned horses and the storage of ancillary equipment only and shall not be used for livery or any other commercial purposes.
In the interests of highway safety and the protection of the amenities of the area.
6. There shall be no burning of manure or any other materials whatsoever on site.
In order to protect the amenities of the area.
7. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.
The site is of archaeological interest
8. A carriageway crossing serving the proposed new access tracks shall be constructed prior to the stables being brought into use.
in the interests of the highway safety.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the site shall not be used for any of the purposes permitted by virtue of Schedule 2 Part 4 Class B.
To enable the Local Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
10. There shall be no equestrian activity related structures including barriers and jumps erected nor any equestrian related events held within the site.
In the interests of visual and residential amenity.

The Committee considered representations in relation to this matter.

Number: H/2007/0150

Applicant: MR BRENDON COLAROSS
Hartlepool Borough Council HANSON HOUSE
HANSON SQUARE, LYNN STREET HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL
ENGINEERING CONSULTANCY MR BRENDON

COLAROSI HANSON HOUSE, HANSON
SQUARE LYNN STREET STRANTON
HARTLEPOOL

Date received: 26/02/2007

Development: Erection of two sections of ornate fencing in association with environmental improvement works (opposite 28 and 29 Town Wall and west of 2 Town Wall)

Location: 1-30 TOWN WALL HARTLEPOOL

Decision: **Council 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/2007/0147

Applicant: MR HNIJJAR
10 CHESTER ROAD HARTLEPOOL

Agent: SJR Architects & Interior Designers Mr David Johnson Suite 101 The Innovation Centre Venture Court Queens Meadow Business Park Hartlepool

Date received: 26/02/2007

Development: CHANGE OF USE FROM TV REPAIR SHOP TO HOT FOOD TAKEAWAY

Location: 152 RABY ROAD HARTLEPOOL

Representations Nick Crass (representative of the applicant) and Mr Bell (objector) addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. The site lies outside the Raby Road local centre in a predominantly residential area. Given the site's close relationship with neighbouring

residential properties it is considered that the proposal would have a detrimental impact on the living conditions of the occupiers of those properties particularly in terms of noise, general disturbance and nuisance from movements both pedestrian and vehicular to and from the site. This disturbance would extend late into the night. The proposal would be contrary to policies GEP1, Com12 and Com13 of the adopted Hartlepool Local Plan.

2. 152 Raby Road is on a heavily trafficked road which is also a bus route and where significant on street parking particularly related to existing housing already takes place. It is considered that regular comings and goings of vehicles using the proposed takeaway would conflict with residential parking and would be detrimental to the free flow of traffic and highway safety contrary to policies GEP1, Com12 and Com13 of the adopted Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

Councillor Wright asked that her vote in favour of the application be recorded.

Number:	H/2006/0856
Applicant:	Ms Alex Ross 41 Park Road Hartlepool
Agent:	Anthony Walker and Partners Mr Guy Rawlinson St Josephs Business Centre West Lane Killingworth Village Newcastle upon Tyne
Date received:	24/11/2006
Development:	Formation of a linear park and associated works including alley gates and boundary walling. Consideration of park details required by conditions 2, 3 and 5 of the original planning permission
Location:	THORNTON STREET HARTLEPOOL
Decision:	Members reiterated their earlier decision and APPROVED the park details as submitted. Final approval of external materials was delegated to the Development Control Manager

169. Officer Delegation Scheme *(Director of Regeneration and Planning and Chief Solicitor)*

At the Planning Committee meeting on 21st March 2007 members had requested a report be compiled looking at the current Officer Delegation Scheme and its impact in the determination of planning applications. A detailed report was provided, giving information on the current system of Officer Delegation and comparing the Hartlepool scheme with those used by neighbouring authorities. A blank copy of the standard neighbour consultation letter was attached as an appendix.

Members supported the continuation of the current scheme, however concerns were raised as to the wording on the notice of objection letter sent in by residents. It was felt that use of the word “we” meant that one letter could reflect the objections of a number of residents, thereby giving an inaccurate picture of the strength of feeling against a particular application. However, the Development Control Manager felt that previous experience showed that the system worked as it was and it was unnecessary to make any changes. The difference between twenty objections and thirty objections was academic as either way the application would be brought before the Planning Committee for consideration.

Decision

That the report be noted and the scheme of delegation as approved in May 2005 continue.

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

During the previous three (3) week period, twenty three (23) planning applications had been registered as commencing and checked, twenty one (21) required site visits resulting in various planning conditions being discharged by letter. Members’ attention was drawn to 13 on-going issues, which were briefly set out in the report.

Decision

That the report be noted.

171. Complaint Files to be Closed *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported on the following complaint cases:

- 39 The Green, Elwick – an additional window had been inserted into the rear elevation. This did not affect the street scene or adversely affect neighbours. This would normally benefit for permitted development rights but there was an Article 4 Direction in place.
- Grayfields Recreation ground – A fence had been erected 2.4 metres

high and a turnstile had been inserted into the fence without the appropriate amendment to the permission. This did not have a detrimental effect on the street scene.

The Assistant Director (Planning and Economic Development) recommended that no further action be taken in respect of these cases.

Decision

That, following investigation, the case files be closed and no further action taken.

172. Land at 27 Seaton Lane, Hartlepool *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a detached bungalow at land to the side of 27 Seaton Lane. The appeal was to be decided by a hearing and authority was requested to contest the appeal.

Decision

That officers be authorised to contest this appeal

173. Appeal Ref APP/H0724/A/07/2039498/NWF:H/2006/0441 Erection of a Two-Storey Lounge, Hall, Garage, Bathroom and Bedrooms (2) Extension at Amerston Hill, Coal Lane, Hartlepool TS27 3EZ *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a two-storey lounge, hall, garage, bathroom and bedrooms (2) extension at Amerston Hill, Coal Lane, Hartlepool. The appeal was to be decided by written representation and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

174. Appeal by R Jackson, 53 Applewood Close, Hartlepool *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the erection of a detached bungalow with integral garage at 53 Applewood Close. The appeal was to be decided by a hearing and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

175. Appeal Ref

APP/H0724/A/07/2039548/NWF:H/2006/05839 Change of use to a Hot Food Takeaway Shop, 132 Oxford Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority to allow the change of use of 132 Oxford Road, Hartlepool to a hot food takeaway shop. The appeal was to be decided by written representation and authority was requested to contest the appeal.

Decision

That authority be authorised to contest the appeal.

176. Appeal by Mr T Horwood *(Assistant Director (Planning and Economic Development))*

It was reported that a planning appeal had been lodged against the refusal of the Local Planning Authority for the erection of a detached bungalow, detached garage, single detached garage and alterations to access on land at 42 Bilsdale Road. The appeal was to be decided by a hearing and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

177. Appeal by Tyne Valley Developments, site at Shu-Lin, Elwick Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

It was reported that the above appeal was dismissed. The Inspector concluded that the proposed development would harm the character and appearance of the Park Conservation Area and materially harm the setting of the nearby listed building. A copy of the Inspector's decision letter was attached.

Decision

That the outcome of the appeal be noted.

178. Woodburn Lodge *(Assistant Director (Planning and Economic Development))*

Members were asked to consider a request from the occupier of Woodburn Lodge to withdraw an enforcement notice that was served on his property in 2001. This required the removal of a gated access to the property from Redcar Close. Details were given of the history and background to the enforcement notice.

Decision

That the 2001 enforcement notice relating to Woodburn Lodge be withdrawn

179. Local Government (Access to Information) Act 1985

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

Minute 180 – (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment

Minute 181 – (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Minute 182 – (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment

Minute 182 – (Para 6) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment

180. Enforcement – 35 The Front *(Assistant Director (Planning and Economic Development))*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the this item of business on the grounds that it involves the likely disclosure of exempt information as defined in of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 6) information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Details are set out in the exempt section of the minutes.

Decision

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

181. Enforcement Action – 5 Mayflower Close, Hartlepool *(Assistant Director (Planning and Economic Development))*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the this item of business on the grounds that it involves the likely disclosure of exempt information as defined in of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 6) information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Details are set out in the exempt section of the minutes.

Decision

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

182. Enforcement Action – 71 Tempest Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the this item of business on the grounds that it involves the likely disclosure of exempt information as defined in of Part 1 of Schedule 12A of the Local Government Act 1972 as amended

by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 6) information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Details are set out in the exempt section of the minutes.

Decision

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

183. Enforcement Action – 71 Grange Road, Hartlepool (Assistant Director (Planning and Economic Development))

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the this item of business on the grounds that it involves the likely disclosure of exempt information as defined in of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006, namely; (Para. 6) information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

Details are set out in the exempt section of the minutes.

Decision

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

184. Conservation Policy Review (Assistant Director (Planning and Economic Development))

As the Planning Committee was now inquorate the Chair requested that this report be deferred until the next meeting.

Decision

That the report be brought back to the next Planning Committee meeting for consideration by members.

185. Untidy Land and Derelict Buildings – A Co-ordinated Approach to their Improvement *(Assistant Director (Planning and Economic Development), Director of Neighbourhood Services and Chief Solicitor)*

As the Planning Committee was now inquorate the Chair requested that this report be deferred until the next meeting.

Decision

That the report be brought back to the next Planning Committee meeting for consideration by members.

ROB COOK

CHAIRMAN

No: 1
Number: H/2007/0220
Applicant: Mr A Hussain CLIFTON AVENUE HARTLEPOOL TS26 9QN
Agent: 21 CLIFTON AVENUE HARTLEPOOL TS26 9QN
Date valid: 03/04/2007
Development: Replacement of front windows
Location: 21 CLIFTON AVENUE HARTLEPOOL HARTLEPOOL

The Application and the site

1.1 The application site is a traditional Victorian semi-detached dwellinghouse located on the south side of Clifton Avenue within the Grange Conservation Area. Adjoining the property to the west is another semi-detached dwellinghouse, this property has plastic windows. To the east, west and across the road to the north are other semi-detached dwellinghouses some of which have UPVC windows and some of which have traditional sliding sash painted timber windows.

1.2 It is proposed to replace the existing traditional timber single glazed windows with double glazed UPVC windows. The existing windows are mostly sliding sash windows save for the large central window in the ground floor bay which is fixed. The UPVC windows will include top hung opening windows with the exception of the large central window of the ground floor bay, which will remain fixed.

1.3 Planning permission is required in this instance as the front of the property is covered by an Article 4 (2) Direction, which removes permitted development rights from the front elevation of the dwelling. This means that permission is required to replace the windows in a different style.

1.4 In support of the application the applicant states that:

- a The front rooms are unbearable to live in as they are cold and damp and as a result the front reception room is hardly used.
- b The front bedrooms are unpleasant to use and traffic can be obtrusive.
- c The windows are prone to heavy condensation.
- d Both neighbours have UPVC windows and the new windows would not therefore be out of place.
- e About 80% of the homes on the street have UPVC windows.
- f Designs keep the exact look and all openings are the same.
- g Houses with UPVC windows have improved the appearance of the house/street and improved living conditions for the occupiers.

Publicity

1.5 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations expires on 10th May 2007. At the time of writing one letter of objection from Hartlepool Civic Society, one letter of no objection and one representation in support of the proposal had also been received

from the occupiers of neighbouring properties. The writers raises the following issues:

The Objector

- There is nothing wrong with the windows they are lovely and of the same period and design as the house.
- The people over the road at no 30 were not allowed to change their front windows and were made to repair them in wood.

The supporter

- The proposal will make the two houses look more of a pair as was originally intended.

Copy letters B

PLANNING POLICY

1.6 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.

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

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

1.8 “Any application for replacement or alteration of traditional joinery items on the building on the front, side or rear elevations which is not of a type appropriate to the age and character of the buildings (in term of design, detailing and materials) and the character and appearance of the Conservation Area should be denied consent”.

RELEVANT BACKGROUND

1.9 Members will recall that at the meeting of the Planning Committee on 7th June 2006 they approved four planning applications for UPVC windows in this Conservation Area (17,34,98 Grange Road and 86 Clifton Avenue) contrary to Officer recommendation. At the meeting members acknowledged that these decisions were made contrary to policy and therefore resolved to form a Planning Working Party (PWP), to consider the implications of these decisions and Conservation Area issues in general.

1.10 At the first meeting of the PWP on 17th July 2006 members agreed that there was a need to review policy on alterations to properties in conservation areas however they agreed in the short term the existing approved policy, stated above, should be maintained.

1.11 Nonetheless, notwithstanding the decision of the PWP, members will recall at the meeting of the Planning Committee on 20th December 2006 they approved a planning application for UPVC windows at 72 Clifton Avenue, again contrary to Officer recommendation.

1.12 The latest recommendations from the PWP are to be considered on today's agenda.

PLANNING CONSIDERATIONS

1.13 The main issue is the impact of the development on the character and appearance of the Grange Conservation Area.

1.14 Policy requires that development in Conservation Areas preserves or enhances the conservation area and that alterations where proposed are appropriate to the age and character of the building and the conservation area in terms of their design, materials and detailing.

1.15 It is not considered that the proposed modern UPVC double glazed windows are appropriate to the age and character of the building for the following reasons:

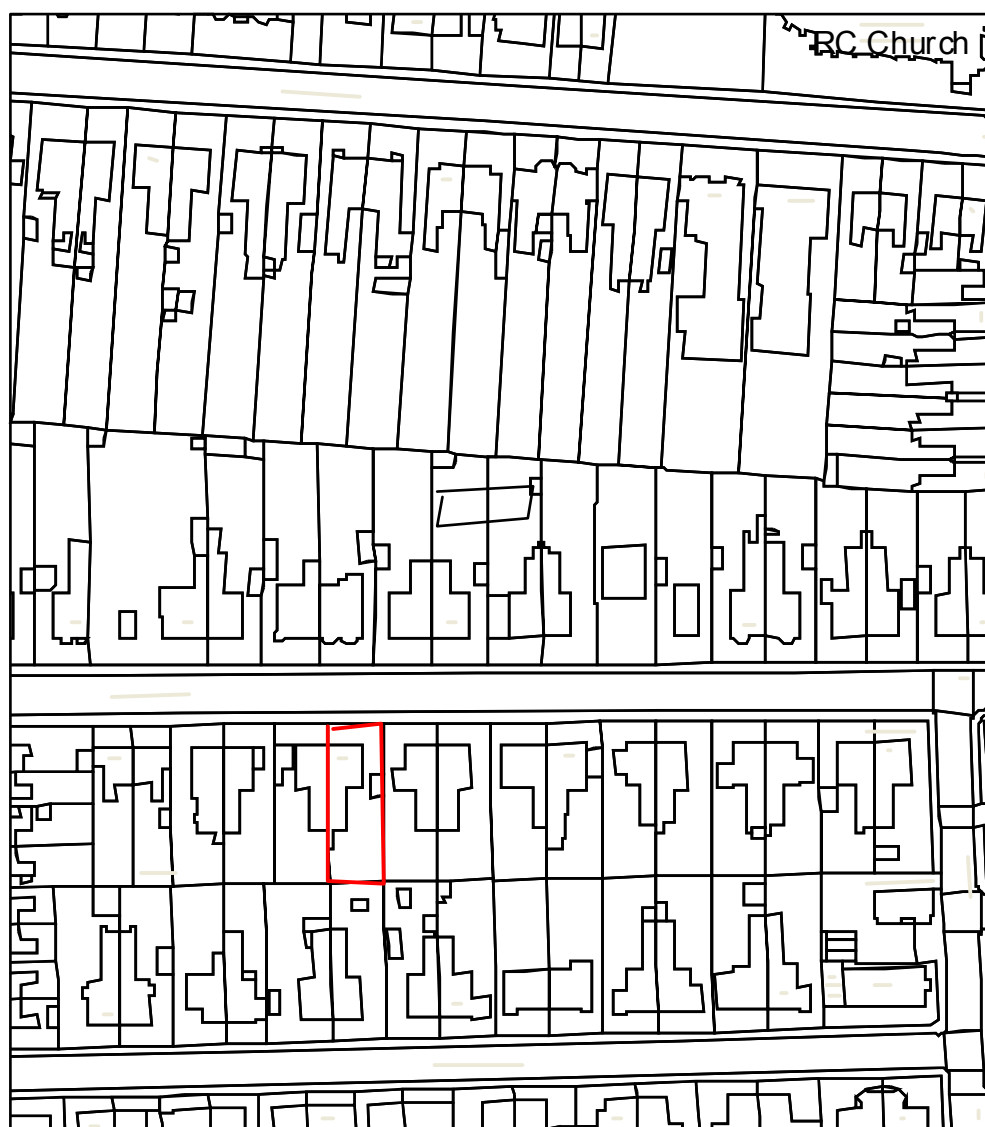
- a A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. UPVC as a material has a smoother more regular surface finish and colour and the ageing process differs significantly between UPVC and painted timber. The former retains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

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

1.16 It is acknowledged that there are UPVC windows installed on other properties in the area, however many properties also retain their traditional timber sashes. The relevant policies require that the character and appearance of the Conservation should be preserved or enhanced and that alterations should be appropriate to the age and character of the building. It is considered that to allow the replacement of the traditional timber windows with the proposed UPVC windows would be contrary to policy and would harm the character and appearance of the building and the Conservation Area. The application is therefore contrary to Policy and is recommended for refusal.

RECOMMENDATION that the application be **REFUSED** for the following reasons:

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

21 Clifton Avenue

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01/05/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0220	REV

No: 2
Number: H/2007/0207
Applicant: Endeavour Housing St Marks Court Thornaby TS17 6QN
Agent: BB Burgess Grainger Chambers 3-5 Hood Street
Newcastle Upon Tyne NE1 6JQ
Date valid: 13/03/2007
Development: Erection of 10 semi-detached dwellings (AMENDED
PLAN RECEIVED)
Location: Land in GREENOCK ROAD HARTLEPOOL
HARTLEPOOL

The Application and Site

2.1 Detailed planning permission is sought for the erection of 10 semi-detached dwellings on land off Greenock Road. This would comprise 6 two bedroom and 4 three bedroom dwellings. The development would provide social housing for rent to accommodate people in housing need nominated by the Borough Council. The site comprises an area of incidental open space. The development would be laid out in a culs-de-sac arrangement, with a new access road from Greenock Road. The development would see some of the open space retained, some 48 metres by 28 metres in area. The applicant proposes to implement some tree planting around the perimeter of the site.

2.2 At present a public footpath crosses the site. The proposed development would encroach on this footpath and as such the path would need to be formally stopped up.

2.3 In support of the application the applicant makes the following point. Following an allocation of funds from the Housing Corporation to develop 10 houses and the unsuccessful pursuit of two development sites to accommodate the development, in Dalton Street and Oxford Road, Endeavour Housing then considered three alternative sites. These sites were in Masefield Road, Marlowe Road and Greenock Road, the current application site. The Greenock Road site was the preferred option as it was considered to be of sufficient size to accommodate the development whilst retaining some of the open space. Furthermore there would be good access to local amenities, schools and transport routes.

2.4 The application represents a departure for the adopted Local Plan.

Planning History

2.5 There was formerly a childrens' nursery and flats on the site which have since been demolished. The site has been the subject of two previous planning applications of note. In 1997 planning permission was granted for the erection of 9 houses and 2 bungalows. In 1999 planning permission was granted for demolition of flats and the provision of open space and related works. The site was then allocated for residential development in earlier drafts of the Local Plan but was subsequently

deleted as the market potential for its development was not considered to be strong and there was a need to reduce the supply of land to meet housing targets set at that time.

Publicity

2.6 The application has been advertised by way of neighbour letters (35) a press notice and site notice. To date, there have been 4 letters of no objection and 5 letters of objection.

2.7 The concerns raised are:

- 1) The development will cause loss of open space that will take away play facilities for young children. This is the only green belt in the area and it would be a shame to take it away.
- 2) Development could attract criminal behaviour, criminal elements could occupy new housing, concern about drug dealing
- 3) The loss of the playing field will force children to play on nearby streets which will cause nuisance to residents.
- 4) Extra traffic on Greenock Road which is narrow will cause congestion.

The period for publicity expires after the meeting.

Consultations

2.8 The following consultation replies have been received:

Head of Public Protection – No objections

Highway Engineer – No highway related concerns. Parking provision is satisfactory.

Engineering Consultancy - Recommend condition to require remediation of the site if found to be contaminated.

Northumbrian Water – Comments awaited

Police – Comments awaited

Planning Policy

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

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

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

GN6: Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

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

2.10 The main issues to be considered in this case are the loss of an area of incidental open space, the loss of the footpath, crime related issues, highway safety issues and the design and layout of the scheme.

Loss of open space

2.11 The site consists of an area of incidental open space. Council policy GN6 is concerned with protecting such areas from development unless it can be demonstrated that they are in some way detrimental to the amenities of adjoining or nearby properties and are too small or difficult to maintain to a satisfactory standard, or it can be demonstrated that the proposed development has special locational requirements and there is no other appropriate site in the vicinity. The area of open space is relatively large and its maintenance is not a known problem. Indeed it should be noted that two of the objectors have cited the value of this area for childrens' play.

2.12 The site has previously been identified as a suitable location for residential development either as an allocation in earlier versions of the Local Plan or in terms

of a planning permission. There is an increasing need for social housing in the town and the fact that there has been an allocation of funds from the Housing Corporation for the development is evidence of this need. Furthermore there are considered to be advantages of locating the development on this site in terms of proximity to services and public transport on Wynyard Road and Catcote Road. It is also relevant that some of the open space would be retained enhanced and continue to be used as an informal play area. As indicated in para 2.3 other sites were investigated.

2.13 Notwithstanding that the proposal is a departure from the adopted Hartlepool Local Plan it is considered that there are special circumstances that would make residential development of this site acceptable in principle.

2.14 Policy GN6 goes on to state that where an area of open space is lost to development there should be compensatory provision of an alternative site or enhancement of adjoining open space.

2.15 Some mature tree planting would be sought around the perimeter of the remaining open space with appropriate protection measures. A mixture of species at 9 metre centres has been proposed together with a line of shrub planting along the eastern boundary adjacent to rear gardens. A drawing will be displayed at the meeting to demonstrate the proposed scheme.

Loss of public footpath

2.16 The proposed development would encroach over a footpath which crosses the open space and which therefore needs to be subject to a formal stopping up order. This path provides a short cut over the open space however its loss is not considered to be significantly detrimental to the amenities of residents.

Crime related issues

2.17 Concerns that the development might lead to increasing criminal behaviour are unsubstantiated. The identity of the future residents of the development would not be a material consideration. The layout of the development in a cul de sac arrangement would ensure that it benefits from natural surveillance. The remaining area of open space outside the site would be overlooked by existing dwellings on Fordyce Road and Greenock Road. Furthermore the layout has been amended to allow views onto this area from Falkirk Road.

Highway Issues

2.18 The development would provide 1.5 spaces per dwelling consisting of 1 on-site space of 5 additional spaces within the cul de sac to allow for visitor parking. The highway engineer is satisfied with the proposed parking provision as he is with the standard of junction spacing and design.

Design and Layout

2.19 The proposed layout of the development would be in keeping with the building separation standards in the Local Plan. The proposed double storey units would be in keeping with surrounding area.

RECOMMENDATION – Minded to Approve subject to the following conditions and subject to no further adverse comments from outstanding consultees or from Members of the public. However as a departure and because of the Council's ownership of the land the application be referred to GONE for consideration.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid
2. The development hereby permitted shall 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 Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
3. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) 20033-GA-G72-101 E received on 3 May 2007, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt
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.

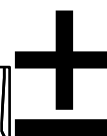
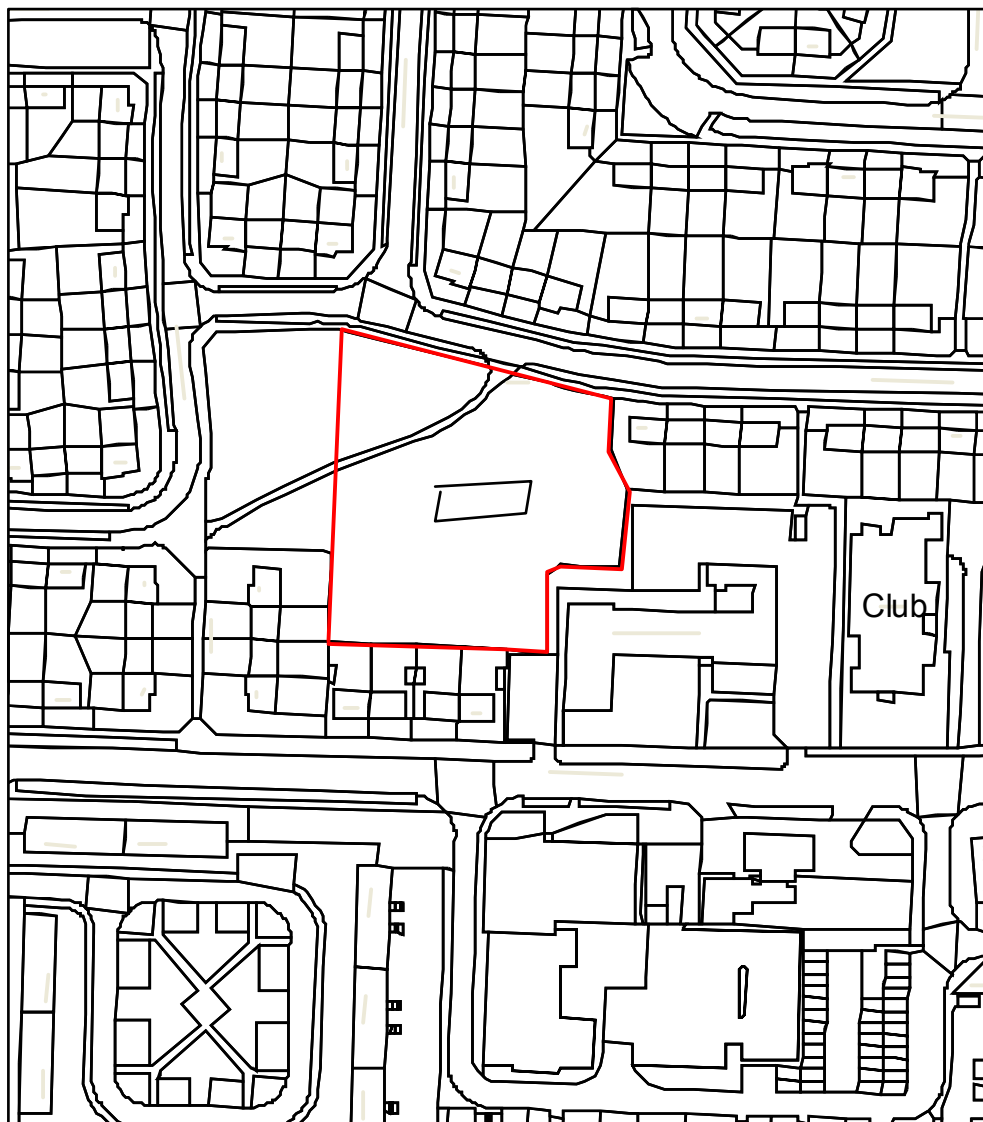
In the interests of visual amenity.

6. 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.

7. 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.

Greenock Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01/05/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0207	REV

No: 3
Number: H/2007/0134
Applicant: J And B Recycling Ltd Baltic Street Hartlepool
Agent: Derek Stephens 17 Lowthian Road HARTLEPOOL
TS24 8BH
Date valid: 02/03/2007
Development: Provision of a waste recycling centre including erection of
a new building, external storage area, parking and
associated plant
Location: WINDERMERE ROAD/CONISTON ROAD
HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The application site is an existing industrial site at the south end of Longhill Industrial Estate.

3.2 The site which is L-shaped, is bounded on 3 sides by waste transfer stations, scrap yards, a tyre and exhaust garage, and a transport yard with business/industrial units to the north (Ullswater Road).

3.3 At present, the site which is fenced on all boundaries, has a large building to the north with a smaller building which is to be demolished. The remainder of the site is laid to concrete.

3.4 The site has been used for a number of activities over the past few years, the last recorded use being as a lorry park and for the storage and recycling of disused and abandoned vehicles (temp use till 2010).

3.5 The current proposal involves the use of the site as a waste recycling centre and the erection of a new building, external storage area, parking and associated plant.

3.6 The new shed which is 3660 sq m (approx) in floor area will accommodate all of the equipment for sorting the materials.

3.7 The process involves the transfer and processing of non-hazardous commercial, industrial and construction waste including incidental and ancillary quantities of putrescible waste and household waste only.

3.8 Waste (including kerbside collections) would be brought to the site, deposited in the new building, before sorting and processing. The baled end product is then transferred to the external storage area before transportation off site.

3.9 The “kerbside materials” relate to dry, household recyclable waste eg paper, cardboard, glass, cans, polythene bags and plastic bottles as collected by Hartlepool Borough Council.

3.10 The type of materials to be processed would be within the terms of the existing licence from the Environment Agency that the Company has at its current site on the Longhill Estate and would not include noxious sludge, chemical, toxic waste or contaminated liquids.

3.11 Hours of operation required are 24 hours, Monday to Saturday and 6am to 4.30pm on Sundays. These hours are crucial to the sustainability of the business.

3.12 Twenty new jobs will be created in addition to the existing work force at the Baltic Street recycling plant.

3.13 Parking for 34 cars has been indicated at the north end of the site together with a new weighbridge and cycle parking area. The external storage area is located to the south of the site close to Windemere Road. The maximum height of this storage area would be restricted to 2.5m. The only materials to be stored externally would be the previously baled materials, and soil, rubble and wood.

Publicity

3.14 The application has been advertised by way of site notice, press notice and neighbour letters (42). To date, there have been 5 letters of objection and 1 letter of no objection.

3.15 The concerns raised are:

- i) Concern about state of surrounding area.
- ii) Concern about derelict sites, open tipping, lack of boundary fences.
- iii) Vehicles carrying huge amounts of waste.
- iv) Concern about the height of stored materials.
- v) Parking problems near doctors surgery.
- vi) Nowhere for children to play
- vii) Money could be spent on better things.
- viii) Smells and noise will increase particularly with 24 hour working.
- ix) The facility should be in south east corner of Longhill.
- x) J & B seriously pollute the area and cause problems for other businesses.
- xi) Increase in vermin.
- xii) Would be detrimental to Longhill Industrial Estate.

- xiii) Too close to Belle Vue Way and housing.
- xiv) Contaminated water will get into sewers.

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3.16 The period for publicity has expired.

Consultations

3.17 The following consultation replies have been received:

Head of Public Protection – No objections provided that a wheel washing facility is provided.

Northumbrian Water – Awaited

Head of Traffic & Transportation – No major highway implications

NDC – Awaited

Environment Agency – Originally objected to the proposal because no flood risk assessment was provided. This has now been agreed and the EA has withdrawn the objection.

Planning Policy

3.18 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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high

quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

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

Planning Considerations

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

3.20 Whilst the proposed use as a waste recycling centre does not strictly accord with Local Plan policy in as much that this type of 'bad neighbour' use should be located in the Sandgate Industrial Estate, no policy objections have been raised. This is due to the fact that most of the working areas will be enclosed or within the new building. Further, the site is located within an area where there are already a number of longstanding 'bad neighbour' uses recycling of vehicles is an approved use here, and in practice there is little available land in Sandgate. Recycling is an important and growing sector of the economy and it is essential that such uses can be accommodated within the town.

3.21 AMG Resources Ltd already operates from a large site immediately to the south and there are a number of scrap/coal/skip yards to the west and east on Windemere Road.

3.22 In view of these existing operations and the above it is considered that the proposal is acceptable in policy terms. The application would have to comply with a number of planning conditions and regulations imposed by the Environment Agency, all designed to protect the environment. The new building will screen the western and southern boundaries.

3.23 The applicant has stated that the potential for noise and disturbance will be addressed when applying for a new licence from the Environment Agency. Sound tests will be carried out as specified by the Health and Safety Executive.

3.24 Although the centre would operate 24 hours, delivery and collection traffic would be scheduled within normal business hours.

3.25 It is acknowledged that the site is fairly close to residential properties west of the A689 however as previously mentioned there are already a number of scrap yards and recycling plants in the Longhill area which have no controls over working hours. There are intervening uses and the building has been designed to be inwardly looking.

3.26 The Head of Public Protection has raised no concern regarding noise pollution.

3.27 The Highway Engineer is satisfied with the amount of parking provided within the site and has raised no objections to the scheme.

3.28 In view of the above approval is recommended to this application.

RECOMMENDATION – APPROVE subject to no objections from Northumbrian Water and The New Deal for Communities and the following conditions.

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

To clarify the period for which the permission is valid

2. 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.

3. Waste brought to the site shall only be deposited within the building hereby approved

In the interests of the amenities of the area.

4. Recycled materials shall only be stored in the external storage area and shall not be stacked or deposited to a height exceeding 2.5m. Details of the proposed external storage area shall be first agreed in writing with the Local Planning Authority.

In the interests of the amenities of the area

5. 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.

6. A wheel-washing facility shall be provided within the site before the use hereby approved commences details of which shall be first submitted to and approved in writing by the Local Planning Authority. The approved facility shall be installed and 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.

7. 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.

8. 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 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.

9. Unless otherwise agreed in writing by the Local Planning Authority dust suppression equipment shall be provided in accordance with a scheme to be first approved in writing by the Local Planning Authority. If required, once installed the equipment shall be retained for the life of the waste recycling centre and shall be available for use at all while the centre is operational.

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

10. Unless otherwise agreed in writing by the Local Planning Authority screen fencing and 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 external storage area. If required the litter catch fencing and 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.

11. 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.

12. Roof drainage downwater pipes shall at all times be sealed at ground level to prevent the ingress of any contaminated run-off.

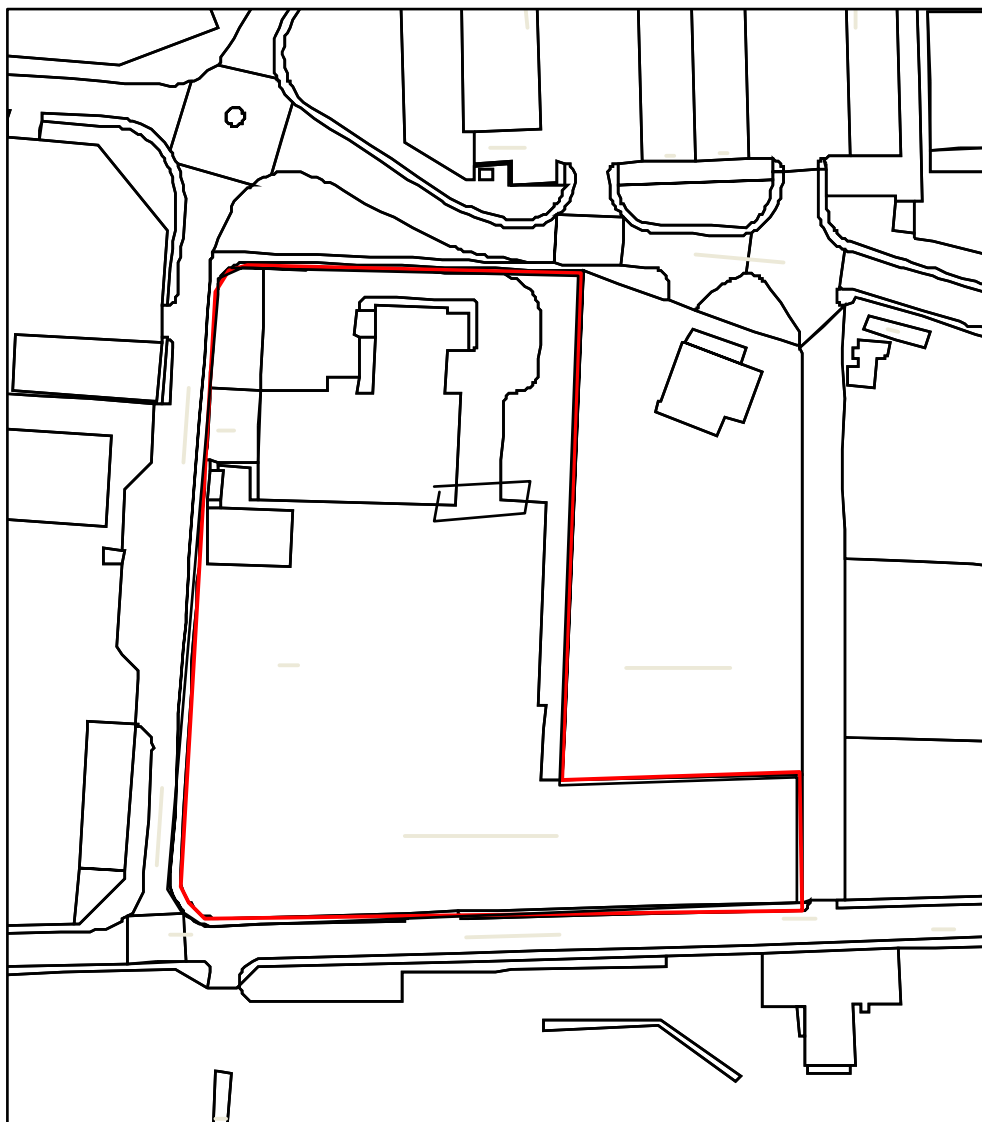
To prevent pollution of the water environment.

13. 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.

14. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

In the interests of visual amenity.

J & B Recycling

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01/05/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0134	REV

No: 4
Number: H/2007/0218
Applicant: J D Wetherspoon
Agent: Tuffin Feraby Taylor Strand House 169 Richmond Road
 Kingston Upon Thames KT2 5DA
Date valid: 02/04/2007
Development: Provision of outside seating area to front for eating and drinking
Location: 3 to 9 CHURCH SQUARE HARTLEPOOL
 HARTLEPOOL

The Application and Site

4.1 The application site is part of a pavement in front of an existing public house. The public house, The Ward Jackson, lies on the east side of Church Square between a beauty salon/school and a newsagent with flats above. It is located within the Church Street Conservation Area. Opposite in the centre of Church Square is Christ Church a Grade II* listed building and to the north east on the opposite side of the road is a grade II listed statue of Ralph Ward Jackson.

4.2 The pavement to the front of the public house is wide. It is proposed to utilise part of the pavement closest to the building as an outdoor seating area. The area will be located towards the right hand side of the main door as one leaves the public house. It will extend to some 2m by 14.5m along the frontage. The plan submitted with the application indicates that eight tables seating 32 people will be accommodated. The area will be largely enclosed by removable fabric screens.

4.3 The applicant considers that the proposal would be a positive and appropriate addition to the streetscape and would enhance the town centre.

Planning History

4.4 The site has a long and complicated planning history.

4.5 In June 2002 permission for the change of use of the building from banking premises to A3 (food and drink) use was approved (H/FUL/0101/02 refers). Condition 2 attached to the approval restricted the hours of operation to between 9.00am and 12.00 midnight.

4.6 In February 2004 planning applications for alterations to the elevations (H/FUL/0283/04) and alterations to the land to the rear of the premises (H/FUL/0290/04) were allowed on appeal. An application for the installation of three Jumbrellas (H/FUL/0433/04) in the rear beer garden was however dismissed by the same Inspector.

4.7 In December 2005 planning permission was granted to vary the hours of operation to permit longer opening hours. (H/2005/5884).

Relevant Permission in the vicinity

4.8 Members may recall that permission was granted for the change of use of highway land to allow the placement of five tables with chairs and umbrellas in connection with a public house at 25/27 Church Square (now Silks) in 1998 (H/FUL/0011/98). This followed a years temporary approval granted in 1997 (H/FUL/0456/96). Conditions on the permission require the removal of the tables etc no later than 8.00 pm or sunset whichever is sooner, restrict music and require that the highway is used in association with the licensed premises only when the tables and chairs are in place.

Publicity

4.9 The application has been advertised by site notice neighbour notification (6) and in the press. The time period for representations expires on 10th May 2007. At the time of writing one letter of no objection and one indeterminate letter had been received from the same neighbouring business. Two letters of objection had also been received from other neighbouring businesses. One of the objectors raises the following issues:

- i) When I made enquiries about putting tables and chairs outside my shop I was advised no chance, is there one rule for one another for another. (There are no apparent records of an application or One Stop Shop enquiry in relation to this enquiry. Discussions with the writer indicate the alleged advice was given over the telephone.)
- ii) There is always lots of rubbish outside my shop from next door if granted there will be even more rubbish outside to clear up.

Copy letters **C**

Consultations

4.10 The following consultation replies have been received:

Police : Comments awaited

Head of Public Protection : No objection to this proposal subject to an hours condition similar to that approved at Silks 25/27 Church Square.

Traffic & Transportation : The land proposed for the seating area is adopted highway. The proposed area for seating would not affect the free flow of pedestrians due to the width of the footway in Church Square. However a highway licence and indemnity must be obtained from the department before any tables/chairs/barriers are placed on the highway in the interest of pedestrian safety.

Estates : No comments received

ASB Co-Ordinator : Concerned about the seating at Church Square as the planters have only recently been removed from Church Street as they were attracting anti-social behaviour on Friday and Saturday nights.

Planning Policy

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

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

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, Com9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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.

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.

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

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

HE2: Encourages environmental improvements to enhance conservation areas.

Planning Considerations

4.12 The main planning considerations are considered to be policy, highways, impact on the character and appearance of the Conservation Area/street scene, impact on the setting of the listed buildings, impact on the amenity of neighbouring properties and public order issues.

POLICY

4.13 The application site is a pavement area in front of an existing public house in the Town Centre. The proposed use is considered to be acceptable in principle in this location and there are no policy objections to the proposal.

HIGHWAYS

4.14 The pavement is wide in this location and the proposed seating area will leave adequate space for pedestrians to pass freely. Traffic & Transportation have not objected and in highway terms the proposal is considered acceptable. A highway licence and indemnity would be required.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA/STREET SCENE

4.15 The tables, chairs and associated screens are temporary, removable and are small scale structures which will be located close to the front of the building it is not considered that they, or their use, will detract from the character and appearance of the Conservation Area or the street scene. It is considered that the seating area

would add interest and activity to the street scene. This was always envisaged within the Church Street area.

IMPACT ON THE SETTING OF THE LISTED BUILDINGS

4.16 The structures proposed are temporary, removable, small scale and located close to the front of the building. It is not considered that they, or their use, will detract from the setting of any of the nearby listed buildings.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

4.17 The public house is located in a terrace which includes businesses, in some cases with flats above. The public house use is existing, and the area as a whole, as one of the main leisure areas of the town attracts a good deal of activity extending into the evening. It is not considered that the addition of the outside seating area would add significantly to the current situation and Public Protection have not objected to the proposal subject to conditions. It would be appropriate however, should permission be granted, to restrict the hours of use of the outside seating area so that it does not extend to late in the evening and to restrict the provision of music.

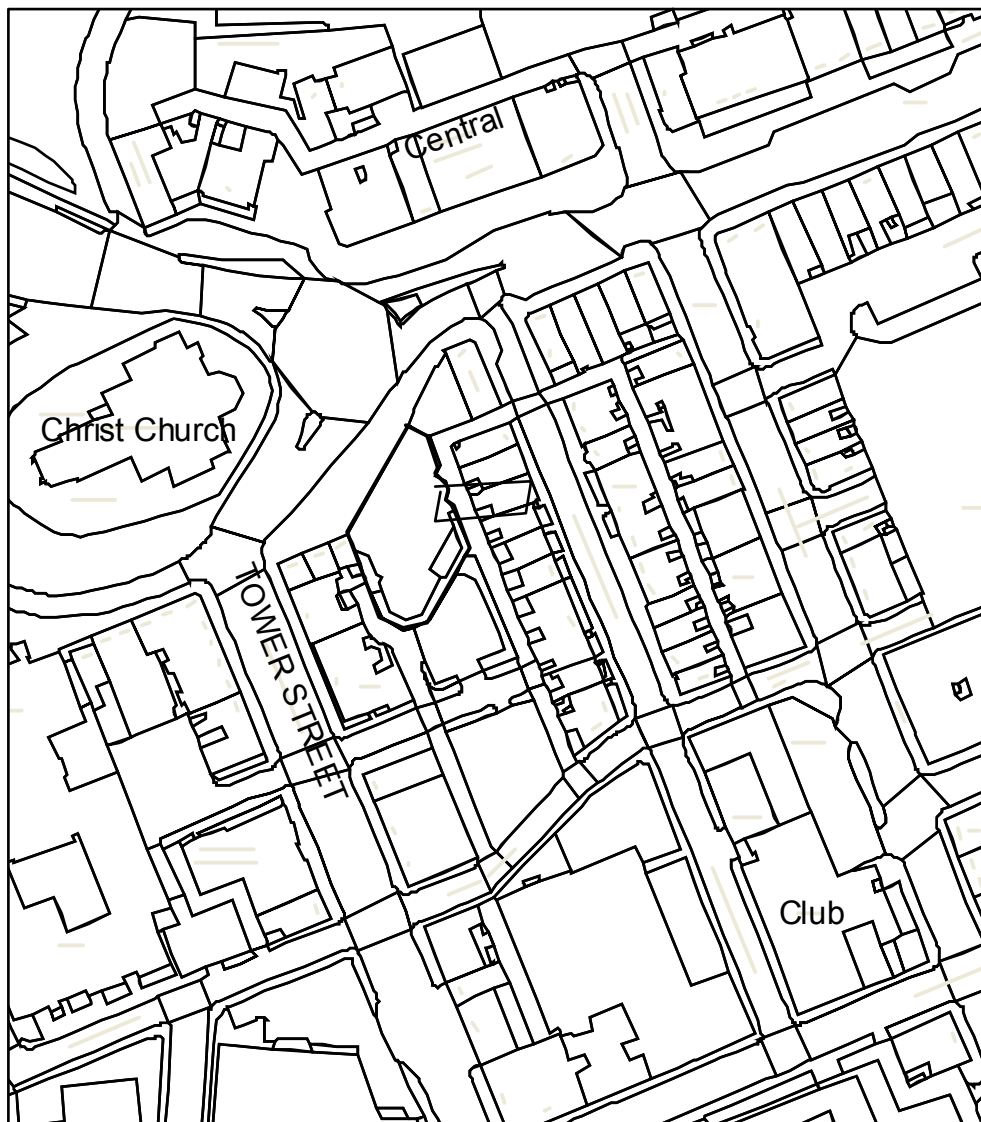
4.18 One of the objectors has raised the concern that the outdoor seating area will lead to an increase litter in the area. Food and drink would be consumed on the premises and whilst additional litter might be generated it is considered that, provided the area is properly managed, it would not contribute significantly to the litter in the area.

PUBLIC ORDER ISSUES

4.19 The comments of the Police are awaited and this issue will be discussed further in an update report. It is not anticipated they will not be objecting to the proposal.

RECOMMENDATION - Given the outstanding comments from the Police the recommendation will be the subject of an **update report**.

3-9 Church Square



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01/05/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0218	REV

No: 5
Number: H/2007/0259
Applicant: Spirit Group Station Street Burton On Trent Staffs
Agent: dea Partnership LLP Summerfield House 22 Woodlands Road Middlesbrough TS1 3BE
Date valid: 02/04/2007
Development: Erection of a steel framed shelter with timber cladding
Location: TRAVELLERS REST 363 STOCKTON ROAD
HARTLEPOOL HARTLEPOOL

The Application and Site

5.1 The application site is the Travellers Rest Public House situated on the southbound side of the main dual carriageway, The A689.

5.2 The proposal involves the erection of a small steel framed shelter with timber cladding to the rear of the building.

5.3 The shelter, which is approximately 2m square and open on 2 sides, is to be sited adjacent to the rear doors of the pub. This structure will provide shelter for smokers when the smoking ban comes into force in July.

Publicity

5.4 The application has been advertised by way of site notice and letters to neighbours (17). Three letters of no objection and three letters of objection have been received.

The concerns raised are:-

- a) it will attract gangs and drug users
- b) already problems with noise and anti-social behaviour

The period for publicity has expired.

Consultations

5.5 The following consultation replies have been received:

Head of Highways & Transportation – No objection

Head of Public Protection & Housing – No objection provided that the shelter is secured when the licensed premises are closed to prevent after hours use.

Planning Policy

5.6 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.

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

5.7 The main considerations in this case are the appropriateness of proposal in terms of the policies and proposals within the Hartlepool Local Plan, the impact of the development on neighbour properties in terms of noise and disturbance and on the usual amenities of the area in general.

5.8 This is a relatively small building which will allow customers of the public house to smoke when the new law comes into force. It has been designed to meet new legislation.

5.9 The shelter will be provided with heating and lights, however it is open on 2 sides. In view of this and the fact that the structure is quite small (2m x 2m), it is unlikely that smokers will want to linger. It is over 40m away from the nearest houses on Queensland Road and Wyverne Court.

5.10 Notwithstanding this, there have been a number of objections from local residents who have concerns regarding the misuse of the shelter. The Head of Public Protection has no objections to the scheme provided that the structure can be secured when not in use during pub opening hours. He has confirmed that new licensing powers will enable strict controls should any problems arise.

5.11 The outstanding matter of security is currently under discussion with the applicant's architect and it is hoped to have further details in the near future. It is also anticipated that gates can be provided to prevent the misuse of the shelter.

RECOMMENDATION – To be tabled at the meeting.

Travellers Rest



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 01/05/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0259	REV

Report of: Head of Planning and Economic Development

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

- 1.1 During this three (4) week period, fifty one (51) planning applications have been registered as commencing and checked. Thirty nine (39) 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, which are being investigated. Developments will be reported to a future meeting if necessary:
1. Three neighbour complaints about the erection of fences on Charles Street, Stockton Road and Queen Street.
 2. A neighbour complaint about a development on Fens Crescent not being built in accordance with the approved plans.
 3. An anonymous complaint about the erection of a flagpole at a site on Belgrave Court.
 4. An anonymous complaint about the erection of a rear extension to a property on North Lane.
 5. An officer complaint about an untidy building on The Front Seaton Carew.
 6. A neighbour complaint about car repair works causing traffic problems at an address on Armadale Grove.
 7. An anonymous complaint about the non-compliance with planning conditions at a landfill site on Tees Road.
 8. Two further complaints with regard to the non-compliance with planning conditions at a site in Dalton Piercy and an address on Hylton Road.

A number of developments on various sites including Studley Road, Huckelhoven Court, Baltic Street, Rossmere Way, High Throston and The Paddock Elwick are being investigated with regard to the discharging of planning conditions attached to planning permissions. These have arisen following the normal notification of a commencement of development via Building Control. Non-compliance with the planning conditions will be reported to a future meeting if necessary.

3. RECOMMENDATION

Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: CONSERVATION POLICY REVIEW

1. PURPOSE OF REPORT

- 1.1 This report is intended to outline the work carried out by the Planning Committee Working Party, to date, and the future steps which could be taken.

2 Background

- 2.1 The Planning Committee Working Party was established in July 2006 in the light of considering four planning applications relating to the installation of UPVc windows in the Grange Conservation Area.
- 2.2 The Committee decisions to approve these applications have implications for the existing planning policy on alterations to properties in conservation areas. Such policy is set in the context of legislation and national policy guidance and is expressed within the Local Plan and previous policy statements by the Committee.
- 2.3 The remit agreed at the initial meeting of the Working Party was:
- Review the existing policy position relating to alterations to residential properties in conservation areas;
 - Consider the case for any revision to the policy, taking account of the status of existing policy, experience to date and the implications of any policy revision;
 - If it is decided that revision of the policy should be explored, the process to be used to do so;
 - Provide recommendations on these matters for consideration by the Planning Committee and, if appropriate the Regeneration, Liveability and Housing Portfolio Holder.

3 Considerations of the Working Party

- 3.1 To date the Working Party has visited the predominantly residential conservation areas within the town to consider their character and the degree of change that has occurred.
- 3.2 Further to this representatives of the Conservation Area Advisory Committee came to speak to the Working Party. They were then invited to join the group for the subsequent meetings.

- 3.3 The Working Party has reviewed policy at both a national and a local level. This included inviting English Heritage Regional Director, Carol Pyrah to the Working Party. This was an opportunity to discuss the issue of national policy in conservation areas, especially relating to residential property alterations. Further to this, on the request of the group, research information was provided by English Heritage on timber windows. In addition policy information was also considered from other local authorities in a similar coastal location.

4 Future Policy Review

- 4.1 Whilst recognising the need to review policy, the Working Party acknowledge the need to maintain a framework for decision making pending the outcome of that review. The Working Party therefore propose that the policy endorsed by the Committee in March 2004 remain in place in the meantime (see Appendix 1).
- 4.2 The Working Party Members indicated that they wished to consider a three-tier level of control within conservation areas. This would result in the following controls;
- Listed buildings
 - Prominent, important and sensitive properties in conservation areas covered by Article 4 Directions
 - Other properties in conservation areas not covered by Article 4 Directions.
- 4.3 It is proposed that a review of the existing conservation areas should be carried out to implement this three tier level of control. The methodology for this is outlined below.
- 4.4 The Headland Conservation Area is currently undergoing a full appraisal by consultants. There have been two public consultation events to date with a third event planned. Further to this a draft report will be produced and the final report is anticipated to be ready in June. The appraisal will address, among other things, the current levels of control within the conservation area and consider any changes that are required.
- 4.5 The Park Conservation Area is currently attracting a series of potential developments on a number of sites within the area. It was felt that a full appraisal of this area is required to assess the current character of the area. Approval has been given by the Regeneration, Liveability and Housing Portfolio Holder to use Planning Delivery Grant to carry out an appraisal of the area. A brief has been compiled and was put out to tender at the end of the month with work anticipated to start at the beginning of May .
- 4.6 Further to these full appraisals it was suggested that briefer assessments should be carried out in the other, predominantly residential, conservation areas to assess the level of change and propose controls, if any. These areas are;
- Elwick
 - Greatham
 - Grange

- Seaton Carew

- 4.7 The briefer assessments would include a photographic survey of each area by the Council's photographer. Further to this officers will carry out surveys of the area to analyse the special character. This information will then be used to draw conclusions on the character of each area and indicate which streets and properties are most sensitive and warrant additional protection. Conversely the removal of protections may be proposed in some areas. The photographic surveys of the conservation areas will begin in June and it is hoped that all of the survey work of the four conservation areas will be complete by the end of September. All residents will be notified in writing a week prior to the photographer visiting their area.
- 4.8 Such briefer assessments will be an interim measure. The groundwork that will be done in the brief assessments will be used to carry out fuller assessments of the conservation areas in the future.
- 4.9 Two conservation areas are not included in these assessments. These are Stranton Conservation Area and Church Street Conservation Area. Both of these areas have only a few residential properties within their boundaries and therefore it is not considered necessary at this stage to carry out surveys of these.
- 4.10 Once surveys of the areas are completed it is suggested that public consultation events will be carried out to gauge residents' responses to proposed policy changes. It is likely that this would be a rolling programme with events held in individual conservation areas providing information on the character of the area and any emerging policy, including the implications of this for individual properties.
- 4.11 The outcomes of these exercises for each area would be reported back to the Working Party for consideration in detail prior to referral to the Committee for formal consideration and adoption.
- 4.12 It is acknowledged that in any event there is a need to provide clear information to the public on any changes in policy which may affect their property. Material will be produced in an appropriate format outlining any new approaches that are introduced.

5 Enforcement

- 5.1 Members will be aware that the issue of conservation policy has been under consideration for some time. As a result there is a great deal of uncertainty around planning applications in conservation areas and works to listed buildings.
- 5.2 Alongside the applications there are some 29 outstanding identified enforcement cases, 23 of which relate to UPVc windows. Time limits on enforcement action mean that one case that could have been considered for action has lapsed. This related to the installation of a UPVC door in a

property covered by an Article 4 Direction. Further to this the case of unauthorised installation of uPVC windows to a commercial property lapsed in April 2007 and the installation of a UPVC door in an Article 4 property in December 2007. The other cases are more recent or relate to listed buildings where there is no time limit on enforcement. A separate report was prepared for Members consideration on the case that lapsed in April and Members authorised officers to take appropriate action at the last committee meeting.

- 5.3 There is a need to expedite the policy review to ensure that these individual cases are addressed in the context of newly agreed policy emerging from the suggested approach. Alternatively, in the mean time, Members may wish to take enforcement action against those properties where time limits are imminent using the existing agreed policy guidelines.

6 English Heritage

- 6.1 English Heritage is the government's advisor on heritage. Their role includes running various funding schemes which can be accessed by local authorities. In addition they also act as specialist advisors for other grant giving bodies such as the Heritage Lottery. The success in bidding for funding for schemes is often based on the strength of conservation policies that will protect investment in areas and buildings.
- 6.2 In the past Hartlepool has benefited from various schemes funded by English Heritage. Most recently the Heritage Economic Regeneration Schemes in both Seaton Carew and the Headland offered some £420,000 funding towards commercial properties and public realm works. Further to this English Heritage is currently acting as a monitor on the Headland Townscape Heritage Initiative Scheme that has a budget of £1 million. The scheme is providing grant assistance on various schemes including works to key buildings, some residential grant repairs and a railings restoration scheme.
- 6.3 Any changes to conservation policy to accommodate a more relaxed approach and in particular the acceptance of modern materials such as UPVC may impact on future access to funding from external bodies.

7 Member Training

- 7.1 The proposed Code of Conduct for Planning Committee accepts the principle of continued development for member of the committee in the form of training. It would appear appropriate to incorporate an element of conservation related material into up coming programmes where possible to bring Members up to date with current issues.

8 Conclusions

- 8.1 The meetings to date of the Working Party have considered the current policy position and proposed revisions as stated in points one and two of the remit. As outlined in this report Members have indicated that a three tier approach is considered appropriate. The methodology proposed to investigate this

suggestion is outlined above. To conclude, members have considered those points outlined in the remit of this Working Party and propose referring this issue back to this Planning Committee and appropriate Portfolio Holder to report the current position of the Working Party findings.

9 Recommendation

- 9.1 It is recommended that Planning Committee agree to take note of the existing policy guidelines attached in Appendix 1 prior to any new conservation policy being introduced for each conservation area.
- 9.2 It is recommended that Planning Committee agree to the review of conservation policy as proposed by the Planning Committee Working Party which will propose a three tier level of control comprising;
- Listed buildings
 - Prominent, important and sensitive properties in conservation areas covered by Article 4 Directions (to be identified via appraisals/assessments of each conservation area as described in this report)
 - Other properties in conservation areas not to be covered by Article 4 Directions.

Appendix 1 Planning Policy endorsed by the Planning Committee on 10th March 2004.

A. Listed Buildings:

- (i) Any replacement or alterations of traditional joinery items which is not on an identical basis in terms of design, detailing and materials should be denied consent.
- (ii) Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.
- (iii) Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.

B. Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

- (i) Any planning application for replacement or alteration of traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent.
- (ii) Any planning application for replacement or alteration of non-traditional joinery items on the building on front, side or rear elevations which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) and the character and appearance of the conservation area should be denied consent.
- (iii) Within modern extensions, any planning application for replacement or alterations of joinery details, which is not of a sympathetic character (in terms of scale, proportion, form and emphasis) should be denied consent.

C. Unlisted buildings in Conservation Areas, not subject to an Article 4 Direction:

Any planning application for alterations or extensions which are not of a type sympathetic to the age and character of the building (in terms of scale, proportion, form and emphasis) and the character and appearance of the conservation area should be denied consent.

Report of: The Assistant Director (Planning and Economic Development), the Director of Neighbourhood Services and the Chief Solicitor

Subject: UNTIDY LAND AND DERELICT BUILDINGS – A CO-ORDINATED APPROACH TO THEIR IMPROVEMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of the powers to deal with derelict and untidy buildings in the town with particular emphasis on the scope for demolition, to update on action taken to date to deal with identified problem sites and to propose a further list of premises for targeted action.

2. INTRODUCTION

- 2.1 Members will no doubt recall that following previous reports officers have been pursuing a comprehensive and co-ordinated approach of action against untidy and derelict buildings and land throughout the town.
- 2.2 At the meeting of the Planning Committee on 21 February Members requested an update report on the issues relevant to such buildings and land with particular emphasis on the scope for demolition to resolve related problems. They also asked for an update on action taken to date and the scope for further action.
- 2.3 Accordingly, similar reports were submitted to the Regeneration, Liveability & Housing Portfolio Holder meeting on 20th April.

3. SCOPE OF s215 NOTICE PROCEDURE

- 3.1 The purpose of a Section 215 Notice, is to provide a Local Planning Authority with a discretion to issue a Notice upon the owner and occupier of land, to take “such steps for remedying the condition” of that land, where its condition adversely affects the amenity of the area. Whilst this might appear to be a broadly based power for a Local Planning Authority to issue a Notice to require land to be effectively “cleaned up” this is somewhat tempered by the right of appeal available to the recipient(s) of a Notice, and the grounds specified within that appeal. (N.B. “Land” in this context includes “buildings”).

3.2 Section 217 of the Town and Country Planning Act, 1990, provides this right of appeal to a Magistrates Court. Furthermore, where such an appeal is brought, the Notice has no effect, until the final determination of the Appeal, or its withdrawal. An appeal being based on one or more of the following grounds, namely; –

- (a) the condition of the land to which the Notice relates does not adversely affect the amenity of any part of the area or the Local Planning Authority who serve the Notice, or of any adjoining area;
- (b) that the condition of the land to which the Notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or use of land which is not in contravention of Part III; (i.e. the control over development),
- (c) that the requirements of the Notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the Local Planning Authority who serve the Notice, or of any adjoining area;
- (d) that the period specified in the Notice has a period within which any steps required by the Notice are to be taken fall short of what should reasonably be allowed.”

3.3 In determining any such Appeal a Court can quash the Notice or vary the terms of the Notice “in favour of the Appellant”. Should any Appeal be dismissed (or so varied) and the said Notice is not complied with, then the Local Planning Authority can either issue proceedings for non-compliance and can also take steps through a power of direct entry to execute such works and recover the costs of those works from the person responsible. As previously indicated, enforcement of planning control is at the discretion of the Local Planning Authority and in taking such action, the steps required to remediate the condition of any land required to be taken should be both reasonable and proportionate to that situation. Planning Policy Guidance 18: Enforcing Planning Control, indicates within the “General Approach to Enforcement” the following considerations that should be addressed by Local Authorities, when they believe it is expedient to take enforcement action;

- whether the breach of control would unacceptably affect public amenity or the existing use of land and building meriting protection in the public interest
- enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site).

3.4 It could also be a consideration for Local Authorities, particularly in relation to the condition of buildings that more applicable enforcement provisions may relate to other statutory controls, for example the Building Act 1984 (in respect

of ruinous/dilapidated buildings and structures) and comparable provisions, under the various Housing Acts. Whilst the power exists to serve a Notice under Section 215 “to require proper maintenance of land” such a Notice needs to be seen within the wider context of enforcement as well as the applicable grounds of an Appeal and also the ability for a Local Planning Authority to execute works in default of compliance, should the same action be necessary.

- 3.5. Demolition may be specified in the most extreme cases, where the condition of the building is such that demolition is considered to be the most appropriate way to remedy the harm caused. In addition to this, where the costs of remediation are high, the option of demolition is considered to be a practical alternative. Members should be aware however that if demolition was to be pursued as a requirement of a Section 215 Notice, the owner of the property in question may lodge an appeal against the notice on the grounds that the requirement of the notice is excessive and that lesser steps would remedy the harm to amenity without the need for demolition.

4. **PROGRESS ON THE FIRST 10 BUILDINGS IDENTIFIED FOR ACTION**

- 4.1 The current position in relation to the buildings identified as problem sites in the first target list is as follows:

1. Golden Flatts Public House

Planning permission has been granted for housing on the site, as has a recent application for the substitution and adjustment of house types of the previously approved scheme. It is anticipated that works will commence in the near future to implement the scheme; officers have stressed the need for the early demolition of the former pub within the scheme.

2. Longscar Centre, Seaton Carew

All required works have been carried out to the Council's satisfaction, although the owner has been given a written reminder to keep the site free from litter.

3. Morison Hall, Church Close

A Section 215 Notice was issued to the owner of the property in November 2006, which required that all ground floor windows were secured and that all rubbish was cleared from the site by 19th December 2006. Despite further correspondence with the owner explaining the consequences of non-compliance, the requirements of the notice have not been undertaken. The Chief Solicitor has been asked to commence the prosecution of the owner of Morison Hall for non-compliance with the section 215 notice. Following a recent fire the Local Planning Authority are working in partnership with the Cleveland Fire Brigade to secure the building and prevent further fires. The LPA intend to undertake works to secure access to the building and to pass

on any costs incurred to the owner of the property by way of placing a charge on the land. The Borough Engineers intend to undertake a structural survey to assess the safety of the building.

4. Former Gas Showroom, Victoria Road

Works have commenced on site in connection with a planning permission for the public house development. Progress is being monitored

5. The New Fleece Public House, Northgate

The building has been demolished and a new housing scheme is almost complete

6. Niramax, Mainsforth Terrace.

Permission has been granted for a residential development on the site, which has been cleared of tyres. The wall around the site, which is to be demolished as part of the housing scheme, remains. There are still some concerns regarding the appearance of the site from the railway line. Officers continue to liaise with the owner/prospective developer to urge progress on the redevelopment of the site

7. Odeon Cinema, Raby Road

The premises are boarded up and secure and the owners are currently in discussions with the Council and a Registered Social Landlord re the future development of the site.

8. Old United Reform Church & Former Independent School, Durham Street

All required works have been carried out and the building is now secure. The existing planning permission for conversion to flats has not been implemented.

9. Crown House, Surtees Street

The property has been significantly improved, by removal of external cladding and, following the formal restoration of the owning company, the owners have been asked to confirm their future intentions for the site.

10. Victoria Buildings, Middlegate

A grant-funded scheme of redevelopment is under detailed negotiation.

- 4.2 Two of the buildings identified above, Morison Hall and the old United Reform Church, have the potential to continue to be a problem, as approved development schemes have not been progressed. As a consequence officers believe a more radical approach may be necessary. Preliminary discussions have therefore been held with the Cleveland Building Preservation Trust to see if they could possibly become involved in progressing the approved residential developments. They have indicated that the developments are of interest to them and that they wish to explore this proposal further. This course of action could be done with the agreement of the owners or alternatively it may be that Compulsory Purchase Order (CPO) powers would have to be considered.
- 4.3 A further building, the listed Former Engine House on the corner of West View Road and Old Cemetery Road, was also identified for action in the first round. This however has proved difficult to progress given the particular nature and condition of the building. The Chief Solicitor is investigating the powers available to the Council to make the building secure and weather-tight for up to 2 years while options are explored with suitable trusts and/or the owner to try to secure a long-term use for the building.

5. NEXT BATCH OF BUILDINGS IDENTIFIED FOR ACTION

- 5.1 The Council has tackled several high profile sites in private ownership with some success over the past year or so using a variety of means, e.g. planning legislation to drive improvements. Whilst progress details have been reported on the top 10 headline premises, action has also been taken by Neighbourhood Managers working in conjunction with Development Control Officers to get private owners of unused premises and land to improve and in some places introduce future maintenance regimes **see Appendix 1** for status reports.
- 5.2 Whilst it is recognised there is still work to be carried out on some of the original headline properties, there are however other premises throughout the town which have worsened in their condition or have become vacant in the last 12 months. In order to maintain this strategy a second list of private and public sector premises has been prepared for targeted enforcement action.

1. Jackson's landing

Since the building was vacated by the last retail operators in 2005, officers have sought to solicit viable proposals for re-use of the building from the owners or facilitate discussions between prospective purchasers/developers and the owners. To date, however, no detailed

proposals have been forthcoming from the owners nor have any prospective purchasers been able to agree terms for the acquisition of the premises with the owners. Periodically the owners have undertaken short-term works to secure the building but it is felt that a more formal enforcement approach, including if appropriate, the use of s.215 powers, is warranted.

2. The Lion Public House

The Planning Committee has authorised enforcement action and following consultation with the Borough Solicitor the new owner of the property (recently acquired) has been issued with a Section 215 Notice. The new owner has sought quotes from demolition contractors and has indicated that the building will be demolished by mid June.

3. The Brus Arms Public House

Planning Committee has authorised enforcement action, however negotiations with the owner have resulted in significant remedial works being undertaken to tidy the site. The associated outbuildings have been demolished, all rubbish and debris has been removed and the site has been secured. It is anticipated that a planning application for the redevelopment of the site will be submitted in the coming weeks.

4. The site adjacent to the Church of the Nazarene

The Church has responded to the planning Committee's previous demands for the site to be tidied and for a Planning application for the continued retention of the "temporary" building and the play area to be submitted, however concerns about the suitability of the scale, design and usage of the "temporary" building remain.

5. Buildings/sites within the rail corridor

It is recognised that the authority needs to continue its focus on the rail corridor in the wake of the recent scrutiny investigation with appropriate action being taken against individual problem properties.

A need has also been recognized to follow a similar line with the Council's own land and buildings, although in terms of buildings there are now relatively few that are vacant. It is accepted however, that they need addressing. The Council does have a disposals strategy, approved by Cabinet in September 2004, which highlights operational and non operational land and property that could be the subject of disposal over time.

The current practice is for a department to declare land or property surplus for use when a decision is made that it is no longer needed for service delivery. At this point the needs of the rest of the Council are considered and each Department is asked via the Strategic Corporate Asset Group to

identify potential future use. If none is identified then the Performance Management Portfolio Holder is requested to consider the asset for disposal. Legal, planning and estate management issues are considered for future uses e.g. via a planning brief. The asset would be marketed then sold.

Sometimes there is little notice given when an asset becomes vacant. This process can be complex and lengthy, especially for the bigger sites and buildings. Any maintenance and/or security needs of the site are identified and costed against the expected capital receipt. In some occasions where a department has funding demolition may take place e.g. Lynn Street Adult Day Centre, but this can take some time to arrange if no budgeted funding is available.

Detailed below is a progress report of work carried out to date on our own land through either disposal, demolition or reuse undertaken over the last year.

6. Titan House

Negotiations with the owners of Titan House have not resulted in the undertaking any remedial works by the owners to improve the appearance of the premises. The Planning Committee has authorised enforcement action and following consultation with the Borough Solicitor a Section 215 Notice has been drafted and issued to the owners of the property.

7. Tunstall Court

Following negotiations with the owners of the premises, the ground floor of Tunstall Court has been secured with steel shutters. Officers continue to liaise with the owners of the property to urge progress on the redevelopment of the site.

8. The Barlow's Site

Is owned by the Primary Care Trust, with the Council owning the land on which the former St. Benedict's Hostel and the Stranton House E.P.H. were located.

The Council has for some time been in negotiations with the PCT with regard to the proposed development of a LIFT scheme to provide primary care facilities on this site. In 2006, the PCT and the Council arranged for the Barlow's building and the St. Benedict's Hostel be demolished, and the site grass seeded and boulders placed around the perimeter to stop illegal parking. In addition, gable wall works were carried out to The Arches building, which has aesthetically improved this area. Negotiations are ongoing with the PCT and it is hoped that a planning application will soon be submitted.

9. Eldon Grove Community Centre

The Council resolved that it did not have sufficient funding to allow the property to remain open after the financial year 2006-7. Following public and elected member campaigning, Cabinet granted approval for the site to be marketed locally inviting community parties to submit bids. This is now being undertaken in the hope of keeping the building open with its current occupiers to remain in place. The marketing period began on 29th March 2007, and bids need to be submitted by 4th May 2007. Following this, the bids will be evaluated according to specific objectives set out by Cabinet.

10. Briarfields

The site was declared surplus to requirements by the Council in 2006, with Adult and Community Services having moved out of the property and no other service department having identified a requirement for the property.

It was hoped that the site could be marketed with the adjacent land, but following the Local Plan review, the land was removed as a housing allocation. This site was therefore marketed in isolation until the end of October 2006. The site was made available in 3 lots; the main house, the small lodge and a building plot.

29 bids were received, with bidders electing to bid for 1, 2 or 3 of the lots. A report was prepared for Cabinet proposing options based on different permutations from bidders. Cabinet elected to proceed with 3 different bidders. All of the preferred bids are subject to satisfactory planning approval being received and each of the proposed developers are currently in discussions with the Council's Development Control Section, with the application for the lodge now having been submitted.

11. Rossmere Pool

Building now demolished.

12. Burn Valley Referral Unit

This site was declared surplus to requirements in 2006 after it was offered to service departments and none proposed a sustainable future use for the property.

The site was marketed between May and July 2006, with 19 bids being received. Portfolio Holder decided that the Council should proceed with the highest bidder, but as his bid contained a residential element (an on site bungalow ancillary to the proposed photographer's studio and training facility), the Council's Development Control Section advised that the proposal was not acceptable in planning terms.

In November, a further report was put to Performance Management Portfolio Holder proposing that an alternative bidder be selected, however this bidder responded stating that they were no longer interested in the

property. A third bidder was then approached and they are now progressing with the purchase of the property.

It is proposed that the property is to be used as an office premises by a local charity and a planning application in respect of this is due to be submitted.

13. The Bridge Youth Centre

This property is due to be vacated in 2007, with the majority of the users to be relocated into the Burbank Community Centre. In the meantime, the users of the Burbank Community Centre are to move into Bridge Youth Centre whilst improvement works and alterations to that building are carried out.

Once the site is vacated, it is proposed that the building will be demolished and marketed along with the site of the former Lynn Street ATC. A submission has recently been made to the Council's 'one stop shop' to ascertain proposed uses for this site.

6. RECOMMENDATIONS

- 6.1 That the Committee notes the report and authorises officers to pursue appropriate action as indicated in the report.

COMPLETED ABANDONED PROPERTIES AND DERELICT LAND**Portfolio Report 2007**

12 April 2007

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<u>NORTH</u>		
<u>BRUS</u>		
Open land Bakers Mead, Central Estate and Oaksway Industrial area (boundary land) Winterbottom Avenue Skerne Road Warren Road	Work has commenced. NSD have provided quote for contract to clean on regular basis – no outcome to date. Need to establish ownership of land at Winterbottom boundary. Agreed there is a need to establish long-term strategy for this land and industrial estate. Subject to funding, Economic Development would hope to carry out a study which will look at rationalisation of land available for industry/commercial use, which could include this area.	ONGOING
Small plot of land Challoner Road	Estates investigating potential usage.	ONGOING
* Land Powlett Road/Easington Road and Winterbottom Avenue Iona/Richardson Club	Options to ensure tidy up by owners to be investigated.	ONGOING

Brus Pub West View	Planning Committee have authorised Section 215 Notice.	ONGOING
<u>DYKE HOUSE</u>		
Corner shop 68 Turnbull Street	Owner to be contacted in relation to improving the general exterior – monitor.	ONGOING
PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
* Lion Hotel Lancaster Road	Planning Committee have authorised Section 215 Notice.	ONGOING
Chatham Road Shops Chatham Road	General run down. Neighbourhood Services has carried out some environmental work with regard to renewed litterbins, graffiti removal etc. Neighbourhood Services also to investigate trade waste agreement in this area. - monitor	ONGOING
Empty house Lancaster Road	Development Control investigating	ONGOING
<u>ST HILD'S</u>		
CJC Chemicals Old Cemetery Road	Meeting held on 26 February 2007 with developers and Natural England regarding development and its impact on the SPA site, and how this could be mitigated. New information should enable planning application to be progressed.	ONGOING
* 3 Large sheds HMS site Cleveland Road	Developer to contact residents group/NAP group regarding proposal for apartments.	ONGOING
* Morrison Hall	The requirements of the section 215 Notice issued to owners have not been complied with and as such an offence has been committed. Instructions have been passed to the Chief Solicitor to pursue a prosecution in this instance.	ONGOING

	PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
*	Union House 39 Southgate	Headland Development Trust exploring social housing options.	ONGOING
*	Old Reformed Church Durham Street	Action now taken, site cleaned up. CBPT interested, subject to a feasibility study, so the prospect of a repairs notice/CPO by HBC again arises.	ONGOING
*	Victoria Building Headland	Grant still available, but short time scale. Referred to CBPT.	ONGOING
*	Pump House Throston Bridge	Options for restoration as a landmark of local historic interest, whether by a specialist trust or HBC (subject to member approval of funded proposals). Repairs notice and potentially CPO therefore need to be investigated.	ONGOING
	St Andrew's Church Hall York Place, Headland	Planning and listed building consent applications approved for tea rooms.	ONGOING
	Durham Street Open land	Grass – general poor appearance – owner has received letter – awaiting response from owner.	ONGOING
*	Quayside Pub Headland	Building advertised for sale.	ONGOING
	Sun Inn Headland	Building appears to be subsiding. Closed to the public. Officers to carry out inspection regarding public safety.	ONGOING
	Manor House	SRB currently working with owners on the future use of Manor House. Feasibility study currently underway.	ONGOING

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<u>CENTRAL</u>		
<u>TOP 10</u>		
The Odeon Raby/York Road	Report concludes only feasible option, subject to funding, is demolition and redevelopment to residential use. 3 Rivers to pursue with owners and Housing Corporation, supported by HBC.	ONGOING
Open Space York Rd/Young St Opposite Odeon		
Crown House Surtees Street	Company status under question and long term intentions.	ONGOING
Niromax Tyres Mainsforth Terrace	Current timescale for approved housing redevelopment unclear.	ONGOING
<u>NDC</u>		
Church of the Nazarene Play area	Noted that the Church has responded to the Planning Committee's previous demands for the site to be tidied and for a planning application for the continued retention of the "temporary" building and the play area submitted.	ONGOING
Titan House York Road	Planning Committee in March gave authority for Section 215 Notice action.	ONGOING
<u>BURN VALLEY</u>		
Burn Valley Education Centre	Now progressing with a different bidder who is in the process of submitting a planning application.	ONGOING

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Corner of Osborne/ Park Road (Listed Building)	Permission granted to retain ground floor, apartments above.	ONGOING
Garage Osborne Road	Demolition commenced – recent planning application refused.	ONGOING
<u>PARK</u>		
Briarfields, lodge and allotments	Sites marketed. Progressing with 3 different bidders in respect of the house, lodge and land. All in process of submitting proposals to Development Control.	ONGOING
Tunstall Court & Land	Building secured following action by Police/Fire Brigade/HBC. Being monitored by community police team.	ONGOING
<u>STRANTON</u>		
Open space South Marina behind Custom House Maritime Avenue	Public consultation event undertaken by prospective developers. Planning application awaited.	ONGOING
Trincomalee open space Maritime Avenue		
Open space Clarence Road	Owner's response awaited – Monitor.	ONGOING

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Former Pine Shop near the station Church Street	Is to be demolished as part of Interchange Scheme. Purchase by HBC being delayed until the rest of the Interchange Scheme is ready to go and Development Agreement signed. Monitor and report back at next meeting.	ONGOING
Open space Near to petrol Station, Mainsforth Terrace	Neighbourhood Services to be involved regarding litter control notice	ONGOING
<u>BURBANK</u>		
Open space Moreland Street	Enforcement Action to get land cleaned up to be taken	ONGOING
<u>SOUTH</u>		
<u>OWTON WARD</u>		
Old Police Station opposite St Patrick's Shops Owton Manor Lane.	Options being pursued with Housing Hartlepool as part of possible wider development.	ONGOING
Carlisle Street / Berwick Street open space	Durham Land registry contacted but land is unregistered. Monitor.	ONGOING
<u>SEATON WARD</u>		
The Front Seaton Carew known as Coasters	No further action deemed necessary at present, however, to continue discussions with owners regarding development. Monitor.	ONGOING
5 South End	The owner has been contacted to have this section of land tidied. Continue to monitor to ensure area is maintained and tidy.	ONGOING
Rear of 50 The Front (compound)	Legal action to be pursued.	ONGOING

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
South End access road leading to The Front Seaton Carew	Litter pick and de-weeding completed, further remedial works are now being considered – monitor.	ONGOING
<u>ROSSMERE WARD</u>		
Dumfries Road at rear garage area	This land has been cleared but it has recently been subject to major fly tipping. Neighbourhood Services has organised CCTV cameras to monitor the situation and will instigate prosecutions. No further tipping has taken place, but continue to monitor.	ONGOING
Golden Flatts Pub Seaton Lane	Work has been delayed due to protracted negotiations over the diversion of a gas main. An order has been placed, but no date as yet for the diversion. Demolition will take place once the gas main is diverted. Late April/early May.	ONGOING
B & Q Banks Brenda Road	Continue to maintain with regards to fly tipping. Potential of HBC land to be planted as a community forest to be investigated.	ONGOING
British Steel site Brenda Road	Revised proposals for storage/nature reserve/walkway being progressed.	ONGOING
<u>NORTH BRUS</u>		
Rovers Rugby Club (old training ground) West View Road	Probation have cleared the area and cut down grass. NSD to provide cost for grass cutting during summer. Monitor the situation.	COMPL ETE
* Land adjacent to Old Boys Football Club Easington Road HOBFC	Neighbourhood Services to make contact with owners to discuss future of land and its maintenance.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
<u>ST HILD'S</u>		
3 Garages Abbey Street/Bond Street	Site visited but no justification for enforcement - case closed.	COMPLETE
Corner Shop Montague Street Headland	Conversion works have commenced – case closed.	COMPLETE
Coast Road from Easington District Boarders (North) to King Oswy Roundabout	Not maintained on regular programme, due to cost of traffic management. Need to address cost and long term implications for NSD.	COMPLETE
Land (verges) from Hart Village to Golf Course	Not maintained on regular programme. Need to address cost and long term implications for NSD.	COMPL ETE
<u>CENTRAL</u>		
<u>Top 10</u>		
The Gas Show Room Avenue Road	Work has commenced to refurbish the premises.	COMPL ETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Open Space Murray Street	Approved car park provided.	COMPLETE
<u>NDC</u>		
Barlow's building Park Road	DEMOLITION COMPLETE.	COMPLETE
St. Benedict's House	DEMOLITION COMPLETE.	COMPLETE
Leck DIY Stranton Garth	NDC business grant approval has been awarded – work commenced.	COMPLETE
York Road flatlets	PCT managing site, NDC ETF clearance flytipping etc. Linked to PCT development.	COMPLETE
Studley Road open space	Endeavour 6 bungalows on site.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/
<u>RIFT HOUSE</u>		
Open space Kipling Road	Derelict play area, probation scheme cleared up.	COMPLETE
Resource Centre Lynn Street	Demolition complete.	COMPLETE
Former Co-op building Park Road	Demolition/renovation works underway.	COMPLETE
Open space back/side of Pools, Victoria Ground	Leased to Pools. Maintained by HBC.	COMPLETE
Raby Road Triangle	There will be no development on this site due to cost and use however three covert cameras were installed for a period of five weeks and no incidents of fly tipping occurred, community wardens continue to monitor and no further incidents have been reported – monitor	COMPLETE
<u>BURBANK</u>		
Open space Moreland Street	Neighbourhood Services pursuing environmental enforcement.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Open space Clark Street	Monitor	COMPLETE
Huckelhoven Court Properties	Refurbishment commenced.	COMPLETE
<u>SOUTH</u>		
<u>OWTON WARD</u>		
220 Owton Manor Lane.	Works now complete.	COMPLETE
Red Admiral/The Goldmine Catcote Road.	Formerly known as The Red Admiral it has now been renamed The Goldmine and has now been renovated and is up and running as a public house.	COMPLETE
Land at Rear of Lindsay Road and Wynyard Road	This area of land has now been cleared and the residents have been contacted by our environmental enforcement team warning that any future incidents of fly tipping will result in action been taken.	COMPLETE
Carlisle Street / Berwick Street open space	HBC have taken responsibility and have had this area tidied. It will also be maintained as per open space until resolved. Unregistered Initial registration with the land registry to be considered by Estates.	COMPLETE
Graythorpe Area Open Space	Neighbourhood Services will maintain these areas as part of our open space maintenance contract.	COMPLETE
Newburn Bridge Open Space	This section of land has now been tidied as part of open space maintenance programme	COMPLETE
Queen Street Open Space	This section of land has been tidied as part of operation Cleansweep and is to be added into open space maintenance contract.	COMPLETE

PROPERTY/ OPEN SPACE	COMMENTS/ACTION	ONGOING/ COMPLETE
Decaux Advertising Hoardings Seaton Lane	DeCaux have been contacted to get this area of land tidied. Now completed.	COMPLETE
Lawson Road Open Space	This area has been tidied as part of Operation Cleansweep and will be added into open space contract for maintenance.	COMPLETE
<u>FENS WARD</u>		
Monkton Road Open Space	This land is HBC's and has been added into open space maintenance contract. A NIPS scheme will be developed to improve this area further.	COMPLETE
Macrae Road Open Space	The gas board has been contacted to have this area of land tidied. Another NIPS scheme will be developed to further improve this area.	COMPLETE
<u>ROSSMERE WARD</u>		
Brenda Road open space near to stagecoach	This land has been cleared and planted as part of a South Area Forum Scheme and will be maintained as part of grounds maintenance contract.	COMPLETE
Rossmere Pool	Demolition complete.	COMPLETE

Report of: Assistant Director (Planning & Economic Development)

Subject: TPO 180 - WOODLAND WEST OF NAISBERRY PARK

1. PURPOSE OF REPORT

- 1.1 To inform members of consultations on a Tree Preservation Order relating to a woodland west of Naisberry Park, Hartlepool, and to invite members not to confirm the TPO in light of the outcome of those consultations.

2. BACKGROUND

- 2.1 On 12th May 2006, a Tree Preservation Order was made under the Council's delegated powers to protect the woodland west of Naisberry Park, Hartlepool. The order was produced as a proactive measure to ensure the retention of the area of woodland, which was identified as being of high visual amenity and wildlife value. (See Appendix 1 for location plan)

- 2.2 Subsequent to the Council issuing the Order, representations were received from Northumbrian Land Limited, the freehold owner of the woodland, and the freehold owners of 15 Glenston Close, 4 & 5 Riverston Close and numbers 20, 25 & 28 Hillston Close (Appendix 2 - 8). The main concerns raised were:

- (i) the trees have grown to such an extent without management that light and sun to neighbouring gardens is severely restricted.
- (ii) anti-social behaviour by gangs of youths using the woodland as a meeting place to drink and take drugs.
- (iii) the starting of fires in the woodland by youths
- (iv) the trees do not have a high visual amenity

In addition the woodland owners pointed out that any substantial removal of trees would require a felling licence from the Forestry Commission, regardless of whether a TPO is made.

- 2.3 The Council's views in relation to the concerns of the owner and adjacent land owners were contained in correspondence from the Arboricultural Officer (Appendix 9 - 16) and more specifically that: -

- (i) the trees that block out light and sun are not contained within the Tree Preservation Order and can be cut back/removed with the landowner's permission.
- (ii) any anti-social behaviour or criminal damage should be reported to the Police.
- (iii) the woodland is of a high visual amenity.

2.4 The making of the Tree Preservation Order and various implications arising from it were raised by residents during a meeting of the Central Neighbourhood Forum on 10th August 2006, leading to a public meeting held on 17th August 2006 involving relevant Council officers and residents.

At the latter meeting a number of aspects were raised, including: -

- (i) Planning policy relating to the making of TPO's
- (ii) The concerns of residents relating to the overshadowing effect of the woodland and to anti-social behaviour along the public right of way and within the woodland, including apparent drug and alcohol abuse, arson and graffiti.
- (iii) The need for active management of the woodland by the landowner.

In the light of that discussion, Council Officers undertook to seek a meeting with the woodland owners, also inviting relevant Council and Police officers and residents.

2.5 A further public meeting, involving relevant Council and Police officers, the agent for the landowners, and residents was held on 18th October 2006.

At the meeting, the agent for the landowner indicated his client's intention to prepare a management plan for the woodland. Much of the meeting focussed on identifying the key factors from residents' perspectives to be taken into consideration within any such management plan.

2.6 A copy of an outline management plan for the woodland, produced by the agent for the landowner and serving to address the community concerns and preserve the amenity of the woodland, was received by the Council on 14th November 2006 (Appendix 17).

2.7 Subsequent discussions with the land owners agent and correspondence with the neighbouring residents led to a recent further meeting of the parties to seek to develop the management plan to address the concerns raised. The residents were invited to submit their collective detailed concerns to the landowners agent, who confirmed his client's willingness to respond to these concerns, within reason, within the management plan, after consultation with the Arboricultural Officer and the Crime Prevention Officer. Whilst those

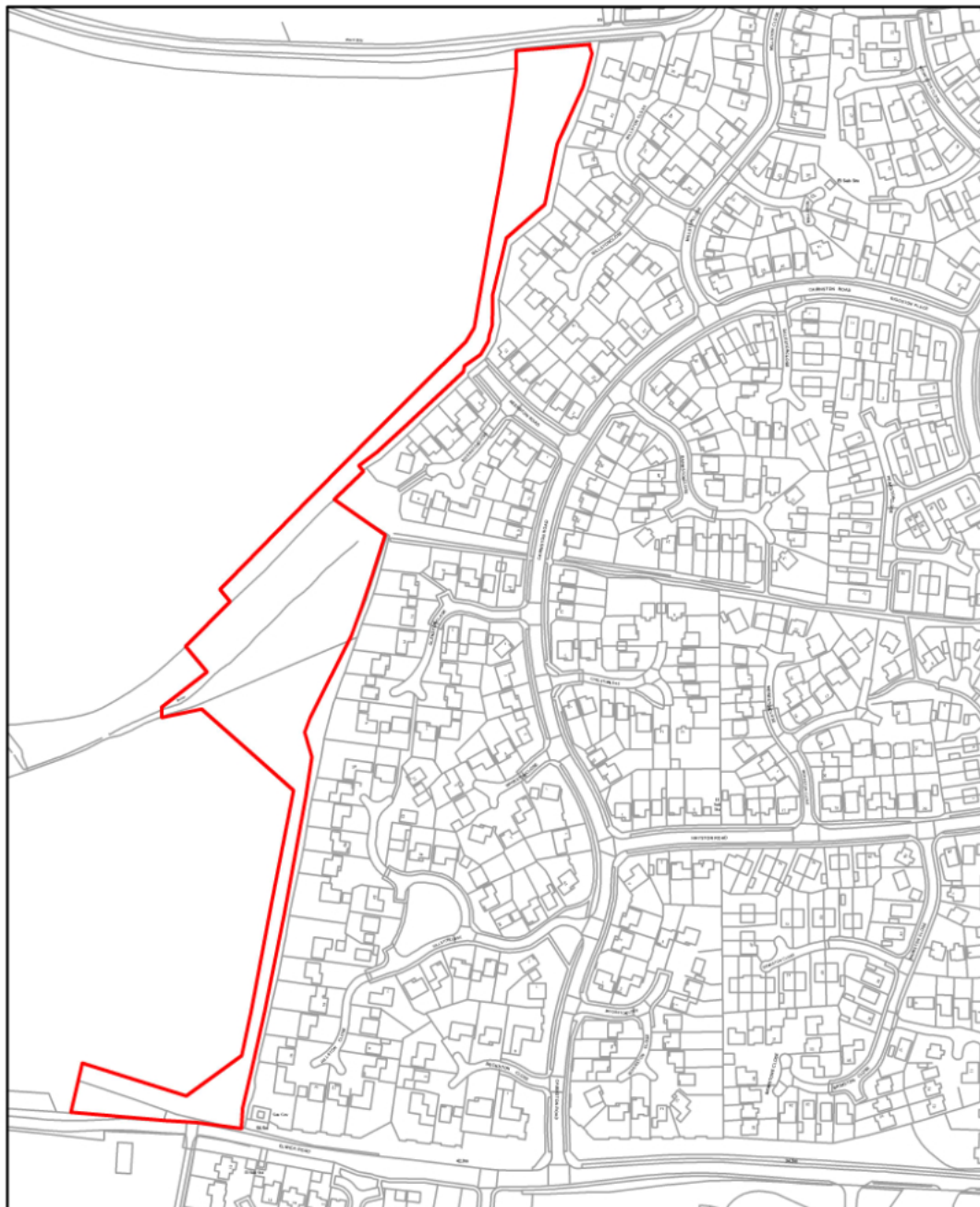
processes are still ongoing, it is clear that in the light of the outline management plan and the requirement to obtain a felling licence, there is no practical justification for confirmation of the TPO.

3.0 RECOMMENDATION

It is recommended that Tree Preservation Order No. 180 not be confirmed.

Appendix
1.

Woodland west of Naisberry Park



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSES ONLY

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HARTLEPOOL BOROUGH COUNCIL Department of Regeneration and Planning Services Bryan Hanson House, Hanson Square, Hartlepool. TS24 7BT	DRAWN	AD	DATE	10/04/07
	SCALE	1:3000		

MANAGEMENT PLAN
WOODLAND AT QUARRY FARM

BACKGROUND

The woodland was planted in the early 1990's in a series of shelterbelts surrounding and dissecting the farm.

The objective of the woodland planting was to provide shelter and screening.

The woodland is now at an age and level of maturity that active management is required for the health of the trees and the woodland as a whole.

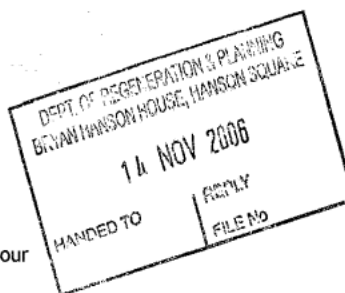
Management/Silvicultural Practice

For the majority of the woodland the proposal is as follows:-

A series of thinning and beating up by a forestry contractor taking out those trees which are weak and/or non performing favouring strong and vigorous trees. A policy to maintain a species variety will be pursued if at all possible and where there are significant gaps due to damage or disease these will be filled with native species.

The management of the eastern section of the woodland is affected by stakeholders; interest groups; statutory designation and issues as follows.

- The Community
- Proposed TPO
- Footpath Diversion and Existing Footpath
- Adjoining Residents
- Overhanging and shading by trees of adjoining houses
- The woodland being a haven/attraction for anti social behaviour



Way Forward

To commence silvicultural management of the woodland over the next five years as above with the treatment of the eastern boundary to be as per the other woodland, taking into account:-

- i) Whether the footpath is to be moved.
- ii) The recommendation of the Council and Police in respect of anti-social behaviour, subject to cost and proportionality.
- iii) Consideration of clearing selected areas regarding overhanging and shading, subject to consultation with local authority on affect upon visual amenity, landscape and the health of the remaining trees.

NORTHUMBRIAN LAND LIMITED

The Innovation Centre
Suite 203, Venture Court
Queens Meadow Business Park, HARTLEPOOL
TS25 5TG
Tel: 01429 239666
Fax: 01429 239667
Email: enquiries@mowdenpark.co.uk

Our Ref: EY/NH/999

Your ref: CW/TPO/5493

J A Brown
Chief Solicitor
Chief Executive's Department
Hartlepool Borough Council
Civic Centre
Hartlepool
TS24 8AY

12 June 2006

BY FAX & POST

Dear Sirs

Tree Preservation Order No: 180
Town & Country Planning Act 1990

We refer to your letter dated 30 May 2006, regarding the above Tree Preservation Order.

We formally object to the Order on the following basis:

1. The woodland is very immature and needs active management which would be impractical with the proposed T.P.O.
2. It is not clear that you have taken professional advice on the practicality and appropriateness of the Tree Preservation Order in respect of the species within the age of the woodland.
3. We are not aware that you have carried out a formal landscape assessment or taken professional advice in assessing whether the woodland has a high visual amenity or whether its removal would have a detrimental impact on the local environment.
4. The reference to the woodland being enjoyed by the public has not been fully explained.

Contd/.....

Registered Number 5367381. Registered Office Oakland House, 40 Victoria Road, Hartlepool, TS26 8DD

-2-

5. Any other reasons.

We reserve the right to expand upon the above and provide professional advice and report to substantiate our objections.

Yours faithfully
for and on behalf of
NORTHUMBRIAN LAND LIMITED



EDWARD YUILL
Property Surveyor



**Regeneration & Planning
Services**

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer: Tony Dixon: Arboricultural Officer (01429 284071)

28th June 2006



Mr E Yuill
Northumbrian Land Limited
The Innovation Centre
Suite 203, Venture Court
Queens Meadow Business Park
HARTLEPOOL
TS25 5TG

Dear Mr Yuill,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In it you raise a number of objections including assessment of the amenity value of the woodland and management of the woodland.

The law on Tree Preservation Orders is contained within the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 1999. The purpose of a TPO is to protect trees that make a significant contribution in terms of amenity to their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the local planning authority's permission. The 'Act' does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Government guidance suggests that the trees should normally be visible from a public place, such as a road or footpath, and that trees or woodland may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape. Other factors, such as importance as a wildlife habitat, may also be taken into account.

Although a tree or woodland may merit protection on amenity grounds it may not always be expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management. It may be expedient however, for a local planning authority to make a TPO if there is a risk of trees or woodlands being cut down. It is not necessary for the risk of felling to be immediate as changes in property ownership and intentions to fell trees are not always known in advance, and so the protection of selected trees or woodlands by a precautionary TPO might sometimes be considered expedient.

Local planning authorities are advised to develop ways of assessing the amenity value of trees and woodlands in a structured and consistent way. Hartlepool Borough Council have developed a 'Site Amenity Assessment For Making A TPO', which is applied with each new TPO.

In answer to the point you raise about management of the woodland, applications to manage trees and woodlands in ways that would benefit the woodland without making a



INVESTOR IN PEOPLE

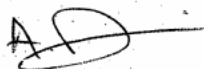
serious impact upon local amenity would be encouraged. It must be noted that the making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees immediately adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees that overhang their property boundary.

I hope that this information will satisfactorily address the points that you raise and that the TPO will now receive your support. Further information can be found in the leaflet 'Protected Trees: A Guide to Tree Preservation Procedures', which was included with your copy of the TPO.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,



Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

28 Hillston Close
Naisberry Park
Hartlepool
TS 26 0PE

6.6.2006

F.A.O. J.A. BROWN - CHIEF SOLICITOR

Dear Sir/Madam

Tree Preservation Order No. 180

I would like to strongly object to this, for the following reasons:-

- Too many trees have been planted very close together and have been allowed to grow too high. Of particular concern is the number of Ash trees which we have been advised could cause even more problems in the future, due to the close proximity to our property.
- There are a number of the trees which are growing over the top of the natural hawthorn hedge at the bottom of the garden and are affecting its growth.
- Sunlight into our garden is cut out by early afternoon; before the trees were planted it was there until early evening.
- Views across open farmland have been lost. We bought the house and had a balcony built specifically to enjoy these views.
- Seeds from the trees are causing problems in our garden.
- In autumn or any stormy weather, there are an excessive amount of leaves to be cleared up.

Good husbandry of the trees should surely involve thinning them out and cropping some of the tallest.

I would appreciate a meeting on site with someone from the relevant department to discuss the above so that they can see the problem from our perspective.

Yours Faithfully

K. Dormand

Keith Dormand



**Regeneration & Planning
Services**

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT



Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer:

Tony Dixon: Arboricultural Officer (01429 284071)

28th June 2006

Mr K Dormand
28 Hillston Close
HARTLEPOOL
TS26 0PE

Dear Mr Dormand,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise a number of points including questions about maintenance of the woodland, sunlight and views.

The purpose of a Tree Preservation Order is to protect trees that make a significant contribution in terms of amenity to their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission.

Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. It must be noted that the making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees which overhang their property boundary. Therefore, you are still able to exercise your common law right to cut back to your boundary, and the permission of the local planning authority would not be required to remove any trees to the east of the public right of way, however the consent of the landowner would be required to remove any of the trees situated on this land.

I hope that this information will satisfactorily address the points that you raise and that the TPO will now receive your support. Further information can be found in the leaflet '*Protected Trees: A Guide to Tree Preservation Procedures*', which was included with your copy of the TPO.

I would be happy to meet with you on site to see the problems that you are experiencing and discuss with you the effect of the woodland Tree Preservation Order. I can be contacted on the number given above.



INVESTOR IN PEOPLE

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AD' followed by a horizontal line.

Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

Copy.

Tree Preservation Order No 180
Hartlepool Borough Council

J.A.Brown
The Chief Solicitor
Hartlepool Borough Council



Tree Preservation Order (TPO) no. 180

Dear Sirs,

In connection with the proposed Tree Protection order, which has presently been imposed as a Temporary Tree Protection Order to the west of Naisberry Park, we wish to register our objections to parts of the plan as follows.

The TPO refers to a "Woodland" order for all trees to the west of Naisberry Park. Our objection is not to the principle of a protection order but the fact that in our view the "carte blanche" protection is unjustified and should be modified to exclude certain trees.

1). The specific objection is to the existence of seven Birch trees adjacent to our premises. These trees are expected to grow to a height of 25 to 30 metres, causing significant loss of daylight, they are a deep-rooted species which potentially impact on the fertility of adjacent land and potentially could cause damage to buildings etc.

We believe that from a wider impact perspective the reduction in height of these Birches would not be detrimental and the "amenity" value would not be diminished because of the presence of other trees nearby.

2). From a visibility perspective the said Birch trees are not generally on view to the public. To the south these trees are hidden behind the row of trees that border Elwick Road running in an east to west direction. To the north the trees are hidden amongst several others and cannot be really seen until you actually reach them. From the west these trees are only viewed as a diminished backdrop to the other trees present. ONLY from the east (our land), are these trees visible to any real extent and in our view they are over-imposing.

Their reduction in height or removal is likely to have very little detrimental effect from a public visibility perspective and significant advantageous effect when viewed from our land. In terms of the visibility we believe that our "amenity" value has been reduced and will be reduced even further if the appropriate pruning and management of these trees is prohibited. Originally we had a magnificent view of the Hart Windmill and fields to the west- this is now a wall of Birch trees - 60 feet wide 30 feet tall!!!

As a result of the height of these Birch trees we now have a back garden that is in shadow from mid/late afternoon until sunset. If these trees we reduced in height at

07/06/2006

1 of 3

Tree Preservation Order No 180
Hartlepool Borough Council

least part of the garden would get evening sunshine, which originally the entire garden used to have. Again we believe this is loss of amenity which will only deteriorate.

3). There is also an additional impact element associated with the TPO with respect to the management of hedgerows etc.

The presence of the larger trees has resulted in established hedgerows and shrubs striving for more light. The net effect is leggier and less compact or manageable plants and hedgerows. The hedgerows now have to be cut more often than they used to be to keep them under control, with the associated time and cost penalties. This in our view is a detrimental effect. If the Birch trees are protected and not reduced in height or controlled in height then potentially the shrub and hedgerow management issue becomes bigger. In our view this has a detrimental impact.

In summary we are opposed to imposition of the TPO in its present form. We believe the application of a "Woodlands" order and its implications is unsuitable and the TPO should be modified, with the Birch trees being excluded from the order. We are in principle in support of the TPO otherwise.

Please find attached some photographs to help and the descriptions appended for clarity. We have also included a copy of the section of map covering grid reference NZ4833 duly marked as illustration.

Yours faithfully



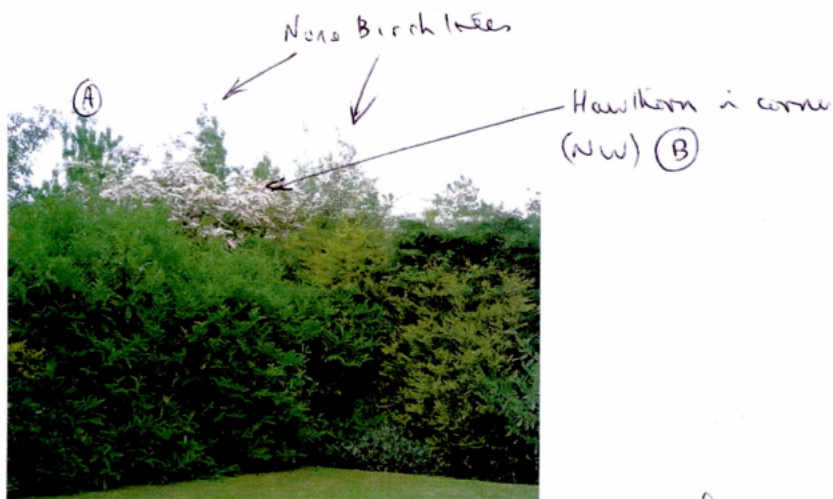
R.C.Hewson

20 Hillston Close.
Hartlepool
TS26 0PE
7 June 2006

07/06/2006

2 of 3

Tree Preservation Order No 180
Hartlepool Borough Council



A = reference
+
B points

Figure 1, Showing average height of none birch trees behind number 24 Hillston Close (adjacent property) taken 7th June 2006

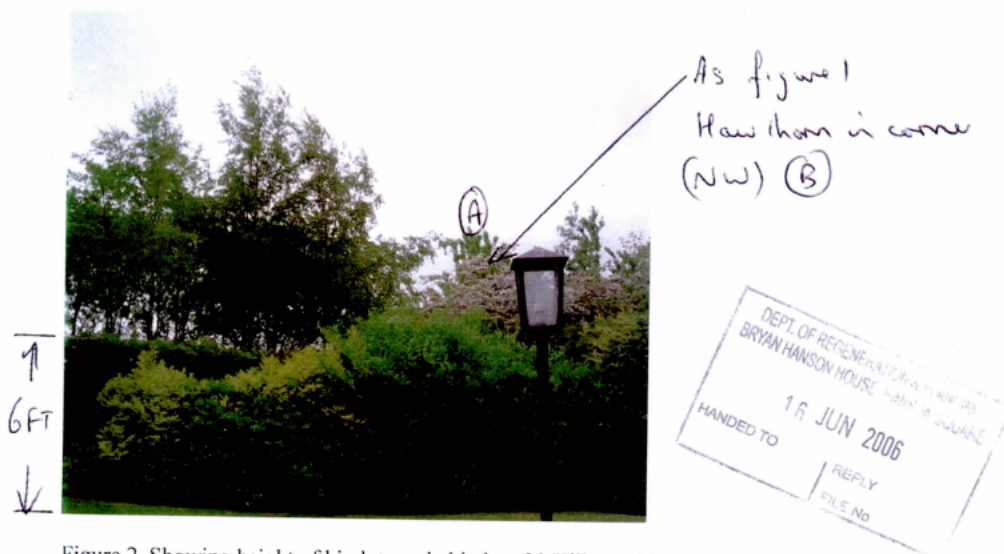
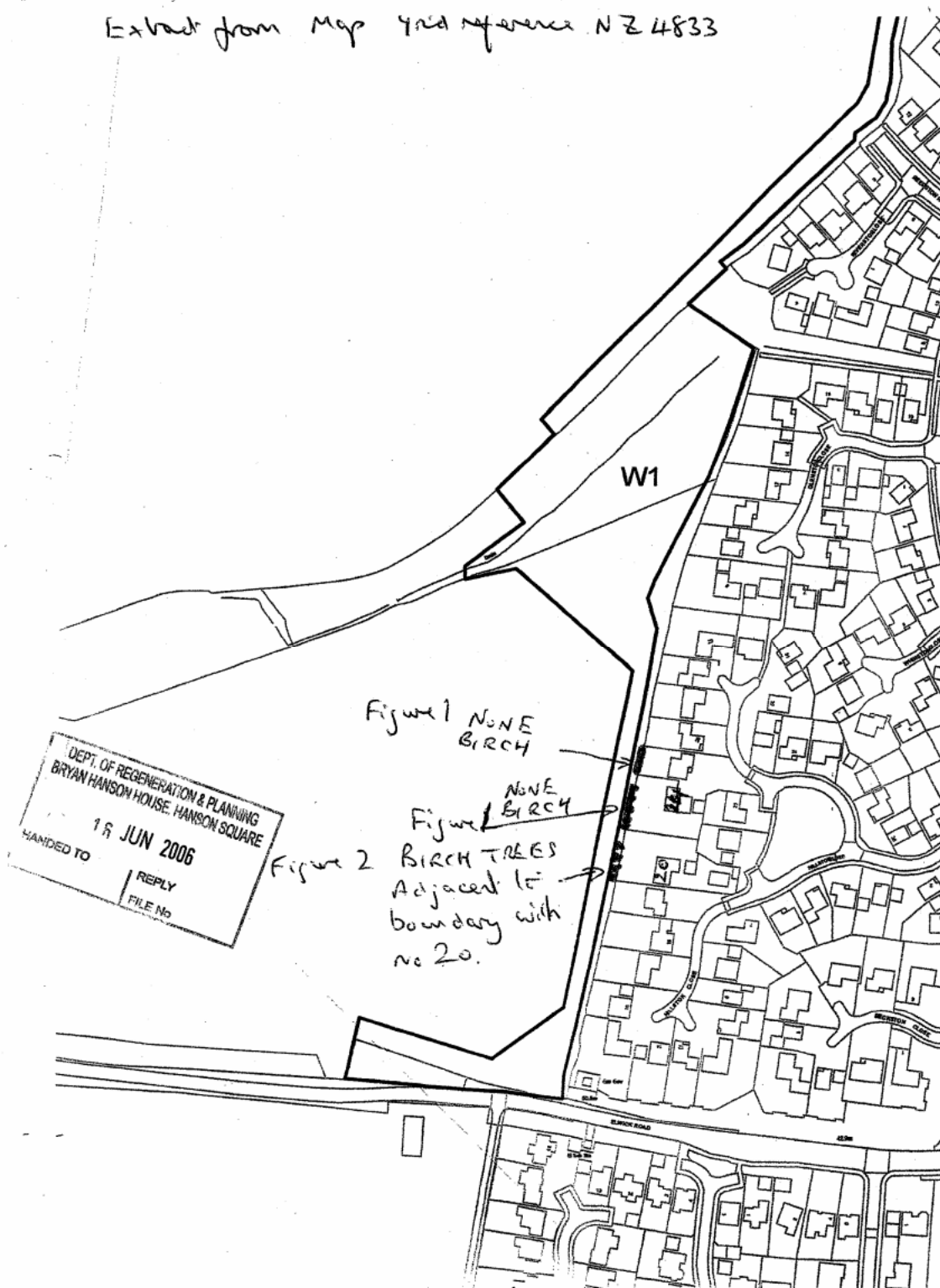


Figure 2, Showing height of birch trees behind no 20 Hillston Close taken at the same time and same settings 7th June 2006

07/06/2006

3 of 3



**Regeneration & Planning
Services**

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT



Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer: Tony Dixon: Arboricultural Officer (01429 284071)

27th June 2006

Mr R C Hewson
20 Hillston Close
HARTLEPOOL
TS26 0PE

Dear Mr Hewson,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise an objection to a number of Birch trees adjacent to your property being included in the Tree Preservation Order.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees immediately adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees that overhang their property boundary.

The TPO states that the protected woodland area is 'the area bounded by a continuous black line', the section of plan that you included with your letter shows that the positions of the trees which are the subject of your objection are clearly outside of the continuous black line.

Therefore, you are able to exercise your common law right to cut back to your boundary, and the permission of the local planning authority would not be required to remove trees to the east of the public right of way. Should you wish to remove some of the trees not included in the TPO however, the consent of the landowner would be required.

The purpose of a Tree Preservation Order is to protect trees that make a significant contribution in terms of amenity to their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission. Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. The making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

I hope that this information will satisfactorily address the points that you raise and that the TPO will now receive your support. Further information can be found in the leaflet 'Protected Trees: A Guide to Tree Preservation Procedures', which was included with your copy of the TPO.



INVESTOR IN PEOPLE

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AD' with a stylized flourish.

Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

Mr. A. & Mrs. V Rutter
4 Riverston Close
Naisberry Park
Hartlepool
TS26 0PY
Tel: 01429 223918

Your Ref: CW/TPO/4493

7th June 2007

Hartlepool Borough Council
Chief Executives Department
Civic Centre
Hartlepool
TS24 8AY

For the attention of Mr J A Brown—Chief Solicitor

Dear Sirs

Tree Preservation Order No. 180
Town And Country Planning Act 1990

The above Tree Preservation Order has recently come to my attention, and I wish to lodge my objection to the order in the strongest possible terms.

As a local resident directly affected by the trees' presence, over many years I have had to deal with a seemingly endless onslaught of anti-social behaviour perpetrated by gangs of youths, and directly supported by the densely wooded area which you are aiming to protect. The area is, in fact, well known by local police, who are regularly being called up to disperse these youths.

These gangs of youths have been known to use the trees as 'dens' and 'hiding places', and in the aftermath of these gatherings, they will leave behind all of the associated drug, drink and sexual paraphernalia which raises a whole number of other concerns currently (and sadly, quite ineffectively) being dealt with by local police, who despite their best efforts cannot stop the youths from congregating in the area, as the contraband is simply hidden amongst the trees, and retrieved at a later date, and the youths themselves can easily 'disappear' through the trees, until it is safe to return—which they invariably do.

As a member of the public, any attempts by me, or other neighbours, to clear these youths are met by abuse and increasingly threatening behaviour.

More worryingly, a trend for starting fires in the trees has started to emerge, putting both properties, and ultimately lives, at risk.

Whilst I, and many other local residents, are trying our hardest to prevent this behaviour from continuing, and escalating further, your proposed order to preserve these trees will only compound the problem, as these trees

are harbouring the gangs, and offering them shelter and a degree of privacy.

Although I do appreciate the aesthetic value of our wooded areas as a whole, you would surely agree that this is not what trees are for, and to protect these particular trees would also serve to protect this unacceptable behaviour.

I would also like to point out that several areas you are aiming to protect, are no more than saplings, and therefore have no long established history in the area. I fear that, as with the more mature trees, as they grow, so will the problems.

At this moment in time, I'm sure we can all agree that the total destruction of the trees is an unattractive proposition. However, if the problems cannot be solved by any other means, the prospect of thinning out/ cutting back of the trees must remain an option for the future. I therefore reiterate my objection to the preservation order.

Yours faithfully



Andy Rutter

**Regeneration & Planning
Services**

Copy for file

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer: Tony Dixon: Arboricultural Officer (01429 284071)



27th June 2006

Mr A & Mrs V Rutter
4 Riverston Close
HARTLEPOOL
TS26 0PY

Dear Mr & Mrs Rutter,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise a number of points including problems with anti-social behaviour and maintenance of the woodland.

The purpose of a Tree Preservation Order is to protect trees or woodlands which make a significant contribution in terms of amenity to their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission. Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. A Tree Preservation Order does not serve to hinder beneficial management work, whether that work is in the interest of public safety or in the interest of the amenity value of the woodland.

Additionally, the making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

Measures for policing of areas of woodland are not included in a Tree Preservation Order. There are a number of measures that can be taken to tackle problems with anti-social behaviour including patrols conducted by neighbourhood wardens, Police Community Support Officers or the Police themselves. I suggest that any problems experienced with crime, disorder or anti-social behaviour in your area should be reported to, and dealt with by the Police.

I hope that this information will satisfactorily address the points that you raise and that the TPO will now receive your support. Further information can be found in the enclosed leaflet 'Protected Trees: A Guide to Tree Preservation Procedures'

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

A. Dixon

Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division



INVESTOR IN PEOPLE

Mr. I. & Mrs. L.E. Tarpey
5, Riverston Close, Naisberry Park,
Hartlepool. TS26 0PY.
Tel: 01429 222442

Your Ref: CW/TPO/4493

5 June 2006

Hartlepool Borough Council
Chief Executives Department
Civic Centre
HARTLEPOOL
TS24 8AY

For the attention of Mr JA Brown – Chief Solicitor

Dear Sirs

Tree Preservation Order No: 180
Town and Country Planning Act 1990

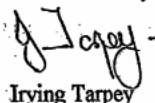
After a brief meeting with Chris Walker on Thursday 1 June 2006 and him advising me to discuss this matter with Tony Dixon I am writing to you to object to the above Tree Preservation Order No: 180.

After meeting with Tony Dixon and him not being able to give me the assurance that the area to the rear of my property which are mainly Sycamore will be maintained on a regular basis and any catch crop, damaged and or diseased trees removed before the Tree Preservation Order becomes effective.

We have a massive problem with antisocial behaviour in this area with youths gathering amongst the densely planted trees they form dens in which to hide and building fires which have already threaten the properties in this area.

Therefore I have no alternative than to strongly object to the Tree Preservation Order being placed on the area to the rear of my property.

Yours faithfully


Irving Tarpey

**Regeneration & Planning
Services**

Copy for file Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT

Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer: Tony Dixon: Arboricultural Officer (01429 284071)



12th June 2006

Mr I Tarpey
5 Riverston Close
HARTLEPOOL
TS26 0PY

Dear Mr Tarpey,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise a number of points including questions about maintenance of the woodland and anti-social behaviour problems.

The purpose of a Tree Preservation Order is to protect trees which make a significant contribution in terms of the amenity their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission. Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. The making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees which overhang their property boundary. Therefore, you are still able to exercise your common law right to cut back to your boundary, and the permission of the local planning authority would not be required to remove trees to the east of the public right of way, however the consent of the landowner would be required to remove any of the trees situated on this land.

The local planning authority's consent is not required for cutting down or carrying out work to trees which are dead or dying or have become dangerous. Anyone proposing to cut down a tree under this exemption is advised to give the local planning authority five days notice before carrying out the work, except in an emergency.

A Tree Preservation Order does not include measures for policing of areas of woodland. Any problems experienced with crime, disorder and anti-social behaviour should be reported to, and dealt with by the Police.

I hope that this information will satisfactorily address the points that you raise. Further information can be found in the leaflet 'Protected Trees: A Guide to Tree Preservation Procedures', which was included with your copy of the TPO.



INVESTOR IN PEOPLE

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AD' with a long horizontal stroke extending to the right.

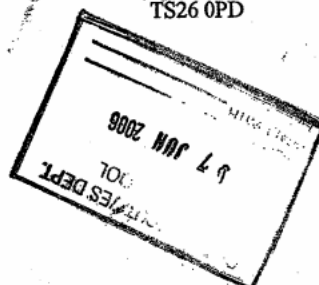
Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

15 Glenston Close,
Naisberry Park,
HARTLEPOOL,
TS26 0PD

2nd June 2006

Mr. J.A. Brown,
Chief Executive's Department,
Hartlepool Borough Council,
HARTLEPOOL,
TS24 8AY



Dear Sir,

RE: Tree Preservation Order No. 180

I am writing in response to your letter dated 15th May, 2006, ref CW/TPO/5493, regarding the Tree Preservation Order placed upon the woodland behind our house at Naisberry Park, Hartlepool.

Firstly, I would like to point out that I am all for preserving woodland, as far too much of it is being removed to make way for yet more housing and building projects. But I do have a few reservations and queries about the placement of this Order which lead to an objection.

Since we moved into the house, in 1997, we have spent year after year trying to find ownership of these trees in order to have them cut back. This has been all to no avail as we have been passed from one department to another, within the Council, which indicates that nobody has wanted to take responsibility. Over that period, the trees, have grown considerably and due to neglect the ones close to our house have now become overgrown and subsequently a safety hazard. From time to time large pieces have fallen into our garden where my children play and it is only through good fortune that they have not been struck. Therefore, it was with great disappointment that I found that an Order was put into force on the 12th May, 2006. To make matters worse, the letter was dated 15th May and I did not receive it until 17th May, 2006. I understand that this Order is temporary for six months until a final decision is made, but I thought there might have been a bit of courtesy shown to inform us that a TPO was being proposed. Then again, I suppose, this is typical of the underhanded procedures carried out by local councils. This makes me feel annoyed, and after having written about the issue of these trees before, if nothing is done, and heaven forbid should something happen, with regards to the damage of my property or injury, I will hold yourselves, the Hartlepool Borough Council, and whoever the owners may be, directly responsible.

In addition to this, there is also the issue of sunlight in the garden. As previously stated, the trees have been allowed to grow out of control and are now so large that there is a serious deficiency of light getting into the garden. This obviously affects

such things as dampness and the inability to grow plants, which all add to the enjoyment of the surroundings.

Finally, you state in your letter, the Order has been made because of the woodland being of 'high visual amenity'. I totally agree, the woods are very lovely. But surely their upkeep and maintenance will make them even more attractive. Are you willing to propose regular maintenance? Also, you mention the 'enjoyment to the public'. Does this include the groups of youths who regularly congregate there to have underage drinking and, possibly, drugs sessions? As these ultimately lead to the destruction of the trees in order to build dens and fires, would this Order include regular policing?

If I were to have the confidence that the above matters could be resolved, then the TPO would get my support. I look forward to your response.

Yours faithfully,



RODGER MADDISON

FILE COPY

CW/TPO/5493

Tony Dixon: Arboricultural Officer (01429 284071)

2nd June 2006

Mr R Maddison
15 Glenston Close
HARTLEPOOL
TS26 0PD

Dear Mr Maddison,

Thank you for your letter regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise a number of points including questions about maintenance of the woodland, the date you received your copy of the TPO, safety issues, sunlight and anti-social behaviour problems.

The purpose of a Tree Preservation Order is to protect trees which make a significant contribution in terms of the amenity their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission. Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. The making of a Tree Preservation Order does not mean that the local planning authority then become responsible for looking after the trees or woodland, responsibility for the maintenance of the woodland remains with the landowner.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees which overhang their property boundary. Therefore, you are still able to exercise your common law right to cut back to your boundary, and the permission of the local planning authority would not be required to remove trees to the east of the public right of way, however the consent of the landowner would be required to remove any of the trees situated on this land.

As is stated in the literature that you received, the TPO is in effect on a provisional basis only, it still needs to be confirmed by the local planning authority. The decision to confirm a TPO which raises objections is usually taken by elected members. In making the TPO, the local planning authority followed the procedure for notification of those affected by the TPO, as is contained in the Government guidance entitled *'Tree Preservation Orders: A Guide to the Law and Good Practice'*.

A Tree Preservation Order does not include measures for policing of areas of woodland. Any problems experienced with crime, disorder and anti-social behaviour should be reported to, and dealt with by the Police.

I hope that this information will satisfactorily address the points that you raise and that the TPO will now receive your support. Further information can be found in the leaflet 'Protected Trees: A Guide to Tree Preservation Procedures', which was included with your copy of the TPO.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division

Chris Walker

25, Hillston Close
Hartlepool

TS26 0PE

Your ref. CW/TPD/5493

22nd May 2006

Dear Sir,

Regarding your recent letter concerning a Tree Preservation Order on the trees bordering my property, I would like to make the following points:

1. The trees have been planted very close together, and now that they have reached a considerable height my garden is mostly in shade from six o'clock in the evening in May (much earlier at other times of the year). When we bought the house 18 years ago it was a beautifully sunny garden.

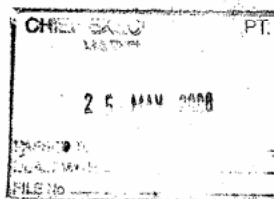
2. The trees are also very close to the boundary of my property, and I am worried that I will not be allowed to prune overhanging branches.

I would appreciate you re-assessing the situation so that some compromise could be reached, perhaps by thinning the trees out, so that my garden can regain some of the light we used to enjoy.

Yours faithfully,

S. Smith

MRS. S. SMITH



**Regeneration & Planning
Services**

Bryan Hanson House
Hanson Square
Hartlepool TS24 7BT



Our Ref: CW/TPO/5493

Tel: 01429 266522
Fax: 01429 523599
DX60669 Hartlepool – 1

Your Ref:

Contact Officer: Tony Dixon: Arboricultural Officer (01429 284071)

2nd June 2006

Mrs S Smith
25 Hillston Close
HARTLEPOOL
TS26 0PE

Dear Mrs Smith,

Thank you for your comments regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you raise two points for consideration.

Firstly, that the trees are planted very close together and that they cause shading to your rear garden in the evenings.

The purpose of a Tree Preservation Order is to protect trees which make a significant contribution in terms of the amenity their local surroundings and makes it an offence to cut down, wilfully damage or destroy a tree without the planning authority's permission. Applications to manage trees and woodlands in ways that would benefit the woodland without making a serious impact upon local amenity would be encouraged. Responsibility for the maintenance of the woodland remains with the landowner.

Secondly, that the trees are very close to the boundary of your property and you are worried that you will not be allowed to prune overhanging branches.

The woodland TPO at the land west of Naisberry Park was made in such a way as to exclude the trees adjacent to the property boundaries. Only the trees on the western side of the public right of way are included in the TPO. This measure was taken to eliminate the need for owners of adjacent properties to make applications to the local planning authority to prune trees which overhang their property boundary. Therefore, you are still able to exercise your common law right to cut back to your boundary. The consent of the landowner would be required to remove any of the trees situated on their land.

I hope that this information will satisfactorily address the points that you raise. Further information can be found in the leaflet 'Protected Trees: A Guide to Tree Preservation Procedures', which was included with your copy of the TPO.

Should you have any further questions, please do not hesitate to contact me.

Yours sincerely,

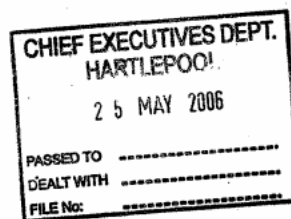
Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division



INVESTOR IN PEOPLE

15 Hillston Close,
Hartlepool,
TS26 0PE.



22nd May 2006.

Dear Mr Walker,

Re Tree Preservation Order No: 180

I recently received correspondence regarding the above order in respect of woodland to the west of Naisberry Park, Hartlepool. I wonder if it would be possible to extend it to include the trees adjacent to Elwick Road to the southern aspect of Naisberry Park. As the traffic has increased considerably in recent years the trees act as a barrier to the noise. In addition, whilst possibly not being part of your remit, is it envisaged that traffic calming measures maybe introduced to Elwick Road from the roundabout adjacent to High Tunstall School up to the 30 mph limit?

Yours faithfully,

Dr Andrew Simpson

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Bryan Hanson House
Hanson Square
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Contact Officer:

Tony Dixon: Arboricultural Officer (01429 284071)

2nd June 2006

Dr Andrew Simpson
15 Hillston Close
HARTLEPOOL
TS26 0PE

Dear Dr Simpson,

Thank you for your comments regarding the Tree Preservation Order at the land west of Naisberry Park. In your letter you ask if it would be possible to extend the tree preservation order to include the trees adjacent to Elwick Road to the southern aspect of Naisberry Park.

The trees that are located on the highway verge and areas of public open space along Elwick Road are within Council ownership, therefore it would not be considered expedient to make a tree preservation order in respect of these trees as they are under good arboricultural management.

With regard to your enquiry concerning traffic calming measures, I'm afraid that I am unable to comment. You should direct your enquiry to the Highways Department within the Council.

Yours sincerely,

Tony Dixon
Arboricultural Officer
Landscape Planning & Conservation

cc. Chris Walker: Legal Division



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