

DELEGATED

**AGENDA NO 3
PLANNING COMMITTEE**

12 August 2009

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

09/1215/FUL

Wynyard Park, Wynyard, Billingham

Revised application for construction of hotel and pub/restaurant.

Expiry Date: 21 August 2009

UPDATE

This report updates the main report on the possible financial contribution by the developer towards a highway improvement scheme that would seek mitigate against the predicted future congestion and also facilitate other developments in the area. It has been requested by both the Highways Agency and Hartlepool Borough Council.

The report also sets out some minor changes to the conditions requested by the applicant.

Summary

The request for a financial contribution is noted, as is the concern raised by the applicant against providing such a contribution. In this case it is considered that, on balance, it is not justified to require a financial contribution given the proposed development will generate less traffic than the extant business park consent for the site which is the fall back position of the land owner should the present proposals not go ahead.

The requested changes to 5 of the conditions are principally to allow the construction of the hotel to proceed independent of the pub/restaurant. Without these changes the applicant would have to provide the information for both parts prior to any part of the development commencing. This is considered a reasonable request and the conditions have been amended accordingly.

RECOMMENDATION

- 1 Committee agree that in this case no financial contribution be sought from the applicant towards a future highway improvement scheme**
- 2 Planning application 09/1215/FUL be approved subject to the conditions set out in the main report but with conditions 10, 23, 24, 26 and 27 amended as follows:**
- 10 *Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume***

treatment, to be installed and used in the restaurant in pursuance of this permission shall be first approved by the Local Planning Authority and installed before the pub/restaurant development hereby permitted commences and thereafter retained in full accordance with the approved details. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.

Reason: To ensure a satisfactory form of development

23. *Notwithstanding the submitted plans, prior to commencement of each individual part of the development hereby permitted, details of a scheme for the provision of secure covered cycle storage spaces shall be submitted to for consideration and approval by the Local Planning Authority. The approved scheme shall be implemented in full in respect of the individual unit and the spaces made available for use upon occupation of each building hereby permitted and thereafter for the life of the building hereby permitted.*

Reason: In order to provide cycle storage, to facilitate a sustainable method of transport.

24. *Notwithstanding the submitted plans, prior to occupation of either part of the development commencing, a scheme for providing cycleway links within an external to the site shall be submitted to and approved in writing with the Local Planning Authority. The provision of the agreed links shall be implemented in accordance with the agreed scheme.*

Reason: to ensure the safe provision of routes for cycle users and to facilitate a sustainable method of transport.

26. *Before each individual part of the development commences a waste management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall thereafter be permanently maintained, shall include details of the method and location of refuse storage, together with arrangements for refuse disposal. All refuse shall be properly contained within the approved facility and shall not be stored or deposited elsewhere unless previously agreed in writing by the Local Planning Authority.*

Reason: To ensure the management of waste on the site in the interests of highway safety and local amenities

27. *Prior to commencement of each individual part of the development the Local Planning Authority shall approve in writing details of the use of renewable energy measures to generate 10% of electricity demand. The approved scheme shall be implemented and brought into use and remain in place and operated in perpetuity unless otherwise agree in writing with the Local Planning Authority.*

Reason: In order to comply with the sustainable development requirements of the Regional Spatial Strategy

Proposed Section 106 agreement

As the main report sets out, in order to deal with the prediction that the A19 and the A689 is likely to experience significant congestion in the future arising from new development, a highway improvement scheme is being sought that would mitigate the effects.

Such a scheme would come at a cost and accordingly, both the Highways Agency and Hartlepool Borough Council ask that consideration be given to entering into a Section 106 agreement with the developer for a financial contribution towards this wider scheme. The amount of contribution is not yet known and consultants employed by the Highways Agency are working to establish a mechanism to establish a pro rata rate of contribution to be paid by each developer as development proceeds on the Park.

However, this development site already has outline approval albeit for business use and as highlighted by the Transport Statement accompanying the application and accepted by the Head of Technical Services, the development now proposed will actually generate less traffic than the approved use. In discussion with the applicant's agent, he states for this reason and in this case his client considers it would be unreasonable for him to be required to make a financial contribution.

It is noted that the existing landowner of Wynyard Park has already entered into a Section 106 as part of the approval for the adjacent development in Hartlepool, for it to make a substantial contribution towards off-site highway improvements works. Additionally, an application has recently been submitted by Wynyard Park (albeit invalid at present on the basis of an inadequate fee being paid) seeking reserved matter approval for B1, B2 and B8 uses on the residual parts of the area for which outline planning permission (96/2069/P) was granted. This application includes the current application site as part of this wider residual area and is specifically proposed for B1 offices. It represents the fall back position by the landowner for this part of Wynyard Park should the present application be refused or the development not go ahead once permission is granted.

A B1 use will generate significantly more traffic but as a reserved matter application of an outline approval to which the Highways Agency had no objections, a financial cannot be sought.

In all the circumstances outlined above, the conclusion is that it would be unreasonable to require a financial contribution from the applicant.

Rewording of conditions

The applicant's agent has requested a slight rewording of certain conditions in order that principally, the construction of the hotel can proceed independent of the pub/restaurant. The request relates to five of the 28 recommended conditions – Nos 10, 23, 24 26 and 27.

Without such changes the requirement of these conditions to provide certain detailed technical information before development commences would need to be met for the total development irrespective that for example, initially it was only intended start constructing the hotel with the pub/restaurant facility to come forwarded for development at a later date.

The changes proposed are very minor and in these circumstances are acceptable.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Peter Whaley Telephone No 01642 526061**

Financial Implications

As report

**Environmental Implications
As Report**

**Legal Implications
As report**

**Community Safety Implications
As Reported**

**Human Rights Implications
The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report**

WARD AND WARD COUNCILLORS

Ward	Northern Parishes
Ward Councillor	Councillor J Gardner