

PLANNING COMMITTEE AGENDA



Wednesday 19 December 2007

at 10.00 am

**in the Council Chamber, Civic Centre,
Hartlepool**

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, Brash, R Cook, S Cook, Flintoff, Kaiser, Laffey, G Lilley, J Marshall, Morris, Payne, Richardson, Simmons, Worthy and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meetings held on 25 October 2007.
- 3.2 To confirm the minutes of the meeting held on 21 November 2007.

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*
 - 1 H/2007/0756 48 and 50 Catcote Road
 - 2 H/2007/0662 Unit 3, Highpoint Park, Marina Way
 - 3 H/2007/0663 Fern Beck, Brierton Moorhouse Farm, Dalton
 - 4 H/2007/0626 Able UK, Tees Road
 - 5 H/2007/0627 Able UK, Tees Road
 - 6 H/2007/0854 Baker Petrolite, Tofts Farm Ind Est, Brenda Road
 - 7 H/2007/0762 127 Raby Road
 - 8 H/2007/0783 Land between 204 and 212 York Road
- 4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.3 Appeal by Mr T Howood, 42 Bilsdale Road, Hartlepool – *Assistant Director (Planning and Economic Development)*

- 4.4 Appeal by Mr McAteer, 27 Seaton Lane Close, Hartlepool – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

7. ITEMS REQUIRING DECISION

- 7.1 41 Coniscliffe Road, Hartlepool – *Assistant Director (Planning and Economic Development)* (Para 12)

8. FOR INFORMATION

Next Scheduled Meeting – Wednesday 23rd January 2008 in the Council Chamber, Civic Centre at 10.00am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 23rd January 2008 at 9.00am.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25 October 2007

The meeting commenced at 11.00 a.m. at the Historic Quay, Hartlepool

Present:

Councillor Dr Morris (In the Chair)

Councillors Akers Belcher, Allison, Brash, S Cook, Flintoff, Laffey, G Lilley, J Marshall, Payne and Simmons.

Also Present in accordance with Council Procedure Rule 4.2:
Councillor A Lilley as substitute for Councillor Kaiser.
Councillor Preece as substitute for Councillor Wright.

Officers: Tony Brown, Chief Solicitor
Stuart Green, Assistant Director (Planning and Economic Development)
Julian Heward, Public Relations Officer
David Cosgrove, Principal Democratic Services Officer
Asitha Ranatunga, Planning Counsel.

82. Apologies for Absence

Councillors R W Cook, Kaiser, Worthy and Wright.

83. Declarations of interest by members

None.

84. Local Government (Access to Information) (Variation) Order 2006

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 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 85 'Legal Advice Relating to Able UK Planning Inquiry Costs and Related Issues' (para. 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).

85. Legal Advice Relating to Able UK Planning Inquiry Costs and Related Issues *(Chief Solicitor)*

The Chief Solicitor reported on issues regarding the Council's exposure to financial and other claims arising from the current planning public inquiry concerning the TERRC facility at Graythorp and the deferral by the Planning Committee on 5 October of the fresh application by Able U.K. Full details of the Committee's considerations are set out in the 'Not for Publication' section of the minutes.

Decision

The Committee noted the advice given by the Chief Solicitor.

CHAIRMAN

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

25 October 2007

The meeting commenced at 1.00 p.m. at the Historic Quay, Hartlepool

Councillor Dr Morris (In the Chair)

Councillors Akers Belcher, Alison, Brash, S Cook, Flintoff, Laffey, G Lilley, J Marshall, Payne and Simmons.

Also Present in accordance with Council Procedure Rule 4.2:
Councillor Cranney as substitute for Councillor Worthy.
Councillor A Lilley as substitute for Councillor Kaiser.
Councillor Preece as substitute for Councillor Wright.

Officers: Tony Brown, Chief Solicitor
Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Roy Merrett, Principal Planning Officer
Adrian Hirst, Principal Environmental Health Officer
Chris Roberts, Development and Coordination Officer
Julian Heward, Public Relations Officer
David Cosgrove, Principal Democratic Services Officer

Also Present:
Asitha Ranatunga, Planning Counsel.
Scott Wilson Consultants: Matthew Smedley, Neil Stephenson, Laura Morrish and Claire Postlethwaite

86. Apologies for Absence

Councillors R W Cook, Kaiser, Worthy and Wright.

87. Introduction

The Chair of the Planning Committee, Councillor Dr George Morris, welcomed everyone to the meeting and made some appropriate safety announcements. Prior to commencing the business of the meeting, the Chair stated that the meeting would continue the business commenced at the meeting on 5 October 2007. The Chair requested that the applicant and objectors focus on the new information circulated to the Committee and not to revisit the evidence presented at the previous meeting.

The Chair requested that the members of the public present refrain from

outbursts that would disrupt the meeting. This followed a series of disturbances at the beginning of the meeting. Following the disruption, the Chair allowed one further objector (Mr. Young) to those who were present at the meeting on 5 October to present evidence to the meeting as another objector present on 5th October was not able to attend. However, the Chair declined a request by a further objector (Mr. Campbell) who expressed a wish to speak.

88. Confirmation of the minutes of the meeting held on 5 October 2007

During the meeting, the minutes of the meeting held on 5 October 2007 were confirmed.

89. Planning Applications H/2007/543, 544, and 545 – Able UK Limited, TERRC Facility, Tees Road, Graythorp, Hartlepool *(Assistant Director (Planning and Economic Development))*

Presentation by Objectors

Mrs Jean Kennedy referred to alleged accidents some of which involved serious injuries, which the company had covered up. The Health and Safety Executive (HSE) had been involved but nothing had been done. The company was responsible for nefarious working practices and all the evidence on these practices could be backed up and nobody had refuted the comments made in a letter from a previous employee of Able UK. Able UK had established the plant on the Seaton Meadows site through the planning permission granted on 23 January 2003. Able UK and Alab and refuted that there was a link between the two companies but this permission proves that there was a link. We are now faced with owing Alab for costs for a permission they didn't own; how can that be? The attitude of the hierarchy of the Council is disgraceful; they are trying to take the powers away from the Councillors. Officers of the Council have colluded with Able UK to bring these ships to Hartlepool.

Iris Ryder was concerned that some of the Councillors present at this meeting had not been present at the meeting held on 5 October and therefore had not had an opportunity to consider all the information presented to that meeting. Mrs Ryder considered that the applications should be left to the Planning Inspector to determine and questioned how the Committee could make any decision when the Inquiry had not been completed. Mrs Ryder suggested that the meeting defer the applications until the Planning Inspector had made his decision. Submission of these applications shows disrespect by Able UK for the planning inquiry process.

Iris Ryder commented that there were three separate planning applications put before the Committee and each of these should be considered separately and not together. The company already had the approval for the building of wind turbines and hadn't done anything to the site since. The company was

far from being ready to dismantle ships, as it needed 19 other permissions and licences. Able UK had also failed to show that there was a need for the development. Why should our town be blighted by this development? It will stop other companies relocating to Hartlepool and would adversely affect tourism when tourism was the way to go for the future of Hartlepool. At the Inquiry, Able UK had admitted that they only employ thirty people. They had employed expert witnesses and then provided them with the wrong information. The whole project was based on misinformation. Different documents submitted to the Inquiry stated that the steel recycled from the ships would be moved by rail, road and sea, which was it? The methods they say they are going to use to dismantle the ships changes by the day. The only reason we are here today is due to the legal action taken by the people of this town to stop this unwanted development.

Joan Steel commented that keeping these applications and the Inquiry separate was illogical. It was a massive assumption to assume these works would be safe and it was an enormous leap of faith to claim that Able UK would undertake these works in a safe manner. There was a wealth of evidence to show that no one should have any faith in Able UK. The company had three hundred warnings and a licence withdrawn and we have evidence from a former project manager with the company the reveals the cynical working practices the company employs. There was clear evidence in the town from the Steetley site as to what happens when industry despoils land and leaves it to others to clear up. Mrs Steel challenged the Councillors that at the end of their tenure did they want their legacy to be your involvement in fifty hectares of our land being poisoned?

The Chief Solicitor reminded Members of the public that they were in a formal meeting of the Council, were subject to the rules of defamation, and should be aware of the potential consequences of what they say.

Peter Tweddle referred to the letter sent by the London office of Friends of the Earth to the Council and the Councillors. The Environmental Impact Study (EIS) produced by Able UK did not refer to the capital dredging of the Seaton Channel and the release of the sediments there, which were known to be polluted. The EIS did not include the potential affects caused by the release of these pollutants into the water that is pumped into the Hartlepool Nuclear Power Station. There were some fifty-four different toxins and pollutants in the Seaton Channel. The Estuarine expert employed by Friends of the Earth was able to counter all the evidence put forward by Able UK at the Inquiry. Mr Tweddle stated his shock that agencies were content to allow these contaminated sediments to be dumped in a licensed site off the coast. These pollutants would no doubt find there way into the food chain. Friends of the Earth had written to the Environment Agency on these subjects but had not received any response.

Mrs Evelyn Leck commented that she was shocked at the information within the Able UK documents relating to traffic movements into and out of the site. There was acclaim that there would only be two vehicle movements in and out of the site. Yet if the surface water tanks needed to be emptied for treatment

this would require ninety tankers to complete. Taking into account all the other potential vehicle movements, the figure would be closer to 680 lorries each day. This could increase if the company won the contract to build the concrete caissons for the Tyne Tunnel project. The road past the site was a bus route and already dangerous, this development would only make road safety worse.

It was confirmed at the Inquiry that when draining water from the dry-dock, nine of the toxins that were likely to be present are controlled substances. Water going through the power station was likely to end up with the toxins in the blue lagoon, a very popular site for local visitors. It was every citizen's right to protect future generations by cleaning up our operations now and not leaving it to others to clear up afterwards.

Mr Young representing the Friends of Hartlepool Group stated that despite being told they would have their questions answered at the Inquiry they were stopped. The Group had crucial evidence to present to the Inquiry and to this Committee including video evidence and witness statements. Mr Young requested that the meeting defer the applications until the Committee had seen this evidence. Mr Young also indicated that he had been pursuing evidence from the Environment Agency (EA) that had not been forthcoming and he had therefore made a complaint to the Information Commissioner Office. Mr Young stated that he had been seeking information on the numbers of oil rigs that had been dismantled in the yard and the EA could not provide numbers, dates or details of the hazardous waste removed from the rigs during their dismantling. Mr Young maintained that Able UK could not receive offshore equipment onto the site as they currently claimed, as they had not complied with all the necessary regulations. Mr Young again implored the Committee to defer the applications until the Committee had seen all the evidence his group had, as it would show that this application was flawed. Mr Young stated that the evidence his group held would be published on its website so everyone could see the truth.

Councillor Turner, Councillor for the Seaton Ward, addressed the Committee as an objector to the proposals under consideration. Councillor Turner was concerned that due process was not being seen to be done, as the outcome of the Planning Inquiry was not yet known. Councillor Turner was concerned that the Inquiry may find against the applications when this meeting may pass them and he was concerned as to what this would mean for the Council and the town. The Seaton Meadows waste disposal site upset and affected many of the residents of Seaton Carew. Many residents were not necessarily against the dismantling of ships but were very concerned that the hazardous waste was to be disposed of in the Seaton Meadows site. The issue of the Seaton Meadows waste disposal site could not be separated from this application and should be looked at more closely. There had been fires on the site and Councillors were recently told that the Fire Brigade had issued an enforcement notice on the site. These were issues that could not be ignored and Councillor Turner requested that the matter be deferred to allow the Inquiry to be completed and these other issues considered.

90. Declarations of interest by members

At this point in the meeting the Chair noted that he had omitted to invite members to declare any interests; the following Members made declarations of interest in the remaining proceedings of the Committee.

Councillors G Lilley and A Lilley declared prejudicial interests in minute nos. 91 and 92 and left the meeting.

Councillor J Marshall declared a prejudicial interest in minute no. 91 and left the meeting during its consideration.

Councillor Allison declared a personal interest in minute nos. 91 and 92 but as the interest did not affect his financial position, he did not consider it to be a prejudicial interest.

91. Planning Applications H/2007/543, 544, and 545 – Able UK Limited, TERRC Facility, Tees Road, Graythorp, Hartlepool *(Assistant Director (Planning and Economic Development))*

Presentation by Able UK

Mr Glynn Wheeler, Managing Director of Able UK, presented the details of the application on behalf of the company. The project would fully develop the TERRC site and extend its uses. In the previous meeting, the performance of the company had been fully explained as had the controls that would be in place to protect the environment, the public and the workforce on the site. Planning Permission was only the first step in a long process of approvals and licences the company needed to obtain. The proposals had been fully assessed in the Environmental impact Assessment (EIS) and had been assessed by the Council's own officers and independent consultants in great detail. The conclusion was that there was no evidence of any adverse impact to the people of Hartlepool and Seaton Carew. There would be £50m invested in the site with jobs created for up to 750 people. The Council had also declared no objections to the proposals at the Planning Inquiry.

In response to some of the issues raised by the objectors Mr Wheeler made the following comments: -

The waste disposal licence quoted by the objectors was transferred to Alab in June 2006. This was confirmed at the Inquiry, where the Inspector had frequently commented that the Seaton Meadows Waste Disposal site was not relevant to the TERRC applications.

All the questions raised during the Inquiry had been responded to by Able UK to the satisfaction of the Inspector.

In relation to the proposed number of jobs to be created on the site, the ships recycling would only be a small part of that number. Letters submitted by the company to the meeting outlined the potential contracts that the company had, including one for the construction of the caissons for the Tyne tunnel. These were real contracts dependent on the approval of planning permission for the site. The comments being made by some of the objectors did not, in Mr Wheeler's opinion, relate to the company he knows. Able UK had

certificates of excellence from several clients. Able UK had not shown any disrespect for the Planning Inquiry by the re-submission of these applications. The traffic figures are well within the current levels of consent for the site and the traffic figures for the new developments were clearly set out in the EIS. The company would not have accepted any modules for recycling if it did not believe it had all the necessary approvals in place prior to their arrival.

Mr Wheeler stated that Able UK would work cooperatively with the local authority on the planning agreement that would accompany any approval and were happy with the conditions set out in the proposed recommendations.

Presentation by Development Control Officers

Mr Roy Merrett updated the Committee on the key new information submitted to Members since the first meeting. Mr Merrett highlighted that Natural England had indicated that the development would not adversely affect the nearby conservation sites subject to conditions and a planning agreement. Government Office North East (GONE) had also confirmed that it would not be calling in the applications.

In relation to the traffic figures quoted by the objectors for the number of road-tankers to empty the storage tanks on site, Mr Merrett confirmed that it would need 90 tankers, 13 per day, to empty the storage tanks on site. These figures had been put to the Highways Agency and the Council's Highways team and no objections were expressed. ONE Northeast had reconfirmed their support for the proposal and the potential jobs it would create.

In relation to the additional information requested by Members at the previous meeting, Mr Merrett stated that the licence for the Seaton Meadows Waste Disposal site had no relevance to the planning applications. In relation to the additional issues raised at the previous meeting that had also been discussed at the Inquiry, Mr Merrett commented that the disposal location at sea for material dredged in the Seaton Channel was not an issue for this Committee or the local authority and would be decided upon by separate consents. The air, noise and water monitoring requirements attached to the approval would all have sanctions that could be placed on the company if they breached the approved levels and there were relevant bodies to take such action. The figures now circulated relating to the potential employment at the site were based on the revised information given at the Inquiry. The Committee was also informed that the Planning Inspector presiding over the Inquiry had ruled not to accept any further submissions of evidence. Officers had not considered there was any need to vary any of the recommendations following the submission of the additional information.

Mr Merrett highlighted for Members information, the sections in the report relating to the COMAH Regulations, the provision of compensatory habitats and the monitoring regimes at those sites, the auditing of the site as part of the planning agreement and the reporting of monitoring through the TERRC Ecological Advisory Group (TEAG). The Chief Solicitor drew Members attention to the need for a Section 106 Agreement. The Chief Solicitor indicated that should the Committee grant the applications, it would need to

be subject to the conclusion of a satisfactory agreement in accordance with the heads of terms..

Councillor Questions and debate

The Chair opened the meeting to questions from Councillors to Officers, Able UK and the Objectors.

Councillor Brash asked if Mrs Steele would accept that for the Councillors on the Planning Committee, the planning laws were set by central government and non-negotiable and the Planning Committee was obliged to work within them. Mrs Steele accepted the constraints that Members were placed under but was unhappy with the proposed monitoring of the site and who was responsible for that monitoring, and the appointment of the individual that was to monitor work on-site. Mr Merrett commented that there was a three-tier monitoring regime to be put in place. The inspector on-site would be paid for by Able UK working to EC standards but appointed by the Council.

Councillor Akers-Belcher questioned the person-specification for the on-site monitor, and asked if any petitions had been gathered against the application and the number of signatures on them. Jean Kennedy commented that petitions with over 6000 signatures against the proposals had been submitted to the Planning Department. The Chief Solicitor reminded the Committee that public opinion was not itself a relevant planning consideration. Members were, however, entitled to be aware of the petitions. Councillor Akers-Belcher also asked for an example of the wording of the petitions but none was available. Objectors commented that they considered that some of the petitions had gone astray in the Planning Department.

Iris Ryder referred to the trans frontier shipments of waste regulations, European legislation and US legislation all which said that the US ships should never have left and should have been turned around. The Chief Solicitor stated that these were areas that had no relevance to these applications.

Councillor Akers-Belcher asked why Mr Young had chosen to hold his information back from the Inquiry and Members of this Committee. Mr Young stated that the information was not public yet as he had not had the opportunity to present it to the Inquiry and he still wanted to take legal advice on the information he had. Councillor Akers-Belcher was concerned that if this was, as Mr Young described, vital information the Committee should have, then it should be presented. Mr Young indicated that his information would challenge much of the information put forward by Mr Wheeler and requested that the Planning Committee attend the Inquiry to hear his evidence.

Councillor Simmons questioned the disagreement on the number of heavy vehicles into and out of the site and sought some clarification. Councillor Simmons also expressed some concern at Able UK policing their operations. Roy Merrett indicated that the auditing would be as independent as possible.

The Council would appoint a suitably qualified independent auditor, independent of Able UK, though funded by them. There was concern that the full time role could be seen to be beyond reasonableness. Officers considered that there was sufficient provision in place to monitor the site. Neil Stephenson from Scott Wilson indicated that there would be an Environment Manager on site as part of the Able UK team who would manage the environmental processes on the site. On top of that, there would be auditing to ISO 14001 levels. The Council's auditor would be ISO 14001 accredited and would audit how compliant the site was with all the appropriate regulations and produce an independent report. Councillor Simmons asked if it would be more prudent to have the monitor on the site both employed and paid for by the Council. Neil Stephenson commented that the applicant had to be responsible for his 'own house'. The local authority's role was to monitor Able UK's monitoring. Mr Wheeler commented that ISO 14001 was a very stringent standard and the company was already working to those standards and had very robust management systems in place to monitor this and other standards the company was accredited to, including ISO 9001. Councillor Simmons considered that given the public concern the auditing of the site should be increased.

The Chief Solicitor stated that the discussion in relation to the monitoring of the site would be included in the S.106 discussions he had with the solicitors for Able UK and he took on board Members' concerns.

Councillor Payne indicated that he considered that the monitoring of the site was key to the process and that the arrangements for that were in the gift of this Committee. Councillors Payne and Simmons considered that such monitoring should be done on a daily basis.

On the question of the vehicle numbers into and out of the site, Evelyn Leck stated that the figures she had quoted were correct and far in excess of the figures quoted by Able UK of two vehicles per day. Add to these all the other associated contractors vehicles and this was a considerable amount of additional traffic on a bus route. Roy Merrett stated that the traffic into and out of the site was set out in the EIS. The comment made by Mr Wheeler in relation to two movements per day related to the waste emanating from the ships dismantling.

There had been a number of disturbances by the public during the course of the meeting and several times the Chair had sought assurances that there would be no further interruptions and to allow speakers from all sides the opportunity to speak to members and respond to questions. The Chair considered that the disturbances at this point in the meeting were making the continuation of the debate impossible. The Chair requested a short adjournment of the meeting and requested that officers request the presence of the Police, as if the meeting could not continue in a orderly manner, he would have no option but to request that the public gallery be cleared. Following attendance by the Police, the Chair agreed to the meeting continuing on the basis that the police would assist in the removal of any persons who disrupted the meeting further.

Councillor Simmons proposed that the auditing by the Independent Auditor be undertaken four times each year and that the reports be made public. Councillor Payne considered that the assessment and reporting should be more rigorous and the site should be monitored daily.

Councillor Allison referred to the global framework for ship dismantling and the UK Ships Recycling Strategy recently produced by the government, which stated that there were no facilities in England and Wales for this type of work and asked Able UK who they considered their competitors were. Mr Wheeler stated that while they hadn't carried out any work, the Swan Hunter yard in Newcastle had permission as did the Harland and Wolf Yard in Belfast. Mr Wheeler indicated that he was not aware of any yards in Europe that were in a position to undertake the dismantling work. In relation to the global framework there was a EC green paper currently out for consultation which looked at the wider European scene. There was also a European Community Directive giving a commitment that European ships would not go outside the EC when they were to be recycled.

In relation to the debate on the traffic figures, Mr Wheeler commented that the EIS contained all the appropriate traffic assumptions for the site and the Highways Agency had been involved in the consultation on the figures quoted. He did not disagree with Mrs Leck's calculations on the number of tankers that would be needed to empty the on site storage tanks if they were full and all the water contained within them needed to be treated off-site. Mr Wheeler was concerned that all the traffic figures for the Seaton Meadows waste disposal site seemed to be added into the figures for TERRC and that was not appropriate.

Councillor Payne asked Mr Wheeler why had Able UK brought the ships across from the US if they had not had the appropriate planning permission to dismantle them. Councillor Payne also questioned what health and safety equipment would be made available to workers, would it be the same as in other reputable industries. Mr Wheeler stated that Able UK had not entered an illegal contract in relation to the ships. The company believed it had all the necessary permissions in place and was of that belief until the high court judgement against the company. In relation to health and safety equipment, Mr Wheeler stated that the compliance plan set out all the detailed equipment to be used, all the processes to be used and the medical assessments workers would be subject to, particularly those working with asbestos. Councillor Flintoff pursued this issue and asked what medical staff were to be employed and if there was to be a trained nurse on site at all times. The Chief Solicitor reminded Members that this was not an appropriate line of questioning as these matters were outside the planning regime and within the responsibilities of other agencies.

Councillor Cranney sought assurances that no nuclear powered vessels would be dismantled at the yard. Roy Merrett stated that the conditions proposed would prevent such vessels being dismantled without the need for further approval. This had been included in recognition of the comments made by

Members and to avoid any loophole in the approval. Councillor Cranney asked if there was a likelihood that such vessels could come to the yard. Iris Ryder stated that it was included in a scoping option prepared by Able UK three years ago. The dismantling of nuclear submarines would be highly lucrative work and she could only see the eventual domino effect leading to that situation if this application was approved. The Development Control Manager, Richard Teece, stated that the conditions put forward would, in planning terms, prevent such vessels from being dismantled without further approval by this authority. Mr Wheeler indicated that there was no radioactive waste on the TERRC site and the company's permissions only covered the naturally occurring radioactive materials in oil rigs.

Councillor Simmons questioned the reference to permitted side arms on the site and asked about their containment. Roy Merrett stated that any Captain in charge of an ocean going ship has, under regulations, to have in his possession a side arm. Each Captain would need an appropriate licence for the side arm.

The Chair queried the lack of 'rat-rails' on the four ships currently within the dock. Mr Wheeler indicated that the compliance plan covered vermin control and the four ships were inspected prior to their departure from the US. The Chief Solicitor stated that the local authority had powers to deal with any vermin problems under the Prevention of Damage by Pests Acts of 1949 and regulations of 1951.

At the end of Councillors questions, the Chair invited the Committee to debate the issue and to reach their conclusions on the applications.

Councillor Brash indicated his support for the proposal put forward by Councillor Simmons in relation to the inspections/auditing of the site. Councillor Brash stated that the Committee was restricted to making its decision only on material planning considerations and on those grounds he stated that he could find no reason to object to the application. Members had discussed the additional monitoring they would wish to see incorporated in the S.106 agreement, which Able UK either had to accept or not get its approval.

Councillor Allison and other Members congratulated the Chair on his handling of the meeting. Councillor Allison indicated that he had undertaken informal straw polls in his ward in relation to these applications. Public opinion had swung sharply from being against the development to being in favour. The future of Hartlepool was not in tourism as it only produced poorly paid jobs. While the objectors had made an emotional case against the application, he had heard nothing to change his opinion of being in favour of the application.

Councillor S Cook indicated that the Members of the Planning Committee had been placed in a very difficult position and could only do the best they could. The objectors had put forward a detailed case as to why they believed these applications should not be approved and had frequently indicated that the Committee should refuse the applications for the future generations in the town. As a father Councillor S Cook stated that he also did not want to put his

children at risk and did not believe that approving this application would do so.

Councillor Payne moved the following amendment to the recommendations within the report: - “That an independent inspector should be on site everyday (7 days a week, 365 days a year) until the contract is finished and that the reports of the inspector are put into the public domain”. The amendment was seconded. Councillor Payne stated that he felt let down by Able UK and the government and believed the Council had been put in an impossible situation as soon as the four ships were brought to Hartlepool. Once the ships were here, they were never going to go back. The government had changed its view and issued new guidance, which the Council had to adhere to. Councillor Payne indicated that he supported the terms and conditions set out in the report but did not feel it was right to make the decision while the Inquiry had not completed its work and made its judgement.

Councillor Simmons indicated that he had spent a lot of time considering the issues in the papers in light of the public concern and felt that the Committee had been ‘painted into a corner’.

Councillor Laffey considered that the original decision made by the Committee was an emotional one, rather than one based on planning principles. Councillor Laffey considered that the ‘Ghost Ships’ had clouded the real issue of the planning permission for the TERRC site. There was great potential to bring new business and jobs to Hartlepool as long as the works were properly regulated. Many people had contacted Councillor Laffey in support of the applications though there were many who wanted to stop the proposals and she understood their point of view. Having given great consideration to the issues and all the detailed reports submitted to the Committee Councillor Laffey indicated her support for the applications.

Councillor Akers-Belcher was concerned during the meeting at some of the comments being made about and to Members. Councillor Akers-Belcher believed that this was a case of those who shout loudest get heard. Councillor Akers-Belcher did, however, congratulate the objectors who had formally addressed the Committee, who had made their case exceptionally well to the Committee and had made the decision that had to be made very difficult. It was exceptionally difficult to take the emotion out of this matter but once he did, Councillor Akers-Belcher indicated that he would accept the proposals put forward.

The Chair moved Members towards consideration of the recommendations within the report. There were two amendments put forward to the Committee, the first by Councillor Simmons who proposed that “the independent inspector audit the works on the site through unannounced visits and that the inspectors reports be put into the public domain through both the Council’s and Able UK’s websites. Officials of the Council should then take any action that was necessary from those inspection reports. This should remain in place for two years and then reviewed by this Committee. Reports on the inspections should be submitted quarterly to this Committee. The second amendment came from Councillor Payne who proposed, “That an independent inspector

should be on site everyday (7 days a week, 365 days a year) until the contract is finished and that the reports of the inspector are put into the public domain". After a short discussion on the amendments proposed, the Chair put the amendments to the Committee on the basis of adopting one or other of the two proposals. Following a vote by show of hands, the amendment put forward by Councillor Payne was carried.

The Chair then moved to the substantial recommendations set out in the report. These recommendations would include a series of amendments put forward by Roy Merrett earlier in the meeting and the amendment proposed by Councillor Payne. The Chief Solicitor reminded Members that should they wish to support the recommendations, they would indicate that they were 'minded to do so' subject to the completion of a satisfactory S.106 agreement with Able UK.

The recommendations were put to the vote. The following decision of the Committee was unanimous.

Decision

That the committee were minded that the main application H/2007/0543 be approved subject to the following conditions and planning agreement heads of terms

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
Reason: To clarify the period for which the permission is valid.
2. Permission for the cofferdams hereby approved (as shown on drawings reference SP/0/04/12/80 D, SP/0/04/12/81 C and SP/0/04/12/82 C) is valid until 31 October 2012 and any cofferdam erected in accordance with these permissions shall be removed from the site on or before that date unless an amendment is approved by the Local Planning Authority granting an extension of this period.
Reason: To minimise the impact of the assembly and disassembly of the structure and to enable the Local Planning Authority to review the position in light of experience.
3. The materials to be used in the construction of the various buildings hereby approved shall be submitted to and agreed in writing with the Local Planning Authority prior to commencement of their construction. The buildings shall then be constructed in accordance with the agreed materials.
Reason: In the interests of visual amenity
4. Unless otherwise agreed in writing with the Local Planning Authority and subject to any further restrictions in the following conditions, the development hereby approved shall be carried out in complete accordance with the findings and mitigation measures contained in the applicant's Environmental Statement dated June 2007 and the flood risk assessment as updated August 2007.

Reason: In order to ensure a satisfactory form of development.

5. There shall be no dredging operations associated with the formation of the ship berthing pocket adjacent to quays 10 and 11 during spring tides as defined within the Environmental Statement.

Reason: In order to manage risk factors associated with the cooling water intake system serving the power station.

6. Unless otherwise agreed by the Local Planning Authority, the decommissioning (as defined in the Environmental Statement) of the external structure of ships shall only occur within the dry dock or on impermeable areas within the site subject to full drainage containment, the locational details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of environmental protection.

7. Unless otherwise agreed in writing with the Local Planning Authority, and subject to any further restrictions in the following conditions, decommissioning (as defined in the Environmental Statement) work on ships within the dry dock shall not be commenced until drainage and dock floor arrangements for the site as proposed within the Environmental Statement have been constructed and brought into operation.

Reason: In the interests of environmental protection.

8. Unless otherwise agreed in writing with the Local Planning Authority, except in an emergency, no repair or refurbishment work(s) shall be undertaken to the external parts of any ship(s) in any wet dock location which would give rise to contamination of the environment through releases of pollution in any form harmful to or otherwise causing disturbance (including but not exclusively relating to visual or noise disturbance) to the Teesmouth and Cleveland Coast SPA or Seal Sands S.S.S.I..

Reason: In the interests of environmental protection.

9. No ships carrying;-
 - a) stored ammunition, ordnance or functioning armaments (other than for permitted sidearms)
 - b) nuclear power units or
 - c) nuclear fuels including spent fuels
 shall be allowed into the TERRC site for decommissioning, repair or refurbishment.

Reason: In the interests of environmental protection and safety.

10. Prior to the commencement of each development activity set out in the description of the proposed development, a scheme for the control of dust from any activity that would create dust (including subsequent monitoring) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each development activity shall only be carried out once the approved dust suppression measures related to that activity have been fully provided and brought into use. Thereafter the required

dust suppression measures shall be retained throughout the life of the approved activity.

Reason: In the interests of environmental protection.

11. Prior to the commencement of development (other than in respect of the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with any contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority: -

- a. A desk study identifying:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- b. site investigation scheme, based on (a) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
- c. The results of the site investigation and risk assessment (b) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification report on completion of the works set out in (c) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.
- e. If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority before reclamation / redevelopment continues.

Any changes to these agreed elements require the express written approval of the Local Planning Authority.

Reason: In the interests of environmental protection.

- 12 Details of the siting and design of each fixed container to be used for the storage of fuel oils or substances relating to waste products from the uses hereby approved or on-site activities shall be submitted to and approved by the Local Planning Authority before each such container is constructed or brought onto the site. Thereafter the container shall be sited and constructed in accordance with such approved details.

Reason: In order to safeguard the environment.

13. Unless otherwise agreed in writing with the Local Planning Authority, and subject to any further restrictions in the following conditions, no dredging adjacent to quays 10 and 11, to the footprint of the cofferdam or within the dock (unless the cofferdam excluding access through the channel is in

place), piling, rock bund formation or disassembly, or works to infill, open, close or disassemble the cofferdam shall be undertaken in the period 2 hours either side of low tide during; -

- (a) the months of November, December, January and February and
- (b) from 15 June to 31 August inclusive

All piling operations shall adopt “soft start procedures” whereby the increase in noise is progressive.

Reason: In order to avoid disturbance to feeding/roosting birds using the Teesmouth and Cleveland Coast SPA and Seal Sands SSSI mudflats, to avoid disturbance to seals rearing pups and to protect migratory fish smolts.

14. The metal shear shall not be brought into operation until the visual and acoustic barrier detailed within Appendix 8.2 of the Environmental Statement 2007 has been constructed. Thereafter the acoustic barrier shall at all times remain in position whilst the metal shear or its equivalent is retained on site. Noise emissions from the shear shall be monitored in accordance with a programme to be previously agreed with the Local Planning Authority. Any necessary alterations to the design of the acoustic barrier, identified as required following the monitoring exercise shall be implemented in accordance with a timetable to be previously agreed with the Local Planning Authority.

Reason: In the interests of protecting the nature conservation interest of Greenabella Marsh SSSI.

15. a. A scheme for the lighting associated with short term operations relating to the construction of the cofferdam and quays 1, 10 and 11 shall be submitted to and approved in writing by the Local Planning Authority before any relevant work relating to the construction of the cofferdam or quays 1, 10 and 11 is commenced.
- b. A scheme for the general lighting of the site (including existing lighting) shall be submitted for approval by the Local Planning Authority within 6 months of the commencement of development. The submitted scheme shall demonstrate that there will be no increase in lumens detected at the SPA and shall include a phasing programme for the use of energy efficient lighting and shall detail all operational measures necessary to minimise the impact of any lighting outside the boundaries of the site and minimise sky glow emanating from the site. Thereafter the scheme approved by the Local Planning Authority shall be implemented in accordance with the phased programme. Any subsequent modifications to the lighting scheme shall be agreed in writing by the Local Planning Authority before they are implemented.

Reason: To avoid disturbance to birds using the SPA and SSSI roosting sites and in the interests of visual amenity

16. Prior to the commencement of development (other than in respect of the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11) pre-construction surveys for amphibians and reptiles shall be carried out and any necessary mitigation measures introduced in accordance with the terms of the Conservation Management Plan.

Reason: To ensure no adverse impact upon amphibian and reptile populations.

17. Unless otherwise agreed in writing with the Local Planning Authority and subject to any further restrictions in the following conditions the various operational developments proposed along the frontage of the Seaton Channel comprising quays, cofferdam and gate construction shall be completed to a minimum height of 5.2 metres A.O.D

Reason: In order to safeguard against the risk of flooding.

18. Unless otherwise agreed in writing with the Local Planning Authority, and subject to any further restrictions in the following conditions all bunding to contaminated waste storage areas shall be completed to a minimum height of 5.2 metres A.O.D., or 1m above finished surface levels, whichever is the higher.

Reason: In order to safeguard against the risk of flooding.

19. All watercourses running within the boundaries of the site shall be kept free from obstruction at all times.

Reason: In order to prevent the risk of flooding.

20. No development other than in respect of the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11 shall take place until a scheme for the provision of cycle storage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, cycle storage shall be provided in accordance with the approved scheme.

Reason: To promote transport to the site by means other than the private car.

21. The specification of the drainage system including its phased implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development, (other than in respect of the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11). The submitted scheme shall provide for the identification of all aspects of foul, contaminated, treated and surface water systems (including roof drainage) including inspection points. Thereafter the drainage systems shall be installed in accordance with the approved specification and phasing details.

Reason: In the interests of environmental protection.

22. Prior to any operations which could give rise to mud being deposited on the highway a wheel washing facility to service vehicles leaving the site shall be installed in accordance with details to be previously agreed with the Local Planning Authority. The wheel washer shall remain operational and used to clean operational vehicles at all times when conditions would otherwise result in mud being deposited on the highway.

Reason: In the interests of highway safety and environmental protection

23. Contamination of any solid material within or water passing through the dry dock shall be dealt with in full accordance with the drainage and dock

cleaning strategy set out at Section 13.2.2 and within section 24 of the Environmental Statement 2007.

Reason: In the interests of environmental protection.

24. No development approved by this permission relating to the refurbishment of the dock floor shall be commenced until a scheme for the storage and disposal of residual sediments has been submitted to and approved in writing by the Local Planning Authority. Any residual sediments shall thereafter be stored and disposed of in accordance with the approved details.

Reason: In the interests of environmental protection

25. 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.

Reason: To prevent pollution of the water environment.

26. No part of the private sewage treatment system (excluding any agreed pipework) shall be sited within 10 metres of any watercourse, ditch or surface water feature nor within 50 metres of any water abstraction or well.

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

28. No development approved by this permission shall be commenced (except the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11) until a scheme for the conveyance of foul drainage to either a main drain or a private treatment plant (the details of which are to be previously agreed in writing by the Local Planning Authority) has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until any treatment plant has been constructed and brought into use or a connection has been made to the mains drainage system. Thereafter any approved treatment plant or mains drainage connection shall be retained throughout the life of the development.

Reason: To prevent pollution of the water environment.

29. Prior to the commencement of any construction works on site (other than that associated with the construction of the cofferdam and quays 10 & 11), a settlement facility for the removal of suspended solids from surface water run-off during those works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.
Reason: To prevent pollution of the water environment.
30. No plant, equipment or property greater than 2 metres in height shall be stored within 5 metres of the power station security fence.
Reason: In the interests of protecting the security of the power station
31. Unless otherwise agreed in writing with the Local Planning Authority no built development shall take place directly beneath the overhead electricity transmission lines crossing the northern part of the site.
Reason: in the interests of safety.
32. No works for the construction of quay 11 or capital dredging operations adjacent to quays 10 or 11 or the closure of the dock shall take place until full details of the engineering operations (including phasing and sequence of construction) associated with the construction of quay 11 and the protection of the power station frontage and full details of the capital dredging operations adjacent to quays 10 or 11 have been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall clearly identify those works which are necessary for the proper protection of the power station. Thereafter the approved scheme shall be fully implemented in full accordance with the agreed phasing and sequence of construction.
Reason: In order to ensure that there is no detrimental impact on the power station frontage and its cooling water systems.
33. Unless otherwise agreed with the Local Planning Authority, there shall be no operations undertaken on the site which involve the use of propane, acetylene, oxygen or any other flammable oxidising or explosive gases within 5 metres of the power station security fence.
Reason: in the interests of safety.
34. Before any development commences an emergency response plan detailing emergency procedures to be undertaken in the event of an on-site or off-site incident shall be submitted to and agreed in writing with the LPA. The approved Emergency Response Plan shall then be in place before any works commence on site.
Reason: In the interests of safety and environmental protection.

Section 106 agreement Heads of terms

The applicant undertakes the following:-

1. Compensatory requirements

- a) Unless the developer is able to acquire, to the satisfaction of the LPA, land of an equal area and for the same purpose, the applicant undertakes to make payments for the creation of 1.5 hectares of replacement inter-tidal habitat, such payments to cover the costs, as relevant, of land acquisition, infrastructure works, means of enclosure, any other physical works necessary to create and safeguard the habitat as a site, and any other works for the environmental benefit of the area as the applicant and the local planning authority shall agree the details of such scheme to be agreed in writing between the applicant and the Local Planning Authority. Such payments are to be made in accordance with the following schedule:-

- i) £50,000 to be paid prior to commencement of work on Quay 11;
- ii) £50,000 to be paid on or within 12 months of i) above;
- iii) £50,000 to be paid on or within 6 months of ii) above.

The Local Planning Authority undertakes to pay the above sums into an interest-bearing account on the basis that it will hold the monies together with any interest accruing for the purpose of creation of replacement habitat. In the event that any part of the said monies is not expended for this purpose of creation of replacement habitat, by 1st October 2013, the unexpended balance of the said monies together with any accrued interest shall be repaid to the applicant within 28 days of the applicant's request for the same.

- b) Subject to the findings of the monitoring programme (set out under item 4b), and with the agreement of all relevant statutory parties institute sediment feeding via a suitable engineering technique using maintenance and/or other dredge arisings to help replenish sediment supply to Seal Sands and the north shore of the Seaton Channel.
- c) To provide replacement / enhancement of grassland / wetland habitat within the site (inclusive of sand dumps to be incorporated within the proposed acoustic barrier and grass re-established there), the timing and specific details of which shall be submitted to and agreed with the LPA prior to the commencement of development.

2. Channel stabilisation requirements

- a) Subject to not being in conflict with or duplicating the function of any alternative appropriate regulatory regimes as part of the channel dredge to construct stable channel banks in accordance with the Environmental Statement (June 2007), subject to monitoring regime below.
- b) a dredging plan to include a contingency plan incorporating possible

remedial action should slope failure occur. To be produced and agreed prior to the commencement of any dredging.

3. Monitoring requirements

- a) Subject to not being in conflict with or duplicating the function of any alternative appropriate regulatory regimes to implement the environmental monitoring regime set out below in accordance with a programme to be agreed by the L.P.A in consultation with T.E.A.G.

Monitoring will be undertaken by a competent environmental manager funded by Able UK reporting to T.E.A.G. not less than quarterly and to the standards of ISO14001 (or equivalent). If the environmental manager fails to achieve/retain ISO14001 (or equivalent) standards any new environmental manager shall be first agreed by the Local Planning Authority

An independent inspector to be on site everyday (7 days a week, 365 days a year) until the contract is finished and that the reports of the inspector are put into the public domain.

4 Monitoring Regime

- a) Carrying out bathymetric surveys
- b) Monitoring of SPA sedimentation and the need for and effectiveness of the use of supplementary sediment feeding by a suitable technique, using either maintenance dredge arisings or other suitable material.
- c) The development and establishment of new replacement habitat as specified in section 7 of the Conservation Management Plan.
- d) The quantities of suspended solid in channel water during dredging operations.
- e) Monitoring of water quality in accordance with paragraph 8.2.10 and 8.2.11 of the Environmental Statement (June 2007) at least once a month and in accordance with section 7 of the Conservation Management Plan.
- f) Adequate biosecurity protection measures.
- g) Noise monitoring on Greenabella Marsh.
- h) Inspection of cofferdam and dock gates
- i) One full winter season's bird survey (October to March inclusive) of sectors DT05, DT018 and DT019 to be carried out upon completion of dredging and piling construction works. Surveys to be conducted twice monthly and to cover 2 hours before low tide and 2 hours after low tide.

- j) Review the INCA seal monitoring programme through T.E.A.G. with a view to revising operations subject to findings.
- k) Dust monitoring
- l) Inspection of the dock floor prior to flooding

5. Restrictions

- a) Not to admit to the site or undertake any use or operational development involving any leaking and / or stricken vessels or any vessel with an unstable cargo or with ineffective means of containment of cargoes, fuels or lubricants giving rise to a risk of escape and consequential pollution of the environment unless otherwise agreed with the LPA.
- b) No dredging, piling or cofferdam assembly/disassembly operations shall be undertaken +2 or –2 hours either side of low tide during the months of November, December, January and February and between 15 June and 31 August inclusive (all piling operations to adopt “soft start procedures” whereby the increase in noise is progressive).
- c) There shall be no dredging of the Seaton Channel or the holding basin during critical fish spawning season months of February and March. No dredging of the Seaton Channel from high tide to 3 hours after high tide during May.

6. Other – Details to be agreed prior to development

- a) Travel Plan provision
- b) Bus stop improvements
- c) Targeted training and recruitment towards local labour sources
- d) Provision of a footpath linking the bus stop to the entrance to the site
- e) traffic advisory signs and re-lining of the highway

Notes

HBC to consult with TEAG members

TEAG Group to review and monitor progress

That the committee were minded that applications H/2007/0544 and

H/2007/0545 be approved subject to the following conditions and relevant planning agreement heads of terms stated in relation to application H/2007/0543

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
Reason: To clarify the period for which the permission is valid.
2. Prior to the commencement of each development activity set out in the description of the proposed development, a scheme for the control of dust from any activity that would create dust (including subsequent monitoring) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each development activity shall only be carried out once the approved dust suppression measures related to that activity have been fully provided and brought into use. Thereafter the required dust suppression measures shall be retained throughout the life of the approved activity.
Reason: In the interests of environmental protection.
3. Unless otherwise agreed in writing with the Local Planning Authority and subject to any further restrictions in the following conditions, the development hereby approved shall be carried out in complete accordance with the findings and mitigation measures contained in the applicant's Environmental Statement dated June 2007 and the flood risk assessment as updated August 2007.
Reason: In order to ensure a satisfactory form of development.
4. Unless otherwise agreed in writing with the Local Planning Authority, and subject to any further restrictions in the following conditions, no dredging adjacent to quays 10 and 11, to the footprint of the cofferdam or within the dock (unless the cofferdam excluding access through the channel is in place), piling, rock bund formation or disassembly, or works to infill, open, close or disassemble the cofferdam shall be undertaken in the period 2 hours either side of low tide during:-
 (a) the months of November, December, January and February and
 (b) from 15 June to 31 August inclusive
 All piling operations shall adopt "soft start procedures" whereby the increase in noise is progressive.
 Reason: In order to avoid disturbance to feeding/roosting birds using the Teesmouth and Cleveland Coast SPA and Seal Sands SSSI mudflats, to avoid disturbance to seals rearing pups and to protect migratory fish smolts.
5. Unless otherwise agreed in writing with the Local Planning Authority and subject to any further restrictions in the following conditions the cofferdam and gate construction shall be completed to a minimum height of 5.2 metres A.O.D
Reason: In order to safeguard against the risk of flooding.
6. Prior to any operations which could give rise to mud being deposited on

the highway a wheel washing facility to service vehicles leaving the site shall be installed in accordance with details to be previously agreed with the Local Planning Authority. The wheel washer shall remain operational and used to clean operational vehicles at all times when conditions would otherwise result in mud being deposited on the highway.

Reason: In the interests of highway safety and environmental protection

7. Contamination of any solid material within or water passing through the dry dock shall be dealt with in full accordance with the drainage and dock cleaning strategy set out at Section 13.2.2 and within section 24 of the Environmental Statement.

Reason: In the interests of environmental protection.

8. No works for the construction of quay 11 or capital dredging operations adjacent to quays 10 or 11 or the closure of the dock shall take place until full details of the engineering operations (including phasing and sequence of construction) associated with the construction of quay 11 and the protection of the power station frontage and full details of the capital dredging operations adjacent to quays 10 or 11 have been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall clearly identify those works, which are necessary for the proper protection of the power station. Thereafter the approved scheme shall be fully implemented in full accordance with the agreed phasing and sequence of construction.

9. Permission for the cofferdams hereby approved (as shown on drawings reference SP/0/04/12/80 D, SP/0/04/12/81 C and SP/0/04/12/82 C) is valid until 31 October 2012 and any cofferdam erected in accordance with these permissions shall be removed from the site on or before that date unless an amendment is approved by the Local Planning Authority granting an extension of this period.

Reason: To minimise the impact of the assembly and disassembly of the structure and to enable the Local Planning Authority to review the position in light of experience.

10. A scheme for the lighting associated with short term operations relating to the construction of the cofferdam and quays 1, 10 and 11 shall be submitted to and approved in writing by the Local Planning Authority before any relevant work relating to the construction of the cofferdam or quays 1, 10 and 11 is commenced.

Reason: To avoid disturbance to birds using the SPA and SSSI roosting sites and in the interests of visual amenity

11. The specification of the drainage system including its phased implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development, (other than in respect of the construction of the cofferdam and the sheet piling associated with works to quays 1, 10 & 11). The submitted scheme shall provide for the identification of all aspects of foul, contaminated, treated and surface water systems (including roof drainage) including inspection

points. Thereafter the drainage systems shall be installed in accordance with the approved specification and phasing details.

Reason: In the interests of environmental protection.

The use of the term 'ship(s)' within the conditions described shall be taken to mean all ships, vessels and other craft as described in more detail in the Environmental Statement

An emergency situation means a situation which is expected to arise or has arisen on a vessel moored at quays 1, 10 or 11 that threatens:

- a) the health of or injury to personnel
- b) harm to any protected species or designated habitats or the local ecosystem.
- c) to pollute water in the Seaton or Tees Channel, or in the River Tees or the local atmosphere

Following the declaration of interest made by Councillor J Marshall in the previous item, he rejoined the meeting for the rest of the business.

91. Hazardous Substances Consent – H/2007/0542 – Able UK Ltd TERRC Facility, Tees Road, Graythorp, Hartlepool *(Assistant Director (Planning and Economic Development))*

Due to the length of the meeting to this point and to allow the objectors' further time to prepare for this item, the Committee considered a proposal to defer consideration of the Hazardous Substances Consent to a later date. Following a vote, the Committee agreed to proceed with the matter.

Presentation by Development Control Officers

Roy Merrett informed the Committee that this application was to regulate the presence of hazardous substances on the site in conjunction with the previous applications. Objections and concerns had been raised as a result of the publicity exercise regarding the risk to people and the environment resulting from toxicity and explosions. No objections had been received from the statutory consultees and the Health and Safety Executive (HSE) had confirmed that there was no consultation zone required for the substances and their volumes that were to be included in the consent. The site would be subject to regulation under the COMAH regulations. British Energy and the Nuclear Installations Directorate had been consulted and offered no objections to the proposals. Roy Merrett indicated that condition five in the report could now be omitted as this was now covered by conditions set out in the main application.

Presentation by Able UK

Mr Wheeler, Managing Director of Able UK, indicated that the Environment Agency and the HSE acted as a joint body in assessing the need for a consultation zone connected with the substances and gases to be controlled through the consent. They had indicated that the level and risk were so low that there was no need for a consultation zone around the site.

Presentation by Objectors

Iris Ryder commented that considering this application was irregular as the Planning Inquiry had not yet been concluded. Iris Ryder commented that the consequences of North Sea storm surges on the site had not been adequately dealt with as there could be flooding over a wide area as a result of such a surge. The vessels currently in the dock were waste and the company should be applying for a PPC Licence not this consent; it was the wrong type of application. The PPC Licence had significantly more control and greater sanctions, including jail sentences. The site didn't have adequate emergency facilities as required under the COMAH Regulations.

Iris Ryder commented that it would be impossible to decommission single hulled vessels without oil spillages and if they couldn't be cleared up adequately then the consent should not be granted. Other measures set out by the company were very vague and Iris Ryder requested that the Committee refuse the application.

Councillor Questions and debate

Councillor Brash commented that there was a significant number of consultees on this application, including Greatham Parish Council, and none had made any objection. Had they got it so wrong, or was this application correct? Iris Ryder commented that this would be bound by the Council's legal advice, which says there is very little ground to object to the application. The Chief Solicitor indicated that no restrictions had been placed on any consultee, including the Parish Council, which was a relevant consultee on these applications.

Councillor Cranney asked why the objectors wanted a PPC Licence and not this consent. Iris Ryder indicated that if the company breached a PPC Licence, the fines were more significant and those with responsibility could face jail sentences. Roy Merrett informed the Committee that PPC Licences were entirely a matter for the Environment Agency and not the Council.

Councillor Brash commented that he could see no reason to refuse the application. Councillor Laffey supported the consent and stated that she had not been put under pressure by Able UK or Council Officers on this or the previous matter. Councillor Allison commented that if the HSE had no objections to these industrial materials then he saw no reason not to approve the consent.

Councillor Payne considered that the difference between the two applications should have been explained to Members. The Assistant Director (Planning and Economic Development), Stuart Green, commented that this application wasn't an alternative to the PPC Licence. The company also had to agree with the Environment Agency what other permissions were needed for the site. The PPC Licence was immaterial to this application.

Councillor J Marshall considered that he had been put under extreme pressure on these matters and felt he had been bullied and threatened. He

considered that other Members had been also and that those who said they had not were not telling the truth. Councillor Laffey re-stated her position in that she had not felt bullied by the applicants or Council officers at any stage. Other Members commented that they considered that the officers had acted with complete probity during these issues and had not pressurised them in any way. Councillor Akers-Belcher did comment that he had been harassed and bullied at the previous meeting by objectors and was concerned that such an event had occurred.

The Chair put the recommendations set out in the report, with the deletion of recommendation 5, to the vote. On a majority vote, the following decision was approved.

Decision

That subject to the following conditions the application be approved:

- 1 Unless otherwise agreed with the Local Planning Authority, the substances subject to this application shall be stored and where relevant used only in complete accordance with the details stated on Drawing TC-20013 G application documentation dated 16 July 2007. In the interests of environmental protection.
2. The Hazardous Substance Consent here granted is limited to those substances named and their maximum quantities stated within Table A of the application dated 16 July 2007.
To define the terms of this consent.
3. Unless otherwise agreed in writing with the Local Planning Authority and subject to any further restrictions in the following conditions outside the wet/dry dock all substances covered by this permission that are destined for waste disposal off site or that contain oil shall only be stored in areas which are surrounded by protective bunds to a minimum height of 5.2 metres AOD, or 1m above finished surface levels, (whichever is the higher), details of which shall be first agreed in writing by the Local Planning Authority.
In order to safeguard against flood risk.
4. Unless otherwise agreed in writing with the Local Planning Authority no ship(s) shall be used as a vessel for the storage of wastes including oils from other ships other than as set out in the Environmental Statement at section 8.2.21.
In the interests of environmental protection.

CHAIRMAN

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

21 November 2007

The meeting commenced at 10.00 am in the Belle Vue Community, Sports and Youth Centre, Kendal Road, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Stephen Allison, Jonathan Brash, Shaun Cook, Bob Flintoff, Stan Kaiser, Pauline Laffey, Geoff Lilley, John Marshall, George Morris, Robbie Payne, Carl Richardson, Chris Simmons, Gladys Worthy and Edna Wright

Officers: Stuart Green, Assistant Director (Economic Development and Planning)
Roy Merrett, Principal Planning Officer
Peter Devlin, Legal Services Manager
Richard Lowe, Student Planner
Chris Roberts, Development and Co-ordination Officer
Stephanie Landles, Environmental Health Officer
Angela Hunter, Principal Democratic Services Officer

92. Apologies for Absence

None.

93. Declarations of interest by Members

Councillor Shaun Cook declared a prejudicial interest in application H/2007/0598 and left the meeting during its consideration.
Councillor Carl Richardson declared a prejudicial interest in application H/2007/0739 and left the meeting during its consideration.
Councillor Geoff Lilley declared a prejudicial interest in applications H/2007/0627 and H/2007/0626 – consideration of both items was deferred.
Councillor Chris Simmons declared a non-prejudicial interest in application H/2007/0739.

94. Confirmation of the minutes of the meetings held on 24 and 25 October 2007.

Minutes of 24 October 2007 were confirmed and consideration of the minutes of both of the meetings on 25 October 2007 was deferred to the

next meeting.

95. Matters Arising

Councillor Geoff Lilley indicated that at the meeting on 29 August 2007 – minute 70 refers – he declared an interest which has been minuted as prejudicial. This interest was non-prejudicial and he requested it be amended to read as such.

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

Number: H/2007/0662

Applicant: Mr Demi Chervak
High Point Estates Limited High Point House 7 Victoria
Avenue Harrogate

Agent: England & Lyle Dr John England Morton House Morton
Road Darlington

Date received: 29/08/2007

Development: Variation of Condition 5 of planning permission
H/OUT/2004/0080 to allow the retail sale of footwear, bags,
sportswear, hosiery, shoe care products, insoles and
ancillary products

Location: UNIT 3 HIGHPOINT PARK MARINA WAY HARTLEPOOL

Decision: **Deferred for further information**

Number: H/2007/0663

Applicant: Mr J Odgers
Beachfield Drive Hartlepool

Agent: Mr J Odgers 21 Beachfield Drive Hartlepool

Date received: 26/09/2007

Development: Change of use to provide livery service including the
erection of 2 stable blocks, 1 arena and the siting of a static
caravan

Location: FERN BECK BRIERTON MOORHOUSE FARM DALTON
PIERCY ROAD HARTLEPOOL

Decision:	Deferred for further information
Number:	H/2007/0627
Applicant:	Able Uk TEES ROAD HARTLEPOOL
Agent:	Cobbetts LLP 1 Whitehall Riverside Leeds
Date received:	15/08/2007
Development:	Application for a certificate of lawfulness in respect of existing use of site for the fabrication of concrete caissons
Location:	ABLE UK LTD TEES ROAD HARTLEPOOL
Decision:	Deferred for further information
Number:	H/2007/0626
Applicant:	Able Uk TEES ROAD HARTLEPOOL
Agent:	Cobbetts LLP 1 Whitehall Riverside Leeds
Date received:	15/08/2007
Development:	Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location:	ABLE UK LTD TEES ROAD HARTLEPOOL
Decision:	Deferred for further information
Number:	H/2007/0597
Applicant:	Mr Keith Everett St Francis 2000 Football Club 14 Hamilton RoadHartlepool
Agent:	Hartlepool Borough CouncilMr Paul Jamieson Leadbitter Buildings Stockton Street Hartlepool
Date received:	17/08/2007
Development:	Change of use from public open space to football pitches, erection of 2.2 metre high perimeter fencing and resiting of 3 existing site cabins
Location:	ROSSMERE WAY PITCHES ROSSMERE WAY HARTLEPOOL

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed development would lead to an increase in traffic and parking congestion along Rossmere Way and Balmoral Road to the detriment of highway safety and the safety of pedestrians contrary to Policy GEP1 of the Hartlepool Local Plan
2. The proposed development would mean that public open space that is currently being used for informal recreation would be lost, which in the opinion of the Local Planning Authority would be to the detriment of the amenities of local residents contrary to Policies GEP1 and REC4 of the Hartlepool Local Plan
3. In the opinion of the Local Planning Authority the proposed boundary fence, by virtue of its height and appearance would appear obtrusive and harmful to the visual amenities enjoyed by local residents contrary to Policy GEP1 of the Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

Number: H/2007/0182

Applicant: Wynyard Park Ltd

Agent: Spawforths Junction 41 Business Court East
Ardsley Leeds

Date received: 05/03/2007

Development: Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96

Location: Land north of the A689 Wynyard Park Wynyard

Decision: **Reserved Matters Approved subject to a planning agreement under Section 106 of the Town & Country Planning Act 1990 requiring a contribution to offsite highway works, a travel plan, the relinquishing of sites in the original approval from development mitigation measures in the environmental statement, a local labour**

agreement and the following conditions**CONDITIONS AND REASONS**

1. This decision relates solely to the approval of reserved matters for the siting and storey heights of buildings to create B1 accommodation within development areas A,B,C,D,E,F,G as indicated on the Site Reference Plan 06026/04 Revision C received by the Local Planning Authority on the 2 March 2007 and part discharge of condition 3 both of outline planning approval H/OUT/0583/96. This approval does not supersede the requirement for the submission of the remainder of reserved matters details and the remaining conditions of the original outline planning approval H/OUT/0583/96. All conditions on this approval relate to the 'site' as per the application made on the 2 March 2007.
Clarification of permission and avoidance of doubt.
2. The buildings to which this application relates shall only accommodate uses of a type included in B1 a,b,c of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent amending legislation).
For the purposes of clarification and avoidance of doubt.
3. No building upon the site shall exceed 4 storeys in height.
In the interests of visual amenity.
4. Notwithstanding the submitted details, buildings B13, B12 and B11 within development area B shall not exceed a height of 2 storeys unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
5. Except as provided for in condition 4 above, notwithstanding the submitted details no more than 2 buildings adjacent to each other fronting on to the A689 shall be of the same storey height unless otherwise agreed in writing by the Local Planning Authority. For clarification this includes buildings B8 - B10, C5 - C8 and D8 - D14 as indicated on plan 06026/04 Rev C received by the Local Planning Authority on the 2 March 2007.
In the interests of visual amenity.
6. The approval hereby granted shall relate to a maximum cumulative gross floor space of 275,205m². The applicant shall maintain records of the total cumulative gross floor space created at any one time which shall be available to the Local Planning Authority on request.
In the interests of highway safety.
7. The approval hereby granted shall relate to a maximum total number of car parking spaces of 7,911. The applicant shall maintain records of the total cumulative number of parking spaces created at any one time, which shall be available to the Local Planning Authority on request.
In the interests of highway safety.
8. The landscaping of the area of land between the A689 and plots B,C and D on the associated plans shall be implemented in accordance with the details indicated on drawing no 2391-01-04 and the Landscape and Boundary Treatments for plots adjacent to the A689 'Management

and Maintenance Plan' which were received by the Local Planning Authority on the 02 March 2007 unless otherwise agreed in writing by the Local Planning Authority. Notwithstanding the submitted details the planting along the A689 within development plot D shall be undertaken prior to the commencement of construction on site. The planting along the A689 within development plots C and B as indicated on the above mentioned plan shall be undertaken and completed before or no later than 6 months after the completion of 50% of phase 1 of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

9. No development shall take place until a scheme for the protection during construction works, of all the trees to be retained on the site and in accordance with the approved landscaping scheme in accordance with BS 5837:1991 (Trees in relation to construction), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials (other than equipment, machinery and materials necessary for the discharge of this condition) are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
10. Prior to the commencement of development details shall be submitted to the Local Planning Authority of an emergency access for agreement. This emergency access shall be provided prior to the occupation of any B1 unit upon the site and shall be retained until phase 1 of the development is complete or upon the completion of the internal link road linking the east and west access points to the site with the A689 whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority.
In the interest of health and safety upon the site.
11. The buildings hereby approved shall be constructed in accordance with the phasing plan (Ref 06026/11/A dated 28/11/06) set out within figure 2.7 of Part 1 of the accompanying Environmental Statement received by the Local Planning Authority on the 2 March 2007 unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

12. No buildings shall be erected within phases 2 and 3 of the development hereby approved as indicated on the phasing plan (Ref 06026/11/A dated 28/11/06) set out within figure 2.7 of Part 1 of the accompanying Environmental Statement received by the Local Planning Authority on the 2 March 2007 until the road linking the east and west access points to the site with the A689 has been completed and is made available for use by employees and visitors to the site unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety.

The Committee considered representations in relation to this matter.

Number: H/2007/0637

Applicant: Mr Paul Rayner
30 Stockton Road Hartlepool

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

Date received: 24/08/2007

Development: Erection of 18 two bedroom apartments (3 storey)
with associated car parking (outline application)

Location: 30 STOCKTON ROAD HARTLEPOOL

Decision: **Planning Permission Approved subject to a
planning agreement in accordance with Section
106 of the Town and Country Planning Act
requiring the provision of or, if not possible,
contribution to affordable housing and a
financial contribution to the provision of off site
play facilities and the following conditions**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.

2. Approval of the details of the external appearance of the building (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29th September and 5th November 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
5. 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.
6. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
7. 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.
8. 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.
 9. 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.
 10. Notwithstanding the submitted details hereby approved a final scheme for the refuse storage shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of visual amenity and highway safety.
 11. Notwithstanding the submitted details hereby approved a final scheme for the cycle storage shall be submitted to and approved in writing by the Local Planning Authority, thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of visual amenity.
 12. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures comprising the installation of external lighting shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to commencement of use.
In the interest of crime prevention.
 13. The proposed building shall not exceed 3 storeys in height.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Number: H/2007/0756

Applicant: Mr JPosen
4b Manor Road London

Agent: David Stovell & Millwater Mr David Stovell 5
Brentnall Centre Brentnall Street Middlesbrough

Date received: 12/10/2007

Development: Change of use from shop to hot food takeaway

Location: 48 AND 50 CATCOTE ROAD HARTLEPOOL

Decision: **Deferred for further information**

Number: H/2007/0779

Applicant: Enterprise Inns PLC
Monkspath Hall Road Solihull

Agent: Anthony Keith Architects Ltd 19 Lansdowne Terrace
Gosforth Newcastle upon Tyne

Date received: 17/10/2007

Development: Provision of an electric retractable awning with
associated heating and lighting (amended
application)

Location: THE HOUR GLASS PUBLIC HOUSE
EAGLESFIELD ROAD 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. The awning will be retracted at all times when the public house is not open to the public.
In order to discourage the unsupervised use of the awning in the interest of the amenity of the area.

Number: H/2007/0262

Applicant: Mr David Swales
Clevestone Transport Ltd Old Durham Paper Mills
Moreland Street Hartlepool

Agent: Hartlepool BC Building Consultancy Group Mr Alan
Foster Leadbitter Buildings Stockton Street
Hartlepool

Date received: 13/06/2007

Development: Use of vacant industrial land for pipe and vehicle
storage

Location: Land to the east of the South Works BRENDA
ROAD HARTLEPOOL

Decision: **Minded to approve Planning Permission**
Approved subject to a planning agreement under
Section 106 of the Town & Country Planning Act
1990, requiring a financial contribution towards
the development of a public right of way
adjacent to the site, to no objections being
received within the publicity period, to a
decision by the Secretary of State not to call in
the application and to the following conditions.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Any materials or articles deposited or stacked outside the buildings shall not exceed a total height of 2 metres above ground level.
In the interests of visual amenity.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. No part of the site shall be surfaced or resurfaced unless it is in full accordance with details presented in a scheme to be previously agreed with the Local Planning Authority
In the interests of nature conservation
6. Prior to the site being brought into use the screen bund hereby approved shall be constructed in accordance with details to be previously submitted to and agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
7. 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.
8. Prior to the commencement of development a scheme for the disposal of foul and contaminated drainage from the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in accordance with the approved details prior to the site being brought into use and shall thereafter be retained. There shall be no discharge of foul or contaminated drainage from the site to either groundwater or any surface waters whether direct or via soakaway.
To prevent pollution of the water environment.

Number: H/2007/0707

Applicant: Mr Alistair Scott
Jomast Developments Ltd Oriel House Bishop
Street STOCKTON-ON-TEES

Agent: Jomast Developments Ltd Mr Alistair Scott Oriel
House Bishop Street STOCKTON-ON-TEES

Date received: 14/09/2007

Development: Provision of 8 no two-storey penthouses on upper
floors (resubmitted application)

Location: BLOCK 23 FLEET AVENUE HARTLEPOOL

Decision: **Planning Permission Approved subject to a
planning agreement under Section 106 of the
Town and Country Planning Act 1990 requiring
the omission of 8 apartment units on the
approved scheme which this block forms part of
(application H/FUL/0683/01) such that there is no
net increase in the number of apartments overall
and the following conditions**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The car parking spaces shown on the plan hereby approved shall be provided prior to the development being brought into use.
In the interests of highway safety.

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

The Committee considered representations in relation to this matter.

Number: H/2007/0739

Applicant: Mr Julian Penton
Hartlepool NDC The Arches 79 Park Road Hartlepool

Agent: anthony walker and partners
mr guy rawlinson st
josephs business centre west lane killingworth
village newcastle upon tyne

Date received: 12/10/2007

Development: Provision of new play facilities landscaping, fencing, lighting to multi-use games area and widening of pavement to Sheriff Street

Location: LYNNFIELD PRIMARY SCHOOL GROSVENOR STREET HARTLEPOOL

Decision:

- 1) **Minded to approve subject to a decision by G.O.N.E. not to call in the application and to the following conditions**
- 2) **That residents be consulted regarding the final details of the lighting scheme for the Multi-use-Games Area to be submitted in accordance with Condition 4 below**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The hereby approved new fencing to the northern boundary shall be coloured in accordance with details to be submitted to and agreed by the Local Planning Authority and thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. Notwithstanding the submitted details a scheme for the final design of the fencing for the Multi-Use Games Area 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.
In the interests of visual amenity.
4. Notwithstanding the submitted details a scheme for the final design and specification of the lighting for the Multi-Use Games Area 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.
In the interests of the amenities of the occupants of neighbouring properties.
5. The lighting approved for the Multi-Use Games Area shall not operate past 9pm daily.
In the interests of the amenities of the occupants of neighbouring properties.
6. A scheme for the final details and locations for the CCTV cameras shall be submitted to and agreed in writing by the Local Planning Authority prior to the operation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of crime prevention.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
8. Prior to the operation of the development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of pricing policy, hours of use, access by non-school users/members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented in accordance with this scheme, unless otherwise agreed in writing by the Local Planning Authority.

- To secure community use of the facilities on site.
9. The Community Use Scheme referred to in condition 8 shall include a mechanism for the review of the operation and use of the facilities, with a view to provide additional security measures if deemed necessary. The date of first operation of the facilities shall be provided in writing to the Local Planning Authority and the review shall take place 6 months from this date, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of crime prevention.

The Committee considered representations in relation to this matter.

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

The Principal Planning Officer drew Members attention to 13 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

98. Appeal by Mr K Smart – Site at 7 Hylton Road, Hartlepool *(Assistant Director (Planning & Economic Development))*

Members were informed that the Planning Inspectorate had confirmed that the above appeal hearing would take place from 10.00am on 22 January 2007 at Bryan Hanson house. Consultees, ward councillors and those who made representations had been informed.

Decision

Members noted the details of the appeal.

99. Appeal by Primelight Advertising Limited at A19 Service Station (Southbound), Elwick *(Assistant Director (Regeneration and Planning))*

The purpose of this report was to update Members of the outcome of a recent planning appeal at A19 Service Station (southbound), Elwick, Hartlepool, for a freestanding double-sided illuminated advertisement display unit. The Planning Inspectorate allowed the appeal. A copy of the Inspector's letter was submitted for the Committee's information.

Decision

The report was noted.

Headland Conservation Area Appraisal (*Assistant Director, Planning and Economic Development*)

The report provided Members with information on the appraisal of the Headland Conservation Area that had recently been carried out. The report provided details of the findings of the appraisal and the next steps to be undertaken.

Decision

The report was noted.

100. 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 101 – Enforcement Action – Longscar Centre, Seaton Carew (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.

101. Enforcement Action – Longscar Centre, Seaton Carew (*Assistant Director (Planning & Economic Development)*)

The Assistant Director (Planning and Economic Development) reported on proposed enforcement action, should this be required, in respect of the untidy condition of the Longscar Centre, The Front, Seaton Carew, Hartlepool.

Decision

The decision was set out in the exempt section of the minutes.

ROB COOK

CHAIRMAN

No: 1
Number: H/2007/0756
Applicant: Mr J Posen 4b Manor Road London N16 5JA
Agent: David Stovell & Millwater Mr David Stovell 5 Brentnall
Centre Brentnall Street Middlesbrough TS1 5AP
Date valid: 12/10/2007
Development: Change of use from shop to hot food takeaway
Location: 48 AND 50 CATCOTE ROAD HARTLEPOOL
HARTLEPOOL

Update

1.1 This application was deferred at the last meeting for further information to be provided about servicing and parking arrangements for the proposed takeaway.

1.2 A full list of the existing shops was also requested.

1.3 The agent has now stated that deliveries to the premises would be made via the existing vehicular entrance to the rear service yard. If any home deliveries are to be made, these will also be from this rear access. Up to four cars can be accommodated within this yard.

1.4 The Highway Engineer has stated that in view of the fact that the property is a shop in an existing shopping parade with layby parking to the front, service road and rear yard it would be difficult to sustain an objection to the proposal. He has raised no objections to the proposed servicing and delivery arrangements.

1.5 The existing shops include:- The Bakers Corner, Fruit Fayre (to let), J & T Craft Creations, Britannia Fisheries, Coral Bookmakers, Monroes Hair Salon, Food 4 Less, Edna Jones (clothing), Nisa supermarket and Hole in the Wall (florist).

1.6 The original report is reproduced below

The Application and Site

4.1 The application site is a vacant shop unit located within the Catcote Road local centre close to the junction with Oxford Road.

The shop, which has a managers flat above, has been vacant for some time. Neighbouring properties within the parade includes a supermarket, a bakery, bookmakers and one other hot food takeaway (fish and chips). There is layby parking to the front on Catcote Road and servicing to the rear.

There are residential properties opposite the shops in Catcote Road and to the north in Walpole Road. The Shakespeare public house lies to the north of the shopping parade, with the Catholic Club to the west. The proposal involves the change of use to hot food takeaway creating 2 full time and 2 part time jobs. Opening hours requested are 11.00am to 23.00pm, seven days a week.

Publicity

4.2 The application has been advertised by site notice and letters to neighbours (17) 8 letters of objection have been received.

Concerns include:-

- a) already one other hot food takeaway
- b) will attract gangs
- c) food waste will be left outside
- d) will attract rats and cause odours
- e) bins have already been set alight
- f) will affect business/profits at fish and chip shop
- g) not enough parking
- h) litter problems
- i) cause traffic congestion

Copy letters B

The period for publicity has expired.

Consultations

4.5 The following consultation replies have been received:

Head of Public Protection – No objections to the hours as requested. Would require the usual ventilation condition together with sound insulation for first floor flat. If chairs and tables are to be provided, toilets will be required for customers.

Head of Traffic & Transport – No objections.

Planning Policy

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

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

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

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

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

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

Planning Considerations

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

Policy

4.8 Policy Com5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises within designated local centres, such as this, providing there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties and on the highway network. Scale, function, character and appearance of the area should also be maintained.

4.9 Although there is already one hot food takeaway (A5) in the parade and a bookmakers (A2) the majority of the other commercial properties are A1 retail covering a whole range of goods and services including hair and beauty, crafts, groceries and clothing.

4.10 In view of this, it is unlikely that an additional hot food takeaway would be likely to affect either the function, character or appearance of the local centre.

Highways

4.11 Whilst it is acknowledged that this is a very busy shopping parade, the Highway Engineer has raised no objections to the change of use to hot food takeaway. Another type of shop (A1 retail) which would not require planning consent, could open 24 hours and attract a large number of vehicle borne customers.

Amenity

4.12 This purpose built shopping parade is situated close to the junction of two busy roads (bus routes) Catcote Road and Oxford Road where there is considerable activity for most of the day.

The nearby social club, public house, church and other late opening shops in the parade, carry this activity on into the night.

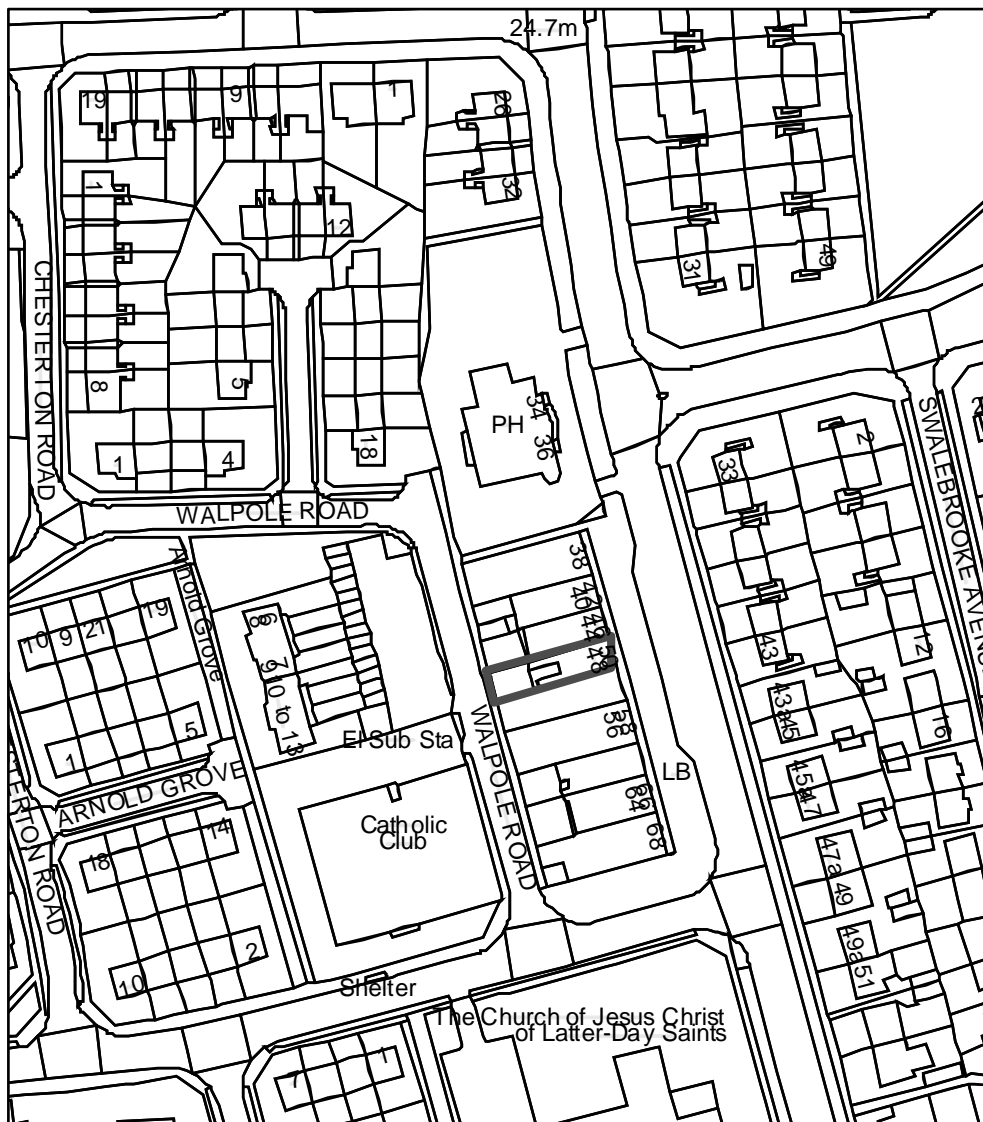
With regard to issues such as noise, disturbance, litter and odours, the Head of Public Protection has offered no objection to the proposal subject to opening hours restricted to those requested ie 11.00 to 23.00 and the standard ventilation and noise insulation conditions.

Competition and loss of trade for any existing hot food shops are not matters which can be taken into account when deciding this planning application.

In view of the above it is considered that it would be difficult to sustain a recommendation for refusal and approval is recommended.

RECOMMENDATION – Approve subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall only be open to the public between the hours of 11.00 and 23.00 Mondays to Saturdays inclusive and at no other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
4. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the shop and the first floor flat. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
To ensure that the building is adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property.

48 50 CATCOTE ROAD

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/11/07
	SCALE 1:1250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0756	REV

No: 2
Number: H/2007/0662
Applicant: Mr Demi Chervak High Point House 7 Victoria Avenue
 Harrogate HG1 1EQ
Agent: England & Lyle Dr John England Morton House Morton
 Road Darlington DL1 4PT
Date valid: 29/08/2007
Development: Variation of Condition 5 of planning permission
 H/OUT/2004/0080 to allow the retail sale of footwear,
 bags, sportswear, hosiery, shoe care products, insoles
 and ancillary products
Location: UNIT 3 HIGHPOINT PARK MARINA WAY
 HARTLEPOOL HARTLEPOOL

Background

2.1 This application was reported to the November meeting of the Planning Committee when it was deferred pending the receipt of an outstanding consultation.

The Application and Site

2.2 The application relates to an existing retail unit on the High Point Retail Park and the planning history is relevant. In November 2004 an application for the renewal of an outline planning consent for the erection of a non food retail development with car park and associated servicing was approved. (H/OUT/0080/04). The approval was subject to various conditions including conditions restricting the minimum size of the units (4) and the range of goods that could be sold (5). The latter condition amongst other items restricts the sale of clothing, footwear, leather goods and fashion accessories. These conditions were imposed to help prevent any loss of trade from the town centre in order to protect its vitality and viability. In March 2005 planning permission was granted to vary the minimum size of the units to be developed. The permission allowed the minimum size of the units to be 697 sq. m. (7,500 sq ft). (H/FUL/0012/05). In August 2005 reserved matters were approved for a scheme for the erection of one unit of 2554 sq m (27,500 sq ft), and three units of 696 sq m (7,500 sq ft). The scheme has now been implemented and three of the units are occupied by a DIY retailer, a carpet retailer and a pet superstore.

2.3 The application site is the remaining vacant unit. The Retail Park is located at the junction of Middleton Road and Marina Way which pass the site to the west and south respectively. Access to the site is taken from Marina Way, to the south east corner of the site.

2.4 The applicant has marketed the unit under the existing goods restriction for some two years and has been unable to find a suitable tenant. He has however found a potential tenant who falls foul of the condition restricting the sale of certain goods. In order to accommodate the potential tenant the applicant is therefore seeking to vary

condition 5 of the original planning permission to allow for the sale of footwear, bags, sportswear, hosiery, shoe care products, insoles and ancillary products.

Publicity

2.5 The application has been advertised by site notice and neighbour notification (19). The time period for representations has expired. Two responses were received. No objections.

The period for publicity has expired.

Consultations

2.6 The following consultation replies have been received:

Traffic & Transportation - There are no major highway implications with this application.

Public Protection - No objections.

Tees Valley Regeneration - TVR are comfortable with this proposal subject to Hartlepool BC being satisfied that sufficient evaluation has been undertaken to justify this as an out of centre use.

Tees Valley JSU - No comments received.

Network Rail - No comment.

Planning Policy

2.7 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.

Com17: Sets out the types of uses, subject to the effect on the viability of the town centre and to the quality of design and landscaping which would be permitted in this area including office, leisure and other uses requiring a prominent road frontage, but excluding convenience shopping. Proposals should conform to the relevant policies Com8, Com9 and Rec14.

Com8: States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then

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

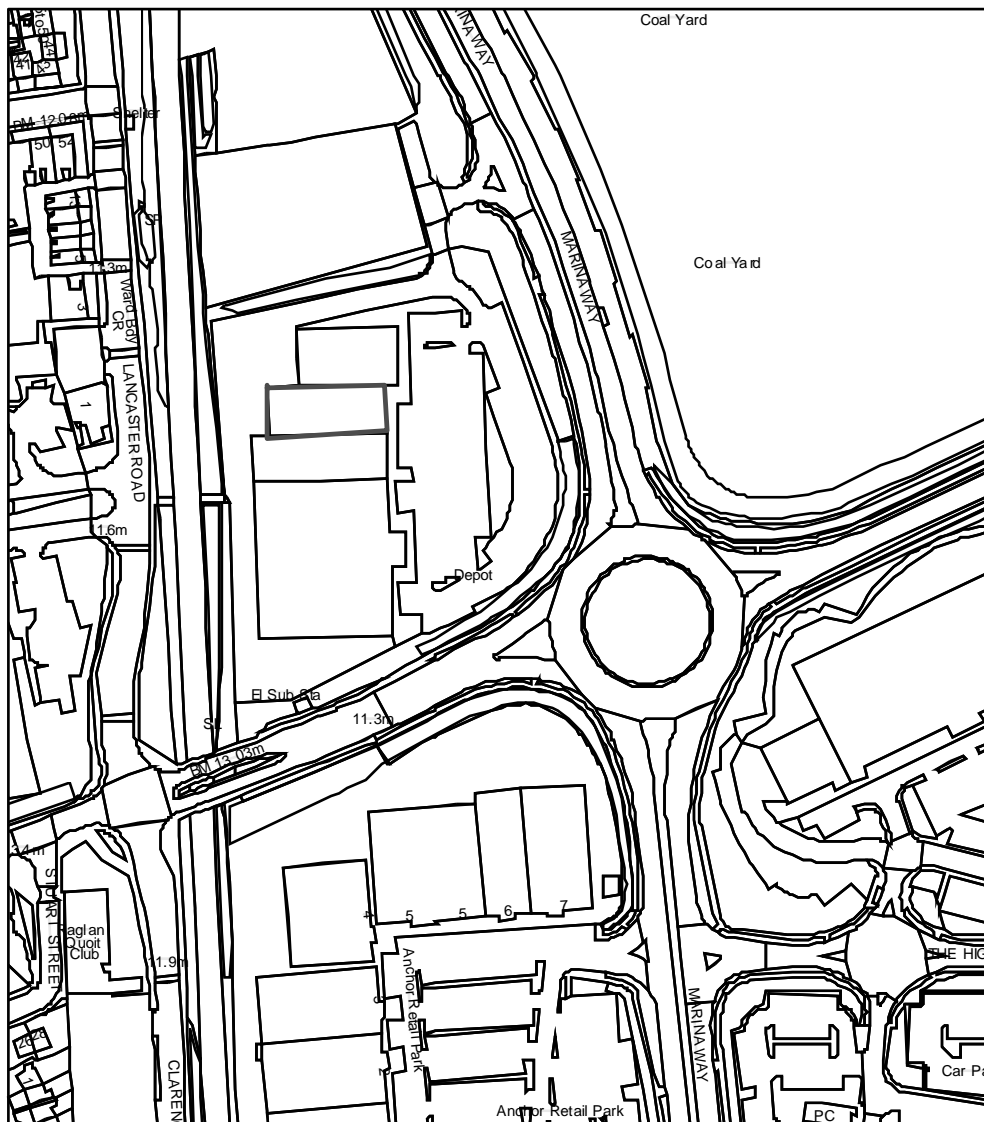
Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for 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 to conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Planning Considerations

2.8 The main planning considerations are the impact of the development on the vitality and viability of the Town Centre. The Local Planning Authority are currently taking advice on this matter. It is anticipated that this advice will be available before the meeting and an update report will follow.

RECOMMENDATION : update report to follow.

UNIT 3 HIGHPOINT, MARINA WAY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/11/07
	SCALE 1:2000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0662	REV

No: 3
Number: H/2007/0663
Applicant: Mr J Odgers Beachfield Drive Hartlepool TS25 5AS
Agent: Mr J Odgers 21 Beachfield Drive Hartlepool TS25 5AS
Date valid: 26/09/2007
Development: Change of use to provide livery service including the erection of 2 stable blocks, 1 arena and the siting of a static caravan
Location: FERN BECK BRIERTON MOORHOUSE FARM DALTON PIERCY ROAD HARTLEPOOL

The Application and Site

3.1 This application was deferred at the previous meeting for further information.

3.2 Detailed planning permission is sought to change the use of a smallholding currently used for the stabling of private horses to a commercial livery at Fern Beck, Brierton Moorhouse Farm, Dalton Piercy.

3.3 The proposed development would comprise the erection of two additional stable blocks each incorporating 6 stables. This would bring the total number of stables on the site to 16. An arena is also proposed within the site some 60 x 20 metres in area to be used for the exercising of horses and dressage activities. This area would comprise a sand covered surface. There would be no building works involved in the construction of the arena. It is also proposed to site a caravan to allow residential occupation on the site in the interests of the care and security of the horses.

3.4 The site would continue to utilise the existing access from Dalton Back Lane which is shared with Brierton Moorhouse Farm together with a further smallholding to the south.

3.5 The applicant has submitted a business plan in support of the proposed development detailing projected income and expenditure and including a letter from potential clients who have expressed an interest in placing their horse with the applicant.

Publicity

3.6 The application has been advertised by way of neighbour letters (9). To date, there have been 3 letters of no objection and 8 letters of objection to the proposed development. The objections raised are as follows:-

1. The development will result in additional traffic on what is a narrow lane to the detriment of highway safety. Lorries and vehicles towing horse boxes use the lane along with overspill traffic from the A19 if there has been an accident. There are no bridle paths.

2. It will not be acceptable in visual terms. The proposed caravan is an eyesore
3. There is too much livery in the area now
4. The development would harm the viability of other similar business' including one that has been approved on an adjacent site.
5. The development will lead to an increase in crime in the locality.
6. Would the site area be sufficient to provide for the number of horses proposed.

3.7 The period for publicity has expired.

Copy letters A

Consultations

Environmental Agency – No objections. Recommend conditions in the interests of environmental protection.

Highway Engineers – No objections provided sightlines are maintained

Head of Public Protection – No objections

Greatham Parish Council – Express concerns about the number of applications to develop in this area; that the proposal will detract from the open nature of the countryside; lack of use of traditional materials; the capacity of the land to support the number of horses proposed; highway safety; contrary to Local Plan Policy Rur6.

Planning Policy

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

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

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

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

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the

countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur11: States that farm diversification schemes will be permitted where any adverse effects on the best and most versatile agricultural land are minimised, existing farm buildings are reused, there is no significant detrimental effect on amenity, they do not generate significant additional traffic onto rural roads and where they are consistent in their scale with their rural location.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

Rur3: States that expansion beyond the village limit will not be permitted.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Planning Considerations

3.9 The main considerations in this case are the compatibility of the development with policies in the Local Plan, visual impact and highway safety.

Policy Issues

3.10 The Hartlepool Local Plan defines the limits of the urban fence of Hartlepool and also the village envelopes. Policy Rur 1 seeks to strictly control the spread of the urban area into the surrounding countryside. The policy exists so as to retain open areas between Hartlepool and Billingham and between Hartlepool and the villages of Greatham, Elwick, Hart and Dalton Piercy.

3.11 Similarly the Local Plan, within Policy Rur 3, defines village envelopes seeking to restrict the limits beyond which they are able to expand in order to maintain their

attractiveness as small communities. The Policy states that expansion beyond the defined village envelopes will not be permitted.

3.12 The proposed development lies outside the defined urban fence and outside any village envelopes. It is located within the open countryside.

3.13 The Government's Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas, states at para. 10 that isolated new dwellings in the countryside will require special justification for planning permission to be granted. The starting point for considering whether a temporary agricultural dwelling would be acceptable is the guidance provided at Annex A of the Statement. It should satisfy the following criteria:-

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

(ii) functional need

(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;

(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and

(v) other normal planning requirements, e.g. on siting and access, are satisfied.

3.14 Policy Rur 12 of the adopted Local Plan states that new dwellings will not be permitted in the open countryside unless they can be justified in both functional and financial terms and then subject to satisfactory siting, design, scale and materials. These provisos reflect the approach taken in the Government's PPS7.

3.15 The various criteria referred to in national planning guidance as listed above are considered in turn below.

Evidence of intention

3.16 The applicant has, following a previous planning permission developed a stable block for the accommodation of four private horses, enclosed grazing land to form a paddock for the horses and has constructed a track to gain access to the smallholding. There is clearly evidence that the applicant is involved in horse care and it is considered that there is a genuine intention to develop the site for business purposes.

Functional need

3.16 A review of the general planning appeal record shows that in a number of cases there has been support for a residential presence on the site of horse related enterprises.

3.17 At a Sussex site in 1998, an Inspector recognised that it would be physically possible for someone to work and run stables without living there although it would not be easy. He went on to find however that “a livery business depends largely on client confidence and whilst there are many stables, particularly those accommodating mainly DIY or grass liveries without any dwellings on them, I consider it unlikely that the business would thrive on this particular site without clients knowing that there were the management and security advantages of someone living on site”.

3.18 There is therefore recognition amongst Planning Inspectors that there can be a functional need for a livery operation to be supported by a residential presence on that site.

6.19 It is considered that there is a functional justification for the proposed development in the interests of security and animal welfare. It is considered that a residential presence would help to support the livery business helping it to operate more efficiently through allowing greater confidence to store equipment in a single location and improving client confidence. It is also possible that this would enable a greater range of livery services to be offered by the applicant including exercising the animals in addition to simply housing them.

Financial considerations

3.20 To help evaluate the financial viability of the proposed business, the applicant has submitted a business plan which remains under consideration at this time. An update report will be provided in time for the meeting.

Availability of alternative accommodation in the locality

3.21 There are no existing dwellings available on the smallholding itself and as previously reported, resorting to alternative off-site accommodation would mean that the security advantages of living on site would be lost.

Visual impact

3.22 The proposed buildings ie two stables and caravan would be situated on the most elevated part of the site. This area is quite flat in character falling away southwards towards the beck and eastwards.

3.23 Despite the elevated position of the site the surrounding landscape is quite undulating in character. Furthermore there are no public rights of way in the immediate vicinity of the site. The effect of this is that the majority of views to the site are either from distance and/or are screened by trees/hedges or the form of the

land itself. The most prominent view of the site is considered to be when approaching along Dalton Back Lane from the south although this view would be short lasting to motorists driving northwards. Given that the proposed buildings would be of single storey height and that there is scope for planting to be undertaken to help mitigate the visual impact of the development is not considered to be significantly harmful.

3.24 The proposed stables are to be of render and timber construction and are considered to be acceptable in design terms. The proposed caravan would comprise metal cladding and would not be suitable for retention on a permanent basis. However it is considered suitable for the purposes of temporary occupation on the site

Highway issues

3.25 There are no objection to the proposed development from the Highway Engineer on safety grounds subject to maintenance of existing sightlines at the egress from the site onto Dalton Back lane. The engineer has commented that whilst the presence of horses on the road would potentially present a hazard he considers that the onus of responsibility rests with people to drive with due care and attention taking account of the circumstances of a narrow country lane.

3.26 It is important to note that the riding of horses associated with the livery on local roads will not be inevitable given the scope for horses to be exercised within the paddock areas associated with this small holding.

Other Matters

Welfare of Horses

3.27 The Council's animal welfare officer has been consulted with the respect to the concerns raised about the capacity of the site to support the number of horses proposed. These comments will be covered in the update report for Committee.

Crime

3.27 It is considered that if the site operator has a residential presence on the site this would serve to deter crime and increase the security of site.

Number of applications in locality

3.28 There have been a number of planning applications focussed within the Brierton Moorhouse Farm area within the past 3 years, following the subdividing of the farm unit into a number of small holdings. On land south of the application site and south of the access road leading to the farm, planning permission has been granted for a separate livery enterprise including temporary residential caravan. The business has not yet been established. It is considered that the proposal in this case is sufficiently separated from this adjacent enterprise and can be screened by new tree planting so that there would not be an adverse cumulative visual impact.

Viability of other business

3.29 It has been longstanding Government guidance that it is not the purpose of the planning system to protect the interests of one private commercial interest against another. Competition and the potential impact of the proposal on the viability of other similar businesses are not therefore considered to be material to the outcome of this application.

Policy Rur6

3.30 Greatham Parish Council have raised concerns that the development would be contrary to Policy Rur6. This policy is concerned with the protection of buildings used for certain rural services and is not therefore relevant to this application.

RECOMMENDATION – Update report to follow

FERN BECK, DALTON PIERCY

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 05/11/07
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0663	REV

No: 4
Number: H/2007/0626
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Background

This application was deferred at the last meeting for additional information. No additional information has been received to date.

RECOMMENDATION – Defer

Able UK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/10/07
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0626 H/2007/0627	REV

No: 5
Number: H/2007/0627
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness in respect of
existing use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Background

9.1 This application was deferred at the last meeting for additional information. No additional information has been received to date.

RECOMMENDATION - Defer

Able UK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/10/07
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0626 H/2007/0627	REV

No: 6
Number: H/2007/0854
Applicant: Baker Hughes BRENDA ROAD HARTLEPOOL TS25 2BQ
Agent: Baker Hughes TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL TS25 2BQ
Date valid: 15/11/2007
Development: Application for hazardous substances consent for storage of 40 tonnes of acrolein
Location: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

6.1 The site to which this application relates is an existing chemical plant located upon the western end of the Tofts Farm West Industrial Estate. The site is bounded to the north and east by railway lines, which separate the site from the surrounding industrial developments at Tofts Farm East/West and Graythorp Industrial Estate. The nearest residential developments to the site are over 1Km away (Greatham).

6.2 At its meeting in September last year the Planning Committee were minded to grant Hazardous Substance Consent for the storage of an increased quantity of 5 hazardous substances on the site including propylene oxide and acrolein, subject to no adverse comments from the Health and Safety Executive. The HSE response was received in January 2007 and a consent was issued. The application was submitted by Baker Petrolite as a direct response to a proposed commercial development at the site, which includes the increased production of existing products and the storage and distribution of existing products and storage and distribution of products for trials off site (North Sea region).

6.3 Permission was granted on a temporary basis for up to 12 months (until the 24th January 2007) so that the Local Planning Authority could assess the impact of any storage of acrolein outside the application site.

6.4 To date there has been no acrolein stored on the premises as the proposed trial in the North Sea, for which the acrolein was intended, has been delayed. The applicant has indicated that the delays have been mainly due to construction of additional specialist equipment to enable safe handling of the material off-shore.

6.5 At the present time the applicant anticipates the arrival of the first shipment of acrolein to the site in January 2008.

6.6 The applicant has therefore requested that the original condition for the 12-month temporary storage be amended so that the 12-month period, to assess the suitability

of the storage in relation to the surrounding developments, is valid from the receipt of the first delivery of acrolein onto the site.

Publicity

6.7 The application has been advertised by way of neighbour letters (7). To date, there have been no letters of objection.

The period for publicity is due to expire after the meeting.

Consultations

6.8 The following consultation replies have been received or are awaited:

Head of Public Protection and Housing - No objection

Environment Agency - Comments awaited

Northumbrian Water - Comments awaited

Natural England - Comments awaited

Greatham Parish Council - Comments awaited

Stockton Borough Council - Comments awaited

Health and Safety Executive - Comments awaited

Cleveland Emergency Planning Officer – Comments awaited

Fire Brigade – Comments awaited

Northern Gas Networks – Comments awaited

CE Electric – Comments awaited

Planning Policy

6.9 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.

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

Ind11: States that proposals for the introduction of hazardous substances will be permitted on sites identified in policy Ind9 for potentially polluting or hazardous substances subject to there being no significant increase in risk to people or significant adverse effect on designated nature conservation sites in the vicinity. In considering such proposals at other locations the Borough Council will also need to be satisfied that they will not inhibit the full opportunities for development of nearby sites.

Ind9: Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenities or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

PU2: States that industrial development on this site will be approved if surface water drainage is adequate. Sustainable drainage is encouraged.

Planning Considerations

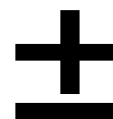
6.10 The main considerations relate to the suitability of the proposal in the context of the policies and proposals held within the Hartlepool Local Plan and the potential impact of the development upon the health and safety of the occupants of nearby properties.

6.11 As the proposed storage of acrolein relates to an existing chemical installation located within an area designated for potentially polluting or hazardous developments the principle of its storage is once again considered acceptable.

6.12 In accordance with policy Ind9 (Potentially Polluting or Hazardous Developments) of the Hartlepool Local Plan, the Health and Safety Executive, Natural England and the Environment Agency have been formally consulted on the proposal.

6.13 As indicated above, a number of consultation responses are awaited and as such it is considered appropriate to produce an update report in this instance to cover consultation responses received in the meantime.

RECOMMENDATION – Update report to follow

BAKER PETROLITE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 3/12/07
	SCALE 1:10,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0854	REV

No: 7
Number: H/2007/0762
Applicant: MR ALFIO DELL'AQUILA 6 GARFORTH CLOSE
 STOCKTON TS20 1TU
Agent: MR ALFIO DELL'AQUILA 6 GARFORTH CLOSE
 STOCKTON TS20 1TU
Date valid: 12/10/2007
Development: Change of use from retail (A1) to (hot food takeaway (A5)
Location: 127 RABY ROAD HARTLEPOOL

The Application and Site

7.1 The site to which this application relates is a vacant single storey mid-terraced commercial property located within the designated Raby Road Local Centre. The terrace of properties is physically detached from the residential properties (Ridley Court) to the rear by an alleyway.

7.2 The property adjoins a computer shop to the south and a vacant two-storey property to the north. The property is located close to the Hart Lane/Raby Road signalised junction and has a traffic regulation order upon the highway to the front which restricts waiting at any time as well as a metal railing fence.

7.3 The application seeks consent for the change of use of the premises to a hot food takeaway (A5) use. The applicant seeks hours of operation from 7am until 11pm every day of the week.

Publicity

7.4 The application has been advertised by way of neighbour letters (11) and site notice. To date, there have been 2 letters of objection:-

7.5 The concerns raised are:

1. This type of hot food outlet would be dependant on telephone trade which would require a regular driver. The front of the shop is inappropriately positioned to enable vehicles to park so people will park to the rear of the premises where the alleyway adjoins residential properties which would have to endure comings and goings of cars, raised voices, door slamming and noise from kitchen which is unacceptable.
2. The rear car public car park and the potential for back door trading is highly likely from the rear of this business which will lead to additional noise and disturbance issues.
3. The constantly open rear doors would lead to a continuous smell of food which is unacceptable.
4. The alleygate would be persistently open and lead residents of Ridley Court to once again become concerned or even experience crime.

5. Opposed to 7 day opening, as residents with young families would have no respite from the noises.
6. The noise and rubbish on the streets will greatly increase.
7. No room for parking and could cause congestion at an already busy junction if people park at the side of the road.

7.6 The period for publicity has expired.

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Consultations

7.7 The following consultation replies have been received:

Head of Public Protection – No objection subject to the hours of operation indicated within the application. He has made reference to the comments made by the residents association and has recommended a condition prohibiting any deliveries taking place from the rear of the premises after 8:00pm.

Highway Engineer – Has highlighted the potential for the development to cause people to park outside the shop which could impact on the free flow of traffic, however, given the previous use of the premises as a shop he feels that it would be very difficult to sustain an objection on highway grounds.

Planning Policy

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

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

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

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

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

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

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

Planning Considerations

7.9 The main considerations in this instance are the appropriateness of the development in terms of the policies and proposals held within the Hartlepool Local Plan, in particular policies Com5 and Com12 and the effect of the proposal upon highway safety and residential amenity.

Policy

7.10 Policy Com5 and Com12 of the Hartlepool Local Plan make provision for hot food takeaway uses within designated local centres providing there is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties or the function and character of the area.

7.11 An assessment of the local centre was carried out in July 2007 which indicated that there was 1 hot food takeaway within the local centre. Since then a further hot food takeaway was approved by planning application H/2007/0464 at 115 Raby Road, this use has yet to be implemented. Given that there are 33 units within the existing local centre it is considered that the small number of hot food takeaways either existing or approved would not have a significant adverse effect upon the scale, function, character and appearance of the area.

Amenity

7.12 It is considered that the main activity associated with such a use would take place towards the front of the building and as such would be unlikely to create a detrimental effect upon the occupants of the residential properties to the rear. However it is acknowledged that on street parking directly to the front of the premises is prohibited by traffic regulation controls and as such there could be potential for any delivery element associated with the takeaway use to take place from the rear. This could potentially lead to detrimental noise and disturbance issues upon the occupants of the residential properties to the rear at times of the day when they would expect the peaceful enjoyment of their home. It is therefore considered prudent to attach a planning condition to any approval to prohibit the issue or receipt of deliveries to and from the rear of the premises after 8pm. It is also considered sensible to prohibit by condition any trading to members of the public from the rear of

the unit at any time of the day. The applicant and the Head of Public Protection are satisfied with this approach.

7.13 With regard to the concerns of the nearby residents over the potential litter creation from customers, it should be noted that there are litter bins within the Raby Road Local Centre and as such it is considered unlikely that an objection could be substantiated on these grounds.

7.14 The Head of Public Protection considers that the odour emissions associated with the cooking of food can be suitably controlled through an extract ventilation system. This can be required and enforced through the imposition of a suitably worded planning condition.

7.15 Given there are existing units within the Raby Road Local Centre which currently or could potentially open into the early and late evening (the retail unit at no 123 is a 24 hour operation) it is considered that a refusal could not be sustained on noise and disturbance grounds.

7.16 Whilst it is considered unlikely that the proposed use would lead to a detrimental effect upon the occupants of the surrounding residential properties by way of noise and disturbance subject to the conditions discussed above it is considered appropriate to restrict the use from operating on Sundays and Bank Holidays in the interests of consistency with recent planning approvals within the Local Centre.

Highway Safety

7.17 The Highway Engineer has commented that the development could potentially encourage people to park outside the unit and prevent the free flow of traffic on Raby Road, however he has further commented that as the unit has a previous use as a shop and that this effect might occur in any event should the retail use be resurrected, it would be very difficult to sustain an objection on highway grounds.

7.18 As there is a public car park to the rear of the Local Centre (western terrace) which is open during daytime hours it is not considered that the daytime use of the premises would lead to detrimental highway safety conditions. As the car park is not available for use in the evening there is potential for customers to the unit to park in the surrounding streets, however given the mixed use nature of the surrounding area and taking into account the other uses within the Local Centre which operate in the early and late evening it is not considered that a refusal could be sustained due to a lack of parking.

7.19 The temptation for customers to the takeaway to park directly outside the premises for convenience reasons, albeit that this would be unlawful must be acknowledged. However unlawful parking would be subject to enforcement by the Council's parking Section. Furthermore, the existing highway fencing to the front of the property would present an obstacle to potential parkers in terms of gaining direct access to the premises. These factors are likely to act as a deterrent to such behaviour.

Conclusion

7.20 On balance and subject to the conditions suggested below and taking into account the comments of the Head of Public Protection, the Highway Engineer and the existing uses within the Raby Road Local Centre it is considered that the proposed use is acceptable in terms of the relevant policies and proposals in the Hartlepool Local Plan in this instance.

RECOMMENDATION – APPROVE Subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The premises shall not open to the public outside the hours of 7am to 11pm Mondays to Saturdays and at no time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
3. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
4. No deliveries shall be recieved or issued from the rear of the premises after 8pm on any day of the week.
In the interests of the amenities of the occupants of neighbouring properties.
5. The rear of the property shall not be open at any time to visiting members of the public for purposes of collecting prepared food.
In the interests of the amenities of the occupants of neighbouring properties.

127 RABY ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/12/07
	SCALE 1:1,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0762	REV

No: 8
Number: H/2007/0783
Applicant: Mr Sean McNicholas McNicholas Estates Usworth Road
 Hartlepool TS25 1PD
Agent: The Design Gap Limited Mr Graeme Pearson 1
 Scarborough Street Hartlepool TS24 7DA
Date valid: 19/10/2007
Development: Erection of four ground floor lock up commercial units with
 four two bed and four one bed apartments to first &
 second floor with parking to rear.
Location: LAND BETWEEN 204 AND 212 YORK ROAD
 HARTLEPOOL HARTLEPOOL

The Application and Site

8.1 The application site is located on the east side of York Road north of the traffic light junction with Elwick Road and currently has 2 large hoarding signs sited on it. The site is between commercial properties, comprising Sureplan Insurance and a Barbers with a Salon on the first floor. The site is to the south of the Town Centre as identified in the adopted Hartlepool Local Plan 2006. The site is within an area which comprises commercial premises (York Road) and residential properties to the east (Kilwick Street).

8.2 The proposal comprises four commercial units to the ground floor, each with individual access arrangements. To the first floor 4 flats are proposed comprising 2 x 1 bedroom and 2 x 2 bedroom, a similar arrangement is proposed on the second floor, 7 car parking spaces are proposed to the rear.

Publicity

8.3 The application has been advertised by way of neighbour letters (16) and a site notice. To date, there have been 4 letters of objection.

8.4 The concerns raised are:

1. Alley gates would be left open.
2. Children play in the rear alley and there would be more problems with cars.
3. Traffic in the back lane.
4. Access to the rear of the houses could lead to higher crime rate.
5. Effect on parking in Kilwick Street.
6. Obstruct light coming into both ground and first floor salons of the adjacent property.
7. Does not want to be tied into another property, there could be problems with maintenance.
8. Serious parking issues for both staff and customers which have resulted in loss of revenue, with the addition of 4 more businesses would only escalate the problem.

9. There is a future plan for the second phase of traffic planning for York Road, which shows a welcomed parking bay to the front of the proposed application site.
10. No access or lighting for the rear parking area.
11. This area of York Road cannot sustain flats and would attract more problems for the area.
12. The development would be adjacent to recently rendered gables of adjacent properties this would be a waste of money.
13. Concerns regarding problems associated with flat occupiers.
14. Traffic and Transportations consultation reply is not accurate as there are current parking problems.
15. Loss of gable sign to adjacent premises.
16. Loss of gable of adjacent premises

Copy Letters C

8.5 An amended plan has been received which details a reduction in the proposed ground floor projection of the retail units, which is currently out for reconsultation, the period for publicity expires prior to the Committee, therefore should any further representation be received they will be reported accordingly.

Consultations

8.6 The following consultation replies have been received:

Northumbrian Water – no objection

Head of Public Protection – no objection

Engineering Consultancy - no objection, a site investigation is required

Head of Traffic and Transport – There are no major parking implications with this application.

Planning Policy

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

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

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.

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.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

Hsg3: States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

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.

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

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.

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

Planning Considerations

8.8 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006, the impact of the proposals upon neighbouring properties and on the streetscene in general and highway safety considerations.

Local & National Guidance

8.9 In terms of National Planning Policy, PPS3 – Housing promotes the re-use of previously developed land for housing in order to minimise the amount of greenfield land being taken for development. In principle therefore this proposal is in line with this policy.

Effect on Neighbouring Properties and the area in general

8.10 The scale of the proposed commercial units and flats is 3 storey with the main frontages facing onto York Road. The proposed ridge of the roof is at a similar level to that of the adjacent premises. The shop frontages are proposed to be in accordance with the Shop Front Design Guide which has been produced by NDC and the Council, which is traditional in design.

8.11 The retail units are proposed to project at ground floor by 1.5metres forward of the adjacent premises, fronting York Road, however it is proposed that the corners adjacent to the neighbouring premises are chamfered. Although the building line is regular there are instances within the streetscene where boundary walls of properties or bay windows project forward of the building line. It is therefore considered that the projection of 1.5metres from the main line of the building at ground floor only, and given that there is a proposed chamfer to the corners which would minimise the affect on the neighbouring premises, would not be detrimental to the neighbouring properties or streetscene in general.

8.12 An amended plan has been submitted to reduce the projection of the ground floor from the originally proposed 3metres to 1.5metres, therefore reconsultation is currently being carried out.

8.13 Each flat can be accessed via pedestrian entrances from York Road and there is an associated car park to the rear of the site.

8.14 Separation distances between the proposed apartments and the neighbouring properties are not in line with the Council's guidelines, however it is considered that the separation distances are acceptable in this instance, as they follow the building line already set in York Road.

8.15 The site is within a mixed use area, the scale and siting of the proposed building is not considered to have a detrimental effect on the neighbouring properties or the streetscene in general. It is considered that the proposed development would not be detrimental to the neighbouring properties in terms of noise associated with the car parking area due to the area being mixed use in character.

Highways

8.16 The proposed development is located in an existing shopping parade. There is limited off-street parking available. The proposed development will be on the main bus priority route with very good transport facilities.

8.17 The applicant is proposing to provide 7 spaces for the development at the rear of the site, which would be accessed via the back lane of York Road/Kilwick Street. There are alley gates that restrict access to the rear of the proposed development. Given the area where the development is located and the good transport facilities available, the parking level is considered to be acceptable.

8.18 Concerns have been raised regarding the alley gates being left open by occupants of the commercial units or the flats. It is considered that the development would lead to an increase in usage of the back lane, therefore increase in opening and closing of the alley gates, however it should be noted that the functioning of the alley gates is left to the individuals in the area to open and close as necessary and not within the control of the Council.

8.19 All the units have access to the rear for servicing and refuse collection. There are no major highway parking implications with this application, therefore the Head of Traffic and Transportation has no objection to the scheme.

Other Issues

8.20 The developer has agreed to enter into a planning agreement to secure a financial contribution towards improvement of play facilities in the area. This would total £1000.

8.21 Concerns have been raised regarding the proposed building being tied into the adjacent properties, it should be acknowledged that the plans do not indicate that the building would tie into the existing buildings.

8.22 Concerns have been raised that the recently rendered gables will be a waste of money, this is not a material planning consideration. An objector also raises the issue that a gable sign would be lost if this development was approved, however there would still be signage on the frontage of this premises similar to other commercial properties in the area, it is not considered that the obscuring of this sign would be detrimental to the trading of the premises.

8.23 The car parking scheme which neighbouring properties have seen for the area did show a lay-by outside the application site, however this is not an approved scheme and should this development be allowed there is scope to revise the design of this, if necessary.

8.24 The concerns expressed about the type of potential flat occupiers are unsubstantiated and not therefore considered to be material to the decision.

8.25 Reconsultation is on-going regarding the reduction in size of the front ground floor projection. Neighbouring properties have commented on the larger projection

and therefore subject to no different objections it is recommended that the application is approved subject to conditions.

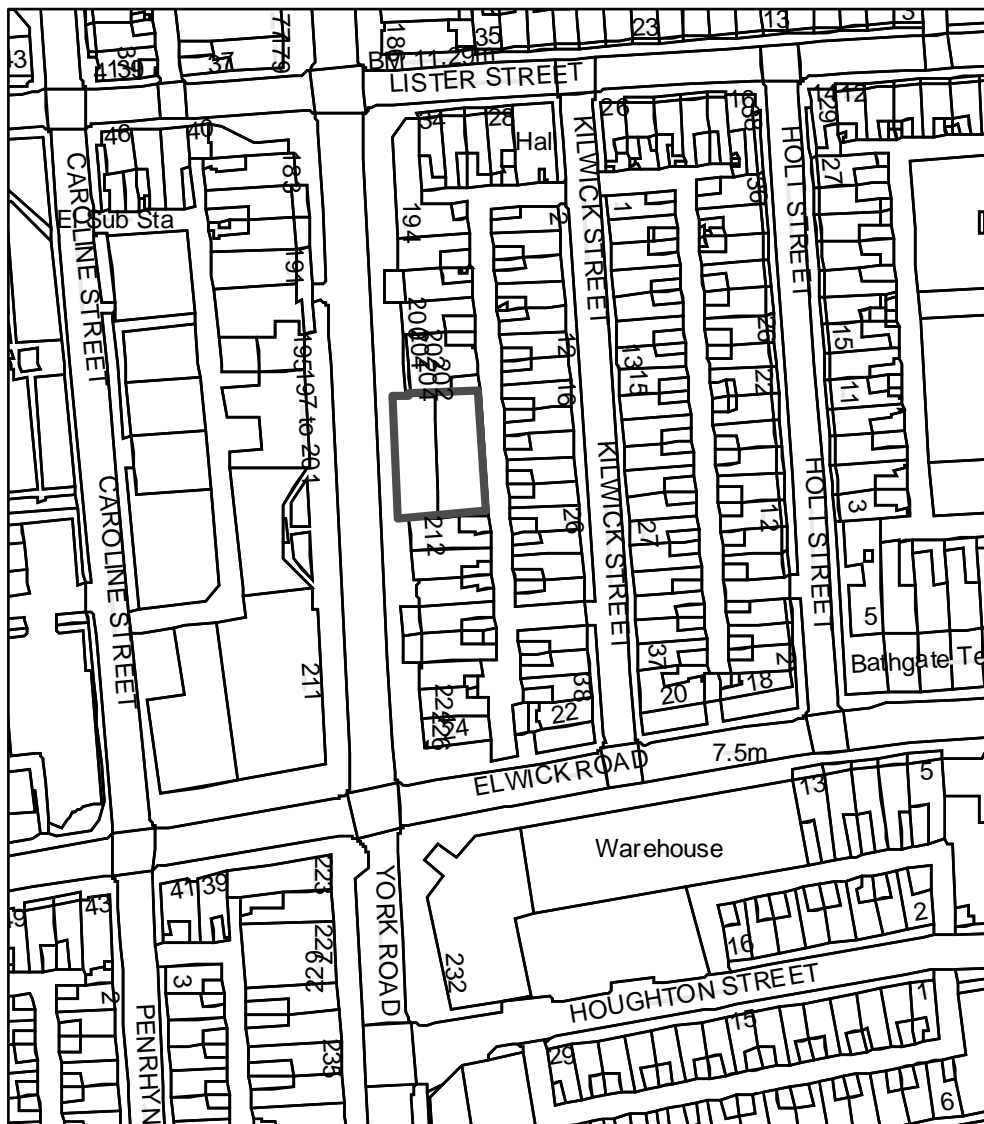
RECOMMENDATION - Subject to no different objections and the completion of a legal agreement to secure a contribution to play facilities APPROVE subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The hereby approved shop front shall be painted in a colour to be agreed with the Local Planning Authority within 3 months from the date of completion of works to the shop front, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
4. The development hereby permitted shall not be commenced until: a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority. If identified as being required following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.
To ensure that any site contamination is addressed.
5. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 3rd December 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
6. The ground floor units shall be retained as four separate units at all times, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
7. Notwithstanding the provisions within the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any statutory instrument revoking or re-enacting that Order with or without modification the ground floor

hereby approved premises shall only be used for uses within classes A1 and A2.

8. In the interests of the amenities of the occupants of neighbouring properties. The development hereby approved shall not be brought into use until the parking spaces at the rear of the site have been provided.
In the interests of highway safety.

LAND BETWEEN 204 AND 212 YORK ROAD



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 3/12/07
	SCALE 1:1200	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0783	REV

No: 6
Number: H/2007/0854
Applicant: Baker Hughes BRENDA ROAD HARTLEPOOL TS25 2BQ
Agent: Baker Hughes TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL TS25 2BQ
Date valid: 15/11/2007
Development: Application for hazardous substances consent for storage of 40 tonnes of acrolein
Location: BAKER PETROLITE TOFTS FARM INDUSTRIAL ESTATE WEST BRENDA ROAD HARTLEPOOL HARTLEPOOL

Update

1. For clarification, and notwithstanding the content of the original report, there is currently a consent in place for the storage of 22 tonnes of acrolein on site. The 12 month consent granted in January this year, which has yet to be implemented, was to increase the amount of acrolein stored on the site from 22 tonnes to 40 tonnes.

2. Since the original report was created no further consultation replies have been received and therefore there are still a number of outstanding responses.

3. Given that Members granted a temporary 12-month consent for the increased storage of acrolein on the site, which has yet to be implemented, it is your officers opinion that the granting of a further 12-month temporary consent would be entirely consistent with the previous decision and would allow the increased storage of acrolein on the site to be assessed in the light of experience.

4. As the increased storage of the chemical on the site has been delayed to date, it is considered prudent to grant a further 12-month temporary period, which will be initiated at the receipt of the first delivery of acrolein on site.

5. Given that there are a number of consultation responses awaited it is your officers recommendation that the decision on this application be delegated to the Development Control Manager in conjunction with the Chairman of the Planning Committee to grant a further 12-month temporary permission, subject to no adverse comments being received from the consultees listed in the original report.

Recommendation:- That authority be given to the Development Control Manager in consultation with the Chairman of the Planning Committee to grant a further 12-month temporary permission subject to the conditions stated below and any further reasonable conditions suggested by consultees and subject to no objections being received as a result of the consultation exercise:-

1) The permission for the increased storage of acrolein on site to which this application relates is valid for a period of no more than 12 months starting from the date of first receipt of the increased amount of acrolein unless the prior consent of the Local Planning Authority has been obtained to an extension of this period.

To enable the Local Planning Authority to assess the impact if any of the additional quantity of acrolein approved on developments outside the application site.

2) The storage of Acrolein upon the site must be in pressure containers of 1.1 tonne capacity. The containers must be IMO type 1 tanks rated at 150 psig unless otherwise agreed in writing by the Local Planning Authority.

In the interests of safety.

3) The containers used for the storage of the chemical shall only be stored outside.

In the interests of safety.

No:
Number: H/2007/0663
Applicant: Mr J Odgers Beachfield Drive Hartlepool TS25 5AS
Agent: Mr J Odgers 21 Beachfield Drive Hartlepool TS25 5AS
Date valid: 26/09/2007
Development: Change of use to provide livery service including the erection of 2 stable blocks, 1 arena and the siting of a static caravan
Location: FERN BECK BRIERTON MOORHOUSE FARM DALTON
PIERCY ROAD HARTLEPOOL

Update report

Publicity

A further letter of objection to the scheme has been received from the Hartlepool Civic Society (circulated previously with background papers). The following grounds of objection are given:-

1. The appearance of the countryside is threatened by the number of piecemeal developments taking place in this area
2. Proposed materials are unsympathetic to surroundings
3. Dangers posed by additional traffic and horses on the road

The objections raised have been brought up by others and have been considered within the main report.

Outstanding considerations

Financial issues

The applicant has provided a business plan which includes a projection of cash flow for the first operating year of the business. The applicants envisage offering primarily a combination of a 'D.I.Y' livery service, where only stable and grazing services are provided and a 'part' livery service which would also include feeding.

The business plan has been examined by the accountancy division of the Council who have concluded that the financial projections are prudent and that there are no financial reasons for refusing the application

Welfare of horses

The Council's animal welfare officer has confirmed that there are no statutory requirements to provide minimum areas of land for horse grazing. The British Horse Society has been consulted on this matter. It has confirmed that it would recommend that stabled horses are turned out at least 1 hour per day

for 24 days in any month. The site incorporates sufficient land to allow for outdoor grazing.

Conclusion

Taking the above outstanding considerations into account it is recommended that planning permission be granted subject to appropriate conditions:

Recommend approval subject to the following conditions

1. A detailed scheme of tree 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, species and location of the planting, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. Unless otherwise agreed in writing with the Local Planning Authority the scheme must include the planting of 'standard' trees around the south and east sides of the site of the caravan.
In the interests of the visual amenity of the area.
2. The stables hereby approved shall be used only for livery purposes, or for the keeping of horses in the applicant's ownership and not for any other use, including any other business use unless otherwise agreed in writing with the Local Planning Authority.
For the avoidance of doubt and in the interests of the amenity of the area.
3. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site and building operates in a way which will not be detrimental to the amenities of the area.
4. Notwithstanding the submitted details, the final siting, size and construction details of the parking area shall be agreed in writing by the Local Planning Authority. The scheme shall include provision for the parking of trailers and/or horse boxes. The parking area shall thereafter be constructed in accordance with the approved details.
To ensure a satisfactory form of development in the interests of the visual amenities of the area.
5. There shall be no burning of materials or waste at the site.
In interests of the amenities of the area.
6. No fixed jumps shall be erected at the site.
In the interests of the amenities of the area.

7. No floodlight(s) or tannoy system(s) of any type shall be used or erected at the site.
In the interests of the amenities of the area.
8. There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.
To prevent pollution of the water environment.
9. The caravan/mobile home shall only be brought onto the site when there has been a material start on the construction of the stables hereby approved.
To ensure the caravan/mobile home is only on site to support the development of the business.
10. The permission for the caravan/mobile home is valid for three years from the date a material start is made on the stables hereby approved. On the expiry of the three year period the caravan/mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period. The applicant shall advise the Local Planning Authority in writing of the date of the material start on the stables hereby approved within 14 days of the start date.
To ensure the caravan/mobile home is on site to support the development of the business and to enable the Local Planning Authority to monitor/review the situation to ensure that there is a need for the caravan mobile home. The caravan/mobile home is not considered suitable for permanent retention on the site.
11. Prior to the caravan/mobile home being sited on the site details of its precise location shall be agreed on site with the Local Planning Authority. The caravan/mobile home shall be sited in the location agreed.
In order to ensure that the caravan/mobile home is sited to minimise any visual intrusion.
12. The occupation of the caravan/mobile home shall be limited to a person solely or mainly employed in the livery business operating from the unit (Fern Back Farm) together with any resident dependents.
To ensure that the caravan/mobile home is not used as general residential accommodation.
13. Unless otherwise agreed with the Local Planning Authority the landscaping scheme hereby approved shall be implemented in full between January 2007 and March 2008
In the interests of visual amenity.
14. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed,

uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

In the interests of visual amenity.

15. Unless otherwise agreed in writing with the Local Planning Authority prior to the siting of the caravan/mobile home on site full details of the proposed means of disposal of foul sewage arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme at the time of development unless otherwise agreed in writing with the Local Planning Authority.
In order to avoid pollution of the environment.
16. 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 .
17. Notwithstanding information on the planning application drawings 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.

No: 2
Number: H/2007/0662
Applicant: Mr Demi Chervak High Point House 7 Victoria Avenue
Harrogate HG1 1EQ
Agent: England & Lyle Dr John England Morton House Morton
Road Darlington DL1 4PT
Date valid: 29/08/2007
Development: Variation of Condition 5 of planning permission
H/OUT/2004/0080 to allow the retail sale of footwear,
bags, sportswear, hosiery, shoe care products, insoles
and ancillary products
Location: UNIT 3 HIGHPOINT PARK MARINA WAY
HARTLEPOOL HARTLEPOOL

Update Report

Background

2.1 This application was reported to the November meeting of the Planning Committee when it was deferred pending the receipt of an outstanding consultation.

2.2. The outstanding consultation has been received and discussions with the applicant are ongoing. It is recommended therefore that the consideration of the application be deferred.

RECOMMENDATION – Defer consideration of the application to allow for further discussion.

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 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 An investigation was commenced following officer concerns regarding the non compliance with conditions attached to a planning permission on Thomlinson Road.
- 2 A neighbour complaint about an alleged non-compliance with approved plans at a property on Brandon Close.
- 3 A neighbour complaint about an alleged change of use of land at Spenser Grove
- 4 A neighbour complaint about an alleged unauthorised wall on Park Road
- 5 A neighbour complaint about an alleged sub division of a property in Hart Village
- 6 A neighbour complaint about an alleged unauthorised fence on West View Road
7. An investigation was commenced following officer concerns regarding the unauthorised insertion of windows to a property on St Hildas Street.
- 8 A neighbour complaint about an alleged unauthorised porch on Shelley Grove
- 9 A neighbour complaint about an alleged non-compliance with a planning condition attached to a planning permission on Seaton Lane
- 10 A neighbour complaint about an alleged unauthorised wall on Frensham Drive
- 11 A neighbour complaint about an alleged unauthorised shed at a property on Powlett Road
- 12 A neighbour complaint about an alleged unauthorised canopy structure on West View Road
- 13 An investigation was commenced following officer concerns regarding the non compliance with conditions restricting the hours of operation attached to a planning permission on Thomlinson Road
- 14 A neighbour complaint about replacement windows at a property in Grange Road
- 15 A neighbour complaint about pavement crossing and alterations to frontage at a property in Forfar Road.
- 16 A complaint about the siting of a caravan on a farm near Dalton Piercy

- 17 Concerns regarding unauthorised porch extension on a property in Dodsworth Walk
- 18 Concerns regarding unauthorised bay window and alterations to frontage at a property in Guillemot Close.
- 19 A neighbour complaint about erection of a greenhouse in Brierton Lane allotments.

3. RECOMMENDATION

- 3.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR. T. HORWOOD, 42 BILSDALE ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 The Local Planning Authority has received notice of the Inspector's decision in relation to a planning appeal at the above site. The proposal was for a detached bungalow and garages to the rear of the property.
- 1.2 The appeal has been dismissed. The Inspector concluded that the development would cause disturbance to the living conditions of the occupiers of 42 Bilsdale Road. An application for an award of costs against the Council was also rejected.
- 1.3 A copy of the Inspector's decision letter is appended to the report for information.



Appeal Decision

Hearing held on 24 October 2007
Site visit made on 24 October 2007

by **Bern Hellier BA(Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
20 November 2007

Appeal Ref: APP/H0724/A/07/2039591

42 Bilsdale Road, Hartlepool, Cleveland, TS25 2AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Horwood against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0006, dated 4 January 2007, was refused by notice dated 1 March 2007.
- The development proposed is the erection of a detached bungalow, double garage, single garage and new private drive.

Decision

1. I dismiss the appeal.

Application for costs

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

Main issue

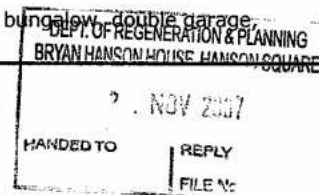
3. I consider the main issue is the effect of the proposal on the living conditions of the occupiers of 40 and 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive.

Reasons

4. The appeal site is a substantial area of garden land to the rear of a row of semi detached houses backing onto an unmade lane and railway line. The garage attached to the side of No 42 would be demolished and a shared drive would run alongside the boundary with No 40. A new garage and parking area for No 42 would be provided within the appeal site. The proposed bungalow would be a considerable distance from the street so that the drive would be used by the vehicles of visitors, delivery services and occupiers.
5. The lane to the rear of the site is little used. Apart from the occasional sound of trains on the adjacent railway the area of back gardens is quiet. The introduction of the noise of vehicles into this setting would be noticeable and uncharacteristic. The effect on No 40 would not be unreasonable since it would be mitigated by the noise buffer provided by its attached garage. However I consider the effect on No 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce

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Appeal Decision APP/H0724/A/07/2039591

noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours.

6. Three previous appeals for residential development on the appeal site have been dismissed. One was for two dwellings and additional garaging with a shared drive similar to that now proposed (Ref APP/H0724/A/06/2010866). Whilst the decision in that case was finely balanced, it does not follow that a single dwelling would necessarily be acceptable. Indeed the Inspector implies that the proximity of the proposed drive to the reduced garden area of No 42 would result in an unsatisfactory layout.
7. I found no evidence of similar tandem development in the immediate neighbourhood. I visited examples elsewhere in Hartlepool. To the rear of 65 Seaton Lane a dwelling has been allowed on appeal served by a separate, parallel access. In Eldon Grove there is a short, narrow shared access, although I was unable to establish its impact on properties to the rear. Other developments have more space between frontage properties. None of these is directly comparable to the proposed development.
8. From measurements taken on site it was established that the appellant owns approximately 2.9 metres to the side of No 42. This would be the maximum width available for a drive and the actual width might well be less because of the need to take account of the change in level between the two existing properties and to protect the access rights of No 40. The drive narrows at a point where it would be hard up against the gable end of No 42. As a result those leaving the front or rear of the house could step out into the path of approaching vehicles. Whilst this would not happen frequently it would be a dangerous situation and reinforces my conclusion that the appeal should be dismissed.
9. I conclude that the proposal would be an undesirable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive. As such it would be contrary to Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan.
10. I acknowledge that the proposal would make effective use of previously developed land within the development boundary of the town. It would also comply with required highway and building design standards. The Council's Public Protection Officer does not object, but his focus is on environmental health legislation. In this case I consider the noise and disturbance generated would be detrimental to residential amenity even though it might not amount to a statutory nuisance. I also note that, in the future, there is likely to be more traffic on the railway and therefore more associated noise. I have taken account of these and all other matters raised, including the previous appeal decisions, but they do not outweigh the harm the development would cause in relation to the main issue.

Bern Hellier

INSPECTOR

Appeal Decision APP/H0724/A/07/2039591

APPEARANCES

FOR THE APPELLANT:

Mr E Jackson, Planning Consultant	7 Amble Close, Hartlepool, TS26 0EP
Mr T Horwood	42 Bilsdale Road, Hartlepool, TS25 2AH

FOR THE LOCAL PLANNING AUTHORITY:

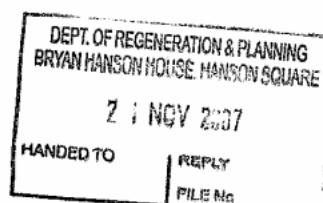
Mr R Merrett, Principal Planning Officer	Hartlepool Borough Council, Bryan Hanson House, Lynn Street, Hartlepool, TS24 7 BT
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INTERESTED PERSONS:

Mr B and Mrs A Morris Councillor M Turner	40 Bilsdale Road, Hartlepool, TS25 2AQ Hartlepool Borough Council, Bryan Hanson House, Lynn Street, Hartlepool, TS24 7BT
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DOCUMENTS

- 1 Appeal decision letter ref APP/H0724/A/07/2045579 dated 20 September 2007 relating to 14 Owten Manor Lane, Hartlepool.



SCANNED

22 NOV 2007



Costs Decision

Hearing held on 24 October 2007
Site visit made on 24 October 2007

by Bern Hellier BA(Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
20 November 2007

**Costs application in relation to Appeal Ref: APP/H0724/A/07/2039591
42 Bilsdale Road, Hartlepool, Cleveland, TS25 2AH**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr T Horwood for a full award of costs against Hartlepool Borough Council.
- The hearing was in connection with an appeal against the refusal of planning permission for the erection of a detached bungalow, double garage, single garage and new private drive.

Summary of Decision: The application fails and no award of costs is made

The Submissions for the Appellant

1. The application is for a full award of costs. In accordance with paragraph 7 of Annex 3 to Circular 8/93 the Council has acted unreasonably. In its appeal statement it includes no evidence to support its claim that the proposal would cause noise and disturbance which would be materially detrimental to neighbouring residents. Indeed the evidence is to the contrary because the Public Protection Officer does not object.
2. The formal reason for refusal was identified following advice from officers. Officers had to stress to Members that there were no planning grounds to resist the proposal on the basis that the site was greenfield, or should be retained as open space, or would create a precedent. If they ignored this advice they would be liable for an award of costs against them. Yet these were the real reasons Members wanted to refuse the application. There was no reference to tandem development in the refusal.
3. The comments of individual Members of the local planning authority present when it was formally considered clearly confirmed that they had pre-determined how they would vote, despite the clear differences between this and previous submissions for the appeal site.
4. The action of the local planning authority in respect of the appeal proposal has therefore been unreasonable and has resulted in an unacceptable delay in the implementation of the development. It has also resulted in unnecessary expenditure by the appellant in respect of this appeal.

The Response by the Council

5. The decision of the Council was in full accordance with the development plan. Policy Hsg9 sets out a presumption against tandem development and Policy GEP1 resists causing harm to neighbours. The Council has explained its

Costs Decision APP/H0724/A/07/2039591

reasons for refusal in terms of these policies and the circumstances of the site. It has also taken account of the judgement of previous Inspectors but does not consider the proposal overcomes their concerns. Whilst the Public Protection Officer did not consider there would be a statutory noise nuisance he stated that the acoustic fence would not eliminate noise disturbance. The effect on living conditions is essentially a matter of judgement.

6. The application was refused on the grounds recommended by officers and this is clearly minuted. It is proper for other issues to be debated in a committee forum. Members did not clearly confirm that they had pre-determined how they would vote.

Conclusions

7. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
8. I find the case put forward by the Council is adequately reasoned and gives appropriate weight to the development plan. Previous appeal decisions on the site were treated as a material consideration but they do not indicate that the form of development proposed would be acceptable. The reasons for refusal are some of the consequences of a tandem form of development even though it is not referred to by name and the Council is entitled to give substantial weight to Policy Hsg9. Determining the effect of noise and disturbance is a matter of judgement and it does not have to amount to a statutory nuisance to cause harm.
9. I am unable to comment on the opinions of individual Members or the quality of the discussion on the application. However ultimately the refusal was based on officer advice which was consistent and based on proper planning considerations.
10. I conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has not been demonstrated. An award of costs is not justified.

Formal Decision

11. I refuse the application for an award of costs.

Bern Hellier

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR. MCALTEER, 27 SEATON LANE CLOSE, HARTLEPOOL

1 PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2 THE APPEAL

2.1 A planning appeal had been lodged against the delegated refusal to allow the erection of a detached bungalow with integral garage for a disabled occupant at 27 Seaton Lane.

2.2 The appeal was decided by a hearing and allowed by the Planning Inspectorate. The inspector concluded that proposed new dwelling would have no material detrimental effects on neighbouring properties in relation to outlook, privacy or light. A copy of the decision letter is attached with this report.



Appeal Decision

Hearing held on 23 October 2007
Site visit made on 23 October 2007

by **Bern Hellier BA(Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2, The Square
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email: enquiries@pins.gov.uk
pins.gov.uk

Decision date:
14 November 2007

Appeal Ref: APP/H0724/A/07/2039621
27 Seaton Lane, Hartlepool, Cleveland, TS25 1JG

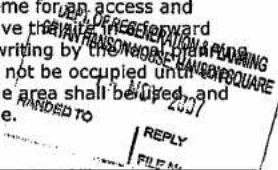
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B McAleer against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0004, dated 4 January 2007, was refused by notice dated 19 February 2007.
- The development proposed is a detached disabled dormer bungalow.

Procedural Matter

1. The description of the proposal in the refusal notice and appeal form is more accurate than that in the application, so I am dealing with this case on the basis that it is a proposal for a detached bungalow with integral garage for a disabled occupant.

Decision

2. I allow the appeal and grant planning permission for a detached bungalow with integral garage for a disabled occupant at 27 Seaton Lane, Hartlepool, Cleveland, TS25 1JG in accordance with the terms of the application (Ref H/2007/0004), dated 4 January 2007, and the plans submitted therewith, subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) Development shall not commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) Development shall not commence until a scheme showing details of all means of enclosure has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as agreed before occupation of the dwelling hereby approved.
 - 4) Development shall not commence until a scheme for an access and turning area to allow vehicles to enter and leave the site has been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied until the scheme has been implemented as agreed. The area shall be used, and retained exclusively, for its designated purpose.



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- 5) Development shall not commence until a scheme for the disposal of surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out as agreed.
- 6) Development shall not commence until arrangements have been made for the removal or treatment of the windows in the west elevation of 27 Seaton Lane in accordance with a detailed scheme to be first agreed in writing with the local planning authority. This scheme shall include provision for its implementation before the occupation of the dwelling hereby permitted and for the retention of the works thereafter.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the west elevation of 27 Seaton Lane without the prior approval, in writing, of the local planning authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, ancillary buildings, windows or skylights, other than those expressly allowed by this permission, shall be introduced without the prior approval, in writing, of the local planning authority.
- 9) Development shall not commence until details of the bathroom dormer window incorporating obscure glazing and a non-opening or restricted opening design have been submitted to and approved by the local planning authority. The window shall be inserted as approved and shall remain in this form for as long as the development is in existence.
- 10) The bedroom skylight in the east elevation shall be a minimum of 1.5 metres above the bedroom finished floor level.

Reasons

3. I consider the main issue is the effect of the proposed bungalow on the living conditions of the occupiers of 27 and 29 Seaton Lane in relation to outlook, privacy and light.
4. The proposed bungalow would be sited between No 27 and No 29 in the side garden of No 27. It would extend beyond the front wall of No 29 and into the view from this bungalow. However it would be seen against the background of No 27 which is two-storey and which extends further forward. Its front elevation would be stepped back on the side nearest to No 29. As a result, whilst there would be some loss of openness, I do not consider the proposal would appear overbearing.
5. Two ground floor and one first floor windows in the side of No 27 would look out on the front garden of the proposed bungalow and, at an angle, on its three front windows. This would lead to an unacceptable degree of overlooking at relatively close quarters between the two sets of windows. It was agreed by the Council that this overlooking could be precluded by blocking up, removing or obscure glazing the side windows in No 27. Any such alterations would need to be sensitively designed because they would be prominent in the streetscape. They would also need to ensure adequate light to the affected rooms in No 27.

Appeal Decision APP/H0724/A/07/2039621

6. Securing and controlling these works, which would be on land in the ownership of the appellant but outside the application site, could be required by condition. A condition removing permitted development rights for new windows in the west elevation would also be needed. These conditions would overcome the harm that I have identified above.
7. To the rear the side elevation of the proposed dormer bungalow would extend for some 9 metres beyond the back wall of No 27 close to the boundary. It would result in an increased sense of enclosure to the garden and in the outlook from the rear windows. Its impact would be more marked than that of No 25b, the recently constructed house flanking the opposite boundary. However, due to the considerable width of the plot, I do not consider the effect taken on its own, or in combination with No 25b, would be unduly oppressive. There would be some loss of daylight and evening sunlight to the ground floor living room of No 27 but it would not be significant.
8. There would be potential for direct overlooking of the rear garden of No 27 from a proposed bedroom skylight. This could be substantially overcome by controlling the height of the skylight relative to floor level. I do not find that there would be any significant harm associated with the perception of being overlooked.
9. In considering conditions I have taken into account the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. I agree with the Council that external materials and boundary treatments should be controlled in the interests of amenity and that the provision and retention of an adequate turning area is necessary on grounds of road safety. Arrangements for disposing of surface water should also be conditioned in the light of existing site conditions.
10. As discussed in paragraph 5 there is a need for conditions to provide for a scheme that would remove overlooking from the side elevation of No 27 and the insertion of new windows here in the future. I also propose to remove permitted development rights for alterations, extensions and other buildings within the curtilage of the proposed dwelling. This is necessary to prevent what would, otherwise, be likely to result in an unacceptable loss of privacy and outlook to No 27. I also agree that the bathroom dormer window should be fixed or limited opening and glazed in obscure glass. However, so long as there is control of its height, I do not consider it necessary to apply a similar restriction to the bedroom skylight.
11. Subject to the conditions outlined above I conclude that the proposed bungalow would not have a materially detrimental effect on the living conditions of the occupiers of 27 and 29 Seaton Lane in relation to outlook, privacy or light. As such the proposal would accord with the relevant provisions of Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

Appeal Decision APP/H0724/A/07/2039621

APPEARANCES

FOR THE APPELLANT:

Mr E Jackson, Planning Consultant
7 Amble Close, Hartlepool, TS26 0EP
Mr B McAleer
27 Seaton Lane, Hartlepool, TS25 1JG
Mrs McAleer
As above

FOR THE LOCAL PLANNING AUTHORITY:

Mrs C Pipe, Senior Planning Officer
Hartlepool Borough Council, Bryan Hanson House, Lynn Street, Hartlepool, TS24 7BT

PLANS

- A Project No 06/22 Drwg No 002 dated November 2006
Proposed Site Layout (and showing the Red and Blue lines)
- B Project No 06/22 Drwg No 002 dated December 2006
General Arrangement, Floor Plans and Elevations