

PLEASE NOTE CHANGE OF TIME

PLANNING COMMITTEE AGENDA



Wednesday 23rd January 2008

at 10.30 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 19 December 2007

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|---|
| 1 | H/2007/0842 | 166 Park Road |
| 2 | H/2007/0887 | 38A Catcote Road – Change of Use |
| 3 | H/2007/0663 | Fern Beck – Change of Use |
| 4 | H/2007/0601 | land at front and side of 27 Harvester Close –
installation of stainless steel kiosk |
| 5 | H/2007/0662 | Unit 3 Highpoint – Variation of Condition |
| 6 | H/2007/0627 | Able UK – Caissons |
| 7 | H/2007/0626 | Able UK – Caissons |
| 8 | H/2007/0637 | 30 Stockton Road – Erection of 18 2 bed. apartments |
| 9 | H/2007/0783 | 204-212 York Road – 4 lock up units |
| 10 | H/2007/0854 | Baker Petrolite – Hazardous Substances |
| 11 | H/2007/0559 | White Cottage – demolition of building and erection of
dw elling |
| 12 | H/2007/0823 | 15 Pinewood Close – Agricultural land as garden |
| 13 | H/2007/0762 | 127 Raby Road – Change of Use |

PLEASE NOTE CHANGE OF TIME

- 4.2 Appeal by Harcharan Singh Nijjar, Site at 152 Raby Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.3 Appeal by Mr T Braham, 1 Swalebrooke Avenue - *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mr M Ashton, Ashfield Farm, Dalton Piercy Road, Hartlepool - *Assistant Director (Planning and Economic Development)*
- 4.5 Victoria Harbour Redevelopment: S106 Agreement - *Assistant Director (Planning and Economic Development)*
- 4.6 Proposed Conservation in the Hart Area - *Assistant Director (Planning and Economic Development)*
- 4.7 Consultation Paper by Department of Communities and Local Government, 'Tree Preservation Orders: Improving Procedures' - *Assistant Director (Planning and Economic Development)*
- 4.8 Update on Current Complaints - *Assistant Director (Planning and Economic Development)*
- 4.9 Wildlife and Countryside Act 1981. Appeal under Paragraph 4 (1) of Schedule 14 by Mr D McDonald against the decision of Hartlepool Borough Council not to modify the definitive map and statement by the addition of a Footpath between Manor Road and Elwick Road, Hartlepool – *Director of Adult and Community Services*

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 63 Derwent Street, Hartlepool - *Assistant Director (Planning and Economic Development)*
- 7.2 Enforcement Action – Untidy Sites - *Assistant Director (Planning and Economic Development)*

8. FOR INFORMATION

Next Scheduled Meeting – Wednesday 20th February 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 20th February 2008 at 9.00am.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19 December 2007

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Stephen Allison, Jonathan Brash, Bob Flintoff, Pauline Laffey, Geoff Lilley, John Marshall, George Morris, Carl Richardson, Chris Simmons and Edna Wright.

Officers: Peter Devlin, Legal Services Manager
Roy Merrett, Principal Planning Officer
Gill Scanlon, Planning Technician
Adrian Hurst, Principal Environmental Health Officer
Angela Hunter, Principal Democratic Services Officer

102. Apologies for Absence

Apologies for absence were received from Councillors Shaun Cook, Stan Kaiser, Robbie Payne and Gladys Worthy.

103. Declarations of interest by Members

None.

104. Confirmation of the minutes of the meeting held on 25 October 2007 and 21 November 2007.

The minutes of the meetings held on 25th October 2007 and 21st November 2007 were confirmed

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 consideration**

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 a site visit**

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/2007/0627

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/2007/0756

Applicant: Mr J Posen
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

Representations: Mr D Stovell (agent) was present and addressed the Committee.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

- 1 In the opinion of the Local Planning Authority the proposed development would attract social gathering which would lead to noise and disturbance to the detriment of the amenities of local residents contrary to policies GEP1, Com5 and Com12 of the Hartlepool Local Plan.
- 2 In the opinion of the Local Planning Authority the proposed development would add to existing parking congestion in the locality to the detriment of highway safety contrary to policies GEP1, Com5 and Com12 of the Hartlepool Local Plan.
- 3 In the opinion of the Local Planning Authority the proposed development would attract social gathering which would lead to increased anti-social behaviour including increased litter dropping in the locality to the detriment of

the amenities of local residents contrary to policies GEP1, GEP3, Com5 and Com12 of the Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

Number: H/2007/0762

Applicant: MR ALFIO DELL'AQUILA
6 GARFORTH CLOSE, STOCKTON

Agent: MR ALFIO DELL'AQUILA, 6 GARFORTH CLOSE,
STOCKTON

Date received: 12/10/2007

Development: Change of use from retail (A1) to (hot food takeaway (A5)

Location: 127 RABY ROAD, HARTLEPOOL

Representations: Mr Dellaquila (applicant) was present and addressed the Committee.

Decision: **Deferred for further information with regard to the arrangements for the delivery service associated with the proposed development**

The Committee considered representations in relation to this matter.

Number: H/2007/0783

Applicant: Mr Sean McNicholas
McNicholas Estates Limited, McNicholas Estates,
Usworth Road, Hartlepool

Agent: The Design Gap Limited, Mr Graeme Pearson, 1
Scarborough Street, Hartlepool

Date received: 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

Representations: Mr McNicholas (applicant) was present and addressed the Committee.

Decision: **Deferred for a site visit and further information regarding a proposed parking scheme for the locality**

The Committee considered representations in relation to this matter.

Number: H/2007/0854

Applicant: Baker Hughes
BRENDA ROAD, HARTLEPOOL

Agent: Baker Hughes, TOFTS FARM INDUSTRIAL ESTATE,
WEST BRENDA ROAD, HARTLEPOOL

Date received: 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

Decision: **Deferred for outstanding consultation responses**

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

The Principal Planning Officer drew Members attention to 19 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

106. Appeal by Mr T Horwood, 42 Bilsdale Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

The purpose of this report was to update Members of the outcome of a recent planning appeal at 42 Bilsdale Road, Hartlepool for a detached bungalow and garages to the rear of the property. The Planning Inspectorate dismissed the appeal and an application for an award of costs against the Council was also rejected. A copy of the Inspector's letter was attached to the report.

Decision

That the report be noted.

107. Appeal by Mr McAlteer, 27 Seaton Lane Close, Hartlepool *(Assistant Director (Planning and Economic Development))*

Members were advised that 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. The appeal was decided by a hearing and allowed by the Planning Inspectorate. A copy of the decision letter was attached to the report.

Decision

That the report be noted.

108. 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 109 – 41 Coniscliffe Road (Para 12) – This item contains exempt information under Schedule 12A Local Government Act 1972, namely, information, advice received, information obtained or action taken in connection with legal proceedings by or against the Council or in determination of any matter affecting the Council.

109. 41 Coniscliffe Road *(Assistant Director (Planning & Economic Development))*

The Principal Planning Officer presented a report in relation to a complaint received in relation to 39 Coniscliffe Road, details of which were set out in the exempt section of the minutes.

Decision

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

CHAIRMAN

No: 1
Number: H/2007/0842
Applicant: Mr S Allen PARK ROAD HARTLEPOOL TS26 9LW
Agent: Mr S Allen 166 PARK ROAD HARTLEPOOL TS26 9LW
Date valid: 08/11/2007
Development: Retention of front boundary wall and gates
Location: 166 PARK ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

1.1 The property is a traditional Victorian semi-detached house situated on the north side of Park Road within the Grange Conservation Area.

1.2 This application is for the retention of a front boundary wall incorporating decorative iron railings and gates.

1.3 Planning permission is required as the boundary treatment and the gates exceed 1 metre in height and are adjacent to the public highway. Additionally the property is subject to an Article 4 (2) Direction, which removes permitted development rights for the erection or demolition of a gate, fence, wall or other means of enclosure.

Publicity

1.4 The application has been advertised by way of neighbour letters (4) and in the press. The time period for representations expired on 6th December 2007. To date, there have been 2 letters of objection received.

1.5 The concerns raised are:

- 1 The alterations do not fit in a conservation area. The wall is higher than the wall it has replaced.
- 2 The wrought iron gates are 2 feet higher than the wooden gates they replace.
- 3 The view of the completed works is one of a very imposing nature and the only one on the block like this and dwarfs adjoining houses.
- 4 It is not in keeping with others around it. It is too high.

The period for publicity has expired.

Copy letters G

Planning Policy

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

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

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

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

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

Planning Considerations

1.7 The main planning consideration in this case is considered to be the impact of the proposal on the character and appearance of the Grange Conservation Area.

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

1.9 The Townscape Heritage Initiative Manager has expressed concern for the following reasons:

- i) The wall and railing / gates as constructed are inappropriate to the character of the Grange Conservation Area. The wall should be a relatively low wall (about 0.5m in height) of the same height throughout, topped with a half round saddle back or chamfered coping usually in stone. The railings would have been cast iron panels about a metre in length (about 0.5m in height) with cast iron decorative uprights. The gates would also be in cast iron to a design to match the railing panels.
- ii) The wall, railing and gates as erected do not enhance the Conservation Area. The development also sets an inappropriate precedent to other property owners in the treatment of the boundaries to their properties.
- iii) An added consideration is the visual impact on Park Road, which is a busy access to the town centre where a design of wall and railings based on one appropriate to the Conservation Area could achieve a positive

enhancement especially if adopted by other adjoining owners on Park Road.

1.10 It is accepted that this is a marginal case in light of the recent planning permission granted for a boundary wall, rail and gate at 196 Park Road, however the scale and proportions of the development at 166 Park Road are a more obvious departure from the traditional appearance of the Grange Conservation Area. The wall, rail and gates at 166 Park Road dominate the neighbouring boundary treatments at 168 and 164 Park Road as illustrated below:





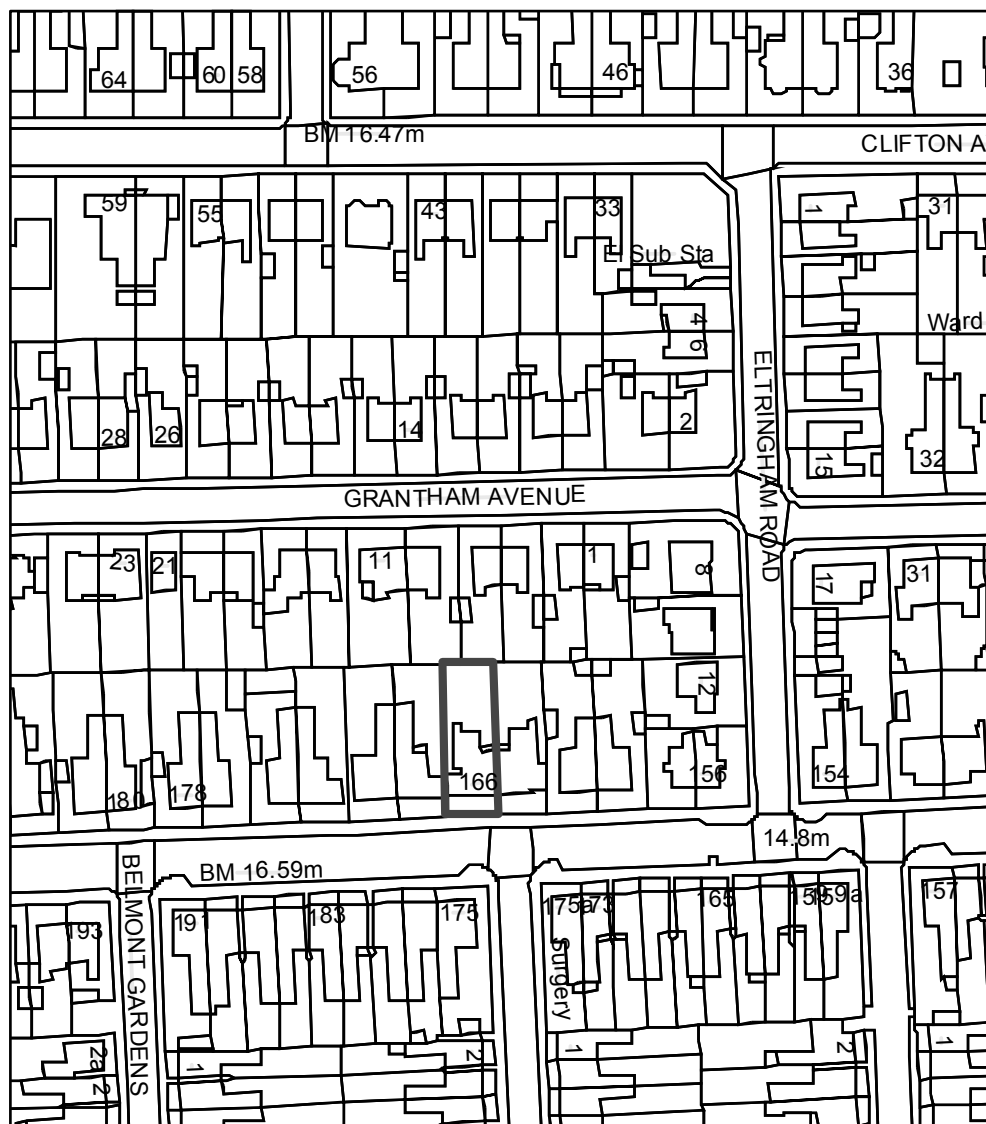
1.11 Members will appreciate that the ongoing review of policy in conservation areas makes it difficult for officers to provide consistent and clear advice on applications on residential properties within conservation areas. However in this instance given the size and scale of the development and the obvious departure from the traditional appearance of the Grange Conservation Area refusal is recommended.

RECOMMENDATION – RUFUSE for the following reason

1. In the opinion of the Local Planning Authority the design, size and scale of the boundary wall would be detrimental to the character and appearance of the Grange Conservation Area contrary to policies GEP1 and HE1 of the Hartlepool Local Plan.

It is further recommended that the Development Control Manager, in consultation with the Chief Solicitor be authorised to issue an enforcement notice requiring the removal of the unauthorised wall, railings and gates at 166 Park Road, Hartlepool.

It is recommended that a time period of 2 months from the date the notice takes effect be given for compliance with the steps specified.

166 Park Road

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 11/01/08
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0842	REV

No: 2
Number: H/2007/0887
Applicant: Mr A Griffiths Oakland Avenue Hartlepool TS25 5LD
Agent: Mr A Griffiths 35 Oakland Avenue Hartlepool TS25 5LD
Date valid: 12/12/2007
Development: Change of use to hot food takeaway shop
Location: 38A CATCOTE ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

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

2.2 The shop, which is single storey, was previously a fruit shop.

2.3 The neighbouring properties are:- The Bakers Corner, J & T Craft Creations, Britannia Fisheries, Coal Bookmakers, Monroes Hair Salon, Food 4 Less, Edna Jones (Clothing), Nisa supermarket and Hole in the Wall Florist.

2.4 There is layby parking to the front on Catcote Road and a service road to the rear.

2.5 There are residential properties opposite the shops on Catcote Road and to the north in Walpole Road. The Shakespeare pub lies to the north of the shopping parade, with the Catholic club to the west.

2.6 The proposal involves the change of use of this vacant former fruit shop to hot food takeaway creating 3 full time jobs. Opening hours requested are 11 am to 11pm seven days a week.

2.7 Deliveries to the premises would be made via the existing rear entrance to the building. Any home deliveries would also be from this facility. There is no off street parking within the site.

Relevant Planning History

2.8 Members may recall that at the committee meeting on 19 December 2007 planning permission was refused for the change of use of a unit elsewhere within the local centre to a hot food takeaway. The grounds of refusal in that case were parking congestion in the locality and impact on the amenities of local residents as a result of noise, disturbance and anti-social behaviour.

Publicity

2.9 The application has been advertised by site notice and letter to neighbours (15). To date one letter of no objection and one letter of no objection with comments have been received together with three letters of objection. Objections include:-

- a) fish shop and sandwich shop are enough
- b) problems with litter and smells
- c) late night noise and anti social behaviour
- d) loss of trade to existing fish and chip shop

Copy letter C

The period for publicity has expired.

Consultations

2.10 The following consultation replies have been received:

Head of Public Protection – No objections to the hours requested subject to appropriate ventilation conditions

Head of Traffic & Transport – No objections

Anti Social Behaviour Co-ordinator – Objects on the grounds that there are existing problems with anti social behaviour around this parade of shops. A visual audit has taken place and CCTV coverage of the area is being considered.

Planning Policy

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

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

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

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

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments

where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

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

Planning Considerations

2.12 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

2.13 Policy Com 5 (Local Centres) of the Hartlepool Local Plan 2006 makes provision for the development of shops, local services and food and drink premises within 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.

2.14 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.

2.15 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

2.16 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

2.17 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.

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

2.19 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 i.e. 11.00 to 23.00 and the standard ventilation

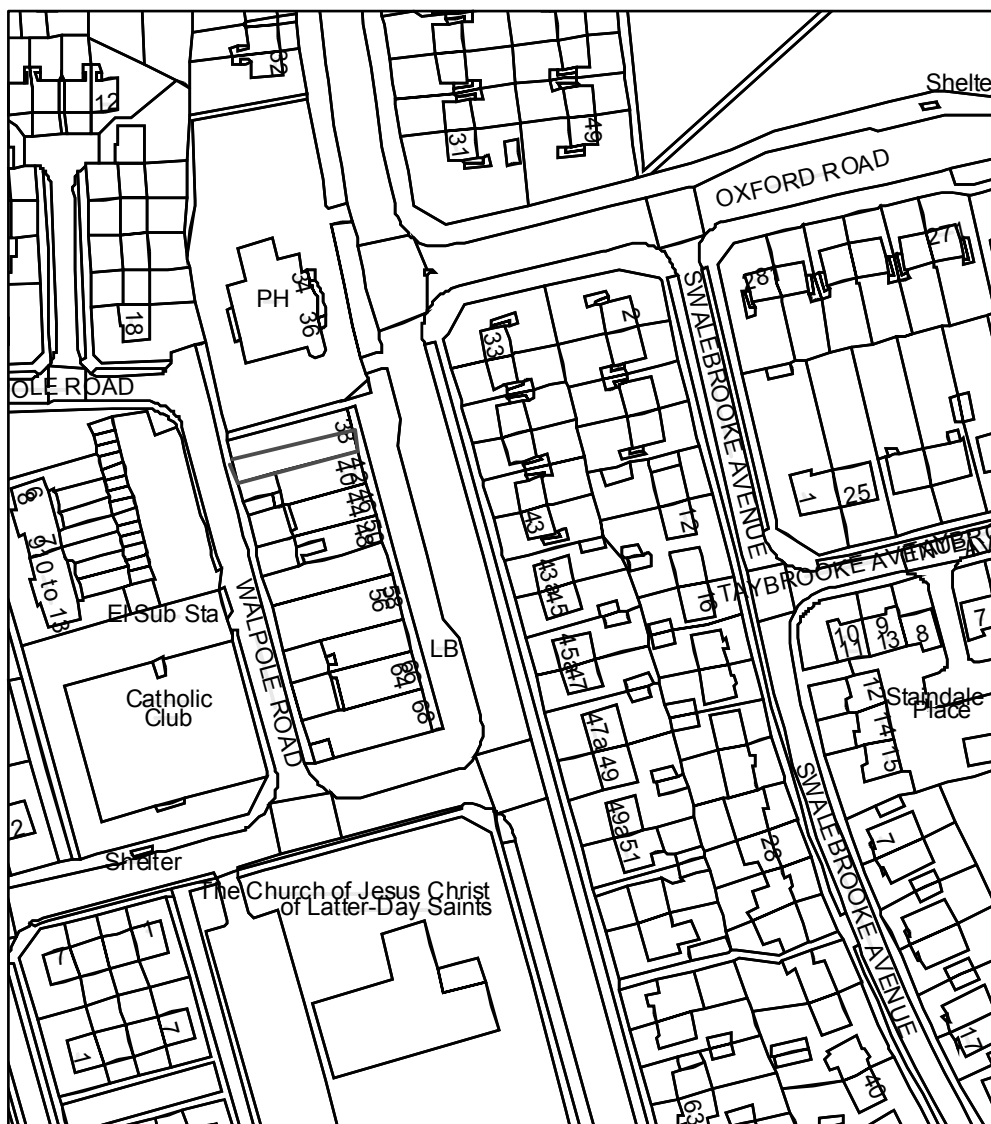
condition. Competition and loss of trade for any existing hot food shops are not matters which can be taken into account when deciding this planning application.

2.20 Crime and the fear of crime are material planning considerations which can be taken into account in the consideration and determination of any planning application. Whilst it is acknowledged that there are existing problems with anti social behaviour in this area, it is considered that it would be difficult to sustain an objection on the grounds that the hot food takeaway would contribute to the problems experienced by neighbouring properties.

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.

38A Catcote Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/01/08
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0887	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 to allow for a site visit.

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 9 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 horse, rider and 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 would be access problems for emergency vehicles. 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. Estimates of 100 horses being kept within the vicinity of Dalton Back Lane with another 20 under construction and a further 10 being applied for.
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.
7. Land is being damaged due to unauthorised access by horse riders. Riders are endangering themselves as a result of being unfamiliar with the land.

3.7 The period for publicity has expired.

Copy letters D

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.

The Hartlepool Civic Society – Object to the proposals on grounds that the appearance of the countryside is threatened by the number of piecemeal developments taking place in this area; proposed materials are unsympathetic to surroundings and the dangers posed by additional traffic and horses on the road

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.

3.19 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 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.

3.21 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

Availability of alternative accommodation in the locality

3.22 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

3.23 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.

3.24 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.

3.25 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

3.26 There are no objections 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.

3.27 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.

Objectors have referred to a specific recent incident whereby a horse was killed on Dalton Back Lane on the morning of 8 January 2008. It is understood that the horse in question had strayed from a field and that the incident occurred on an unlit portion of the highway. The circumstances of this case would not therefore be comparable to horses being under the control of riders, a situation which would be more likely to occur during daylight hours.

Other Matters

Welfare of horses

3.28 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 society has also confirmed that as a guideline it would recommend 1-1.5 acres per horse be made available for grazing purposes. The applicant has confirmed that they have 17.1 acres of land either rented or in their ownership. This equates to around 6.9 hectares and is considered to be sufficient to allow for outdoor grazing.

Crime

3.29 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

3.30 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

3.31 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

3.32 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.

Unauthorised access to land

3.33 Concerns raised about the trespass onto land by horse riders and the vulnerability and welfare of riders in such situations would not be a material planning consideration.

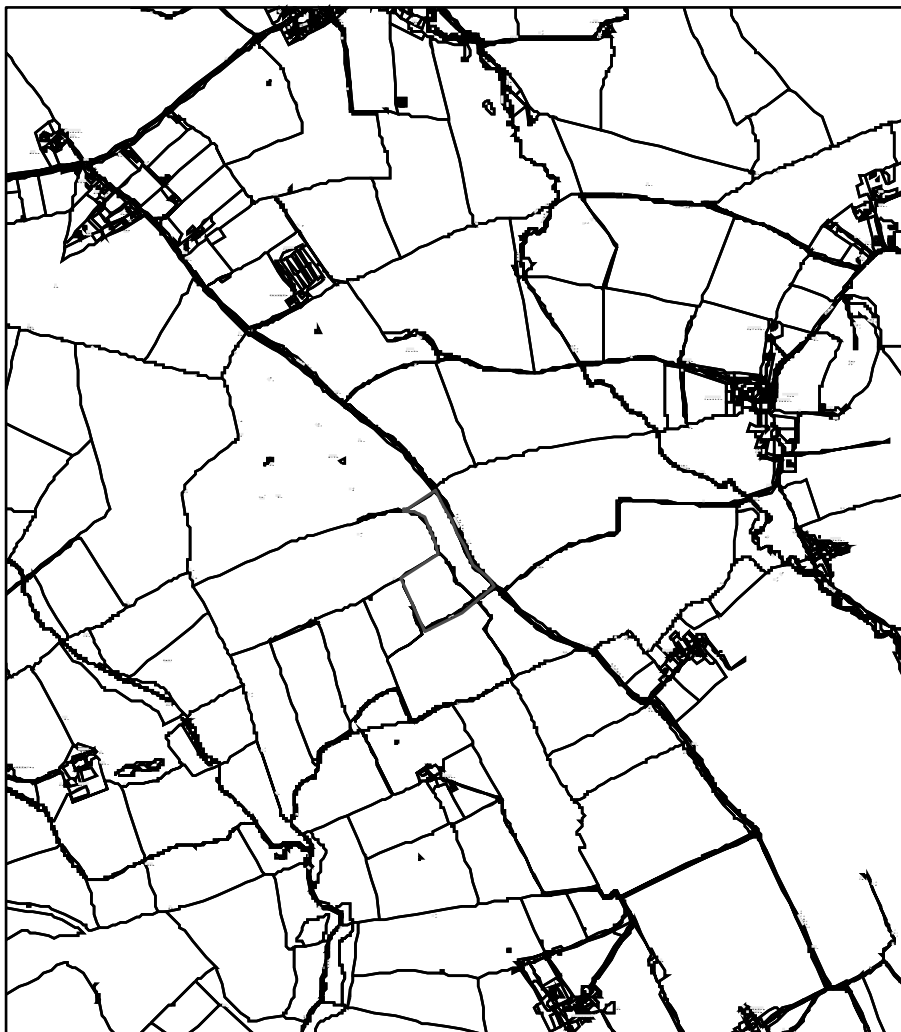
Recommendation

Approve 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 visual amenity.
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.

Fern Beck, Dalton Piercy

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/01/08
	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/2007/0601
Applicant: Paul Jeffers Roberts Road Balby Doncaster DN4 0JT
Agent: Paul Jeffers Jarvis M and E Roberts Road Balby DN4 0JT
Date valid: 02/10/2007
Development: Installation of stainless steel kiosk to provide new power supply to railway infrastructure (amended location)
Location: LAND AT FRONT AND SIDE OF 27 HARVESTER CLOSE HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 The site to which this application relates forms part of a grassed highway verge to the north east of no 27 Harvester Close. To the east of the application site is a grassed embankment which detaches the properties upon Harvester Close with the Railway Line. The site is located within a predominantly residential area.

4.2 The application seeks consent for the installation of a stainless steel kiosk to provide a power supply to the nearby railway infrastructure. The proposed kiosk is to measure 1.3m high x 1.1m wide and 0.375m deep.

4.3 The application has been amended since originally submitted to revise the siting of the kiosk away from the fencing to the side of 27 Harvester Close which prevents public access along the railway embankment. The applicant has agreed to move the kiosk following concerns being raised by nearby residents regarding the potential for it to be used as a climbing aid to gain access over the existing fence.

4.4 The revised location is approximately 7m to the northeast of the front elevation of 27 Harvester Close. The application has been re-advertised following receipt of the amended plans.

Publicity

4.5 The application has been advertised by way of neighbour letters (9). Initially there were 4 letters of objection relating to the original plans, these related purely to the use of the kiosk as a 'stepping stone' to climb fencing and the potential crime implications. Two objections were withdrawn following the amended siting of the kiosk however 2 letters of objection were submitted relating to the amended scheme.

The concerns raised are:

- 1 We have never been consulted on when any work is carried out on the line, even when it is completed during the early hours of the morning.
- 2 When we bought our home this was on the understanding the land would be landscaped it has just been left and the site of a large metal box would add to problems we already encounter.

- 3 A grass mound is in front of the railway lines to block all vision of activities and buildings.
- 4 Building a control room on this side of the rails will be an absolute eye sore and would put off potential future buyers if my property goes on the market.

Copy Letters H

The period for publicity has expired.

Consultations

4.6 The following consultation replies have been received:

Head of Traffic & Transportation – No objection. Has highlighted that the proposed kiosk is located in adopted highway. Permission has already been granted under the Roads and Street Work Act.

Head of Public Protection – No objection

Planning Policy

4.7 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.

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

4.8 The main considerations in this instance is the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan, in particular the effect of the proposed development upon the character of the streetscene and the amenities of the occupants of the nearby residential properties.

Streetscene

4.9 Whilst the structure will be clearly visible within the streetscene given its location upon a grass verge, it is not considered that it would appear unduly dominant or incongruous upon it given its relatively small scale (1.3m high x 1.1m wide and 0.375m deep). The size of the proposed structure is similar to that of utilities

cabinets (e.g. BT and Cable) found upon this estate and numerous residential estates throughout Hartlepool.

4.10 The colour of the kiosk will be controlled through a planning condition. The applicant has indicated that they are willing to paint the kiosk an appropriate colour to minimise its visual effect. It is envisaged that a dark green colour would be appropriate in this instance given its location to the front of a grassed mound.

Amenity

4.11 Given the relatively small scale of the kiosk and its physical separation from the front elevation of the surrounding residential properties which front onto the site it is considered very unlikely that the proposed structure would lead to detrimental outlook for the residents of the nearby residential properties.

Other Issues

4.12 As stated above, fear of crime concerns were raised to the original proposal due to the proposed siting of the kiosk close to fencing. Given the siting of the amended proposal it is considered very unlikely that the kiosk would create a climbing aide for access over the fence along the railway embankment to and from the rear/side of Harvester Close. Moreover, given the relatively small size of the kiosk, its location close to a streetlight and the natural surveillance upon it from the surrounding properties it is your officer's opinion that it is unlikely the structure would act as a gathering point for people to loiter around or be subject to specific anti-social behaviour.

Conclusion

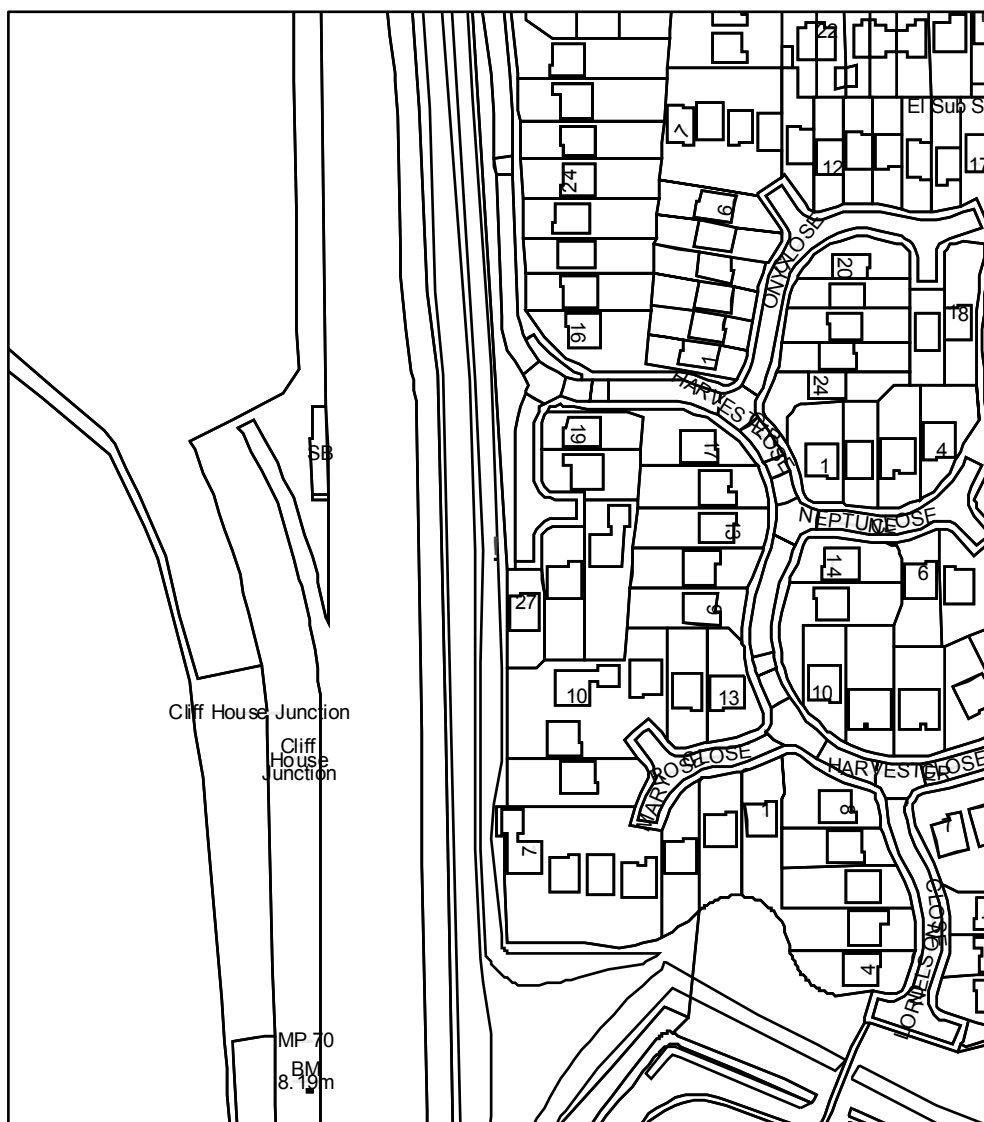
4.13 It is for the reasons stated above and subject to the conditions set out below that the application is recommended for approval in this instance.

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 development hereby approved shall be carried out in accordance with the amended site plan received on 5 November 2007 and plan S3493G5/1 received on the 19 September 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
3. Details of all external finishing materials including the colour of the kiosk 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.

4. Notwithstanding the submitted plans exact details of the siting of the kisok hereby approved shall be submitted to and agreed in writng by the Local Planning Authority prior to any works being undertaken. In the interests of visual amenity.

Land adjacent to 27 Harvester Close



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 10/01/08
	SCALE 1:1,500	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG. NO H/2007/0601	REV

No: 5
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

5.1 This application was reported to the December meeting of the Planning Committee when it was deferred at the request of the applicant. The deferral was to allow the applicant an opportunity to respond to the comments of our own Planning Retail Consultant.

The Application and Site

5.2 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.

5.3 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.

5.4 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

5.5 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

5.6 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

5.7 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 conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

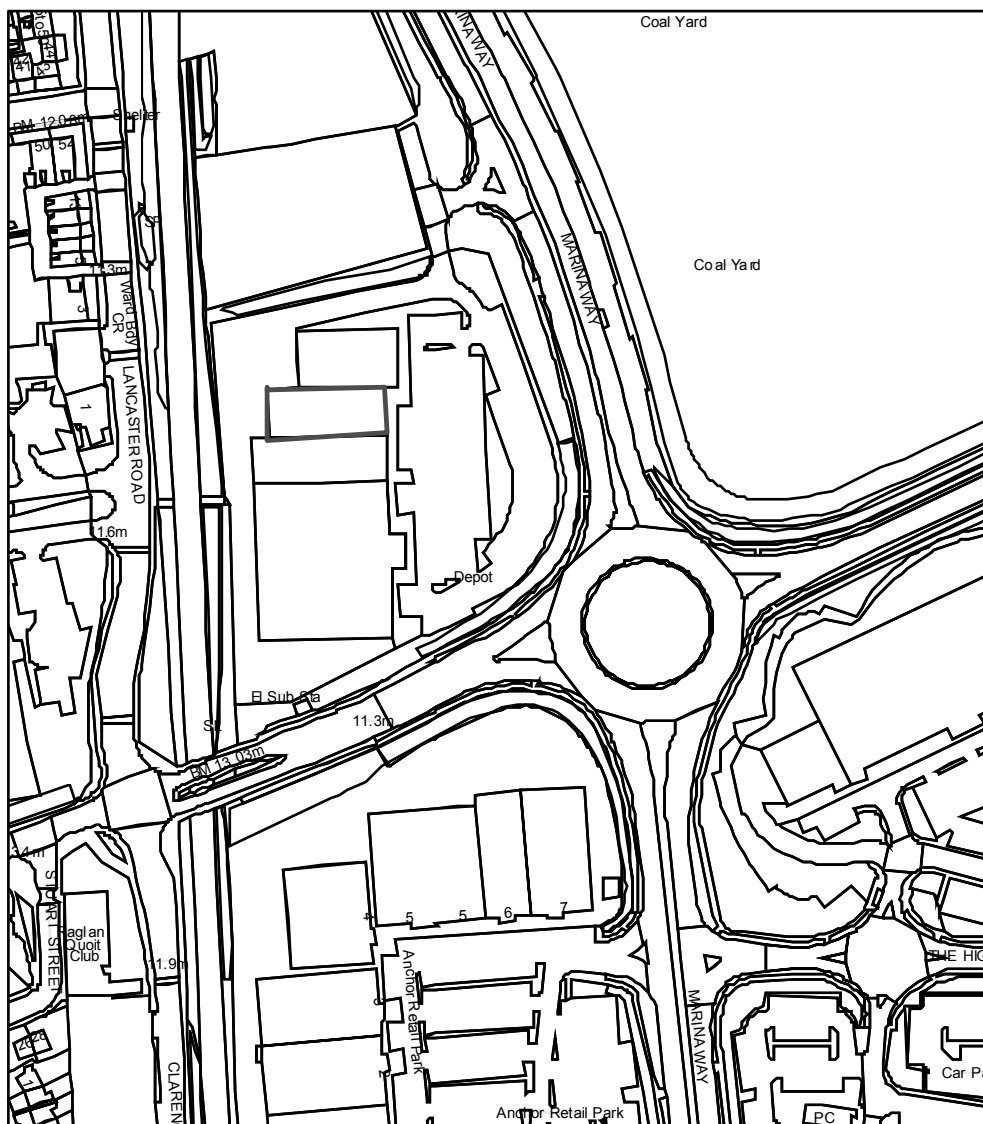
Planning Considerations

5.8 The main planning considerations are the impact of the development on the vitality and viability of the Town Centre. The applicant has responded and the Local Planning Authority are currently taking advice on this response. 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: 6
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

6.1 Able UK have submitted an application for certificate of lawfulness as to whether a previously granted planning permission on their TERRC site would be sufficient to allow the company to undertake a proposed industrial process. A related application for certificate of lawfulness of proposed use i.e that what is proposed can be done without planning permission taking into account the existing permitted use and that no material change of use would be involved appears elsewhere on the agenda.

6.2 This application is not an application for planning permission – it is purely to determine whether or not the proposed operation would be lawful on the site taking into account existing permissions. Determination of the application does not involve any judgment of the planning merits of the activity, but purely an assessment whether the processes involved in the activity are within the current planning permission. This is a matter for the Local Planning Authority to determine without reference to issues such as impact on the environment, residents, traffic etc. Accordingly, the relative planning merits of the development are not for consideration in this case and the advertisement and consultation procedures applicable to an application for planning permission do not apply.

6.3 The process involved concerns the manufacture of concrete caissons. The applicant has a provisional contract for TERRC dry dock to be used for the construction of four concrete caissons for the proposed new Tyne Tunnel. The caissons, when assembled on site, would form the shell of the tunnel. Each caisson will be 89 metres in length, 14.3 metres wide, 8.75 metres high and weighing approximately 10,000 tonnes. Each caisson will be constructed from concrete utilising a concrete batching plant at TERRC. Each will be taken away by sea.

Planning permission background

6.4 Planning permission was granted on 1 October 1997 for the development of the site for, amongst other things, the dismantling and/or refurbishment of redundant marine structures; the construction of a concrete batching plant; and as a fabrication yard for offshore structures including structures for oil and gas exploration. On 5 August 2002 planning permission was granted for the continuance of the use of the TERRC facility without complying with conditions 9 and 10 of the 1997 permission referred to previously. The development authorised by the latter permission is the same as authorised by the former.

Publicity

6.5 There is no requirement within the regulations to publicise or consult on an application for certificate of lawfulness. The absence of any requirement for publicity and consultation reflects the nature of the application as described in para 3.2 above. Friends of Hartlepool have objected to this application stating that they wish to present the group's objections to the Planning Committee, but, having regard to the nature of the application, it is not considered to be necessary or appropriate to extend the facility for public participation to this matter.

Consultations

6.6 The Chief Solicitor has been consulted. He advised that details provided with the application were insufficient to enable a proper comparison to be made of the processes permitted and those in respect of which the application is made. Further information has now been provided by the applicant which remains under consideration at present.

Planning Considerations

6.7 The planning permissions granted in 1997 and 2002 referred to earlier in this report were accompanied by an Environmental Statement (ES). Condition 3 of the planning permissions stated that the development was to be carried out in strict accordance with the application and ES as varied by subsequent letters and plans dated 19 September 1996 and 2 December 1996.

6.8 The applicant has now provided details both of the industrial processes that are proposed to be employed in relation to the proposed activity and the relevant industrial processes that have previously been applied on the site in order to enable an assessment as to whether the proposed use would fall within the existing lawful use of the site. This further information continues to be assessed and will be the subject of an update report.

RECOMMENDATION - Update report to follow

Able UK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 9/01/08
	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: 7
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

7.1 Able UK have submitted an application for certificate of lawfulness as to whether a previously granted planning permission on their TERRC site would be sufficient to allow the company to undertake a proposed industrial process. A related application for certificate of lawfulness of existing use i.e that what is proposed can be done without planning permission taking into account the existing permitted use of the site is considered elsewhere on this agenda.

7.2 This application is not an application for planning permission – it is purely to determine whether or not the proposed operation would be lawful on the site taking into account existing permissions and whether what is proposed would constitute a material change of use. Determination of the application does not involve any judgment of the planning merits of the activity, but purely an assessment whether the processes involved in the activity would constitute a material change of use from what is currently permitted on the site. This is a matter for the Local Planning Authority to determine without reference to issues such as impact on the environment, residents, traffic etc. Accordingly, the relative planning merits of the development are not for consideration in this case and the advertisement and consultation procedures applicable to an application for planning permission do not apply.

7.3 The process involved concerns the manufacture of concrete caissons. The applicant has a provisional contract for TERRC dry dock to be used for the construction of four concrete caissons for the proposed new Tyne Tunnel. The caissons, when assembled on site, would form the shell of the tunnel. Each caisson will be 89 metres in length, 14.3 metres wide, 8.75 metres high and weighing approximately 10,000 tonnes. Each caisson will be constructed from concrete utilising a concrete batching plant at TERRC. Each will be taken away by sea.

Planning permission background

7.4 Planning permission was granted on 1 October 1997 for the development of the site for, amongst other things, the dismantling and/or refurbishment of redundant marine structures; the construction of a concrete batching plant; and as a fabrication yard for offshore structures including structures for oil and gas exploration. On 5 August 2002 planning permission was granted for the continuance of the use of the TERRC facility without complying with conditions 9 and 10 of the 1997 permission

referred to previously. The development authorised by the latter permission is the same as authorised by the former.

Publicity

7.5 There is no requirement within the regulations to publicise or consult on an application for certificate of lawfulness. The absence of any requirement for publicity and consultation reflects the nature of the application as described in para 7.2 above. Friends of Hartlepool have objected to this application stating that they wish to present the group's objections to the Planning Committee, but, having regard to the nature of the application, it is not considered to be necessary or appropriate to extend the facility for public participation to this matter.

Consultations

7.6 The Chief Solicitor has been consulted. He advised that details provided with the application were insufficient to enable a proper comparison to be made of the processes permitted and those in respect of which the application is made. Further information has now been provided by the applicant which remains under consideration at present.

Planning Considerations

7.7 The planning permissions granted in 1997 and 2002 referred to earlier in this report were accompanied by an Environmental Statement (ES). Condition 3 of the planning permissions stated that the development was to be carried out in strict accordance with the application and ES as varied by subsequent letters and plans dated 19 September 1996 and 2 December 1996. In other words the process proposed needs to be sufficiently similar to (ie not involving any material difference from) that described and assessed in the application and environmental statement as varied.

7.8 The applicant has now provided details both of the industrial processes that are proposed to be employed in relation to the proposed activity and the relevant industrial processes that have previously been applied on the site in order to enable an assessment of the degree of similarity between the two. This further information continues to be assessed and will be the subject of an update report.

RECOMMENDATION - Update report to follow

Able UK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 9/01/08
	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: 8
 Number: H/2007/0637
 Applicant: mr paul rayner 30 stockton road hartlepool ts25 1rl
 Agent: SJR Architects & Interior Designers Mr David Johnson
 Suite 101 The Innovation Centre Venture Court Queens
 Meadow Business Park Hartlepool TS25 5TG
 Date valid: 24/08/2007
 Development: Erection of 18 two bedroom apartments (3 storey) with
 associated car parking (outline application)
 Location: 30 STOCKTON ROAD HARTLEPOOL

Background

8.1 This application was presented to the Planning Committee on the 21st November 2007 where it was minded to approve subject to a legal agreement and conditions. However due to an administrative error a press notice advertising the application was not placed prior to the previous report. This has now been done and the report has been revised in light of this.

The Application and Site

8.2 The application site comprises a large single storey building currently trading as a DIY and bathroom fittings store which fronts onto Stockton Road on the corner of Westbourne Road. The surrounding area to the east comprises the busy commercial street of Stockton Road, some with residential flats above. To the south, west and north are residential properties, predominantly houses. The surrounding area comprises a mix of 2 and 2 ½ storey properties.

8.3 The application proposes the demolition of the current building and the erection of 18, 2 bedroom flats with associated car parking. The application is for outline consent however the siting of the building, design, means of access and landscaping are to be considered at this stage. The external appearance of the building has been reserved for subsequent consideration should this application be approved. The proposed building is 3 storeys and 'L' shaped.

8.4 The proposal includes provision of 18 car parking spaces located to the rear, which are proposed to be accessed via a new vehicular entrance on Westbourne Road.

Publicity

8.5 The application has been advertised by way of neighbour letters (33), site notice and press notice. To date, there have been 4 letters of objection (3 since the published press notice) and 1 letter of comment.

The concerns raised are:

1. Noise and dust during demolition of property and rebuild.

2. Access to the objector's property being disrupted during the construction time.
3. Domination of the area by larger than average building.
4. Loss of satellite, TV signals due to large building.
5. Noise from 18 flats, across the road.
6. Noise and disruption by traffic entering/existing the car park.
7. Parking is inadequate.
8. Experience difficulties now entering and leaving our property due to inconsiderate people parking on double yellow lines opposite the objectors drive, or people parking too close to the objectors drive access.
9. Concerns at the consultation carried out for the application.
10. The addition of affordable housing is very likely to affect the sale of the other proposed properties, due to certain units carrying the risk of being rented to undesirable residents.
11. Concerns with empty flats or vandalism like others in the town.
12. The area is already densely populated and will not be enhanced by any additional housing.
13. The development would disturb residents and retailers.
14. Congestion is inevitable.
15. The site is currently retail, removing this and converting to residential is another nail in the coffin of local shopping in the area.
16. Businesses in the area have received extensive grant support through NDC, to increase employment opportunities and economic development. Removal of one retail property is tantamount to the theft of New Deal Funding.
17. Invasion of privacy for a building so high to be located overlooking a private alley and secluded back garden areas. Concerns regarding overlooking and potential to watch the lock-up of housing and vehicles.
18. The anti-social behaviour currently surrounding the area will only be made worse by the addition of this new development.
19. Concerns regarding selection of people living in the flats, as landlords won't be bothered as long as they get their rent.
20. Concerns regarding type of people who may occupy the flats and the close proximity to the nearby school.
21. Devaluation of properties in the area.

The concerns raised by the letter of comment are:

1. The development would seem to have the potential to 'raise the tone' of the area, which would have benefits.
2. Concerns there may be problems with demand for parking.
3. Concerns about different rules for different people regarding parking.
However it should be noted that the author has since confirmed via e-mail, that he realises that parking standards vary depending on the area of the town.
4. Concerns about the size of the parking bays.

Copy Letters B

The period for publicity has expired.

Consultations

8.6 The following consultation replies have been received:

Head of Public Protection Traffic and Transportation	no objection comments that the development is proposed to be erected on adopted highway, this would require a stopping up order at the Magistrates Court. No objection to the scheme based on a condition regarding the refuse storage doors not opening onto the highway.
Engineering consultants	no objection subject to a site investigation, a section 80 notice would be required for the demolition of the existing building.
Cleveland Police	no objection, comments received relating to secured by design initiative.
Economic Development New Deal for Communities	Concerns regarding the loss of a retail premises object on the grounds that 'tenure blindness' may exacerbate the problems associated with the private rented sector nearby. There is evidence that densely packed residential area nearby, where some properties are divided into flats is prone to anti-social behaviour and criminal damage. NDC have invested in businesses for economic and employment reasons.
Northumbrian Water Environment Agency	no objection No objection, supports Engineering Consultancy's condition and would like an informative added to any approval.

Planning Policy

8.7 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.

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

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

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

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.

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

Planning Considerations

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 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.

8.10 The Council has commissioned a Strategic Housing Market Assessment. The report identifies that there is a market demand for flats, particularly from newly forming households within the town although it is noted that this degree of interest in apartments is heavily out-weighted by aspirations towards houses. The Assessment acknowledges the high level of existing planning permissions for flats and apartments and states that the “on-going programme of flat/apartment development needs to be very carefully monitored” and that “new development will easily offset the shortfalls evidenced and excess supply could result in under-occupation and market distortions”. Policy Hsg5 highlights the need for the provision of a variety of housing types to meet the needs of all sectors of the community. There are

substantial numbers of flats under consideration or approved within the Marina or intended within Victoria Harbour areas but it is not certain that all of these will be provided, as market forces will shape the final mix. That said acknowledging the need for variety in locations each case should be looked at on its merits.

8.11 The applicant has indicated that he wants these flats to provide quality affordable units, and confirmation has been received from the agent that Endeavour Housing are willing to purchase all 18 flats for General Family requirements. However should Endeavour Housing not be in a position to purchase the properties the applicant is agreeable to enter into a legal agreement to provide 6 out of the 18 units as affordable units. In this respect the agreement would require the accommodation to include these 6 units to be social rented housing owned and managed by a registered social landlord; such as Endeavour Housing or Housing Hartlepool etc.

8.12 Although there are a large number of flats proposed or under construction in Hartlepool there is currently an under supply of intermediate housing which is not met by the market and involve a range of tenures. It is proposed that the scheme could provide all or $\frac{1}{3}$ of the overall units as affordable, which has potential as a way forward in providing units to begin to address the market needs, and which can be retained as such via the legal agreement.

8.13 If any of the 6 affordable units are unable to be sold/leased as per the terms of the legal agreement, developer contributions for these units could be paid, £10,000 per unit, which could be allocated to provide affordable housing within Hartlepool. As stated early indications suggest all units could be completed as affordable units without the need for the fall back of developer contributions.

8.14 The legal agreement would also include developer contributions towards the upgrade or improvement of off site play facilities of £400 per unit (totalling £7200).

Effect on Neighbouring Properties and the area in general

8.15 The scale of the proposed flats is 3 storey with the main frontages facing onto Stockton Road and Cornwall Street. Each flat has 2 bedrooms and can be access by via pedestrian entrances from Stockton Road, Cornwall Street and the associated car park to the rear of the site.

8.16 There is a small landscaped area proposed in front of the main elevation fronting Stockton Road, with a small wall proposed surrounding the site, with 2 pedestrian entrances shown from Stockton Road and one from Cornwall Street.

8.17 The plans do indicate the external appearance of the proposed flats however at this stage such information is provided for illustrative purposes only. This element of the scheme has been reserved for future consideration in the event that the application is successful and can therefore only be viewed as illustrative to give an indication of the appearance of the building.

8.18 Separation distances between the proposed apartments and the neighbouring properties are acceptable and in line with the Council's guidelines. It is considered

that the flats would not have a detrimental affect on the neighbouring properties in terms of overlooking or invasion of privacy.

8.19 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.

8.20 It is considered that the proposed development would not be significantly detrimental to the neighbouring properties in terms of noise associated with the car parking area due to the area being mixed use in character.

Highway Considerations

8.21 The Head of Traffic and Transportation considers that the 18 proposed car parking spaces (which include 2 disabled spaces) are adequate for the proposed flats, as there are good transport links available nearby. Cycle storage is also proposed to be located within the site; final details of this can be conditioned. The refuse storage location is considered acceptable, however a condition to ensure that the doors do not open onto the highway and for final details is considered prudent.

Economic Development

8.22 The Council's Economic Development Team are concerned with the proposed loss of a prominent commercial property in an area that has recently received extensive grant support through New Deal for the Communities. They consider that the area is a small but popular shopping area and the loss of such a substantial building may have a detrimental effect on the surrounding business community.

8.23 The applicant has supplied a statement regarding the current use of the premises, in which he states that the premises has not drawn the expected custom as people are drawn towards the larger retail parks taking the need away from very large shop premises such as 30 Stockton Road. The applicant has indicated that many businesses in this property prior to Raynors DIY have failed, the last one going bankrupt. The applicant has indicated that he intends to relocate Raynors to a more suitable location i.e. trading estate within the Hartlepool area.

8.24 It is considered that the DIY showroom may not be sited in the best location for this type of use.

Other Issues

8.25 Objections have raised concerns relating to noise, dust and disturbance during the construction work. With regard to the concerns raised in terms of noise the Council's Public Protection Team are able to monitor and if necessary tackle construction related noise nuisance.

8.26 There was also a concern raised that the development could restrict access to the objectors drive; this is a civil matter beyond the remit of planning control. It should be acknowledged that there is no evidence to suggest that the construction of

this building would cause the loss of satellite or TV signals due to size of the building; the scale of this building is similar to others within the town.

8.27 With regard to the objections about devaluation of properties in the area, that affordable housing is likely to affect the sale of the other properties, and the type of people who may live in the flats these are not material planning consideration.

8.28 The applicant has indicated that the site will incorporate secured by design principles and the agent anticipates it will have Secured by Design certification. There is no evidence to suggest that these flats would increase any existing anti-social behaviour. Cleveland Police has no objection to the scheme.

8.29 An objector has raised concern regarding how the consultation was carried out, and suggested that the Council has its own agenda regarding the scheme. The application has been advertised in a manner which is consistent with this type of application, acknowledging that there was an error regarding the press notice which has now been corrected. It is therefore considered that the scheme has been advertised in an appropriate way.

Conclusion

8.30 Having regard to the policies identified in the Hartlepool Local Plan 2006 and in particular consideration of the effects of the development on the amenity of neighbouring properties and its effect on the streetscene and the town in general and in terms of highway safety the development is considered satisfactory.

RECOMMENDATION - APPROVE subject to the completion of a legal agreement and the following conditions:

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 all receptors 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. Following the completion of the desk-top study, b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority, c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority, d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme, e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Redamation Method Statement, then remediation proposals for this material should be agreed with the Local Planning Authority.

To ensure that any site contamination is addressed.

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. For the avoidance of doubt the doors for the refuse storage area shall not open out onto the highway.

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 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.

Informative

The site is in Source Protection Zone 2, this means that the site is in the catchment of an important water abstraction and there is approx 400 day travel time. The actual site is underlain by Sherwood Sandstone (Major Aquifer) with undifferentiated raised marine deposits above. The Environment Agency would want to be consulted when further information is received on this planning application.

The Environment Agency recommends that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

Refer to the Environment Agency website at www.environment-agency.gov.uk for more information.

30 Stockton Road



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/01/08
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0637	REV

No: 9
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

Background

9.1 The application was deferred from the December 2007 Planning Committee to enable a Members site visit to be carried out.

The Application and Site

9.2 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).

9.3 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

9.3 The application has been advertised by way of neighbour letters (16) and a site notice. To date, there have been 6 letters of objection (3 from the same objector) and 1 letter of comment. The applicant has also submitted a letter regarding some issues, which were raised by the objector at the last planning committee; this has been included in the background papers.

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
17. Any projection from the existing shopline will affect objectors business.
18. Objectors sign has been there for 15 years.
19. Concerns that the officer did not visit the site prior to writing the committee report.
20. Concerns that the Council has not spoken to existing businesses about the proposed scheme.

The letter of comment focused on concerns regarding leaving the alley gates open, not wanting cars to access the car parking spaces via the back street and concerns that children play in the back street.

Copy Letters A

Consultations

9.4 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.

Economic Development – supports application, the proposed development will help develop the shopping area, attract private sector investment and will assist in encouraging business start up and offer employment

Planning Policy

9.5 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

9.6 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

9.7 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.

9.8 The southern stretch of York Road comprises a mixture of shops, offices, business and commercial activities together with some residential properties. The application site is an underused site, the proposed use as commercial/residential units is considered to reflect the area's character, however the Hartlepool Local Plan does state that this area should restrict the uses to A1 and B1, therefore a condition can be attached accordingly.

Effect on Neighbouring Properties and the area in general

9.9 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.

9.10 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 examples along York Road where ground floor shop frontages project forward of the building line similar to this scheme (however without the chamfered corners). There are also instances within the streetscene where boundary walls of properties and 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.

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

9.12 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.

9.13 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

9.14 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.

9.15 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.

9.16 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.

9.17 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

9.18 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. In light of an objection regarding the lack of lighting in the rear alley the developer has also offered a contribution of £5000 towards street lighting in the rear street. The Council's street lighting team have confirmed that a scheme such as this would cost approximately £7500 and that the remaining money is available to progress with the scheme. The developer is agreeable to enter into a legal agreement to this effect.

9.19 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. As there would be a slight gap (approximately 10-15cms) between this building and the adjacent properties it is considered prudent to condition final details for a scheme that would prevent the build up of litter in between these gaps.

9.20 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.

9.21 The car parking scheme which neighbouring properties have seen for the area did show a lay-by outside the application site, it should be noted that this is not an approved scheme however should this development be allowed the scheme with minor amendments could still proceed. To enable the highway scheme to proceed the developer would need to agree to dedicate the land in front of the proposed units as adopted highway, the developer has agreed to enter into a legal agreement regarding this.

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

9.23 With regard to the comments that the case officer should have visited the site prior to writing the committee report and that no one from the Council has spoken to existing businesses, it should be noted that the case officer had visited the site as part of assessing the application prior to writing the report and the application was advertised, inviting comments and the neighbour letters also gave the details of the case officer should anyone have any queries.

RECOMMENDATION - APPROVE Subject to the completion of a legal agreement to secure a contribution towards play facilities and street lighting; to dedicate the land in front of the units as adopted highway and 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 B1.
In the interests of the amenities of the occupants of neighbouring properties.
8. 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.
9. Notwithstanding the submitted plans, a scheme to prevent the build up of litter between the hereby approved property and the neighbouring properties shall be submitted to and agreed in writing prior to the commencements of works

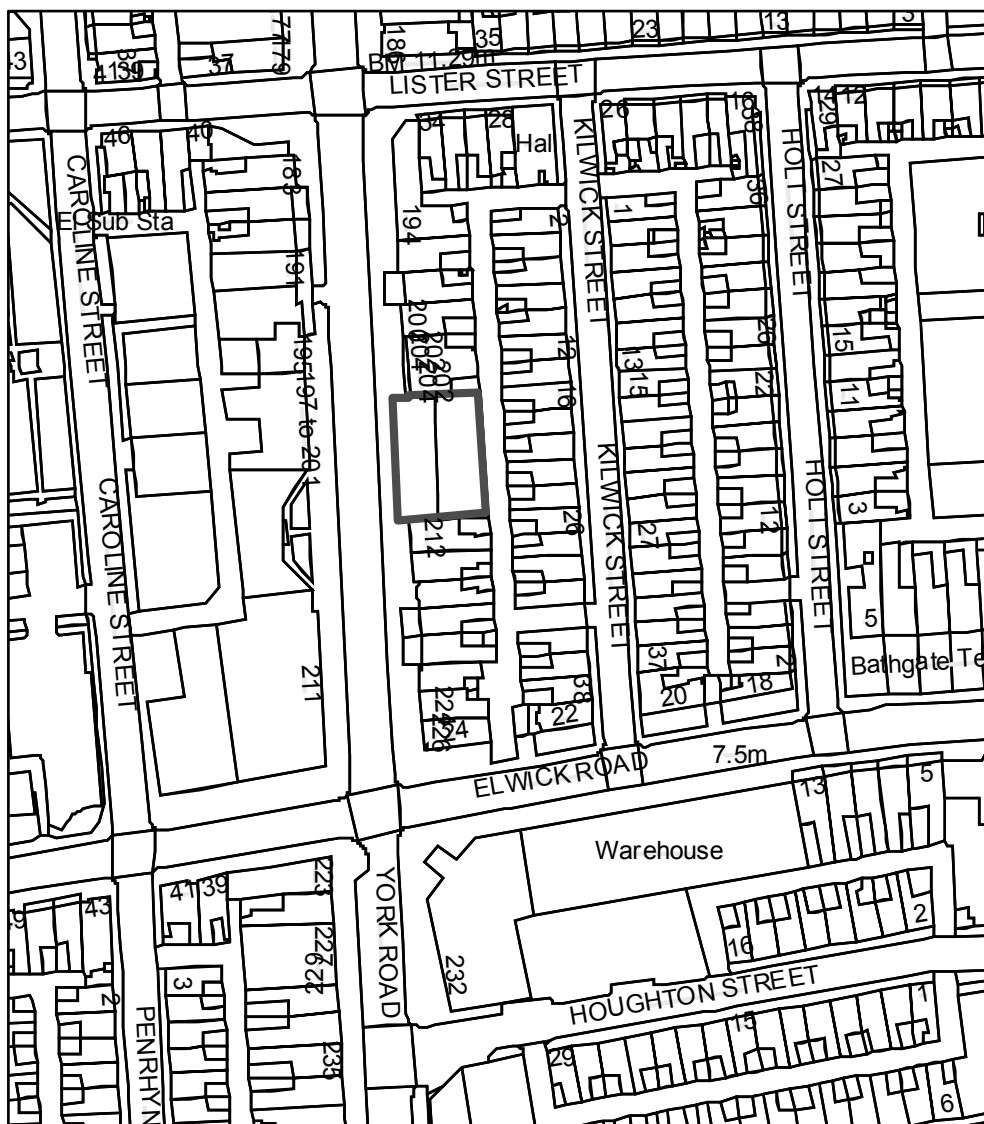
on site. Thereafter the scheme shall be carried out in accordance with the approved details.

In the interests of visual amenity and street hygiene.

10. The proposed first and second floor stairwell window(s) facing Kilwick Street shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).

To prevent overlooking

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: 10
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

10.1 The application was deferred by Members at the previous Planning Committee meeting of the 19 December 2007 so that the outstanding consultation responses could be received.

10.2 A number of consultation responses have been received since the previous meeting, however there are still further responses awaited. The original report has been revised and is set out below.

The Application and Site

10.3 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).

10.4 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 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).

10.5 The HSE response was received in January 2007 and consent was issued. Full consent was granted for the additional storage of all the chemicals apart from acrolein which was given a temporary permission for up to 12 months (until the 24th January 2007) so that the Local Planning Authority could assess the impact of any increased storage of this substance outside the application site.

10.6 To date there has been no increased storage of acrolein on the premises as the proposed trial in the North Sea, for which the extra acrolein was intended, has been

delayed. The main cause of this has been a hold up in the construction of additional specialist equipment which is required to enable the safe handling of the material off-shore.

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

10.8 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 additional acrolein onto the site.

Publicity

10.9 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

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

Head of Public Protection and Housing - No objection

Environment Agency – No objection

Northumbrian Water - Comments awaited

Natural England - Comments awaited

Greatham Parish Council – Raised concerns over the levels and mix of hazardous substances in this area of South Hartlepool. Also raise concerns is the possibility of further increases in the above factors so soon after the last application on behalf of Baker Petrolite.

Stockton Borough Council - Comments awaited

Health and Safety Executive – No Objection

Cleveland Emergency Planning Officer –No objection

Fire Brigade – Comments awaited

National Grid– No objection – Have concluded that the risk to their operational electricity and gas transmission network is negligible.

CE Electric – No objection

Planning Policy

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

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

10.12 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.

10.13 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.

10.14 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.

10.15 Whilst a number of further consultation responses have been received since the previous meeting of the Planning Committee there are still a number of consultation responses outstanding. As such it is considered appropriate to produce an update report in this instance to cover consultation responses received in the meantime.

RECOMMENDATION – Update response 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: 11
Number: H/2007/0559
Applicant: Miss D Anderson FRONT STREET (HART)
HARTLEPOOL TS27 3AW
Agent: Derek Stephens 17 Lowthian Road HARTLEPOOL
TS24 8BH
Date valid: 20/07/2007
Development: Demolition of existing cottage and outbuildings and
erection of a two bedroom detached dormer dwelling with
integral garage (amended application)
Location: WHITE COTTAGE FRONT STREET HART
HARTLEPOOL

Background

11.1 In September 2006 an application for the demolition of White Cottage and outbuildings and the erection of a two bedroom detached dwelling with detached garage with storage above was submitted (H/2006/0689). This application was withdrawn at the applicant's request in October 2006. An amended application is now before Members for consideration.

The application and the site

11.2 Full planning permission is sought for the demolition of White Cottage and the erection of a replacement dwellinghouse with an attached garage. Following negotiations the originally submitted plans have been amended. The replacement dwelling house will extend to two stories. The first floor will be accommodated within the roofspace which will be served by four dormers to the front and rooflights to the rear. It will accommodate a lounge, hall, utility, shower room, family room, wc, store, dining kitchen, porch and double garage at ground floor. At first floor the development will accommodate a master bedroom with dressing area and en-suite, a second bedroom, a bathroom, storage area and landing. The main portion of the building runs parallel to main street it extends to some 7.2m high to the ridge and 3m to the eaves it is some 7.6m wide back to front. The front elevation of this portion is some 13.4m long. Attached to the east side of this portion is a garage which incorporates a bedroom above. The garage is set back from the front of the property and has a lower ridge at some 6.4m high. The front elevation of the garage is some 5.3m long and its front to back width is some 6.5m. Finally to the rear of the main portion of the dwellinghouse a single storey projection some 4.4m by 5.1m by 5.6m high to ridge will be accommodated. Access will be taken from the north west corner of the site as per the current arrangement and a vehicular turning area accommodated in front of the garage. The submitted plans indicate that a new sewerage connection will be sought to Hart Pastures.

11.3 The site is prominently located on the south side of Front Street in the centre of Hart Village. It consists of a cottage with a range of outbuildings to the side. The cottage has been extended/altered and stone cladding has been added to its

external walls. Vehicular access to the cottage is from Hart Pastures to the west, in part via a public footpath. A hard standing to the front accommodates parking. To the rear of the cottage is a garden area. The site is largely enclosed by low stone walls. It is elevated in relation to Main Street, which passes to the north of the site. The street continues to climb to the west and falls away to the east. Between the site and the road on this side is a public footpath. Beyond again is a public footpath and relatively modern terraced housing (Mill View). To the north west is The White Hart Inn a Public House and a terrace of cottages all of older construction. To the west of the site is a car park which serves the Public House. Beyond the car park is the access to Hart Pastures beyond which set well back from the road is Hart Farm, a traditional farm house. To the south set at a lower level than the site is a modern bungalow which also has accommodation in the roofspace. To the west is the modern housing development of Hart Pastures.

11.4 The building is not listed and is not located within a Conservation Area. It is understood however that a request to designate a Conservation Area in Hart has been received and a report is being considered by the Portfolio Holder on 18th January 2007. Members will be updated as to the outcome of this meeting.

Publicity

11.5 The original proposals were advertised by site notice and neighbour notification (49).

The following representations were received.

Three letters of support. One of those writing in support of the application raises the following issues

- i) The Cottage is of no historical interest and since being stone clad has lost its original character.
- ii) The proposal is in keeping with other properties in the high street though there is some concern over the proposed vehicular access.

Three letters of no objection. Two of those advising they have no objections raise the following issues:

- i) One objection being put forth is driving on the public footpath, however people are parking on the footpaths throughout Hart with no action being taken by Hartlepool Borough Council and therefore to oppose it on these grounds would be double standards.
- ii) The council have already approved houses which are not in keeping with the surrounding buildings or village.

Seventy three letters of objection were been received. Four of these letters were anonymous. Those objecting to the proposal raise the following issues:

- i) The site is a prominent site at the top of a bank at the very heart of the village. The Cottage forms an essential part of the village character fabric and local heritage. It is one of the oldest buildings in Hart and occupies a key site on the

main street. It should be preserved for future generations. Its loss would be detrimental to the character of the central area of the village with its agricultural and older residential properties. It provides the continuity between the Raby Arms and Home Farm. The owners of the Cottage should have been prevented from putting stone cladding on the outside.

- ii) Past extensions and stone cladding may be unlawful.
- iii) Cottage has already been defaced by the addition of the stone cladding and the removal of two mature trees.
- iv) An extension would be acceptable.
- v) Restoration not demolition is the answer.
- vi) The owner should purchase a larger property elsewhere.
- vii) The development is unduly large and being of substantially greater height, bulk, volume and massing than the already extended cottage it is proposed to replace.
- viii) The development is out of keeping with the surrounding bungalows to the east and stone built agricultural buildings to the west.
- ix) The development will dominate its site and neighbouring properties, impacting on their daylight.
- x) The development provides garaging, hardstanding and a turning circle for two vehicles and only has access by driving along a public footpath creating a health and safety hazard.
- xi) The proposal adversely affects the setting of nearby Listed Buildings.
- xii) The proposal is contrary to Local Plan Policies Hsg9 and objectives A6, C1, C3, C4, C6.
- xiii) The proposal reduces the available affordable housing stock in the village
- xiv) Loss of Privacy.
- xv) The access is unlawful and its illegal use should be prevented.
- xvi) The access is narrow and is also a busy public footpath. The retaining wall may not support construction traffic or heavy use by family traffic and may collapse. Hartlepool BC has a duty of care to residents and may be subject to claims. The development should not be allowed unless a safe access is found and an adequate risk assessment should be carried out and kept on file regarding the existing due to the sharing of the access and footpath.
- xvii) Concerns at impact on bats.
- xviii) Calls for the designation of a Conservation Area in Hart and for local councillors, the Planning Department and the Conservation Officer to do much more to protect the trees, old building, structures and character of Hart Village.
- xviv) The large modern out of character house approved opposite the post office was a mistake and another should not be allowed.
- xx) Overdevelopment
- xxi) Precedent.
- xxii) TPO on all village trees.

In addition to the above three other representations were received.

- i) One letter from a neighbour neither objecting or supporting the application but raising concerns regarding drainage.
- ii) Two letters from individuals supporting the demolition of White Cottage but opposing the new building on grounds of its size, design, dominance loss of light to neighbours and highway safety concerns.

Following negotiations amended plans were received and were re-advertised by neighbour notification (96). The time period for representations has expired.

Four letters of no objection were received. One writer raises the following issues.

- i) Hart has been extensively redeveloped in recent years, including council house properties immediately opposite the proposed development. I can see no reason to object to further residential development.
- ii) White Cottage is of no historical interest and since being stone clad has lost its original character.
- iii) The proposed design is in keeping with other properties in the high street although there is some cause for concern over the proposed vehicular access.

Sixty One letters of objection were received. Two of these objections were anonymous. The writers raise the following issues.

- i) The Cottage forms an essential part of the village character fabric and local heritage. It should be preserved for future generations. Its loss would be detrimental to the character of the central area of the village with its agricultural and older residential properties.
- ii) The Cottage should be retained and restored with the cladding removed and the tree(s) removed from the site replanted.
- iii) Hundreds of large modern detached buildings nearby. Why spoil character of village.
- iv) If objections are not successful then a small bungalow would be more in keeping with other building and old bungalows on that side, we do not want a large house.
- v) The building is old and very interesting. The pretty part of the village. Too much of old village gone.
- vi) No planning should be accepted for any property on Main Street as it is the main view of the village.
- vii) We still object to the proposed demolition/destruction of a fundamental part of the built heritage that Hart contributes to the local area as it will have a detrimental affect not only on Hart Village but also on Hartlepool. Too many country dwellings have already been destroyed either by demolition or alteration. It would be far better if the applicant could be persuaded to bring the cottage back to its original state. It would then compliment the restoration already carried out at Old Holme Farm, Hart Farm, and Home Farm.
- viii) The amended application is still unduly large and being of substantially greater height, bulk, volume and massing than the already extended cottage it is proposed to replace.
- ix) The amended application is still out of keeping with the surrounding bungalows to the east and stone built agricultural buildings to the west.
- x) The amended application will still dominate its site and neighbouring properties, impacting on their daylight and outlook.
- xi) The amended application still provides garaging, hardstanding and a turning circle for two vehicles and only has access by driving along a public footpath creating a health and safety hazard.
- xii) Access is unsuitable for additional development.

- xiii) Access involves driving on the path is this lawful?
- xiv) The access is narrow and is also a busy public footpath. The retaining wall may not support construction traffic or heavy use by family traffic and may collapse. Hartlepool BC has a duty of care to residents and may be subject to claims. The development should not be allowed unless a safe access is found and an adequate risk assessment should be carried out and kept on file regarding the existing due to the sharing of the access and footpath.
- xv) Access to the garage would probably require the demolition of the front wall which is of historic interest and should be retained.
- xvi) Imperative Hart Village designated a Conservation Area and all buildings of sufficient merit listed.
- xvii) Concerns in relation to drains serving Hart Pastures
- xviii) Concerns in relation to disruption to village from redevelopment large lorries and deliveries. Hart pastures already congested and concerns expressed by public house regarding use of car park.
- xix) Owner has shown disregard for positional importance of site by cutting down two beautiful trees much to the disgust of villagers.
- xx) Land between site and road in Hart Pastures is owned by Hart Pastures residents. (One of which has advised the land would not be available for the storage of materials, or parking of construction traffic or berthing of cranes)
- xxi) If new drainage is routed through Hart Pastures this will disturb land which has been cultivated and maintained to a high standard for a number of years.
- xxii) Precedent. Approval would open the floodgates.
- xxiii) Development much larger than required for a two bedroom property, if the height of the garage was reduced to single storey it would have less impact on daylight to Southlands.
- xxiv) Please refer to previous comments. (Previous Comments are listed above).
- xxv) Would property remain two bed?
- xxvi) Support Hart Parish Councils bid for Conservation Area status for the old centre of Hart to help protect the ancient buildings, structures, mature trees and character of Hart Village.
- xxvii) Where would the materials and vehicles be located for demolition and rebuild?
- xxviii) Minimal change to the original application is an insult to objectors.
- xxix) End of what used to be main housing in the village.

Copy Letters F

Consultations

11.6 The following consultation replies have been received:

Parish Council : The amended plan shows a very small reduction in size compared to the previous application, and so is virtually the same application being submitted again. Accordingly, the objections raised by the Parish Council and residents to the previous application remain and apply as before to this so called amended application and have not been addressed in the slightest by the developer.

The comparison to be considered by the residents of the village, the Parish Council, the Local Council and the Planning Department remains what is on site now and what is proposed.

The reality of the application is: a proposed dwelling hugely in excess of the original footprint and massively greater in volume – the garages and outbuildings the developer is attempting to claim as existing footprint are not designated for residential use - and the loss of a very old and valuable building in the historic heart of the village.

The developer continues to compare the proposal to 5 Hart Pastures on the application plans – this of course is not adjacent to White Cottage but is a large two storey semi-detached property some considerable distance away on the Persimmon development across two sets of gardens and the road behind the White Cottage site. White Cottage is adjacent to a bungalow on Front Street, which the developer's architects have tactfully failed to use as a comparison, as it is totally dwarfed by this proposal. In fact the application fails to compare the proposal to any of the nearby buildings in Front Street where White Cottage is actually located – because they are all single storey bungalows or the historic listed structures at Home Farm.

The proposal again fails to address the serious public safety concerns over access to and from the site and continues to propose use of the pedestrian footpath for all vehicular access - a situation that will be worsened by the proposal. By increasing the size of the property and number of rooms it contains, it is felt that this will lead to an increase in vehicle trips generated to and from the property along the public footpath to gain access, so increasing the danger to the members of the public who correctly use the footpath for its original purpose.

The Parish Council continues to object to the proposed demolition as it will result in the destruction of an integral part of the villages fabric and heritage; objects to the dominating size and huge overdevelopment in this key setting in the heart of the semi-rural village of Hart and the proposed schemes detrimental effect on nearby Listed Buildings and the appearance and character of the village as a whole.

White Cottage remains a locally important building and an integral part of the street scene on the Front Street, being of some antiquity, and forms part of a traditional mixed group of former and still in use agricultural buildings that make up the central area of the village including the Grade II Listed Old Holme Farm, Hart Farm, and Home Farm. Overall, the minor amendments to the proposal to demolish White Cottage and replace it with a still inappropriately large detached property of poor design that does not respect its surroundings or make any attempt to improve and fit into its prominent village location is contrary to the Hartlepool Local Plan on numerous counts. In addition, White Cottage is included in the proposed Hart Conservation Area, currently under consideration by the Local and Parish Councils, for the central area of Hart, which is designed to protect the ancient villages buildings and unique rural character. Accordingly, this application is recommended for refusal.

In the letter from Derek Stephens Associates dated 4th December 2007, which *"passes to you two copies of the latest drawings"* it states that they are *'trying to establish the ownership of the land to the rear of our development'* This should not be a problem at this stage, there having been sufficient time at their disposal to determine this by a simple request to the Durham Land Registry Office, information which we were advised to be held by HBC anyway on another subject area. It is the

understanding of the Parish Council that the various associated houses in Hart pastures own this strip of land.

Head of Public Protection : No objections.

Engineering Consultancy : The above application will require a section 80 notice under the Building Act 1984 to be submitted to the Council covering the demolition of the building.

Traffic & Transportation : The property is a one bedroom house with a garage and shed and could have the potential for at least 5 vehicles parked within its boundary. There is a Traffic regulation order outside the property on the Front Street, which starts from the entrance of Hart Pastures to White Cottage and no parking is allowed at any time.

Vehicle access to the property is via the entrance of the car park of the White Hart Inn, along a part of adopted footway then onto a private drive belonging to White Cottage. This access arrangement is not ideal however it was part of the agreement, which allowed Hart Pastures development to go ahead in the early 1990s.

The applicant is proposing to demolish the property and replace it with a two bedroom house with a double garage and use the existing access arrangement. There is potential that there could be more vehicle movements due to the extra bedroom. However the number of vehicles, which will be allowed to park within the boundary of the property, would be reduced.

Two properties to the south of White Cottage have vehicle access onto Front Street. This would be difficult to achieve at White Cottage due to the height differences between the road and the property. There would be also implications for pedestrians using the footpath if a drive was constructed for White Cottage onto Front Street.

Given that the existing access arrangement is already in place and there have been no reported injury accidents to pedestrians, it would be very difficult to sustain an objection on highway grounds due to the increase in the number of bedrooms.

Tees Archaeology : I have a number of comments to make: -

Hart is a medieval settlement, with Front Street being the main thoroughfare. The plots of land on either side of this road were laid out following the Norman Conquest in the 11th century and will have seen continuous occupation since then. In this case the site already has standing buildings which occupy a similar footprint to the proposal. Given the disturbance from the existing structures I am happy to recommend an archaeological watching brief during development in this case.

The watching brief can be secured by means of a condition. This would allow a member of Tees Archaeology to be present during excavation and being allowed to record any features of interest and finds. This is a purely precautionary measure

and would entail no financial cost to the developer and the minimum of delay. Any finds would remain the property of the landowner unless otherwise directed by national law.

My second comment relates to the front boundary wall to the property. This has some interesting features. At one end an Iron Age beehive quern (used for milling grain) is built into the wall. There is also another fragment within the wall which may be a cross-base. I would therefore recommend a condition requiring the retention of the existing boundary wall.

My final comment relates to the impact of the new build on the character of the village. Although Hart is not a Conservation Area it has a 'village' feel and I recommend that the design of the replacement dwelling is in keeping with the character of the area.

Northumbrian Water : No objections

Ecologist : This proposal is accompanied by a report of a bat survey conducted by Gerry White who is an experienced and appropriately licensed ecological consultant. The survey examined all areas of the building, both internally and externally, where bats might potentially be found and conducted two surveys at dusk to see if any bats emerged and to assess how bats were using the immediately surrounding area. No evidence was found that bats roost in any of the buildings affected by this proposal. The report concludes that no loss of bat roosts is likely to occur and that there would be no loss of foraging habitat for bats or birds and no loss of flight commuting routes.

Although no bats are likely to be affected by this proposal, bats are highly mobile and may enter buildings that were previously unused by them. Consequently the report outlines a robust method statement to be adhered to in carrying out the work proposed, which will reduce the risk of harming bats as far as is practically possible. I would like to see this method statement made a condition, should permission be granted.

In addition to the method statement in section E, Part IV, of the bat survey report it states: Notwithstanding the low risk assessment for bats a precautionary start date for the demolition of the buildings is not before 15th August 2007. Although not stated, the rationale behind this statement is to avoid any possibility of disturbing young bats during the birth to weaning period as, even though no bats were found during this survey, bats are highly mobile and can change roosts frequently. As the above date is no longer relevant it would be appropriate to give generic dates to avoid this period in the demolition of the buildings. Therefore I would advise a condition stating that commencement of the demolition of the buildings is not to take place during the period late May to mid-August inclusive, unless a qualified ecologist has surveyed the building again immediately prior to demolition and confirms to this planning authority that no bats are present.

Conservation Officer This property is not located in a conservation area and it is not a listed building.

The site lies within the centre of the village. The predominant character of the village is residential properties. Few original buildings remain and those of any age have been altered, the predominant building age is post war. Some six listed buildings and two Scheduled Ancient Monuments are found in the area however they are some distance from this site.

As mentioned in previous consultations the existing building on the plot appears to have been constructed as a single undivided room or space with a gabled pitched roof. Three later additions consisting of smaller extensions with pitched roofs have been added on the south and west sides of the property to provide additional residential space with a smaller flat roof extension to the rear.

In addition to the extensions the building has been altered to accommodate modern windows, a door and clad in stonework.

Given the substantial changes which have occurred to this building it would be difficult to justify retaining it in its current form.

The existing proposal for a replacement building is much improved on previous submissions and it goes some way to reflect the character of the older properties within the area. No objections.

Planning Policy

11.7 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.

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

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.

HE14: States that the Borough Council will seek to protect archaeological sites and their setting. Archaeological assessment/evaluations may be required where development proposals affect sites of known or possible archaeological interest. Developments may be refused, or archaeological remains may have to be preserved in situ, or the site investigated prior to and during development.

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

PLANNING CONSIDERATIONS

11.8 It is considered that the main planning considerations relevant to the determination of this application are policy, design/impact of the streetscene/character of the village, highways safety, impact of the setting of listed buildings, impact on the amenity of neighbours, bats, drainage and archaeology. These matters are still under consideration and will be the subject of an update report.

RECOMMENDATIONS:-Update report to follow.

White Cottage, Front Street, Hart



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 7/01/08
	SCALE 1:1.250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0559	REV

No: 12
Number: H/2007/0823
Applicant: Mr S Edmundson PINWOOD CLOSE HARTLEPOOL
TS27 3QU
Agent: Mr S Edmundson 15 PINWOOD CLOSE
HARTLEPOOL TS27 3QU
Date valid: 31/10/2007
Development: Use of agricultural land as garden
Location: 15 PINWOOD CLOSE HARTLEPOOL HARTLEPOOL

The Application and Site

12.1 The application site is a piece of agricultural land, which has been fenced and grass seeded. The application is retrospective for the change of use to incorporate this land into curtilage to form a garden extension.

12.2 The land in question is outside the limits of development as prescribed in the adopted Hartlepool Local Plan 2006 and therefore represents a departure.

Publicity

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

The period for publicity has expired.

Consultations

12.4 The following consultation replies have been received:

Head of Traffic and Transportation – there are no major highway implications with this application.

Hart Parish Council – object on the grounds that it expands beyond the urban fence.

Tees Forest – object; although it is appreciated there have been other incursions into the land designated for community woodland established in the November 2000 Tees Forest Strategy Plan, in the vicinity of this application. However, as a matter of policy, Tees Forest would oppose the conversion of this particular piece of agricultural land for private use, as it will reduce the potential for the creation of community woodland within Hartlepool.

Planning Policy

12.5 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.

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.

Planning Considerations

12.6 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 outlined above and in particular the impact the proposed development would have in relation to encroaching beyond the urban fence.

12.7 The application is contrary to policy Rur1 of the adopted Hartlepool Local Plan 2006 and would represent a departure in terms of being an encroachment into the strategic gap between the built up area of Hartlepool and Hart Village. Regional policy under saved policy Env15 of the Tees Valley Structure Plan demonstrates the importance of maintaining these strategic gaps.

12.8 In determining this application it should be acknowledged that there is the issue of precedent in relation to other properties in Pinewood Close which have previously extended their gardens into the agricultural land, 2 having received planning permission to do this with five having been carried out without consent. All the properties which have extended their garden have maintained a regular line. However the current application proposes to extend the line by a further 9 metres into the agricultural land.

12.9 Discussions are on-going regarding the exact extent of the land being applied for; as there is concern that extending the site a further 9 metres past the other extended gardens in Pinewood Close would establish a further precedent and should therefore be resisted.

12.10 Discussions are ongoing with the applicant to reduce the site area and move the western boundary fence 9 metres back to bring the development in line with the garden extensions carried out elsewhere in Pinewood Close. Although this would still be an encroachment beyond the urban fence it is considered that given the precedent set in the late 1990's regarding 22 and 23 Pinewood Close where the Planning Committee resolved not to take action against these properties and approved retrospective planning permission, it would be difficult to resist this reduced development.

12.11 The wider area is well screened from public vantage points and is irregular in shape given the previously extended gardens. Therefore should the applicant reduce the area applied for it is considered taking into account the above factors, that reluctantly the scheme would be recommended for approval.

12.12 In terms of setting a precedent elsewhere in Hartlepool there have been appeals won by the Council at Tavistock Close and Nine Acres in relation to extending gardens into the countryside. It should be noted that these cases are considered to be distinct from the current application site.

12.13 The scheme for 42-52 Tavistock Close, which was refused in 2003 and dismissed at appeal in 2004, proposed to extend gardens into an area, which forms part of the Community Woodland. The Inspector concluded that the development would detract from the rural character of the Community Woodland, and if allowed the Council would have difficulty resisting similar proposals to extend residential gardens at the expense of the surrounding countryside. This scheme would also extend a regular boundary and be seen from public vantage points, as there is a public right of way to the south of the area proposed for development.

12.14 The scheme to extend the gardens of all the properties at Nine Acres into the surrounding agricultural land was refused in 2005 and dismissed at appeal in 2006. The Inspector concluded that the garden extensions would result in a harmful incursion into an attractive and prominent area of countryside and would result in an extremely unpleasant change to the character and appearance of the group of dwellings. This agricultural land is also classified as higher grade agricultural land compared to that of the application site and is very prominent in terms of visual amenity.

12.15 In respect of the properties, which have extended their gardens without the benefit of planning permission, they will be contacted and advised to submit a planning application to regularise their developments.

12.16 In light of current discussions the report will be updated accordingly prior to the Planning Committee.

RECOMMENDATION – UPDATE report to follow

114



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1 style="text-align: center;">HARTLEPOOL</h1> <h2 style="text-align: center;">BOROUGH COUNCIL</h2>		DRAWN <h3 style="text-align: center;">GS</h3>	DATE <h3 style="text-align: center;">7/01/08</h3>
		SCALE <h3 style="text-align: center;">1:1,250</h3>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT		DRG.NO <h2 style="text-align: center;">H/2007/0823</h2>	REV

No: 13
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

Update

13.1 Members deferred this application at the previous meeting on the 19th December 2007 to gain further information regarding the delivery service arrangements associated with the proposed use.

13.2 The applicant has confirmed that it his intention to operate the business as a predominantly daytime use. The applicant has agreed to only operate a delivery service from the premises up until 8pm in the evening, with the delivery vehicle being parked within the public car park to the rear of the premises upon Murray Street.

13.3. It is considered reasonable to attach a planning condition to any approval for such a use requiring the delivery service from the property to cease after 8pm.

13.4 The recommendation for approval, as set out in the original report, remains the same. The original report is reproduced below with revised conditions to reflect the issue discussed above.

The Application and Site

13.5 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.

13.6 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.

13.7 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

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

13.9 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.

The period for publicity has expired.

Copy letters E

Consultations

13.10 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

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

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will

not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

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

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

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

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

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

13.12 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

13.13 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.

13.14 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

13.15 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.

13.16 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.

13.17 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.

13.18 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.

13.19 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

13.20 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.

13.21 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.

13.22 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

13.23 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 received or issued in connection with the business between the hours of 8pm and 8am 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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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: 3
Number: H/2007/0663
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

The Council's highway engineer has confirmed that traffic counts have been carried out on Dalton Back Lane the findings of which are listed below:-

1. 18 December 2007 - 3pm – 4pm – 41 vehicles in total
2. 9 January 2008 – 8am – 9am – 44 vehicles in total
3. 9 January 2008 – 4pm – 5pm – 48 vehicles in total

The engineer considers it very unlikely on the basis of this information that the proposed development would have any major impact on the highway network or cause any congestion.

RECOMMENDATION

As in main report

No: 5
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

1.1 This application appears on the main agenda at item 5.

1.2 The recommendation was left open as a consultation response was outstanding. This has now been received.

Planning Considerations

1.3 The proposal seeks to vary a restrictive condition limiting the types of goods sold from the unit. The condition was imposed in order to protect the viability and vitality of the town centre by ensuring that goods to be sold would be restricted to those not normally sold in the town centre. It was originally imposed when the use of the site for non-food retailing was first approved (H/OUT/0508/00) and formed part of the conditions when this approval was subsequently renewed (H/OUT/0080/04). The main planning considerations in this case are therefore considered to be the impact of the development on the vitality and viability of the Town Centre.

1.4 The policies of the Hartlepool Local Plan seek to protect the vitality and viability of the Town Centre. Policy Com 17 advises that proposals for commercial developments, excluding convenience retailing, will be approved in this area provided, amongst other things, they do not adversely affect the viability of the Town Centre and Local Centres and that they conform to Policy Com8 (Shopping Development) and Com 9 (Main Town Centre Uses). Policy Com8 sets out a preferred sequence of locations for retail developments (Town Centre, edge of centre sites, the Victoria Harbour regeneration Area, other accessible out of centre locations).

1.5 Proposals for retail development are required to demonstrate need, that the scale of the proposal is appropriate and to demonstrate that the sequential approach in terms of location has been adopted. Policy Com 9 advises that retail development should be located in the Town Centre. It states that proposals for retail development outside the town centre will be acceptable only where a need has been justified for the development, that the scale and nature of the proposal are appropriate and that

the vitality and viability of the Town Centre and other centres are not prejudiced. For proposals outside the town centre the policy reiterates that a sequential approach to site selection should be applied with the same preferred sequence of locations as identified above. The application site is not identified in the Hartlepool Local Plan as part of the Town Centre or even edge of centre and therefore is low in terms of the sequential preferences for site selection identified in Policy Com8.

1.6 The policies of the local plan reflect current Government policy which is set out in PPS6 Planning for Town Centres. The Government's key objective for town centres is to promote their vitality and viability, by planning for their growth and development, and by promoting and enhancing existing centres by focussing development within them and encouraging a wide range of service in a good environment accessible to all. The guidance sets out the considerations which should be taken into account in determining planning applications for all proposals relating to main town centre uses, such as retailing, including applications to vary conditions on the sale of goods. It advises that in assessing such proposals local planning authorities should require applicant's to demonstrate : the need for the development, that the scale is appropriate, that there are no more central sites available which would be sequentially preferable, that there are no unacceptable impacts on the existing centre and that the locations are accessible. Again a sequential approach to site selection should be applied with locations considered in the following order, existing centres, edge of centre and finally out of centre.

1.7 In applying the sequential approach it is advised that all options in the centre should be thoroughly assessed and that in considering alternative sites developers should be able to demonstrate that they have been flexible in terms of the scale, format, car parking and the scope for dis-aggregation. This encourages the developer to explore the possibility of accommodating the development on more central sites by reducing the footprint of the proposals. Local Planning Authorities should be realistic in considering whether sites are suitable, viable and available. However where it is argued that sequentially preferable sites are not available applicants should provide clear evidence to demonstrate why such sites are not practical in these terms.

1.8 In bringing forward the proposal the applicant maintains:

- a) no additional floorspace is proposed, the unit is existing.
- b) there is a quantative need for the proposal.
- c) that the test of need and impact were demonstrated when the original outline planning applications were considered and approved in 2000 & 2004.
- d) the proposed variation in goods sold from the unit will not adversely affect the town centre, which is trading very successfully, or any other centre in Hartlepool.
- e) the scale of the development is appropriate.
- f) there are no suitable more central sites available to meet the requirements of the tenant.
- g) that the proposal satisfies relevant Local Plan and national policies (PPS6).
- h) extensive marketing of the unit has failed to find a tenant that would comply with the existing goods condition.
- l) a refusal would not succeed on appeal.

- j) The applicant is willing to accept a condition that would require the range of goods that could be sold from the unit to revert back to that originally approved, should the unit become vacant again in the future.

1.9 The proposal has been examined by the Authority's planning retail consultant who considers that the applicant has failed to demonstrate a need for their proposal or adequately assess its impact on the town centre. The consultant makes the following additional comments on the applicants case:

- a) whilst the retail use of the site was previously approved this was on the basis that the range of goods sold would be restricted by condition.
- b) the Hartlepool Retail Study 2005 found insufficient capacity for additional comparison floorspace unless market share and trade draw is increased in the longer term. Whilst this might be the case, should the Victoria Harbour Scheme be implemented ,under current market share and trade draw conditions the Retail Study concludes there is insufficient capacity.
- c) The proposal in itself probably would not kill off the town centre however incremental changes such as this may begin to erode the vitality and viability of the town centre.

1.10 The retail use of this site is established however it lies outside the town centre and it was anticipated at the time the original applications were considered that it would be used for bulky goods. The use was purposely restricted to exclude goods, including footwear, shoes, clothing etc which would normally retail in the town centre. The original applications were assessed and approved on that basis and it is very unlikely that unrestricted A1 uses would have been considered acceptable. The concern in restricting the sale of such goods was to protect the viability and vitality of the town centre where the sale of such goods provides a significant attraction for customers. Whilst the application does not include additional floorspace it does seek to vary the type of goods sold and it is appropriate therefore for the applicant to demonstrate need, that the sequential approach to site selection has been followed, and to assess the impact on the Town Centre.

1.11 In terms of need the Hartlepool Retail Assessment 2005 concluded that there is insufficient capacity for additional comparison floorspace unless market share and trade draw is increased in the longer term. In terms of sequential test whilst the applicant has considered and discounted various vacant units in the town centre it appears that there are other units available that do not appear to have been considered. The applicant also does not appear to have explained why disaggregating the proposed shop into smaller units would not be an option.

1.12 On the basis of the information submitted by the applicant it is not considered he has demonstrated that there is a need for the development, adequately assessed the availability of sequentially preferable sites, or adequately assessed the impact of the development on the Town Centre. Any approval here could also encourage further applications on the site, or in other out of centre locations, which could have a cumulative impact on the health of the town centre.

The proposal cannot be supported and is recommended for refusal

RECOMMENDATION – Refuse – for the following reasons

1 The site lies outside the designated Town Centre identified within the Hartlepool Local Plan in an area where retail development will only be allowed where it can be demonstrated that the vitality and viability of the Town Centre and other local centres will not be prejudiced. It is considered that the applicant has failed to demonstrate a need for the development to adequately assess the availability of sequentially preferable sites and has failed to address the aspects of impact required by PPS6. In consequence the applicant has failed to demonstrate that the proposal will not adversely affect the vitality and viability of the Town Centre contrary to PPS6 and contrary to policies Com 8, Com 9 and Com 17 of the Hartlepool Local Plan 2006.

No:
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

Update report

This application has been withdrawn as the applicant has decided to seek confirmation of the lawfulness of the development as a proposed use. Accordingly, that matter appears as item 7 on the agenda.

No:
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

Update report

1.1 Members are reminded that they are considering whether the proposed use is a lawful use having regard to the existing planning permissions. In this respect, a lawful use includes an activity which is not development as defined by s.55(1) T & CPA 1990 – e.g. because it involves a change of use which is not, as a matter of fact and degree, materially different, for planning purposes, from a previous lawful use. This is subject to the proviso that the use is not inconsistent with any limitation or conditions affecting the earlier permission.

1.2 The fabrication of offshore structures was permitted by virtue of previous planning permissions dating from 1997 and 2002 and that activity was not subject to any conditions or limitations relevant to the nature of the processes to be undertaken. The applicant's solicitors (Cobbetts) have submitted a letter which seeks to demonstrate that the processes involved in the fabrication of offshore structures are identical to those involved in the construction of concrete caissons. The letter is attached to this report with the relevant comparative table shown on page 2.

1.3 It is clear from Circular 10/97 that the burden of proof in relation to factual evidence provided by an applicant is "the balance of probabilities" and, generally, in the absence of conflicting evidence available to the Council, corroboration of such evidence is not required. However, it is relevant to note that the information provided by the applicants is not direct evidence of processes that have actually taken place, but is couched in terms of an understanding on their part of the processes that would have been involved in earlier times. Accordingly, to help independently corroborate this analysis of the similarity between the two processes, Able UK have also provided responses from two consultees, Fairhurst Consulting Structural and Civil Engineers and MP Consultancy Services. These letters are also attached.

1.4 In addition the information is being considered by the Council's in-house structural engineer whose views on the similarity between the processes involved in the fabrication of concrete for offshore structures and the construction of concrete caissons are currently awaited.

Conclusion

1.5 Subject to the views of the Council's structural engineer, taking into account the above information, and on the balance of probabilities, it is considered that the use of the site for the manufacture of caissons would not represent a material change in the

use of the site from the activities that were previously consented as part of the 1997 and 2002 permission namely the fabrication of offshore structures. Accordingly it is considered that the proposed use of the site would be lawful.

Recommendation

Subject to the views of the Council's structural engineer, approve for the following reason:-

1. It is considered, taking into account the similarity between the processes involved in the fabrication of offshore structures and the construction of concrete caissons that the proposed use of the site for the manufacture of concrete caissons would not constitute a material change of use of the site and would therefore be lawful.

58932



H/2007/0626
H/2007/0627

Roy Merrett
Principal Planning Officer
Department of Regeneration and Planning
Hartlepool Borough Council
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HARTLEPOOL TS24 7BT

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Our Ref: PNMAB167-2

7th January 2008

By E-mail and Post



Dear Sir

Application for CLEUD/CLOPUD – TERRC Facility

I refer to your letter of 7th September 2007 and regret the delay in responding to you.

You have requested full details of the industrial processes that are proposed to be employed in relation to the construction of the caissons and the relevant industrial processes that have been applied on the site in order to assess the similarity between the two. I would suggest that the enquiry should be extended to include the degree of similarity with the industrial processes that are authorised to be conducted at TERRC under any of the planning permissions currently extant.

The 2002 planning permission (H/FUL/0375/02) and the 1997 permission (TDC/96/091) authorised, *inter alia*, the use of the land for the fabrication of offshore structures, which are identified as including structures for oil and gas exploration, exploration production platforms and accommodation modules as well as the construction of marine related structures and equipment. It also includes the refurbishment of redundant marine structures and the erection and use of a concrete batching plant.

The offshore structures may be fabricated of concrete or steel (or both). Enquiries by my client of the Head of Offshore Decommissioning at the Department for Business, Enterprise and Regulatory Reform reveal that approximately 20% of large offshore structures installed in the North Sea sector are of concrete/rebar type construction. The planning permission authorises the construction and the refurbishment as well as the means (ie the batching plant) to carry out that work.

I have asked for a comparative table to be prepared that sets out the processes involved in refurbishing marine structures and constructing the caissons for the Tyne Tunnel:-

Construction Stage	Marine Structures	Caissons
1	Set the formwork (timber cladding to act as a mould for the concrete).	Set the formwork (timber cladding to act as a mould for the concrete).
2	Fill the formwork with steel reinforcing bars to give the finished structure the required strength.	Fill the formwork with steel reinforcing bars to give the finished structure the required strength.
3	Import aggregate - a mixture of sand and stones to mix concrete.	Import aggregate - a mixture of sand and stones to mix concrete.
4	Mix the concrete in the permitted concrete batching plant.	Mix the concrete in the permitted concrete batching plant.
5	Pour the concrete into the formwork to the required levels.	Pour the concrete into the formwork to the required levels.
6	Allow the concrete to set to the required strength - usually around 14 days.	Allow the concrete to set to the required strength - usually around 14 days.
7	Remove the formwork to expose the finished structure.	Remove the formwork to expose the finished structure.
8	Collect the waste construction materials in accord with the 1996 EIS permitted methods.	Collect the waste construction materials in accord with the 1996 EIS permitted methods.
9	Float the structure to its desired location.	Float the structure to its desired location.
10	Job complete.	Job complete.

As you will see, the process involved in constructing the caissons is precisely the same in every respect to that authorised by the 1997 and 2002 permissions for the construction and refurbishment of marine structures. Moreover, both would normally (and in the case of the caissons, will) be carried out within the dry dock after it has been emptied. Both marine structures and the caissons will be removed from TERRC by sea.

On the basis of this evidence, therefore, I strongly suggest that there is no basis to withhold the CLOPUD in respect of the caisson construction. I must make clear that the certificate is sought only in respect of that specific work.

There are two points in relation to the CLEUD.

1 Major refurbishment work at TERRC has not been carried out under the planning permission. However, prior to 1990, the yard was used for the construction of offshore platforms. I attach a photograph of the construction of the 'Ravenapum' platform. It clearly shows the formwork constructed for the concrete platform supports, precisely in accordance with the process described in the comparative table. I am informed that it is typical of the work that was undertaken at the yard when in the ownership of Laings. The large concrete structures were, of course, removed from the site by sea. The caissons similarly will be removed from the site by sea. It follows, therefore, that the precisely similar activities have been carried on at the site and involving a similar mode of transport.

2 As identified above, the 1997 permission specifically authorises the construction of "marine related structures". The caissons for the Tyne Tunnel are clearly within that definition. Their method of construction (as explained above) and transportation from the site is precisely as envisaged in the permission.

Accordingly, on the basis of either or both of the above, the construction of the caissons should benefit from a CLEUD.

Yours faithfully



Peter Wilbraham
Partner
For and on behalf of Cobbetts LLP

Direct Dial: 0845 404 1740
Direct Fax: 0845 166 8471
Email: kim.eccles@cobbetts.com



Concrete structures in progress:



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H12007/0626
0627

MP Consultancy Services

146 Morecambe Rd
Lancaster LA1 5HY

Ref GW 003

Dated 9th Jan 2008

Able UK Ltd

Able house,
Billingham Reach Industrial Estate
Billingham
Teesside TS23 1PX

Attn Mr Glyn Wheeler Managing Director
Able UK

TYNE TUNNEL CAISSONS – "Evidence of Equivalence of Operations"

Dear Mr Wheeler

With reference to our recent conversations and having been on the construction team firstly for Tarmac on the Conwy Submerged Tube Tunnel and later for C&N on the Prevetza submerged tube tunnel I can comment as follows.

In terms of operational processes associated with the construction of the caissons (tunnel sections) they are highly similar to other marine structure construction processes.

The equivalence, in terms of operational process, between caissons and such marine related structures is as presented on a comparative basis in the table replicated below:

Construction Stage	Marine Structures	Caissons
1	Set the formwork (timber cladding or similar to act as a mould for the concrete).	Set the formwork (timber cladding or similar to act as a mould for the concrete).
2	Fill the formwork with steel reinforcing bars to give the finished structure the required strength.	Fill the formwork with steel reinforcing bars to give the finished structure the required strength.
3	Import aggregate – a mixture of sand and stones to mix concrete.	Import aggregate – a mixture of sand and stones to mix concrete.
4	Mix the concrete in the permitted concrete batching plant.	Mix the concrete in the permitted concrete batching plant.
5	Pour the concrete into the formwork to the required levels.	Pour the concrete into the formwork to the required levels.
6	Allow the concrete to set to the required strength – usually around 14 days.	Allow the concrete to set to the required strength – usually around 14 days.
7	Remove the formwork to expose the finished structure.	Remove the formwork to expose the finished structure.
8	Collect the waste construction materials in accord with the 1996 EIS permitted methods.	Collect the waste construction materials in accord with the 1996 EIS permitted methods.
9	Float the structure to its desired location.	Float the structure to its desired location.
10	Job complete.	Job complete.

It is hope that you find this assessment and simple analogy of some help

Regards

Mark Patterson



FAIRHURST
CONSULTING STRUCTURAL
AND CIVIL ENGINEERS

Date: 11 January 2008

Able UK Ltd
Able House
Billingham Reach Industrial estate
Billingham Reach
Teesside

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Newcastle
NE4 6DB

TEL: 0191 221 0505 FAX: 0191 221 0506
Email: newcastle@fairhurst.co.uk
Website: www.fairhurst.co.uk

Attn Mr Glyn Wheeler, Managing Director

Dear Glyn

The construction of the tunnel elements is standard concreting work ie preparation of a sound base on which to work followed by the fixing of steel reinforcing bars, erection of shuttering and then pouring of concrete. This process is similar to that carried for many marine civil engineering applications such as those already employed in the construction of the Graythorpe basin and those intended for the current improvement works at TERRC.

Yours faithfully

David Ladkin

**Divisional Director
Ports & Harbours**

LOBBY	BIRMINGHAM	BASTOL	DUNDEE	EDINBURGH	ELGIN	GLASGOW	INVERNESS	LEEDS	MANCHESTER	NEWCASTLE	SHEFFIELD	WATFORD	WELL
Director of Finance M J Cullen BA, CA													
Divisional Director Ports & Harbours D Ladkin BSc, MICE													
A Bryson BSc, CEng, MICE													
K C Lister BSc, CEng, MICE, MARS													
P A Ridge BSc, CEng, MICE, MARS													
P Muirhead BSc, FCE, CEng													
A R Price BSc, CEng, MICE, MARS													
G L Bruce BSc, CEng, MICE													
J H Stevens BSc, CEng, MICE													
N C Cook BSc, CEng, MICE													
I MacKenzie BSc													
R Brown BA, CEng, MICE													
Roe BSc, CEng, MICE													
G Small BSc, CEng, MICE													
I Fraser BSc, CEng, MICE, MARS, MARS													
Roe BSc, CEng, MICE, MARS													
Roe BSc													

No: 10
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

1.1 Since the previous update report Natural England and Cleveland Fire Brigade have confirmed that they have no objection to the proposal. Northumbrian Water and Stockton Borough Council have made no comments. The period for comments has expired. In summary none of the consultees have raised objections to this application.

1.2 Given that Members previously granted a temporary 12-month consent for the increased storage of acrolein on the site, which has yet to be implemented, it is considered 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.

1.3 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.

RECOMMENDATION:- To grant a further 12-month temporary permission for the increased storage of acrolein on the site subject to the following conditions:-

- 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 in writing to an extension of this period.
Reason:- 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.
Reason:- In the interests of safety.
- 3) The containers used for the storage of the chemical shall only be stored outside.
Reason:- In the interests of safety.

No: 11
Number: H/2007/0559
Applicant: Miss D Anderson FRONT STREET (HART)
HARTLEPOOL TS27 3AW
Agent: Derek Stephens 17 Lowthian Road HARTLEPOOL
TS24 8BH
Date valid: 20/07/2007
Development: Demolition of existing cottage and outbuildings and
erection of a two bedroom detached dormer dwelling with
integral garage (amended application)
Location: WHITE COTTAGE FRONT STREET HART
HARTLEPOOL

PLANNING UPDATE

Background

1.1 This application appears on the main agenda at item 11. The recommendation was left open as a number of issues were under consideration.

Publicity

1.2 An additional letter of objection has been received the writer raises the following issues:

1. Application is fundamentally the same and previous objections stand.
2. Destruction of an integral part of the village fabric and heritage.
3. Inaccuracies in the application.
4. Inadequate design in this key setting in the heart of the semi rural village.
5. Detrimental impact on nearly listed buildings and the appearance and character of the village as a whole.
6. Contrary to Local Plan Policies and Objectives.
7. Site lies within the proposed Hart Conservation Area currently under consideration.

1.3 This letter will be circulated with the late papers.

PLANNING CONSIDERATIONS

1.4 The main issues relevant to the determination of this application are considered to be policy, design/impact on the street scene/character of the village, highway safety, impact on the setting of listed buildings, impact on the amenity of neighbours, bats, drainage and archaeology.

POLICY

1.5 The site lies in the centre of the village, within the village envelope in an area where in principal residential development including the redevelopment of existing

housing sites is acceptable in principle. The proposal involves the demolition of a small cottage and concerns have been raised that the proposal will reduce the affordable housing stock available in the village. It is not considered however that the loss of a single dwelling would have a significant impact on the availability of affordable housing in the village. Policy Hsg 9, New Residential Layout – design and other requirements sets out the other detailed considerations to be taken into account when assessing applications for residential development. The detailed considerations relevant to this site are discussed below.

DESIGN/IMPACT ON THE STREETSCENE/CHARACTER OF THE VILLAGE

1.6 Following negotiations the design of the proposed replacement dwellinghouse has been amended in order to reduce its height, mass and bulk. Whilst it remains very much a modern building traditional design features have also been incorporated to attempt to reflect its village setting. The external finish of the walls of the building will be painted render with a stone porch. The windows will be UPVC with sliding sash effect and the window openings will incorporate stone heads and cills. The roof covering will be of slate effect, stone tabling and chimneys will be incorporated at the roof margins. Roof lights will be conservation rooflights. The development incorporates an appropriate level of off street parking and a rear garden in excess of 120 square metres which is considered acceptable. The site is located in a part of the village which is dominated by modern development, with modern bungalows to the east, modern housing to the south, and former council housing directly opposite to the north, whilst there are older more traditional buildings to the west, and north west the overwhelming character of the village in this area is modern. In this context the design of the proposed dwellinghouse is considered acceptable.

1.7 The site is prominently located on the main street and is elevated in approaches from the east. The existing cottage is relatively small extending to some 5.2m to the ridge and 2.4m to the eaves. Whilst it is proposed to set the proposed house slightly down in the site in comparison with the existing cottage, it is acknowledged that the replacement dwelling house is larger than the small one bedroom cottage it replaces in terms of its height, footprint and volume.

1.8 It compares more favourably with the modern buildings in the vicinity of the site. The main façade of the new building will be set back some 4 to 5m from the back of the footpath, on a similar line to the existing cottage and the adjacent bungalows. The main part of the proposed dwelling house (excluding the subordinate garage and rear projection) extends to some 7.2m high to the ridge and 3m to the eaves. It is some 13.4m long and some 7.6m wide. In comparison the dwellinghouses on Hart Pastures whilst narrower are some 8.2m high to ridge, the adjacent modern bungalow, Southlands, (which does not have a garage) is some 5.5m high to the ridge, some 2.7m to the eaves, and is some 12m long and 9.4m wide. The drawings submitted show the building in the context of its closest neighbour, Southlands, and in the context of the modern housing which makes up Hart Pastures. It is acknowledged that the proposed dwelling will be 1.7m higher to the ridge, and as it is further up the slope, will be at a higher level than Southlands. However the amended design shows the garage element stepped down with a ridge height of 6.4m which allows for a more gradual stepping in height between the main buildings. Whilst the new building will clearly have more presence in the street scene than the existing cottage, it is not considered that it will appear unduly large, prominent or overbearing.

1.9 White Cottage is a familiar landmark in the village. It is clearly valued and held in a good deal of affection by many local residents, the Parish Council and Hartlepool Civic Society who regard it as an important part of the historic fabric of the village, and its character. This strength of feeling is reflected in the many objections received.

1.10 The building appears to have been extended at various times, its window openings enlarged to accommodate modern windows and has been stone clad. The building has been examined by Officers of the Landscape & Conservation Section, who have concluded "It is unlikely that the building is of a suitable quality to be Listed. There is no conservation area status at Hart Village which would require protection from demolition to be considered. Given the changes which have occurred to the property it would be difficult to justify retaining it in its current form. Given this conclusion the loss of the building in this case is considered difficult to resist".

1.11 Whilst it might be argued the building retains some degree of rustic charm, its original character has clearly been undermined by the various alterations. The owner is unwilling to restore White Cottage and it is considered that in its current state it has little architectural merit. The building is not Listed, or in a conservation area, whilst it might be considered as a candidate for consideration for inclusion in a local list, which could afford a degree of protection, at present there is no such list and so little weight can be given to this. In light of the above, whilst acknowledging the strength of affection toward the building, it is considered difficult to resist its loss, or to sustain an argument that its loss would significantly affect the character of this part of the village.

1.12 In conclusion the design of the proposed replacement house is considered acceptable. It is not considered that the loss of White Cottage and the erection of the replacement dwellinghouse will have a detrimental affect on the street scene or the character of this part of Hart Village.

HIGHWAY SAFETY

1.13 The vehicular access to White Cottage is narrow and in part is along a public footpath. Objectors have raised concerns at the legality of this arrangement, that the additional traffic associated with the larger house will have a detrimental impact on the safety of pedestrians using the footpath and that the footway might be damaged by construction traffic or excessive use. The current access arrangements were approved as part of the Hart Pastures development (H/FUL/0528/94). It is anticipated that a larger house might attract additional traffic movement. The arrangement is not ideal however it is existing and there have been no reported accidents to pedestrians from its use to date. Traffic & Transportation have concluded that it would be difficult to sustain an argument for refusal on highway grounds. They have advised that the applicant would be responsible for any damage caused to the footway as a result of the construction traffic and that should the application be approved a condition should be imposed requiring the submission and approval of a method statement relating to construction traffic. In highway terms the proposal is considered acceptable.

IMPACT ON THE SETTING OF LISTED BUILDINGS

1.14 The closest listed building to the site is Home Farmhouse and Farm Cottage a mid/late 18th Century Farmhouse. This building is located some 60m to the west of the site and it is not considered that the proposal will affect the setting of this listed building.

IMPACT ON THE AMENITY OF NEIGHBOURS

1.15 The site is separated from housing to the north, south and west by intervening land including public roads. The separation distances between the proposed dwellinghouse and the closest property on Mill View (some 28m), on Hart Pastures (some 26m) and to Hart Farm (some 38m) are far in excess of Local Plan guidelines which recommend a separation distance of 20m is maintained between principle elevations and 10m between a principle elevation and a gable. It is not considered therefore that the proposal will unduly affect amenity of the occupiers of these properties in terms of loss of light, privacy, outlook or in terms of any possible overbearing effect.

1.16 The closest neighbour to the site is the occupier of the adjacent bungalow located to the east, Southlands, this neighbour is set at a lower level than the proposed dwellinghouse. The main elevations of this neighbour are oriented with views to the NW(front) and SE(rear) and so the views from the main windows in the property should not be significantly affected. The neighbour however does have a ground floor and first floor bedroom window, and a patio door serving a kitchen/dining room, in the gable which faces the site. It is understood these rooms are served by other windows in the main elevations which do not face towards the site. The building has been sited so that where it approaches these windows at the closest point it does not directly oppose them and has a blank gable facing. Whilst the windows in the single storey offshoot will face the neighbours gable windows the separation distance is in excess of 20m. The proposal will intrude in views from the neighbours gable windows, as do the existing buildings on the site, however given the relative orientation of the properties and the secondary nature of the neighbour facing windows, it is not considered that the proposal will unduly affect the existing amenity of this neighbour in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.17 In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

BATS

1.18 The application was accompanied by a bat survey. The bat survey found no evidence that bats roost in any of the buildings on the site. It concludes that no loss of bat roost is likely to occur and that there would be no loss of foraging habitats for bats or birds and no loss of flight commuting routes. Given the recognised mobility of bats the survey outlines a robust method statement to be adhered to in carrying out the works. In light of this the Ecologist has raised no objection to the proposal and has recommended appropriate conditions should the planning application be approved.

DRAINAGE

1.19 White Cottage is currently served by a drain which is connected to a manhole located within the garden of the neighbouring cottage, Southlands. The neighbour has advised that there have been problems with the drains overflowing and has expressed concern at this arrangement given the fact that a larger dwellinghouse with potentially greater outflows is proposed. This concern was raised with the applicant who was encouraged to explore a dedicated connection to the public sewer. The applicant has discussed the matter with Northumbrian Water and they have indicated that connection could be made to the existing public sewers in Hart Pastures. This would involve crossing a verge which is in separate ownership to the public sewers located in the adopted highway. The applicant has contacted the owner of the land affected who has indicated that they would consent to the crossing of their land. Separate permission would also be required for any related works in the highway. Any disruption would need to be made good. Northumbrian Water have raised no objection to the proposal. Should the application be approved it is considered prudent to condition the drainage details, this will ensure that the details of the proposed new connection are acceptable, or, if for whatever reason a new connection proves unachievable that the adequacy of the existing arrangement is demonstrated.

ARCHAEOLOGY

1.20 Given the historic origins of the village Tees Archaeology have requested that should planning permission be granted for the proposal a condition is imposed allowing for a archaeological watching brief. This will require the applicant to give notice to Tees Archaeology and to afford access at all reasonable times to Tees Archaeology to observe excavation and record item of interests and finds. Tees Archaeology have also advised that the front boundary wall contains archaeological features and has recommended that a condition should be imposed requiring the retention of the wall should planning permission be approved.

OTHER MATTERS

1.21 A number of objectors have raised the issue of the removal of a tree, or trees, from the site a number of years ago. It is understood that the tree in question was not protected and therefore its removal is not a material consideration in relation to the consideration of this application.

CONCLUSION

1.22 The proposal is considered acceptable and is recommended for approval.

RECOMMENDATION – APPROVE - subject to the following conditions:

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

To clarify the period for which the permission is valid.

2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, including colour finishes, samples of the desired materials being provided for this purpose where required by the Local Planning Authority.

In the interests of visual amenity.

3. The development hereby approved shall be carried out in accordance with the amended site location plan and amended plan(s) no(s) N4112/06F and N4112/07E received at the Local Planning Authority on 5th December 2007 and the amended plan no N4112/5G received at the Local Planning Authority on 10th January 2008, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt

4. Unless otherwise agreed in writing the existing stone boundary walls shall be retained on site.

In order to ensure that the archaeological interest of these features is retained and in the interests of the visual amenity of the area.

5. Prior to the commencement of development, including any demolition, a method statement shall be submitted detailing how the development including any demolition will be undertaken. The statement shall include details as to how access to, and egress from, the site for construction and demolition traffic will be achieved. It shall also detail where construction materials, and materials arising from demolition works, shall be stored before use or collection and the proposed location for the siting of any skips. Once agreed the method statement shall be strictly adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

In the interests of amenity and highway safety.

6. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel: (01429) 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.

The site is of archaeological interest

7. Unless otherwise agreed in writing the development, including any demolition, shall be carried out strictly in accordance with the Method Statement contained at G in the Consultancy Survey compiled by G White dated May-June 2007 and submitted in support of the application.

In order to ensure the risk to bats is minimised.

8. Unless otherwise agreed in writing no demolition works shall take place between 14th May and 14th August inclusive in any year unless a suitably qualified ecologist has surveyed the building immediately prior to demolition, confirmed that no bats are present, and confirmed this in writing to the Local Planning Authority.

In order to ensure any bats are protected.

9. 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.
10. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
11. Prior to the commencement of development details of the proposed method of disposal of foul and surface water arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
In order to ensure that appropriate provision is made in the interest of the amenity of the area.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and the visual amenity of the area.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property and the visual amenity of the area.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the building facing Southlands without the prior written consent of the Local Planning Authority.
To prevent overlooking
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of the dwellinghouse forward of

any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

No:
Number: H/2007/0823
Applicant: Mr S Edmundson PINWOOD CLOSE HARTLEPOOL
TS27 3QU
Agent: Mr S Edmundson 15 PINWOOD CLOSE
HARTLEPOOL TS27 3QU
Date valid: 31/10/2007
Development: Use of agricultural land as garden
Location: 15 PINWOOD CLOSE HARTLEPOOL HARTLEPOOL

UPDATE REPORT

1.1 As detailed in the main committee report discussions have been on-going regarding the extent of the land which is proposed to be used as garden. As the applicant has already fenced off the site and seeded the area he would like the application to be considered in its present form, which extends beyond the urban fence and is 9 metres past the line of the other garden extensions in Pinewood Close.

1.2 The original report did specify that the application is contrary to policy Rur1 of the adopted Hartlepool Local Plan 2006 and represents a departure in terms of being an encroachment into the strategic gap between the built up area of Hartlepool and Hart Village. Regional policy under saved policy Env15 of the Tees Valley Structure Plan adopted 2004 demonstrates the importance of maintaining these strategic gaps.

1.3 It is considered that allowing the larger extended garden as proposed by the applicant would establish a further precedent. Previous appeal and court decisions have shown that precedent creation is a material consideration to be given weight in the decision making process. It is generally accepted that for precedent to be an influential factor there would have to be a likelihood of similar future proposals in closely parallel situations. In this instance it is considered that there is potential for the proposed development to be replicated at the surrounding properties in Pinewood Close and also at various locations bounding onto the Urban Fence.

1.4 It is therefore recommended that this application should be refused.

RECOMMENDATION: Refuse for the following reason:

1. It is considered that the proposed development would extend the urban area into the surrounding countryside contrary to Policies Gep1 and Rur1 of the adopted Hartlepool Local Plan 2006 and Env15 of the Tees Valley Structure Plan adopted 2004. It is considered that the proposed development would establish a precedent that would make it difficult to resist similar proposals.

Report of: Assistant Director (Planning And Economic Development)

Subject: APPEAL BY HARCHARAN SINGH NIJJAR - SITE AT 152 RABY ROAD HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of an appeal against the refusal of this authority to grant planning permission for the change of use of the above property from a TV repair shop to a hot food takeaway.
- 1.2 The appeal was dismissed the Inspector concluding that the proposed development would have a harmful effect upon the living conditions of occupiers of the nearby housing. A copy of the appeal decision is **attached**.

2. RECOMMENDATION

- 2.1 That members note the outcome of the appeal.



Appeal Decision

Site visit made on 13 November 2007

by Zoë Hill BA(Hons), MRTPI,
DipBtgCons(RICS), IHBC

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

The Planning Inspectorate
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Decision date:
5 December 2007

Appeal Ref: APP/H0724/A/07/2046672
152 Raby Road, Hartlepool, Cleveland TS24 8EL

- 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 H Nijjar against the decision of Hartlepool Borough Council.
- The application Ref: H/2007/0147, dated 23 February 2007, was refused by notice dated 23 April 2007.
- The development proposed is change of use from TV repair shop to hot food takeaway (fish & chips) – replacement premises due to Hartlepool revival programme.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this case are the effect of the proposed change of use on: the living conditions of the occupiers of neighbouring residential properties having particular regard to noise and disturbance; and the effect on highway safety and the free flow of traffic on Raby Road.

Reasons

3. The appeal site is situated away from the Raby Road local centre in a mainly residential area. The site is opposite residential properties, has residential properties to the rear on Perth Street, and is an end of terraced property attached to a dwelling. The nearby side streets have been pedestrianised. The application forms indicate proposed opening hours of 09:30 to 22:30hrs on each day of the week but the appeal states opening hours would be 11:15 - 13:30 and 16:00-21:00 and not at all on Sundays. It is my opinion that the likely comings and goings associated with trips to the proposed takeaway would cause noise and general disturbance, for instance as a result of people talking, particularly if groups congregate, car doors being closed and engine noise. Even based on the shorter opening hours identified, I consider that such noise and disturbance would have a harmful effect upon the living conditions of occupiers of the nearby housing who could reasonably expect a degree of peace and quiet particularly in the evening.
4. Although the property was last in use as a TV repair shop I do not consider that a retail use would be likely to attract the same level of activity in this location as the proposed use, particularly in the evening. Whilst there are some hot food uses in this area I consider that adding to noise and disturbance which may be associated with those properties, and any from the local centre, would serve to diminish the residential environment.

Appeal Decision APP/H0724/A/07/2046672

5. The appellant explains he has an interest in keeping noise and activity quiet because he intends to live above the shop. However, he would also have an interest in attracting trade to his business. In any event he might change this situation at a future stage or subsequent owners might operate the business on a different basis. Whilst I acknowledge other hot food takeaways exist nearby adjacent to residential properties I have no information before me to indicate whether the circumstances under which they were allowed differ from those at the appeal site, or that those uses, many of which may predate the recently adopted (2006) Hartlepool Local Plan, do not adversely impact on residential amenity. In this case, which I must judge on its own merits, I conclude that the proposed use would have a harmful impact upon the living conditions of the occupiers of nearby dwellings and as such would conflict with policies GEP1, Com12 and Com13 of the Local Plan.
6. At my site visit I saw that there was on-street parking to the front of the premises on both sides of the road and on Perth Street before the point of pedestrianisation. That pedestrianisation may result in greater impact on the on-street parking in Raby Road particularly in the evenings as suggested by the Council's survey figures. However, it is likely that, because of the proximity to the surrounding residential areas, many customers are likely to arrive on foot and that some trips may be linked to the bus service, Raby Road being on a main priority bus route and there being a bus stop close to the property. As such I do not consider that the absence of the private parking for the appeal site would necessarily lead to situations prejudicial to highway safety or the free flow of traffic on Raby Road. I also note that the Council's Highway and Transport section considered the proposal would have no major highway implications. On this matter I conclude that the proposed development would not have a harmful effect on highway safety or the free flow of traffic on Raby Road and as such I do not find conflict with policies GEP1, Com12 or Com13 in this regard. Nevertheless, whilst I have not found harm in terms of highway safety, this does not outweigh the harm to living conditions which I have identified.

Other Matters

7. Local residents express additional concerns about litter, which might also attract vermin, and odour that might be associated with the proposed use. Litter is a matter which could be dealt with through other legislation. Odours can largely be mitigated against by the use of suitable extraction equipment. However, there are no plans to show how such equipment could be suitably sited. Moreover, not all cooking odours would be eliminated. Given the very close proximity to residential properties, including the property to which the appeal building is attached, I consider that the likely harm to living conditions from cooking odours reinforces my conclusion on the first main issue.
8. The appellant explains that the proposed use would be to replace an existing business which has to move as the result of that property being acquired by Compulsory Purchase Order (CPO) by the Council. Whilst I sympathise with the appellant's desire to find new premises, this does not outweigh the harm to living conditions which I have identified in my assessment of the main issues. Similarly whilst the proposal would not result in an increase in the number of hot food takeaway uses in the general area (because this use would replace the CPO one) this does not outweigh the specific harm I have identified in this

Appeal Decision APP/H0724/A/07/2046672

location. I do not concur that the proposal would result in a visual improvement to the building rather it would have a neutral impact. Although the appellant provides a petition in support of his development from his customers, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Zoë Hill

Inspector

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MR T BRAHAM, 1 SWALEBROOKE AVENUE, 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 refusal of the Local Planning Authority to allow the erection of a detached bungalow to the rear garden of 1 Swalebrooke Avenue, Hartlepool, TS25 5JP.

2.2 The appeal was decided by written representations and dismissed by the Planning Inspectorate.

2.3 A copy of the decision letter is attached with this report.

	<h2>Appeal Decision</h2>	<p>The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN</p>
	<p>Site visit made on 20 November 2007</p>	<p>☎ 0117 372 6372 email:enquiries@pins.gov.uk</p>
	<p>by Christopher John Checkley BA(Hons) MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government</p>	<p>Decision date: 12 December 2007</p>

Appeal Ref: APP/H0724/A/07/2051792

1 Swalebrook Avenue, Hartlepool, Cleveland, TS25 5JP

- 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 Terry Braham against the decision of Hartlepool Borough Council.
- The application (Ref. H/2007/0441) dated 5 June 2007, was refused by notice dated 1 August 2007.
- The development proposed is erection of a detached bungalow to rear garden.

Decision

1. I dismiss the appeal.

Main issues

2. There are 2 main issues regarding the effects of the proposed bungalow. The first is the effect upon the appearance and character of the area. The second is the effect upon the living conditions of future residents and neighbouring occupiers with particular regard to levels of outlook.

Reasons

The appearance and character of the area

3. No 1 Swalebrook Avenue comprises a corner plot with a semi-detached bungalow facing onto Taybrooke Avenue and its rear garden running alongside Swalebrook Avenue. The rear gardens behind the Taybrooke Avenue and Oxford Road frontages combine to create a wide open area between the 2 streets that extends to Swalebrooke Avenue. At the same time, the properties on this immediate section of Swalebrooke Avenue are set back from the road. Therefore, the appeal site contributes positively to the welcome sense of spaciousness within the Swalebrooke Avenue street scene.

4. The proposed bungalow would stand noticeably forward of the building line on this section of Swalebrooke Avenue that is created by the gable ends on Oxford Road and Taybrooke Avenue that are set back. The front elevation would be only some 3m from the public footway along the roadside, so that the bungalow would be intrusive within the street scene, standing in isolation forward of other dwellings. Additionally, there would be very little space around the bungalow; only about 3m to the front, 3.82m to the rear, well under 3m to the north side and some 5m to the south side. The rear garden of

Appeal Decision APP/H0724/A/07/2051792

the host bungalow would also be significantly reduced in length. The plot size would be much less than in the case of most other dwellings in the vicinity.

5. I conclude that the bungalow proposed on this constrained plot would look cramped, intrusive in the street scene and out of place, an afterthought that had been squeezed in uncomfortably. The appearance and character of the area would be harmed, contrary to the provisions of Policies GEP1 and Hsg9 of the Hartlepool Local Plan (LP) which seek development that has both a satisfactory relationship with its surroundings and amenity space commensurate with the character of the area.

The living conditions of future residents and neighbouring occupiers

6. The rear elevation the proposed bungalow would include kitchen, dining area and bedroom windows facing a 2m boundary fence and 2.4m high conifer hedge from a distance of only about 3.8m, severely limiting the outlook from these primary rooms, which would also be relatively gloomy as a result of the reduction in light levels and the orientation towards the east.
7. The tall conifer hedge on the shared boundary with No 25 Taybrooke Avenue would provide adequate screening of the new building from the neighbouring bungalow. However, if it were to die or be removed, then the proximity of the new building, coupled with its 12.25m length and its 4.75m height, would result in an unacceptably overbearing and intrusive visual impact upon those neighbours.
8. The residents of No 1 Swalebrook Avenue would look onto the gable end of the proposed bungalow from a distance of about 10m, which would just meet the Council's minimum separation standards. However, they would also look onto a 1.8m boundary fence from a distance of only about 5m. Although this is a lower standard of outlook than is generally found in this area, in my opinion, it is not so poor in itself as to warrant refusal of permission, although it does add cumulative weight to the objections against the scheme.
9. I conclude that the proposed bungalow would result in unacceptable living conditions for both its future residents and the occupiers of No 25 Taybrooke Avenue. The harmful effects would be contrary to the provisions of the LP policies cited which seek to avoid detriment to the amenities of future residents and nearby occupiers.

Other matters and conclusions

10. Although The Sycamores development is set forward in the street scene, its visual impact is different from the more isolated intrusion that the appeal proposal would represent. The 2 schemes permitted elsewhere appear to have larger and less cramped sites than the appeal scheme. Finally, the benefit of making efficient use of brownfield land in the urban area is outweighed by the clear-cut objections identified. Therefore, the appeal must fail.

C J Checkley

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MR M ASHTON, ASHFIELD FARM, DALTON PIERCY ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

1.1 To advise members of a planning appeal decision.

2. THE APPEAL

A planning appeal had been lodged against the refusal of the Committee to allow the variation of the original approval H/2006/0333) to provide licensed clubhouse to the caravan site at Ashfield Farm, Dalton Piercy Road, Hartlepool.

2.2 The appeal was decided by written representations and allowed by the Planning Inspectorate.

2.3 A copy of the decision letter is attached with this report.



Appeal Decision

Site visit made on 20 November 2007

by Christopher John Checkley
BA(Hons) MRTPI

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

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Decision date:
13 December 2007

Appeal Ref: APP/H0724/A/07/2053117

Ashfield Farm, Dalton Piercy Road, Hartlepool, TS27 3HY

- 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 M Ashton against the decision of Hartlepool Borough Council.
- The application (Ref H/2007/0244) dated 27 March 2007, was refused by notice dated 14 August 2007.
- The development proposed is variation of the original approval (H/2006/0333) to provide licensed clubhouse to the caravan site.

Decision

1. I allow the appeal, and grant planning permission for change of use of part of the reception/provisions store building for the touring caravan and camp site with associated facilities to a licensed clubhouse to serve the occupants of the site at Ashfield Farm, Dalton Piercy Road, Hartlepool, TS27 3HY, in accordance with the terms of the application (Ref H/2007/0244) dated 27 March 2007, and the plans submitted therewith, subject to the following conditions:
 - (1) The change of use hereby permitted of part of the reception/provisions store building to a licensed clubhouse for the touring caravan and camp site shall begin before the expiration of three years from the date of this decision.
 - (2) The licensed clubhouse for the touring caravan and camp site hereby permitted shall not be used by members of the general public and shall not be used by anyone other than the resident occupants of touring caravans and tents on the site at any particular time and shall be used only for that purpose and no other.
 - (3) The licensed clubhouse hereby approved shall not be open other than at the times that the touring caravan and camp site is in operation and shall not be open other than between the months of March to October inclusive between the hours of 11:00 hours and 23:00 hours Mondays to Saturdays and between 11:00 hours and 22:00 hours on Sundays.
 - (4) Customers of the licensed clubhouse shall not purchase or consume drink or food or other refreshment anywhere other than within the area of the licensed clubhouse facility shown hatched on the extract from drawing ref. BIG/IC/MA/254-201 that is attached to this decision

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and no food or drink shall be consumed by customers anywhere else within the building.

- (5) None of the land surrounding the clubhouse shall be used as an amenity area, beer garden or any form of outside drinking/eating area without the prior written consent of the local planning authority.
- (6) No music shall be piped or relayed to the outside from within the building.

Main Issue

- 2. The main issue is the effect of the proposed licensed clubhouse upon the living conditions of nearby residents and quiet enjoyment of the countryside, having particular regard to potential noise disturbance.

Reasons

- 3. Planning permission ref. H/2006/0333 dated 8 August 2006 granted approval, subject to some 13 conditions, for the provision of a touring caravan and camp site with associated facilities. The conditions include the site being limited to touring caravans and a camp site only with static caravans being prohibited, the opening of the site being restricted to the months of March to October, and a requirement for the erection of an acoustic fence in a location to be agreed before the site is brought into use. Approved plan ref. BIG/IC/MA/254-102 Rev A indicated the proposed erection of a reception/provisions store building in the north-west corner of the rectangular site close to the entrance and a toilet/shower and wash-up block on the eastern boundary. Both buildings had been erected at the time of my visit. Thus, the development of the touring caravan and camping site has already commenced.
- 4. I am treating the application as seeking the change of use of part of the reception/provisions store building for the touring caravan and camp site with associated facilities site to a licensed clubhouse to serve the occupants of the site.
- 5. The reception building has already been laid out internally in the manner shown on the submitted appeal proposals plans. The licensed clubhouse area and bar take up most of the southern leg of the L-shaped building, with dimensions of about 13m by 5.5m. The internal store facility would be transferred to part of the toilet block, but the external recycle area is shown as remaining next to the reception building.
- 6. The site lies in the open countryside where there are strict controls over new development. It seems to me that the existing building was only justified on the basis of being required to meet the needs of the touring caravan and camping site. I note that the proposed licensed clubhouse area is modest in scale, its size proportionate to meeting the social needs of the residents of the caravan and camping site, and it does not require the erection of a new building in the countryside to accommodate it. There is a scatter of residential properties within the countryside surrounding the site, but generally these dwellings benefit from a degree of separation from the site.

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7. I consider that if a range of conditions of the kind suggested in the committee report by the planning officer were to be imposed, then harm through noise nuisance to the living conditions of local residents and the quiet rural character of the area would be prevented. Use of the clubhouse needs to be limited to residents of the camp site so that the building is not run as a facility such as a public house/restaurant open to the general public, which would attract additional vehicular traffic with potential for noise nuisance at unsocial hours. The opening hours need to be limited in extent in the evenings, to avoid nuisance to local residents within this quiet rural area, and they should also reflect the seasonal nature of the permission for the camp site. The drinking and eating area additionally needs to be limited to the licensed clubhouse area within the building, with no outside beer garden or similar areas being operated without the prior written permission of the Council. Finally, there needs to be a prohibition on music being piped or relayed outside the building. There are already obligations under the conditions associated with permission ref. H/2006/0333 to erect an acoustic fence before the site is operated, and requirements to agree details of boundary features and a landscaping scheme.
8. Taken together in combination, I conclude that the existing conditions under permission ref. H/2006/0333 coupled with the additional conditions I am now imposing would safeguard the quiet enjoyment of the countryside and the living conditions of local residents with particular regard to noise nuisance. There would be no conflict with Policies GEP1 and Com 12 of the adopted Hartlepool Local Plan (April 2006) that seek to avoid significant detriment to the living conditions of residents and the amenity of an area. I have taken account of all the matters raised by third parties, but none have been sufficient to lead me to a different conclusion.

C J Checkley

INSPECTOR

Report of: Assistant Director (Planning & Economic Development)

Subject: VICTORIA HARBOUR REDEVELOPMENT: S106 AGREEMENT

1. PURPOSE OF REPORT

- 1.1 To seek endorsement of the inclusion of affordable housing provisions within the s106 agreement for the Victoria Harbour project.

2. BACKGROUND

- 2.1 The Committee resolved to grant planning permission for the major regeneration project including the mixed use redevelopment of Victoria Harbour, in February, 2006, subject to several conditions and a section 106 agreement covering a range of issues.
- 2.2 Since that time discussions have continued with the landowner PD Ports Logistics and Shipping and Tees Valley Regeneration to firm up various aspects of the proposals and arrangements for the overall delivery of what is likely to be a 20 year development programme. As part of this work the detailed provisions of the s106 agreement have been discussed and are substantially agreed

3. INFORMATION

- 3.1 One additional issue, however, has emerged since February, 2006 which requires consideration within the context of finalising the s106 agreement. The Strategic Housing Market Assessment for Hartlepool, completed in June 2007, identified a need for affordable housing which is substantially greater than previous evidence had suggested was the case. The Assessment pointed to the need for the Council to look at various ways in which it can bring forward more affordable housing, including via s106 agreements related to appropriate planning applications.
- 3.2 The Victoria Harbour proposal included the potential provision of 3430 dwellings over the duration of the project and it is clearly sensible for the Council as local planning authority to seek to secure an element of the scheme as affordable housing. Whilst this matter was not specifically considered when the Committee considered the outline planning application, the nature and weight of subsequent evidence justifies the incorporation of appropriate provisions within the s106 agreement. Discussions with PD Ports on this matter are ongoing but I have proposed that the s106 agreement should require a minimum of 10% affordable housing within each

of the four development phases identified in the planning application. Given the scale and duration of the project it is not appropriate to be prescriptive at this point about how, where and by whom this provision should be made, but the agreement would specify points early within each phase by which the detailed arrangements for that phase would need to be agreed with the Council. Such an approach will complement various other measures being taken by the Council to promote the provision of affordable housing across the town.

4. RECOMMENDATION

- 4.1 That the Committee endorses the inclusion of affordable housing requirements within the Victoria Harbour s106 agreement.

Report of: Assistant Director (Planning & Economic Development)

Subject: PROPOSED CONSERVATION AREA IN HART

1. PURPOSE OF REPORT

- 1.1 A resident of Hart recently approached the Mayor regarding the potential to designate Hart Village as a conservation area. This report will provide information on this proposal.

2. BACKGROUND

- 2.1 Local authorities have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69 to review their areas from time to time to consider whether further designations of conservation areas are called for.
- 2.2 The definition of a conservation area is an area with, 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Designation of a conservation area gives control over demolition and can be the basis for policies to preserve and enhance all aspects of the character and appearance of the area. The general layout, street pattern, mixture of different building types and use of materials, create areas of special character. Designation is a way of recognising these factors and ensuring the townscape is protected and enhanced as well as individual buildings.
- 2.3 These considerations together create an area of special interest which would justify declaration as a conservation area. Listed buildings usually form part of a conservation area, but these alone would not justify declaration.

3. HART

- 3.1 Hart Village retains some of its layout and buildings from the Anglo-Saxon period, overlaid in the 12th to 15th centuries by medieval additions and alterations. The most notable example is the Church of St Mary Magdalene, a Grade I listed building. There are also remains of a manor house and associated fish ponds, the former a Grade II listed building and Scheduled Ancient Monument, the latter a Scheduled Monument. There are three other listed buildings in the immediate confines of the village: 5 Front Street dating from 1840 (Grade II), Voltigeur Cottage (Grade II) dating from the mid to late 1700's, and Home Farmhouse and Cottage dating from the same period (also Grade II listed). Two listed buildings in the vicinity of Brewery Farmhouse were deleted from the list in 1987, due to inappropriate

development which affected the special character. Much of the original general layout, formed by Front Street and Butts Lane remains.

- 3.2 However, the remaining character of the village is given by post-war residential development or alterations of earlier buildings which do not respect the original architectural character of Hart by having reference to original features, materials and character of the village. The layout of the village has also not been respected, with modern housing development added to the boundaries of the village.

4 VIEWS OF ENGLISH HERITAGE

- 4.1 English Heritage was approached regarding various issues in Hart, by the same individual who wrote to the Mayor. On responding to the letter English Heritage expressed surprise that Hart was not a conservation area.
- 4.2 Officers have met English Heritage on site to discuss the comments made in their recent letter. Martin Roberts of English Heritage felt that the village had retained some interesting areas although acknowledged that these had, in some cases, become fragmented due to more modern infill development. He suggested that it may be worth designating a conservation area to control further development within the village however he recognised that defining an area wouldn't be a straightforward task

5 VIEWS OF HART PARISH COUNCIL

- 5.1 Officers have met with members of Hart Parish Council regarding their wish to see the area designated as a conservation area. In brief discussions at the Parish Council Meeting it was suggested that there was concern regarding development within the area that didn't respect the character of the village and concern that there was nothing in place to protect the wider village.
- 5.2 Further to this the Parish Council submitted further information which is copied in appendix 1. In summary the Parish Council highlighted the history of the village and the buildings of special architectural interest that are present. Further to this it is proposed that a conservation area would ensure the retention and preservation of the character of Hart for future generations.

6 VIEWS OF OFFICERS

- 6.1 Officers feel that given the above considerations Hart Village is not "an area of special architectural or historic interest which it is desirable to preserve or enhance."
- 6.2 The proposal to designate the area as a conservation area was considered by Council Members in 2001 as part of a review of conservation through the scrutiny process. At this time members decided not to resolve to consider the area for designation as a conservation area.

7 VIEWS OF THE CONSERVATION AREA ADVISORY COMMITTEE

- 7.1 The Conservation Area Advisory Committee discussed the potential to designate Hart as a conservation area at its meeting in December. The committee welcomed the interest that had been shown in conservation areas by the Parish Council. The discussions concluded that although there were interesting areas it was felt that the overall character of the village was dominated by the changes which had occurred to both existing properties and the newer housing which has developed. For this reason the committee indicated that they could not support a proposal for a conservation area in the village.

8 ALTERNATIVE PROTECTION TO CONSERVATION AREA STATUS

- 8.1 Officers have suggested that Hart Parish Council consider putting together a Village Design Statement as an alternative option to conservation area status. This would be a document which would bring together the views, needs and opinions of the whole community, covering the social, economic and environmental issues of relevance to the community. Such a document could eventually be incorporated into the Local Development Framework as Supplementary Design Guidance.
- 8.2 This suggestion was put to English Heritage when they recently met with officers. They agreed that this was a solution which would appear to meet the concerns of the Parish Council.
- 8.3 Such a document would have to be initiated by the Parish rather than officers of the Council. There is currently funding available from the Rural, Social and Community Programme to support Parish Councils however this will end on 31st March 2008.

CONCLUSION

- 10.1 Taking into account the views of all parties who have considered this matter it is deemed inappropriate to further consider the designation of a conservation area in Hart. The village does have some interesting buildings however those of particular importance are listed buildings. Further to this many trees in the village are protected by Tree Preservation Orders, as a result there would be little further protection acquired through the designation of a conservation area.
- 10.2 The Portfolio Holder for Regeneration and Liveability has responsibility for the designation of conservation areas. This matter will be reported to the next available meeting on the 18th January. The recommendation is to not carry out further investigation of the designation of Hart Village as a conservation area but encourage the Parish Council to pursue the development of a Village Design Statement. At the time of writing this report the Portfolio Holder meeting had not taken place. Should there be anything further to add in relation to that meeting a verbal update will be provided to the Committee.

11 RECOMMENDATION

- 11.1 The Committee notes the report.

Appendix 1

HART PARISH COUNCIL

Clerk
 Ronald Gray
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 HARTLEPOOL
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 e-mail: hartvillagePC@aol.com

Chairman
 Alan Bell
 2, Magdalene Drive,
 Hart
 HARTLEPOOL
 TS27 3BU
 01429 275618

30 November 2007

Submission regarding Conservation Area status for Hart

A Conservation Area is defined as being *an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.*

It is the purpose of this submission to establish that Hart is such area. Hart is a Saxon village and historically older or on a par with the time scale in which the original Anglo-Saxon monastery was established on the Headland. Historians have suggested that this was about 640 AD by St. Aidan, the first Bishop of Lindisfarne, for both men and women. At the time when the monastery was founded the peninsula of Hartlepool was uninhabited and covered with thick forest. This would suggest that the settlement at Hart was already established at that time. Certainly the present Church of St. Mary Magdalene was in situ to our knowledge in 675 AD to serve the Hart community. The Church of St. Hilda in what became known as Hartlepool is the daughter Church of St. Mary Magdalene, Hart. The De Brus family built it in the 13th century as a family burial ground, they being Lords of the Manor of Hart from the 11th to the 14th century. There is little doubt that Hart meets all the definitions of a Conservation area, having a long recorded history and many buildings of special architectural interest and settings. Hartlepool Civic Society supports this concept.

In a recent consultation exercise in the village of Hart regarding a contentious planning application, and the proposed demolition of White Cottage, 86 households opposed the proposal and 61 households demanded further protection for the village. This latter figure represents about 25% of the Hart village households.

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At a meeting of a Sub-committee appointed for the purpose of looking into the establishment of a Conservation Area within Hart, an area was proposed to ensure the retention and preservation of the character of Hart for future generations. The enclosed map provides a starting point to identify the suggested area, incorporating those buildings of historic interest along Front Street, which includes the Raby Arms and the medieval field in the east, extending to the farm cottages (Palace Row) in the west. To the north, to include the area of the beck, the remains of the original school wall, the Old Vicarage and Chaplin's Well. It encompasses the grade 1 listed buildings of St. Mary Magdalene Church, Voltigeur Cottage, and the two Scheduled Monuments of The Great House and the Fish Ponds.

Sadly the Parish Council strongly feels that the current protection of ancient walls and buildings is wholly inadequate as can be seen in the village with the destruction of the Saxon church wall along The Chare. Martin Roberts, Historic Building Inspector for English Heritage has, following consultation, expressed surprise that the village is not already defined as a Conservation Area. A copy of his letter, to Hart resident Mr. J K Fraser, is copied below. He makes special mention of the state of the wall in The Chare. A copy of this letter was sent to Hartlepool Council's Conservation Officer and the archaeological adviser (Tees Archaeology).

The Parish Council feel that the current and ongoing threats to the detriment of the setting of listed and other ancient buildings must be seriously addressed, and that the only way forward is for Hartlepool Borough Council to designate Hart as having Conservation Area status.

Ronald Gray
Clerk to the Parish of Hart

HART PARISH COUNCIL



ENGLISH HERITAGE

NORTH EAST REGION

*File - Great House
received 23/7/07*

Mr J K Fraser
4 Mill View
Hart
Hartlepool
TS27 3AL

Direct dial: 0191 269 1233

Your ref:

Our ref:

Date: 20 July 2007

Dear Mr Fraser

HISTORIC WALLS IN HART CONSERVATION AREA

Thank you for your letter of the 30th May to our Ancient Monuments Inspector, Kate Wilson. Kate is responsible for matters involving the scheduled ancient monuments in Hart whereas I, as the Historic Buildings Inspector for the area, am responsible for works to Grade I and II* listed buildings. As this letter is something of a joint response, and necessitated a site visit, it is sent later than we would wish so our apologies for not responding until now.

This letter notes our on-site observations with our understanding of the designation of the different elements you refer to. We will copy this letter to Hartlepool Council's Conservation Officers and their archaeological adviser (Tees Archaeology) for their comment. In many cases we feel these are matters that are the local council's responsibilities to pursue, though I am sure we all share a common goal to protect and enhance the historic buildings and monuments of Hart.

For the record, and as a preamble to our site notes, there are two scheduled monuments within your 'key central area':

- Great house 50m west of St Mary Magdalene's Church: National Monument number 32743
- Fishponds 70m north of St Mary Magdalene's Church: National Monument number 32745

Our records show that we have been consulted by the owners of these monuments over the last 8 years. We have provided them with advice about repair, management and development proposals, and in the case of the Great House the owners have received scheduled monument consent from the Department for Culture, Media and Sport to carry out re-surfacing work to the car park. Although you suggest works have been carried out adjacent to the scheduled monument English Heritage does not appear to have been consulted by the Local Planning Authority on any development work that may have affected the setting.

Turning to my site visit, I took the route from the Front Street, up the grass path to Voltigeur Cottage, then up the high walled lane to the church, around the SW corner of the churchyard then west towards the Brus Wall.

BESSIE SURTEES HOUSE, 41-44 SANDHILL, NEWCASTLE UPON TYNE, NE1 3JF

Telephone: 0191 269 1200 Facsimile: 0191 261 1130

English Heritage operates an access to information policy

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High walled lane (The Chare) to Church - east side

The walls to the east of this lane appear to be a part of the large garden of the Grade II Voltigeur Cottage. Although not specifically mentioned in the listing description, they form a part of the curtilage of the listed building, greatly contribute to its setting and that of the adjacent historic buildings and monuments and are very much a part of the character of Hart village.

There are a couple of areas of partial collapse where urgent maintenance by a good mason with knowledge of traditional stonework and mortars is needed. The cottage owner has already been encouraged to maintain these listed walls in a good state of repair, through the offer of grant, and the Council is to be applauded for this approach. Regrettably the owner has declined the offer of grant and you informed us that the Council does not wish to press enforcement action.

The conservation officer at Hartlepool Council, Sarah Scarr, informs me that there are ownership issues that may be complicating moving on these legal matters. If possible this may still be the best way forward as the offer of a generous 'carrot', if refused, can often be accepted through the gentle awareness of a possible 'stick'. Sarah will be able to bring you up to date on this.

High walled lane (The Chare) to Church - west side (Grade II)

The 'good mason' referred to above was sadly not around when the two areas of walling repairs you refer to were carried out on the west side. The rounded corner at the southern end looks to be constructed in hard cement mortar, as does the new opening higher up, poorly built with weak jambs and a concrete lintel. The circumstances of these works are something the local council can enlighten you on. Neither seems to relate to an identified listed building or structure.

High walled lane (The Chare) to Church - path surface (Unlisted?)

We would tend to agree with you that the use of block pavements for the path is inappropriate, if well intentioned. The rural character of Hart should be reinforced at every occasion rather than allow it to drift into suburban detailing. A tarmaced path with magnesian limestone top dressing rolled in ('Golden Gravel') would have been the easiest solution. It is unclear who executed this work – individual, parish or Hartlepool Council?

West wall of churchyard (unlisted, schedule and Grade II)*

This wall seems to be a mixture of designations and dates, and needs a little unravelling.

The section south of the footpath through to the car park, known as Church Passage, would seem to be unlisted, although it contains the east wall of the post-medieval manor house

HART PARISH COUNCIL

and attached high walls – all fabric of considerable historic interest. Some wall top repair is needed here to prevent gradual erosion of the fabric.

In the southwest corner of the churchyard, is the derelict outbuilding to Chare House. This is a pre-1st edition OS map feature (so before c.1856/7) and its gradual or deliberate demolition is damaging the adjacent wall to the post-medieval manor. Though the date of the outbuilding may not be that old, ideally this fabric needs recording before it disappears.

The section of the western churchyard wall running north of Church Passage is listed Grade II* and forms the boundary of the scheduled ancient monument protecting the medieval manor. The careful removal of ivy is highly desirable here. Removal may reveal that repairs are needed.

Generally speaking, of course, all these churchyard walls are within the curtilage of the Grade I listed church though their position adjacent to private houses may associate them legally with the houses rather than the church. It would be good to know who owns (and maintains) the walls around the churchyard. I'm sure the vicar will have some idea of that? The wall along the northern boundary of Voltigeur Cottage, for example, may lie along an ancient church boundary line, possibly of Saxon date, as the archaeological report on Hart Manor suggests (David Austin, 'Fieldwork and Excavation At Hart, Co Durham 1965-75' *Archaeologia Aeliana*, 5th series Vol IV, 69-132).

The Brus Wall

Finally the fine Brus Wall is reached. This is well presented to the car park, but is clearly an embarrassment to the owner of the adjacent modern Manor Farm House, who has sought to screen its ancient stonework and its excellent architectural features by extensive landscaping and tree planting along its south side. While there can be no accounting for taste, the loss of the view of the Wall from the public footpath is regrettable. Of greater concern is the possible damage that the tree planting in particular might be causing to the Wall itself, being planted so close to the masonry. My colleague Kate Wilson will investigate this directly with the owner and I am grateful to you for drawing this to our attention.

*Attention drawn to this during meeting
re Church/Cat Bank project some 5yrs ago. 2003*

Other matters

You mentioned White Cottage at the end of your letter, a building re-clad in stonework of almost comic absurdity were it not a blemish in your attractive village. It was good to know the Council resisted demolition, as beneath the stonework, it does indeed seem to be of some age. Do you know how old? Its value as a potential listed building will have suffered from re-cladding, unless very significant historic fabric can be identified in its structure or interior.

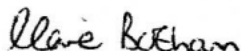
Many of your concerns and those of the parish council (if they do share your concerns) might be answered by designation of the village as a conservation area. It is surprising it is not one already. The line of such an area might need to be tightly defined given the frequent modern insertions into the village fabric, though where such insertions are within

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larger areas of traditional buildings, they can be accepted within conservation areas. Again I would suggest you talk to the parish council and Sarah Scarr should you wish to take such an idea forward.

Thank you for writing to English Heritage on these matters. Many of the points you raise may well be a matter for local authority to deal with, some they are clearly already dealing with. Some matters are perhaps for the church and parish council too to consider, as the latter maintain the car park adjacent to the church. Tees Archaeology will also have an important input given the need for us all to have some deeper understanding of the age and significance of these important walls in Hart Village. I shall copy this letter to them and await their response.

Yours sincerely



pp Martin Roberts
Historic Buildings Inspector

cc Tees Archaeology
Sarah Scarr and Peter Graves, Conservation Team, Hartlepool Council



Report of: Assistant Director (Planning and Economic Development)

Subject: CONSULTATION PAPER BY DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT, 'TREE PRESERVATION ORDERS: IMPROVING PROCEDURES'

1. PURPOSE OF REPORT

- 1.1 To provide information regarding the consultation paper by the Department of Communities and Local Government (DCLG), Tree Preservation Orders: Improving Procedures, and details of the response by officers.

2. BACKGROUND

- 2.1 The Planning White Paper *Planning for a Sustainable Future* outlined the Governments proposals for further reform of the planning system. Although the White Paper focussed in particular on development control procedures, the issues about proportionality, speed, quality and clarity apply equally to the tree preservation order system.
- 2.2 At present Tree Preservation Orders (TPOs) may include different provisions, and may be subject to different rules, depending on when they were made. To secure common procedures for all TPO's, and replace the currently long and complex model form of TPO with a much slimmer, simpler document will require changes to the Town and Country Planning Act 1990. When the Act has been amended, new regulations will be introduced to deliver these reforms.
- 2.2.1 These new regulations are unlikely to be in place before 2009. There are, however, improvements which can be implemented in the shorter term, which DCLG believe will reduce bureaucracy, improve the speed and quality of decisions and introduce greater clarity. DCLG consider it worthwhile proceeding with these measures in advance of the wider changes to the system.
- 2.3 DCLG have produced a consultation paper entitled 'Tree Preservation Orders: Improving Procedures'. The consultation proposes revising the Town and Country Planning (Trees) Regulations 1999 to streamline certain procedures associated with TPO's in England.

3. THE PROPOSED CHANGES

3.3 The main changes are:

- copies of TPOs would be sent only to the owners and occupiers of the land where the trees are situated;
- applications to prune or fell protected trees would have to be submitted on a standard form prescribed by the Secretary of State;
- appeals against local planning authority decisions in relation to TPOs would be determined on the basis of the information and evidence considered by the authority, together with a site visit;
- decisions on appeals would be taken by Inspectors appointed by the Planning Inspectorate.

3.2 Questions on which input is sought are raised throughout the consultation document, and are repeated on a questionnaire contained in Annex D. A full copy of the consultation document and questionnaire can be downloaded at www.communities.gov.uk/publications/planningandbuilding/tposconsultation

Attached in appendix 1 are copies of the officer responses to the questions posed.

3.3 In summary officers supported the proposed changes, but suggested the inclusion of a definition of a 'tree professional' in the standard application form guidance note, and that it be made clear in the guidance that decisions on applications to fell or prune trees, along with any subsequent appeals, will be made on the basis of the information contained on the application form.

4 RECOMMENDATION

4.1 That the Committee notes the paper and the response.

APPENDIX 1

Q1. Should copies of newly made TPOs, or variation Orders, be sent only to owners and occupiers of the land where the trees in question are situated?

Yes. Recommend that a short informative note should be copied to adjoining properties to include a brief outline of the implications of the TPO, a site plan showing the location of the trees, and details of how representations can be made.

Q5. Do the guidance notes provide sufficient explanation?

No. It must be made clear that the application, and any subsequent appeal, will be decided on the basis of the information contained on the application form.

Q6. Is there any other information which would be helpful to include as guidance?

A definition of a 'tree professional' would be helpful in order to establish an acceptable level of knowledge and/or experience of those who would provide reports as required on the application form.

Q20. What are the likely effects of any of the changes on you, or the group or business or local planning authority you represent?

The proposed changes should ensure an improved level of information submitted with tree work applications and make assessment of applications more thorough, hopefully leading to better informed decision making.

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 A neighbour complaint about the alleged replacement of windows at a property on Grange Road.
 - 2 A neighbour complaint about an alleged unauthorised vehicular access at a property on Forfar Road.
 - 3 A neighbour complaint about the alleged siting of a caravan at a property in Dalton Piercy.
 - 4 A neighbour complaint about the alleged erection of a porch to a property on Dodsworth Walk.
 - 5 A neighbour complaint about an alleged extension to the front of a property on Guillemot Close.
 - 6 A neighbour complaint about the erection of a greenhouse on Brierton Lane allotments.
 - 7 An investigation was commenced following officer concerns regarding the untidy appearance of former industrial premises in Greatham.
 - 8 An investigation was commenced following concerns regarding the non compliance with conditions restricting the hours of delivery to premises on Granville Avenue.
 - 9 An investigation was commenced following officer concerns regarding the erection of a building on Lambton Street.
 - 10 A neighbour complaint about the alleged unauthorised display of advertisements at premises on Coronation Drive.
 - 11 A neighbour complaint about an alleged unauthorised shed at a property on Powlett Road

3. RECOMMENDATION

- 3.1 Members note this report.