

PLEASE NOTE START TIME

PLANNING COMMITTEE AGENDA



Wednesday 1 October 2008

at 1.00pm

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, R Cook, S Cook, Fleet, Flintoff, Kaiser, Laffey, G Lilley, Morris, Payne, Plant, Richardson, Simmons, Sutheran and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 3 September 2008.

4. ITEMS REQUIRING DECISION

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

1. H/2008/0427 5 Eshton, Wynyard
2. H/2008/0461 Piercy Farm, Dalton Piercy
3. H/2008/0496 Blackpath, Catcote Road
4. H/2008/0324 Lambs House Farm, Dalton Piercy Road
5. H/2008/0480 Tunstall Court, Grange Road

4.2 Tree Preservation Order No 185 – 3 Bathgate Terrace – *Assistant Director (Planning and Economic Development)*

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

4.4 Appeal by Mrs Martin, 22 Grange Road, Hartlepool (H/2007/0681) – *Assistant Director (Planning and Economic Development)*

PLEASE NOTE START TIME

- 4.5 Appeal by Legato Properties Ltd, Land at Wynyard Woods, Wynyard Estate, Billingham (H/2008/0015) – *Assistant Director (Planning and Economic Development)*
 - 4.6 Appeal by Mr A Bechkok, Three Rivers Housing Association, for land at Surtees Street, Hartlepool (H/2007/0883) – *Assistant Director (Planning and Economic Development)*
 - 4.7 Appeal by Mr Ross, 11 New lands Avenue, Hartlepool H/2008/0043 – *Assistant Director (Planning and Economic Development)*
 - 4.8 H/2007/0198 Trincomalee Wharf – *Assistant Director (Planning and Economic Development)*
 - 4.9 Able UK Ltd, TERRC Facility, Tees Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

EXEMPT ITEMS

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

7. ITEMS REQUIRING DECISION

- 7.1 Seaton Meadow Landfill Site - *Assistant Director (Planning and Economic Development)* (Para 6)

6. FOR INFORMATION

Next Scheduled Meeting – Wednesday 29 October 2008 in the Civic Centre, time to be advised

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of Wednesday 29 October 2008 at a time to be agreed by the Committee.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3 September 2008

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor Rob Cook (In the Chair)

Councillors Stephen Akers-Belcher, Stephen Allison, Shaun Cook, Mary Fleet, Bob Flintoff, Geoff Lilley, Dr George Morris, Michelle Plant, Lilian Sutheran and Edna Wright.

Officers Stuart Green, Assistant Director (Planning and Economic Development)
Richard Teece, Development Control Manager
Jim Ferguson, Senior Planning Officer
Richard Smith, Solicitor
Gill Scanlon, Planning Technician
Mike Blair, Traffic and Transportation Manager
Adrian Hurst, Principal Environmental Health Officer
Paul Burgon, Enforcement Officer
Angela Hunter, Principal Democratic Services Officer

Also Present:

Mathew Smedley, Scott Wilson

45. Announcement

Prior to the commencement of the meeting, the Council's Legal Advisor clarified that item 7.1 – Seaton Meadows Landfill would be considered in the confidential section of the meeting in line with the Access to Information Act. Members of the public were therefore given the opportunity to leave the meeting at this point.

46. Apologies for Absence

Apologies for absence were received from Councillors Stan Kaiser, Pauline Laffey, Robbie Payne, Carl Richardson and Chris Simmons.

47. Declarations of interest by Members

None.

48. Confirmation of the minutes of the meeting held on 6 August 2008

Confirmed.

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

Number:	H/2008/0361
Applicant:	Lidl UK Parsons Court, Welbury Way, Aycliffe Business Park, Newton Aycliffe
Agent:	Lidl UK, Unit 15 Parsons Court, Welbury Way, Aycliffe Business Park, Newton Aycliffe
Date received:	12/06/2008
Development:	Erection of a foodstore and associated car park and outline application for the erection of residential units
Location:	JESMOND GARDENS / HEATHER GROVE HARTLEPOOL
Representations:	Mr D Murphy (applicant's representative) was in attendance and addressed the Committee.
Decision:	Minded to APPROVE subject to a legal agreement under S106 of the Planning Act securing a proportion of affordable housing (30%) on the housing site housing targets for marketing the housing site (1 year) and for a start on the housing site (3 years) and a contribution towards off site play facilities (£250 per dwellinghouse) and subject to the following conditions. However a decision on the final agreement and planning conditions was delegated to the Development Control Manager.

CONDITIONS AND REASONS

1. The foodstore and associated car park development to which this permission in part 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. 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.

3. In relation to the residential development to which this application in part relates, notwithstanding the details submitted, approval of the details of layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

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

In the interests of visual amenity.

5. The foodstore and associated car park development hereby approved shall be carried out in accordance with the details submitted on 5th June 2008 as amended by the proposed site plan 80877 G2-007J received at the Local Planning Authority on 29th July 2008, unless otherwise agreed in writing by the Local Planning Authority

For the avoidance of doubt.

6. The foodstore shall only be open to the public between the hours of 08:00 and 20:00 Mondays to Saturdays inclusive and between the hours of 10:00 and 16:00 on Sundays or Bank Holidays.

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

7. No deliveries to, or from, the premises shall take place between the hours of 20:00 and 07:00 on any days.

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

8. Details of the proposed acoustic fences and other means of boundary enclosure, around the foodstore and associated car park development, shall be submitted to and approved by the Local Planning Authority before this part of the development is commenced. The boundary treatments so approved shall be implemented before the food store is brought into use and be retained for the lifetime of the development.

In the interests of visual amenity.

9. Prior to the foodstore being brought into use a scheme of warning signage for pedestrians crossing the site in the vicinity of the delivery bay shall be submitted to and approved in writing by the Local Planning Authority. The signage scheme so approved shall be implemented prior to the food store being brought into use and shall be retained for the lifetime of the development.

In the interests of public safety.

10. Unless otherwise agreed in writing by the Local Planning Authority before the foodstore development is commenced details of the proposed surfacing of the car parking and manoeuvring areas and bicycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved car and bicycle parking scheme shall be provided in accordance with the approved details prior to the food store being brought into use. 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.

11. Unless otherwise agreed in writing with the Local Planning Authority no development shall commence until a detailed scheme for the diversion of the public sewer which crosses the site, or alternatively revised proposals which avoid building over or close to the public sewer, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved scheme/proposals.
A public sewer crosses the site and is shown built over on the approved plans. Northumbrian Water have indicated that they will not permit building over or close to the sewer.
12. No development shall take place until the following matters have been addressed and agreed in writing by the Local Planning Authority:-

A. Initial Conceptual Model

The development hereby permitted shall not be commenced until 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.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan (2006)].

13. Unless otherwise agreed in writing with the Local Planning Authority no development approved by this permission shall be commenced until a scheme for the provision of a surface water drainage system including attenuation to greenfield rates has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented before the construction of impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14. Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

15. Unless otherwise agreed in writing with the Local Planning Authority prior to the foodstore being brought into use drop kerbs to assist pedestrian access across Jesmond Gardens shall be provided in accordance with the approved site plan (80877 G2-007J).

In the interests of highway safety.

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

The submitted details do not take account of the amended site plan and in the interests of visual amenity.

17. 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.
18. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of any part of the development hereby approved details of proposals for the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme once agreed shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties.
19. Prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of security.
20. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of any development on the foodstore a scheme for the maintenance of the proposed residential site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.
In order to ensure that the residential site is maintained in a satisfactory condition pending its redevelopment. In the interests of the visual amenity of the area.

The Committee considered representations in relation to this matter.

Number: H/2008/0312

Applicant: Mr S Elahi
Mitchell Street, Hartlepool

Agent: ASP Associates, 8 Grange Road, HARTLEPOOL

Date received: 27/05/2008

Development: Erection of a first floor bathroom extension

Location: 103 THORNTON STREET, HARTLEPOOL

Representations: Mr D Loughrey (agent) was in attendance and addressed the committee.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

It is considered that the proposed first floor extension, by virtue of its siting, design and scale would appear unduly large and have an overbearing effect upon the neighbouring property 101 Thornton Street contrary to policies GE1 and HSG10 of the adopted Hartlepool Local Plan 2006.

The Committee considered representations in relation to this matter.

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

The Assistant Director presented a report which outlined the issues considered by the Planning Working Group in recent months. The main focus of the review was unlisted properties which fell into the following two categories:

1. Properties in conservation areas covered by an Article 4 Direction which controls changes including replacement window.
2. Other properties in conservation areas with the normal permitted development rights, which allow alterations such as window replacement without the need for planning permission.

The Working Group had suggested that four criteria be considered when looking at replacement windows on Article 4 properties and they were: Design; Dimensions; Detailing and Opening Mechanism. The rationale behind the use of the four criteria was outlined in Appendix 1. The report indicated that the suggested criteria were consistent with those suggested in the Headland Conservation Area Appraisal of 2007. To facilitate the inclusion of these criteria within the planning policy as endorsed by the Planning Committee on 10 March 2004, amendments to paragraphs B(i) and B (ii) of that policy were proposed as indicated within the report.

It was suggested that before any revised guidance was adopted, a consultation exercise should be undertaken to seek the views of residents across the conservation areas. However, Members were asked to consider whether, or not, to include the Headland in the consultation, given the area appraisal recently undertaken, in the interests of avoiding consultation fatigue. Members were of the view that all residents within conservation areas should be consulted, including the Headland.

Members considered that the reference to the replacement windows where alterations had previously been made on the property, should be made clearer within the guidance, for example, 'like-for-like' replacement windows. There was some concern that the criteria relating to the opening mechanism was too restrictive. However, it was confirmed that that criterion had been suggested by the Headland Conservation Area Appraisal.

Decision

- (i) The proposed revised policy guidelines were agreed in principle, subject to full consultation with all residents living within Conservation Areas in the town, Regeneration and Liveability Portfolio Holder, the Conservation Area Advisory Committee and the emerging Headland Conservation Area Advisory Group.
- (ii) That the results of the consultation exercise be reported to a future meeting of the Planning Committee.

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

The Assistant Director (Planning and Economic Development) drew Members attention to eighteen ongoing issues, which were being investigated

Decision

That the report be noted.

52. Appeal by Mr A Griffiths at 38A Catcote Road, Hartlepool (H/2007/0887) *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the change of use of 38A Catcote Road to a hot food takeaway. The appeal was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

Decision

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

53. Appeal by Mr Fletcher, Glendower, Egerton Road, Hartlepool (H/2008/0309) *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council to allow the erection of a dormer bungalow with attached garage at the garden area of Glendower, 38/40 Egerton Road, Hartlepool. The appeal was to be determined by a hearing and authority was therefore

requested to contest the appeal.

Decision

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

54. Appeal by Primsight Ltd, site at A19 Services (North Bound), Elwick, Hartlepool (H/2008/0276) *(Assistant Director (Planning and Economic Development))*

The Assistant Director (Planning and Economic Development) reported that a planning appeal had been lodged against the refusal of Hartlepool Borough Council for the retention of an internally illuminated free-standing display unit. The appeal was to be determined by the written representations procedure and authority was therefore requested to contest the appeal.

Decision

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

55. 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 56 – Seaton Meadows Landfill Site (Para 5 and 6) - This item contains exempt information under Schedule 12A Local Government Act 1972, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposed to give under any enactment a notice under or by virtue of which requirements are imposed on a person.

56. Seaton Meadows Landfill Site *(Assistant Director (Planning and Economic Development))*

The Development Control Manager presented a report which provided Members with an update on the Seaton Meadows Landfill Site. Details of which are included within the exempt section of the minutes.

Decision

- (i) The report was noted.
- (ii) That a further detailed report be submitted to the next meeting.

The meeting concluded at 3.35 pm.

CHAIRMAN

No: 1
Number: H/2008/0427
Applicant: Mr A FAZELI, ESHTON, WYN YARD, BILLINGHAM, TS22 5GG.
Agent: G R Henderson Architectural Design, 20 Conway Road, Redcar, TS10 2EN.
Date valid: 14/07/2008
Development: Erection of an attached 2 storey gymnasium and bedroom with en-suite extension (AMENDED PLANS RECEIVED)
Location: 5 ESHTON, WYN YARD.

The Application and Site

1.1 The application site is a residential property situated at the end of a cul-de-sac in Wynyard. The Eshton is a large detached property on a corner plot with a sizeable garden to the rear and an existing detached garage to the side. The surrounding residential area is predominantly characterised by large executive style houses, all of which are individually designed but which generally sited in close proximity to the side boundaries.

1.2 The proposal seeks planning consent to erect a two storey side extension, incorporating the existing the existing garage and a gymnasium at ground floor level and bedroom and ensuite at first floor level.

1.3 The application site is sited to the east of the detached property at 11 Gledstone which was the subject of a retrospective planning approval for the re-siting of the dwelling originally approved on the adjacent site. 11 Gledstone is therefore sited in closer proximity to the application property at 5 Eshton than was originally envisaged at the outset of this part of the Wynyard development.

Publicity

1.4 The application has been advertised by way of letters to neighbouring properties (4) and Cameron Hall Developments. The initial period for publicity expired on 11th August 2008. However, further consultation was undertaken in relation to amended plans between 28th August 2008 and 4th September 2008.

1.5 To date, the Council has not received any comments from these consulted parties in response to the application.

Consultations

1.6 **Elwick Parish Council** – No reply

Planning Policy

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

GEP1 (General Environmental Principles): 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 (Residential Extensions): 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.

Supplementary Note 4: Guidelines for House Extensions: Sets out general principles and fundamental issues which apply when considering development proposals for house extensions, including 'Guideline 2 – Side Extensions'.

Planning Considerations

1.8 The main issues to consider when assessing this application are:

- the scale, massing and appearance of the proposed extension in relation to the existing dwelling house and the general street scene; and,
- the potential for loss of residential amenity for neighbouring properties in terms of possible overlooking, overshadowing, loss of light and/or poor outlook in terms of physical relationships between properties.

1.9 The guidelines suggest that single and two storey extensions can be accommodated at the side of a property if main windows in neighbouring properties are not affected and the extensions are not unduly large and/or out of scale with the original property. To avoid a terracing effect extensions should be set back a minimum of 1m at first floor level or from the common boundary.

1.10 In this instance the gable of 4 Eshton is blank and there is an offset from the common boundary. The relationship to 11 Gledstone is however tight. In the light of this and while there are many large extensions nearby officers had reservations with the scale of the plans originally submitted with the application (received 11th July 2008), which illustrated an extension which would be two whole stories in height, with a pitched roof in this corner plot location. Officers therefore met on site with the applicant and the applicant's agents and negotiated a reduction in the scale and massing of the proposal, advising a 1.5 storey height with dormer window features incorporated - to better reflect similar extensions in the surrounding area (the street scene) and reduce its impact on neighbours.

1.11 Further to discussion, amended plans (Drawing 03, Revision A) were received on 18th August 2008 and the Council considered the plans to incorporate the requests specified and therefore better reflect the adopted guidelines on house extensions. The proposal is to be set back 0.5 metres from the frontage of the main dwelling 1m from the side with 4 Eshton. The external materials on the walls and roof of the extension will match the existing materials on the property. It is considered that the amended siting, scale and massing of the extension in this corner plot location would therefore not be unduly prominent and/ or intrusive within the street scene, reflecting the character and scale of the main property and neighbouring properties in appearance.

1.12 A distance of approximately 15 metres exists between the rear elevation of the proposed extension and the adjacent property to the rear at 11 Gledstone. 11 Gledstone is the subject of retrospective planning approval H/2006/0862 for the re-siting of the dwelling originally approved on the site. 11 Gledstone is therefore sited in closer proximity to the application property at 5 Eshton than was originally envisaged at the outset of this part of the Wynyard development.

1.13 The relationship between the proposed extension at 5 Eshton and the rear elevation of the property at 1 Gledstone is relatively tight. However, the windows in the first floor elevation, facing the side of 5 Eshton, are fitted with 'dummy' windows and constitute mock fenestration, i.e. 'fake' windows placed above recessed brickwork, removing potential overlooking issues. Further, the proposed changes to the permitted development rights relating to household extensions (likely to be enacted on 1st October 2008) will permit two storey extensions on detached dwellings which would be within 7 metres of the rear boundary of the dwellinghouse. This is achieved in this instance.

1.14 Given that relatively tight relationships between properties, it is however considered prudent by virtue of a planning condition to require the first floor windows in the rear elevation of the application proposal to be fitted with obscure glazing to avoid potential overlooking issues. To further minimise potential overlooking issues at ground floor, it is also considered necessary to require some planting along the common boundary between 5 Eshton and 11 Gledstone. The applicant's agent has agreed to these conditions in relation to the amended plans amended plans (Drawing 03, Revision B and Drawing 02, Revision B, received on 28th August 2008) and it is therefore considered unlikely that the proposal would lead to a loss of light, detrimental overlooking, overshadowing and/or poor outlook issues in relation to neighbouring properties, none of whom have objected to the proposals.

1.15 For the avoidance of doubt, by virtue of a planning condition, the development is to be carried out in accordance with the amended plans (Drawing 03, Revision B and Drawing 02, Revision B) received on 28th August 2008, which show all requested amended plans to correspond with one another. A seven day additional period of consultation was undertaken with neighbouring properties on these most recent plans and no objections were received in relation to them.

1.16 The development is therefore recommended for approval subject to the following planning conditions.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
3. The proposed windows at first floor level in the north-western (rear) elevation of the extension shall be glazed with obscure glass which shall be installed before the extension is brought into use and shall thereafter be retained at all times while the windows exist.
To prevent overlooking.
4. The development hereby approved shall be carried out in accordance with the amended drawings Number 2, Revision B; Number 3, Revision B received on 28.08.08, unless otherwise agreed in writing by the Local Planning Authority
For the avoidance of doubt.
5. Details of a landscaping strip to be planted along the common boundary between 5 Eshton and 11 Gledstone, including the size and type of planting and a programme of works, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The landscape strip shall be provided in accordance with the approved details.
To prevent overlooking.
6. 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.

5 Eshton

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/8/08
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0427	REV

No: 2
Number: H/2008/0461
Applicant: Mr Bates DALTON PIERCY HARTLEPOOL
Agent: Business Interiors Group 73 Church Street
 HARTLEPOOL TS24 7DN
Date valid: 19/08/2008
Development: Use of land in connection with existing livery and
 equestrian business and erection of a detached dwelling
Location: PIERCY FARM DALTON PIERCY HARTLEPOOL

The Application and Site

2.1 The application site is approximately 1.8 hectares in size and directly to the south of the existing field associated with the livery business operated by Piercy Farm, Dalton Piercy.

2.2 The application proposes the incorporation of this part of the field into the existing livery business and the erection of a 3/4 bedroom dwellinghouse. The northern boundary of the existing livery business is bounded by a number of existing residential properties in Dalton Piercy. The proposed dwelling is approximately 500 metres from the closest dwelling. The existing access into the site dissects a number of existing residential properties, this is not proposed to change.

2.3 The site is situated outside the village envelope as defined by the adopted Hartlepool Local Plan. In planning terms the proposed development is situated within the open countryside.

2.4 Approval was granted for the retention of a residential caravan for use in conjunction with the existing livery business by the Planning Committee in July 2007 (ref: H/2007/0194). Prior to this the applicant had a 3 year temporary approval for the caravan approved in 2005.

Publicity

2.5 The application has been advertised by way of neighbour letters (10), a site notice and press notice. To date, there have been 1 letter of no objection and 4 letters of objection.

The concerns raised are as follows:

1. the existing caravan is not occupied during the night;
2. there are already a number of properties for sale within the village which would satisfy the needs for being local to the 'business';
3. other development on site not shown on the plan;
4. the development is outside of the village boundary and in the open countryside;
5. access is poor and raises safety issues

6. the traffic which currently attends the site is excessive and is detrimental to quality of life;
7. noise disturbance is a key factor;
8. planning permissions granted in the past have been abused;
9. further livery is not needed and believes the horses on site are owned by the applicant;
10. does not comply with the Council's own planning objectives.

Copy letters A

2.6 The period for publicity expires prior to the Planning Committee. Should any representations be received after the writing of this report they will be reported accordingly.

Consultations

2.7 The following consultation replies have been received:

Public Protection – No objections

Traffic & Transportation Services – No objection

Property Services – No objection

Engineering Consultants – No objection subject to a condition covering the submission of a detailed design for storm drainage.

Finance – Based on the financial statements provided, the applicant meets the criteria of operating for 3 years and making a profit in at least one year. In fact his accounts show a profit each year. The accounts do include an accountants report which is normally enough assurance for a business of this size.

Northumbrian Water – No objection

Dalton Piercy Parish Council – Objects on the basis that they firmly believe that when the initial application was made it was for a non commercial livery use. There are concerns that the caravan has not been occupied continuously for the last 3 years. The Parish Council believes that the figures in the accounts do not pertain to the business under discussion. The site is outside the village boundaries and there are properties for sale within the village. The site is accessed over the village green which the applicant has no legal right to other than for private agricultural use.

Planning Policy

2.8 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.

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.

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.

Rur16: States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

Planning Considerations

2.9 The main issues in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the impact the proposal would have on residential amenities, whether there is a functional need for residential presence on site and whether the business has proven to be viable over the past 3 years.

2.10 Planning Policy Statement 7 indicates that permission should only be granted for dwellings if they support a farming activity or relate to a clearly established countryside use. This is backed up by policy Rur12 of the Hartlepool Local Plan which similarly indicates that in general isolated dwellings in the open countryside will not be permitted unless they are essential for the efficient functioning of an approved or established countryside use.

2.11 The starting point for considering whether an agricultural dwelling would be acceptable is the guidance provided in the government's Planning Policy Statement

7 (PPS7). This states new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

- (i) there is a clearly established *existing* functional need;
- (ii) the need relates to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (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 planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

Functional need

2.12 In granting the previous application for temporary accommodation (Ref: H/2005/5333 & H/2007/0194) the LPA have accepted that there is a functional need for a residential presence on the site.

2.13 The agent has confirmed that the functional requirement for on site present has not altered since the 2007 approval for a temporary caravan. The supporting statement for that application claims that a residential presence on the site is essential for the functioning of the applicants business. The applicant claims that since permission for the temporary dwelling was granted he has seen a big increase in business and stated that without a residential premise the enterprise is unlikely to succeed.

2.14 In summary the supporting information suggests that the applicant offers a range of livery services including DIY livery, full livery, grazing livery and schooling livery. The agent has also confirmed that the horses currently on site are owned by the applicant, various members of the public and also organisations such as the Police Force.

2.15 The applicant is willing to enter into a legal agreement to restrict the occupation of the dwelling to that of a person solely or mainly employed in the business of commercial livery, currently occupying Piercy Farm together with any resident dependants.

Financial justification

2.16 The applicant has provided accounts for the past 3 years which have been assessed by the Council's Finance Team. The accounts show a profit of £9,174

for the year ending March 2006; £15,948 for the year ending March 2007 and £16,519 for the year ending March 2008.

2.17 Comments have been received from the Council's Finance Team regarding the economic viability of the proposal. Based on the financial statements provided, the applicant meets the criteria of operating for 3 years and making a profit in at least one year. It should be noted that the accounts show a profit each of the 3 years.

It is considered that the expenses shown are typical of a small business and the expenditures detailed would be expected to be incurred in the normal course of the business. It is therefore accepted that the business would be viable in terms of income received.

2.18 The case officer has researched properties for sale in Dalton Piercy and it appears there are 2 properties currently on the market which range in price from £395,000 - £419,000. The agent has confirmed that the applicant cannot afford a property within the village. Based on the accounts provided it is unreasonable for the applicant to be expected to afford a private dwelling within the Dalton Piercy area.

Siting and access

2.19 The proposed dwelling is a 3/4 bedroom modern house. Access to the property is proposed via the existing access to the livery and a hardstanding area is proposed within the curtilage of the dwelling. The car parking area associated with the livery is proposed to be accommodated to the south of the proposed dwelling.

2.20 The proposed house could potentially be seen from the right of way which runs south east from Dalton Piercy to Brierton; from the right of way running from Brierton to Dalton Back Lane and from Dalton Piercy itself.

2.21 The location of the proposed house would be situated in the south of a field which rises significantly north towards Dalton Piercy. The field then drops away towards the houses in Dalton Piercy such that any views of the proposed house would be limited.

2.22 The right of way running from Dalton Piercy to Brierton is largely screened from this site by being situated in a small valley for much of its length. In addition, a few metres to the east of the proposed dwelling is a mature hedge that is some 4-6 metres in height. This would provide additional screening. There is a small gap between the proposed garden of the dwelling to north of the stables, the applicant is proposing to use this as an access to the stable area.

2.23 It is considered that there would be limited visual intrusion from the right of way from Brierton to Dalton Back Lane which is almost 1km away from the site. There is a hedge some 20 metres to the south of the house's proposed location which would provide some screening however it is of varying height with several gaps so it would be of limited value as screening. Should the application be approved a condition to gap the hedge and retain its heights may be prudent.

2.24 Local residents have raised concerns relating to highway safety, however in this instance there have been no objections from the Traffic & Transportation team. It is considered that the levels of traffic are not likely to have a detrimental impact on highway safety as it is unlikely that they will increase significantly given the use of the site and the existing residential caravan.

2.25 The Parish Council have indicated that the use of the access is not legal, however this is not a material planning consideration in the determination of this application. It is essentially a civil matter.

2.26 The width of the gate to the site is of a size which will allow a Fire Engine to access the site. It is considered that there are no major highway implications with this application.

2.27 The agent has stated that the proposed site is currently used as part of the grazing area of the established livery business, however due to an oversight the land currently does not have the use class for the livery business. It is considered that this official change of use would not have a detrimental affect on the surrounding area.

Further points

2.28 With regard to the concern raised that the existing caravan is not occupied during the night, the case officer has examined the caravan and confirms it appears to be 'lived in'. Council tax records indicate that the caravan has been used as residential accommodation for the last 2 years and the Council do not have any evidence to suggest otherwise. Enforcement records suggest some form of occupancy for a longer period.

2.29 Concerns have been raised that other works are ongoing within the field of the livery. This relates to the creation of an access track and is under investigation. However these works do not have a bearing on this application.

2.30 It is not considered that the use of part this site for grazing of horses or the erection of a dwelling would give rise to detrimental noise disturbance. Public Protection do not object to this application.

2.31 The application approved in 2004 (ref: H/2004/0073) is clear that the use the Planning Committee has approved is as a commercial livery as well as for the keeping of the applicants own horses.

2.32 Regardless of any alleged abuse of the planning system by the applicant, the planning application must be determined on its own merits.

Conclusion

2.33 It is considered that there is a clear justification for the proposed residential dwelling on this site and therefore approval is recommended.

RECOMMENDATION – Approve subject to no substantially different objections, a legal agreement to restrict the occupancy of the dwelling and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The occupation of the dwelling shall be limited to a person solely or mainly employed in the business of commercial livery, currently occupying Piercy Farm together with any resident dependants.
To ensure that the dwelling is not used as general residential accommodation
3. The caravan currently located on the site shall be removed upon occupation of the hereby approved dwelling.
In the interests of visual amenity.
4. A scheme for the detailed design of the storm drainage system from the proposed development shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details before the dwelling is occupied.
To ensure the site is developed in a satisfactory manner.
5. 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, 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.
6. Notwithstanding the provisions of Article 3, Part 1, Classes A-F of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, no enlargements, improvements or other external alterations of the dwelling or hard surfaces within the curtilage shall be constructed, erected or carried out on the site.
In the interests of visual amenity.
7. The permission hereby granted shall relate to the use of the site for the stabling and keeping of horses owned by the site owner and the stabling and keeping of horses on a livery basis only.
To ensure that the site and building operates in a way which will not be detrimental to the amenities of the occupiers of nearby houses.
8. No 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 occupiers of nearby houses.
9. Final details for the layout of the parking area associated with the livery shall be submitted to and agreed in writing by the Local Planning Authority.
In the interests of visual amenity and highway safety.
10. A detailed scheme for landscaping and tree and shrub planting in accordance with the objectives of the Tees Forest shall be submitted to, and approved by, the local planning authority before the development hereby approved is commenced. The scheme must specify 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 to the satisfaction of the local planning authority upon completion of the development.

In the interests of visual amenity.

11. Any trees or 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.
12. There shall be no burning of materials or waste at the site
In the interests of the amenities of the occupants of neighbouring properties.
13. Within 3 months of approval, a scheme for the storage and removal of manure arising from the stabling and keeping of horses at the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and thereafter the storage of manure shall only take place in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
14. No fixed jumps shall be erected at the site.
In the interests of the amenities of the occupants of neighbouring properties.
15. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
16. 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 occupants of neighbouring properties.
17. The mature hedge to the east of the application site shall be maintained at a minimum height of 4metres, and no part shall be removed unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity and to protect the health of the hedge.
18. Other than the existing access through the hedge on the eastern boundary no excavations, construction or hardstanding shall be carried out within 3metres of the centre line of the hedge to the east of the application site, unless otherwise agreed in writing by the Local Planning Authority.
In order to protect the health of the hedge.
19. The hedge along the southern boundary shall be fully gapped up and grown to be maintained at a height of 4metres in accordance with details to be agreed as part of the details required by condition 10 above, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

Piercy Farm, Dalton Piercy



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/8/08
	SCALE 1:3,000	
Department of Regeneration and Planning Bryan Hanson House.Hanson Square. Hartlepool TS24 7BT	DRG.NO H/2008/0461	REV

No: 3
Number: H/2008/0496
Applicant: Hartlepool Borough Council Church Street Hartlepool TS24
Agent: Hartlepool Borough Council Neighbour Services 1 Church Street Hartlepool TS24
Date valid: 13/08/2008
Development: Removal of horse chestnut tree (T5) covered by a Tree Preservation Order
Location: BLACKPATH CATCOTE ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

3.1 The tree subject to this application is situated at the north side of the 'Blackpath' at South Fens opposite Catcote Road close to the turning circle and is part of an area covered by TPO 33 confirmed on 30 July 1977.

3.2 The application has been submitted by the Environment Division of Hartlepool Borough Council the owners of the land, which is designated as public open space.

3.3 The subject tree is one of a number along the length of the public footpath.

Publicity

3.4 The application has been advertised by way of a site notice, neighbour letters (7). To date, there has been one letter of objection citing the following:-

- 1 It is a healthy tree
- 2 It has been a recognisable feature of the estate for many years and adds considerable character to the roundabout area
- 3 Due to the disease that is killing thousands of beautiful trees a healthy one should be left alone.

There has been one letter of support citing the following:-

- 1 It attracts many children who throw missiles which is a threat of injury for children in an adjacent garden playing.

Copy letter C

The period for publicity expires after the meeting.

Consultations

3.5 The following consultation replies have been received:

Greatham Parish Council: - Strongly object to this application as they feel the tree is in a very healthy condition. This could lead to a precedent for anyone to have a tree removed on the flimsiest of evidence that it is causing a problem.

Planning Policy

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

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

GEP13: States that the felling of trees with TPOs or within Conservation Areas will be not granted unless certain criteria listed in the policy are met. Tree surgery works to protected trees will only be approved where there is danger to human life, property is being damaged or it is in the interests of the well-being of the tree. Replacement planting will be required where permission is given to fell protected trees.

GEP14: States that Tree Preservation Orders will be kept under review and that further TPOs will be made.

Planning Considerations

3.7 The main considerations in this instance are the appropriateness to the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the visual character of the area.

3.8 It is anticipated that a petition from local residents objecting to the removal of the tree is to be submitted.

3.9 Discussion are ongoing with Neighbourhood Services regarding the justification and background leading to the application for the removal of the tree.

RECOMMENDATION – UPDATE TO FOLLOW

Blackpath, Catcote Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN GS	DATE 21/8/08
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0496	REV

No: 4
Number: H/2008/0324
Applicant: Mr T Bird Elwick TS27 3EA
Agent: Burns Architects Castle Eden Studios CASTLE EDEN
TS27 4SD
Date valid: 22/07/2008
Development: Alterations and conversion of outbuildings to form
studio/office units and a 3 bedroomed house
Location: LAMBS HOUSE FARM DALTON PIERCY ROAD
HARTLEPOOL

The Application and Site

4.1 This application relates to redundant farm buildings upon an active agricultural holding at Lambs House Farm which is accessed by a private lane off Dalton Piercy Road. The buildings are located upon a prominent/elevated site. The application site has a residential bungalow to the immediate south. Dalton Piercy Road is located 300m to the west; the neighbouring property of Hillcrest is located approximately 200m to the North West with Elwick village is located approximately 1km to the west of the application site.

4.2 Full planning permission is sought for alterations and conversion of redundant agricultural outbuildings to form 4 commercial studio/office units and a 3 bedroom house.

4.3 The proposal is to convert a number of redundant single storey farm buildings to general purpose studio/office units with associated car parking facilities. A traditional two-storey brick barn will be converted to a three bedroom dwellinghouse. A modest lean-to single storey extension is proposed upon the eastern elevation of the barn to form part of the residential unit. All of the studio/office units will incorporate separate accesses for owners who wish to operate a business from the site. The buildings will be retained in a courtyard arrangement.

4.4 The majority of the single-storey outbuildings will be retained with necessary alterations undertaken. The buildings upon the northern element of the courtyard will need to be demolished given their state of repair; however they are to be rebuilt to the same footprint.

The application has been accompanied by:

- i) A Design and Access Statement
- ii) Restoration Report
- iii) Business Proposal
- iv) Inspection Survey
- v) Bat and Barn Owl Surveys
- vi) Market Assessment
- vii) Percolation Test Results

4.5 The application seeks permission for the erection of a single storey extension to the eastern elevation of the two-storey brick barn. Following negotiations the originally submitted plans have been amended to reduce the scale and size of the extension making it appear subservient, whilst retaining a traditional appearance.

4.6 The single storey extension (as proposed) is to project 2.9m from the side of the proposed dwelling house at a depth of 7m. The roof is of a lean-to design measuring 2.2m at the eaves with a maximum height of approximately 3.2m.

Publicity

4.7 The application has been advertised by way of neighbour letters (4), site notice and newspaper advert. To date, there have been no letters of objection.

Consultations

4.8 The following consultation replies have been received:

Ecologist: I am satisfied from the report “Bat and Barn Owl Surveys For Outbuildings at Lambs House Farm, Elwick” by ecological consultant Veronica Howard, supplied with the application, that the proposal won't have an adverse effect on protected species, particularly bats and barn owls.

The method statement provided in the above report should be made a condition of any approval.

Elwick Parish Council: No comment to make

Environment Agency: Awaiting consultation response

Northumbrian Water: Awaiting consultation response

Traffic and Transportation: Awaiting formal response. Informal discussion raised no objections subject to adequate passing points upon the private drive and adequate sight lines at the entrance to Dalton Piercy Road.

Planning Policy

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

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

high standards of design and landscaping and native species.

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.

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.

Rur13: States that proposals for the reuse of buildings in the open countryside will only be permitted where they are for commercial purposes appropriate to the rural environment, they will not adversely affect the surrounding area, there will be no significant building works or outside storage, where the road network, car parking and sewage disposal is adequate and they do not adversely affect species protected by law. Residential use will only be allowed where it has been demonstrated that there is no suitable business reuse or that it is a subordinate part of a wider business scheme. Planning conditions restricting future permitted development rights may be imposed to control the proliferation of farm buildings.

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.

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 of 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

4.10 The main issues for consideration when assessing this application are the appropriateness of the proposal in terms of National and Local Policy Guidance. Also necessary to be assessed will be the appearance of the proposal in relation to the existing buildings, neighbouring properties, highway safety and visual amenity.

Policy/Principle of Development

4.11 The main considerations in this instance are the appropriateness of the proposal in terms of National and Local Planning Policy in particular Planning Policy Statement 7 (PPS7) and RUR13 of the Hartlepool Local Plan 2006.

4.12 Planning Policy Statement 7 (PPS 7) “Sustainable Development in Rural Areas” and RUR13 provides guidance in relation to the re-use and conversion of rural buildings. Paragraph 17 of the guidance (PPS7) states that the Government’s policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside. PPS7 details a number of criteria, which proposals for re-use or conversion should take into consideration these include:

- i) The potential impact on the countryside, landscape and wildlife;
- ii) Specific local economic/social needs and opportunities;
- iii) Settlement patterns and accessibility to service centres, markets and housing;
- iv) The suitability of different types of buildings, and of different scales, for re-use;
- v) The need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character.

4.13 The proposed development broadly satisfies the tests set out in the above policies. It is acknowledged that the scheme incorporates a residential dwelling. It is considered that this element is key to the viability of the scheme for the commercial use of the scheme for the commercial use of the remainder of the structures. The residential dwelling forms a subordinate part of the scheme. However it is considered necessary to ensure, through planning and S.106 legal agreement, that the residential elements remains as such and that the timing of development is controlled to preclude the house being completed in isolation.

4.14. Further it is considered necessary that a Section 106 agreement ensures that the residential dwelling is not sold off or leased separately from a commercial studio/office unit(s).

4.15 The conversion proposal appears to be of a high standard and it is considered that the extension would enhance an attractive group of buildings.

Amenity

4.16 The proposed alterations and extension are considered to be sympathetic and appropriate making good use of existing openings and retaining traditional features, especially those of the most prominent building, the two-storey brick barn.

4.17 A residential bungalow under the applicants ownership is located to the immediate south of the application site. It is understood that the property is currently occupied and rented out. The bungalow shares the same access as the application site.

4.18 The closest part of barn and outbuildings are located some 25m to the north of the bungalow. The physical relationship and orientation of the barn and outbuildings is such that it is considered unlikely that the proposal would create any significant dominance/outlook issues given the associated separation distances.

4.19 It is not thought the proposal will be harmful to the outlook of the remaining residential properties in the vicinity.

4.20 The planning application indicates that no trees will be removed during the works. As mentioned previously in this report the applicant owns a considerable amount of farmland surrounding the site. It is the owner's intention to conduct tree planting around the perimeter of the land, this is understood to of previously included the planting of 120 beech trees in December 2007. The agent for this application has also confirmed that it is his client's intentions to provide a more thorough landscaping scheme to the rear of the buildings at Lambs House Farm. This can be controlled through a planning condition.

4.21 The proposal will impact upon the amount of vehicular traffic entering the site and using the shared access track, however it is not considered this will significantly affect the amenity of the occupiers of the neighbouring bungalow given the associated separation distances.

4.22 As stated previously the formal comments of the Head of Traffic and Transport are awaited however informally there appears to be no objections to the provision of passing bays, adequate parking provision and sight lines associated with access onto Dalton Piercy Road. The final comments of the Head of Traffic and Transport will be discussed in an update report to follow.

Design

Externally

4.23 It is considered that the proposed works in terms of design will respect the character and detailing of the farm buildings whilst helping to secure their improvement and future. The single storey extension is considered to incorporate design that compliments the existing brick barn and outbuildings and will appear subservient to the main barn whilst not appearing dominant or incongruous upon the immediate area.

Internally

4.24 The design and access statement submitted with the application, as well as the plans for the development indicate that many of the original features located in the east wing (brick barn), included original roof trusses, open ceilings and windows will be retained, and replicated where possible throughout the remainder of the

development. This detailing is appropriate as it respects the traditional character of the original buildings.

Sustainability

4.25 A number of sustainable initiatives have been incorporated into the design of the restoration buildings and outlined as potential methods of renewable energy within the supporting design and access statement submitted with the application. These include:

- i) Solar panels
- ii) Solar conservatory
- iii) Small and unobtrusive wind turbines
- iv) High levels of insulation

4.26 Solar panels are proposed on the roof of the south elevation facing the courtyard. The panels are unlikely to be visible from outside of the application site. It is considered that all of the sustainable measures outlined for prospective use can be controlled via a planning condition.

Ecology

4.27 A bat and barn owl survey has been completed on the outbuildings and submitted with the application. In conclusion the author of the report considers it unlikely that any of the buildings would support a bat roost or bat hibernation site, with no evidence of any bat presence found on site. The Council's Ecologist has considered the application, in particular the survey, and has raised no objection.

Drainage

4.28 The nearest main public sewer is located over 300m away from the application site. The applicant has indicated their intended method of foul drainage will therefore be by way of a septic tank. Percolation tests have been undertaken to assess surface run off and following brief discussion with the LPA's Principal Engineer this method appears appropriate in this instance. Consultation responses are still awaited from the Environment Agency and Northumbrian water. Further comment will be made following the receipt of these.

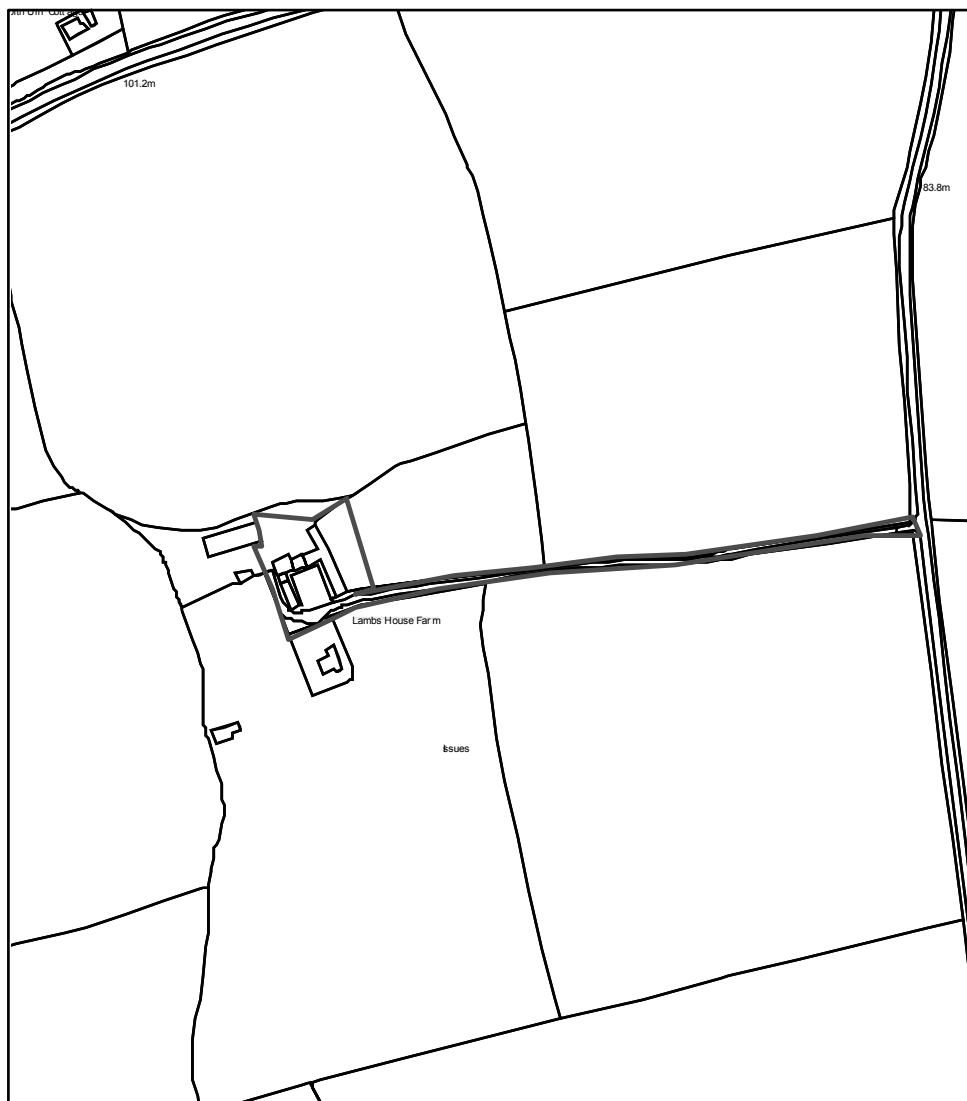
Conclusion

4.29 The proposals would make an attractive re-use of these agricultural buildings which are located in a prominent elevated position between Elwick, Dalton Piercy and the main urban area of Hartlepool and has views across the Tees Valley. The design will create high quality business space in a rural environment which Hartlepool currently does not offer. The suggested commercial uses are acceptable in policy terms however it is vital that a legal agreement is negotiated so that the ancillary residential unit is a subordinate part of one or more of the business units. The tree planting is a welcome part of this scheme.

4.30 Given that the responses of Northumbrian Water and the Environment Agency and the formal response of the Head of Traffic and Transportation are awaited an update report will follow. It is anticipated that these responses will be received prior to the meeting.

RECOMMENDATION – An update will be provided before the meeting.

Lambs House Farm



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/8/08
	SCALE 1:3000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0324	REV

No: 5
Number: H/2008/0480
Applicant: Raven Audley Court PLC Kingsbury Crescent Staines
Middlesex TW18 3BAS
Agent: The Design Gap 1 Scarborough Street HARTLEPOOL
TS24 7DA
Date valid: 07/08/2008
Development: Change of use, alterations, partial demolition of building,
extensions and new buildings to provide 84 apartments,
ancillary accommodation and communal facilities to
provide a care community for the elderly
Location: TUNSTALL COURT GRANGE ROAD HARTLEPOOL

The Application and Site

5.1 Tunstall Court is situated within the Park Conservation Area and is bounded by Park Avenue to the west, Serpentine Road and housing in The Kitchen Garden to the north, new housing to the east (St. Bega's Glade) and housing on The Parade to the south.

5.2 The site contains a late Victorian house constructed in mainly brick with slate roof, the house is set in the eastern side of the site, there are currently several accesses into the site. The house is set within its own grounds, to the front of the house is a disused bowling green and the grounds are overgrown and untidy. There have been numerous reports of vandalism and arson on the site.

5.3 The site has previously been used as a training centre (which closed in 2002). The main house is not a Listed Building, but is regarded as an important building in the conservation area.

5.4 The application proposes the conversion of Tunstall Court and new builds within the grounds to create a 'Care Community for the Elderly'. This would provide accommodation for the elderly or infirmed residents. The scheme would allow residents to lead independent lives in a secure environment with the reassurance that on site care is available if required.

5.5 The proposal comprises the conversion of the existing building into 8 units in the main body of the building with a large amount of the existing 2 service accommodation wings to the rear being demolished and rebuilt to provide 2 blocks accommodating 17 units. An undercroft area is proposed beneath the existing Tunstall Court terrace to accommodate a further 6 units, this is proposed to link to another building proposed within the site (known as the Northern Block) to form a continuous terrace. 31 units in total to be provided within the altered Tunstall Court. Internally it is proposed to incorporate many of the original features.

5.6 A conservatory is proposed within the rear small courtyard, which will exist between the 2 wings, this would accommodate a swimming pool. Tunstall Court

itself would accommodate all the communal and residents' facilities on the ground floor through the re-use of the existing entrance hall and major rooms and the additional glazed pool area.

5.7 Adjacent to the main building it is proposed to construct a three storey building (the Northern Block). This building has been designed to reflect some features of the existing building, would provide 22 units and has a physical link to Tunstall Court in the form of the undercroft area and terrace.

5.8 Both terraces are designed with the same form to be a continuous structure and are quite formal in detail, and balustrading is to match that retained along the main terrace in front of Tunstall Court.

5.9 The remaining land is proposed for 4 detached buildings set within landscaped treed gardens. Each of the dwellings is designed to reflect some features of the main building.

5.10 It is proposed to close off the existing entrances and take entrance via Park Avenue. The new entrance is proposed to incorporate gates and 2 of the detached buildings are proposed to be located at either side of the entrance to form a gatehouse effect. The scale and position of the proposed lodges are similar to buildings previously approved on the site (see below). These lodges would accommodate 4 units each.

5.11 Two buildings are proposed to the south of Tunstall Court. These are designed as a pair of large villas and taken their cue both from neighbouring houses (Oakridge, Tunstall Grange and Aldersyde) and architecturally from the pair of very large houses on the other side of The Parade (Parklands/Middle Fens). Both buildings are three and a half storeys with much of the top floor accommodation within the roof. These buildings would accommodate 23 units in total.

5.12 There are currently 235 trees within the site; none are currently placed on a tree preservation order, however they are protected as the site is within a conservation area. There are four categories for trees A, B, C and R these are defined as:

A – Those of high quality and value: in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested)

B – Those of moderate quality and value: in such a condition as to make a significant contribution (a minimum of 20 years is suggested)

C – Those of low quality and value: currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm

R – Those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management

5.13 It is proposed to remove 38 category B trees, 39 category C trees along with a group of category C trees which cannot be assessed individually, and all of the category R trees (42 in total), and provide a comprehensive replanting scheme. There are no category A trees on site. It should be noted that at the current time the large amount of trees on the site compromises the quality of the trees.

5.14 Within the site it is proposed to include the creation of a formal garden in front of Tunstall Court and the Northern Block in the area where there was previously a bowling green, this would be set against the terraces in front of these two buildings. Landscaping to the front of the other buildings would be semi formal whereas the rear would be more park like. There would be no private gardens within the site; maintenance would be carried out by the care providers Raven Audley Court.

5.15 84 car parking spaces are proposed within the site, which are proposed to be spread around the site to serve the separate buildings.

5.16 An application (ref: HFUL/2004/1029) was approved by the Planning Committee in 2005 for residential development comprising the conversion of Tunstall Court, including the substantial demolition and rebuilding of the rear wings, an apartment block and 5 detached executive houses set within the grounds. Access to the residential scheme has been approved by the Planning Committee to be via Park Avenue.

5.17 There is extant approval for a car park to be constructed by the Council on the corner of Park Avenue and The Parade. Confirmation has been received that this is currently out for pricing and works are proposed to start later this year.

Publicity

5.18 The application has been advertised by way of neighbour letters (85 properties have been consulted), site notice (2) and press notice. To date, there have been 10 letters of no objection, 3 letters of comment raising the following:

- 1 the entrance should remain where it is;
- 2 concerned about the increased traffic and parking
- 3 would like to know where the main entrance is sited;

21 letters of objection have been received citing the following reasons:

- 1 access from Park Road;
- 2 the proposed access road is narrow and emergency services would have difficulty reaching the apartments, the road has limited visibility and is busy;
- 3 Park Avenue is a very dangerous junction with The Parade, and a blind bend at the top;
- 4 access should be on The Parade;
- 5 Park Avenue only has a footpath along one side;
- 6 increase in traffic;
- 7 highway safety issues;
- 8 congestion;
- 9 parking problems;
- 10 concerns regarding drainage;
- 11 concerns Park Avenue is not well lit;
- 12 concerns regarding pedestrian safety;
- 13 traffic calming measures are needed in Park Avenue;
- 14 plant and delivery vehicles can only add to the congestion;

- 15 the car park for Ward Jackson Park whilst relieving some congestion will result in the destruction of the trees and woodland area which provide a habitat for wildlife and the character of the area;
- 16 Park Avenue is a narrow road with houses very close to the road and increased traffic would present a noise nuisance to the residents;

2 letter of support has also been received one of which cites the following reasons:

- 1 the sooner the building and surrounding area are repaired and developed the better;
 - 2 the plans look attractive;
 - 3 the feared congestion on Park Avenue should be eased by the new Ward Jackson Park car park;
- Copy Letters B

The period for publicity expires on the day of the Planning Committee.

Consultations

5.19 The following consultation replies have been received:

Public Protection – no objection

Property Services – no comment

Engineering Consultancy – no objection subject to condition

Traffic & Transportation – no objection

Tees Archaeology – The developer has provided a survey of the existing buildings in their current condition and an archaeological assessment of the grounds. This stands as an appropriate record of the site and there are no further comments.

Northumbrian Water – no objection subject to condition

One North East – awaiting comments

English Heritage – awaiting comments

The Victoria Society – no objection in principle, however consider the scheme to be over development. They have concerns regarding the design of the new builds and annexes. However they consider the insertion of accommodation below the existing terrace in front of the main house ingenious and support the proposal for several of the principal reception rooms retained undivided and the principal elevations are left unaltered. Overall The Society does not believe the current proposals adequately respect the character and appearance of Tunstall Court nor its extensive landscape setting and urges the Council to reject the application.

Environment Agency – comments awaited.

Planning Policy

5.20 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.

GEP13: States that the felling of trees with TPOs or within Conservation Areas will be not granted unless certain criteria listed in the policy are met. Tree surgery works to protected trees will only be approved where there is danger to human life, property is being damaged or it is in the interests of the well-being of the tree. Replacement planting will be required where permission is given to fell protected trees.

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

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

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.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into

account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

HE2: Encourages environmental improvements to enhance conservation areas.

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

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.

Hsg7: States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. 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.

WL4: States that development which would directly or indirectly harm species protected by law and their habitats will not be permitted unless effective steps are taken to secure the protection of such species and their habitats.

WL8: States that the Borough Council will seek to minimise or avoid any significant adverse impact of a development on the nature conservation interest of a site through the use of planning conditions or obligations where appropriate.

Planning Considerations

5.21 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted and deposit Hartlepool Local Plans, the impact of the proposals upon neighbouring

properties and on the Conservation Area, impact on trees and other ecological considerations and highway safety considerations.

Local & National Guidance

5.22 In terms of National Planning Policy, PPS3 - Housing promotes the re-use of previously developed land and the conversion of non-residential buildings for housing in order to promote regeneration and minimise the amount of greenfield land being taken for development. In principle therefore this proposal is in line with policy.

5.23 In terms of National Planning Policy, PPG15 - Planning and the Historic Environment, it is considered that the best way of securing the upkeep of historic buildings is to keep them in active use, the PPG recognises that in some cases this often means some degree of adaptation. Although Tunstall Court is not a listed building (a recent request to list the building was not accepted by English Heritage) it is considered an important building and alterations, which are to be made to the building, reflect existing features and are considered to be sympathetic to the existing house.

5.24 The proposed scheme should be considered against the policies in the adopted Hartlepool Local Plan 2006 in particular the Homes and Hostels Policy Hsg12, again the proposal is in line with the principles of these policies.

5.25 The development of brownfield land is encouraged by national guidance, it is considered acceptable in principle subject to details.

5.26 More fundamentally, the development is seen as a catalyst for the retention and reuse of Tunstall Court, which has stood empty for some time the enhancement of the conservation area and the long term management and enhancement of the woodland on the site.

Effects on neighbouring properties

5.27 New housing lies to the east and north of the application site (St. Bega's and The Kitchen Garden). It is considered that the rebuilding of the two rear wings of the main house will not be detrimental to the occupants of the adjacent properties (St. Bega's Glade). Minimum separation distances are more than adequately met throughout the development. Some of the proposed new buildings do have balconies; however it is unlikely that they have the potential to be detrimental to the neighbouring properties given the separation distances involved, and the potential for intervening planting.

Conservation

5.28 As the application site is within a conservation area any development should Seek to ensure that the character of the conservation area is preserved or enhanced.

5.29 With regard to the scale and nature of the development it is considered that this

scheme is designed to integrate the old and the new. Features from the conservation area and Tunstall Court itself have been reflected into the new buildings within the grounds, the density reflects the conservation area, and the overall layout is considered acceptable to its surrounding area.

5.30 It is considered that the proposed undercroft is a positive addition which is sympathetic to the existing building and links this with the other new building on the site. It is also a positive note that those main rooms within Tunstall Court are proposed to be retained for communal use.

5.31 The agent has designed the rebuild of both wings in an architectural style sympathetic to the main building in terms of both its design and scale. It is considered that the rebuild compliments both the main building and the surrounding area.

5.32 Although The Victorian Society has concerns with the scheme the Council's Landscape and Conservation Manager has no objection to the new builds or annexes and does not consider the scheme to be an overdevelopment of the site.

5.33 It was always anticipated that some of the trees would be lost through development of the site. However these have been limited to the minimum required for the development and for the enhancement of those left on the site. The main intent has been to identify groups of trees to be retained and supplemented with a comprehensive tree planting schedule of indigenous trees and feature trees to compliment retained groups and the proposed formal gardens. The Council's landscape team consider the scheme to provide a significant enhancement of the site in terms of visual amenity.

Ecology

5.34 With regard to the potential impact on other ecological features on the site, the building and grounds have been surveyed by the applicant and relevant reports have been submitted with the application. There are 3 ecological issues which should be considered namely bats, breeding birds and Japanese Knotweed.

5.35 The building was found to support three Common Pipistrelle bats, mitigation measures for the loss of these roosts have been proposed in the form of 5 bat boxes on the main building and 10 boxes within the trees. The Council's Ecologist is satisfied that this mitigation would be sufficient to maintain and even enhance the roosting opportunities for the population of bats that would be affected by this proposal.

5.36 The development site provides a number of opportunities for breeding birds and the development would result in short-medium term loss of nesting opportunities. However the Council's Ecologist is satisfied with the provision of 10 bird boxes would provide more than adequate mitigation.

5.37 There has been specific reference to the presence of Japanese Knotweed on site. Both the Council and the developer are aware of this and acknowledge that this is an aggressive and invasive weed, which would need to be managed accordingly. The developer has submitted a report which surveys the site and outlines the methods proposed for the treatment of Japanese Knotweed. The Council's Ecologist is satisfied with the proposals.

Highways

5.38 The access from Park Avenue was part of the initial Development Brief for the sale of the land (published in March 2003 after extensive publicity). At that time the development plan was purely illustrative and identified a number of potential accesses.

5.39 It is considered in planning terms that the new access off Park Avenue would open up a vista of the frontage of the main house and would create an entrance to the site fitting to its important location in the conservation area. This access was approved by the Planning Committee in 2005 for the previously approved residential scheme. It is worth noting that this could still be implemented as the permission is extant.

5.40 Although there are concerns regarding the width of Park Avenue it should be acknowledged that the proposed access road is classified as a secondary access road and is in excess of the standard width for this type of road by some 2.2metres Park Avenue is in fact 7.7m wide.

5.41 Although there have been a number of objections raised to this entrance the Traffic and Transportation team has no objection to the scheme. The sightlines for the entrance are the same as previously approved and are in accordance with the Council's Design Guide and Specification.

5.42 The Traffic and Transportation team have carried out traffic level surveys and have confirmed that the results are very similar to those produced by the developer; therefore it is considered that these are accurate and that Park Avenue is suitable for the increase in traffic generated by the development.

5.43 It is considered that one access in and out of the site is acceptable on highway safety grounds.

5.44 Adequate parking facilities are proposed within the development. The applicant has provided a travel plan and will provide a mini bus service for both residents and staff which will help to reduce the need for car. Disabled bays and cycle parking will be required to be incorporated into the scheme; however these can be controlled via condition should the application be approved.

Other Issues

5.45 With regard to the concern raised regarding Fire Brigade access, the Traffic and Transportation team have not raised concerns regarding access into the site by

Emergency Services and Building Control have confirmed that the site would be accessible by a Fire Engine under Building Regulations.

5.46 With regard to drainage the application has been referred to the Council's Engineering Consultancy team and Northumbrian Water both of which have no objection to the scheme subject to conditions. The Environment Agency have also been consulted and a response is awaited.

Conclusion

5.47 The proposed conversion would re-use an important building and it is considered that the development would serve to enhance the conservation area

5.48 Due to outstanding consultation responses a final recommendation will follow.

RECOMMENDATION - Update to follow

Tunstall Court



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/8/08
	SCALE 1:2,000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2008/0480	REV

No: 3
Number: H/2008/0496
Applicant: Hartlepool Borough Council Church Street Hartlepool TS24
Agent: Hartlepool Borough Council Neighbour Services 1 Church Street Hartlepool TS24
Date valid: 13/08/2008
Development: Removal of horse chestnut tree (T5) covered by a Tree Preservation Order
Location: BLACKPATH CATCOTE ROAD HARTLEPOOL HARTLEPOOL

UPDATE

1. This application appears on the main agenda at item 3
2. The recommendation was left open in order to allow for further discussions to take place between Neighbourhood Services regarding the justification for the removal of the tree.
3. Officers are advised that concerns were raised by a neighbour whose property is adjacent to the Horse Chestnut tree regarding trouble she was experiencing from youths throwing objects at the horse chestnut tree to retrieve “conkers”. These objects were allegedly posing a threat to her small children in the garden. On the strength of this the tree was assessed and it was confirmed that the Horse Chestnut tree was hindering the growth of nearby trees and this coupled with the antisocial element/threat of injury to small children playing in there own garden was reason to remove the tree and replace with an alternative species.
4. Having spoken to Officers in Neighbourhood Services it has been confirmed that they could plant two trees to replace the removed Horse Chestnut tree.
5. It was anticipated that a petition from local residents objecting to the removal of the tree was to be submitted. To date, this has not been received.

Planning Considerations

6. Tree Preservation Orders have been made, covering individual trees and groups of trees together with larger areas of woodland. The purpose of such orders is to protect trees from felling, damage or unsympathetic tree works (pruning etc) because of their particular amenity value. Such orders would not preclude the felling of trees which are dead, dying, diseased or dangerous.
7. Since the Order was first made on the trees along the Black Path, there have been a number of new trees planted to vary the species and age class and to

diversify what is there. These have now attained a size that is greatly contributing to the wooded walkway along the Black Path.

8. The Horse Chestnut tree in question is a problem tree insofar as the nuisance of the “conker” collecting in late summer and autumn and there is also a large area of damage to the stem. The Councils Arborist confirms that at this moment in time the damage is not affecting the tree, but it will eventually decay into the stem if left untreated.
9. As this tree is part of a group however, the removal would allow the adjacent trees to grow unrestricted and encourage a more robust lateral branch development from the others. Left alone the group will eventually crowd each other out and result in misshapen trees as they mature.
10. Policies allow the felling of any tree included in a Tree Preservation Order providing they fall within the following:
 - i. The removal forms part of an approved development scheme, or
 - ii. the tree or trees are proven to be adversely affecting the structural condition or safety of buildings, or
 - iii. the trees represent an unacceptable risk to the safety of the public, or
 - iv. it is in the interest of the health of the tree or other nearby trees, or
 - v. the felling is required as part of an agreed management scheme in the interest of age, structure or diversity, or
 - vi. there is no significant impact on the local environment and its enjoyment by the public.
11. Where permission is given to fell protected trees, replacement planting will be required.
12. The loss of any tree needs very careful consideration. Taking into consideration the comments from the Arborist and the concerns from Neighbourhood Services regarding the safety of members of the public it is considered acceptable to remove the Horse Chestnut tree and replace it with 2 trees of a more desirable species, planted in its place, which will over time further enhance this well wooded walkway as part of the Councils ongoing tree management works throughout the Borough.

RECOMMENDATION: - APPROVE subject to the following condition(s):-

1. The tree to be removed (T5) shall be replaced with two trees of a size and species and in a location to be first agreed in writing by the Local Planning Authority. A programme for replanting shall also be agreed in writing by the Local Planning Authority.
In the interests of visual amenity.
2. 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.

3. A site visit shall be arranged between the person who will carry out the work and the Council's Arboricultural Officer prior to the work beginning and with 48 hours prior notice of the intention to carry out the works in order to establish the final extent of the works.
In the interests of the health and appearance of the preserved tree(s).

No: 4
Number: H/2008/0324
Applicant: Mr T Bird Elwick TS27 3EA
Agent: Burns Architects Castle Eden Studios CASTLE EDEN
TS27 4SD
Date valid: 22/07/2008
Development: Alterations and conversion of outbuildings to form
studio/office units and a 3 bedroomed house
Location: LAMBS HOUSE FARM DALTON PIERCY ROAD
HARTLEPOOL

Update

1.1 Since the original report was created the formal responses of Northumbrian Water and The Head of Traffic and Transportation have been received.

1.2 Northumbrian Water has raised no objection to the proposal.

1.3 The Head of Traffic and Transportation has raised no objection to the proposal subject to the upgrading of the private access road to a width of 3.1m and provision of passing places, the creation and maintenance of sight lines of 4.5m x 90m for vehicles leaving the site onto Dalton Back Lane and the provision and retention of an adequate number of parking spaces. The officer considers that the proposed use will have little impact upon the existing highway network.

1.4 The formal response of the Environment Agency is still awaited, it is anticipated that this will be received before the meeting.

Conclusion

1.5 In conclusion it is considered that the proposed development offers an opportunity to refurbish redundant and part dilapidated agricultural buildings which are in a prominent location and bring them back into active use in line with the aspirations of policy Rur13 of the Hartlepool Local Plan and National Planning Policy Statement 7 (Sustainable Development in Rural Areas).

1.6 The proposed refurbishment and part re-build is considered sympathetic to the original character of the buildings. The proposed scheme is largely in line with both National and Local Planning Policy on the re-use of rural buildings with the residential element forming a subordinate part of the entire scheme. It is considered that the use of the development can be suitably controlled through the imposition of planning conditions and by way of a S106 agreement.

1.7 It is for the reasons discussed above and in the original report that the application is recommended for approval subject to no adverse response from the Environment Agency, the planning conditions set out below and the successful signing of a S106 legal agreement. This will ensure that the residential element of the scheme remains subordinate to the overall scheme and that the occupation is

linked to at least 1 of the commercial units so that it is not sold off or leased separately. A condition which restricts the dwelling hereby approved being occupied until the studio units are completed has also been suggested.

RECOMMENDATION – Approve subject to no objections from the Environment Agency and the signing of a S106 agreement which will link the occupation of the dwelling to use of studio 4 and controls the timing of the development:-

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 dwelling hereby approved shall not be occupied until the refurbishment and re-build of all the studio units hereby approved as indicated on plan 0713/02 rev A received by the Local Planning Authority on the 16 September 2008 are both internally and externally completed.
To ensure that the residential dwelling is not constructed and occupied independently of the commercial units in line with the aspirations of Policy Rur13 (Re-use of Rural Buildings) of the Hartlepool Local Plan and National Planning Policy Statement 7 (Sustainable Development in Rural Areas).
3. The residential dwelling hereby approved shall be occupied only in conjunction with the commercial use of studio 4 as indicated on plan 0713/02 rev A received by the Local Planning Authority on the 16 September 2008 and shall not be used independently of each other.
To ensure that that the residential dwelling remains a subordinate element of the overall development hereby approved in line with the aspirations of Policy Rur13 (Re-use of Rural Buildings) of the Hartlepool Local Plan and National Planning Policy Statement 7 (Sustainable Development in Rural Areas).
4. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 22 July 2008 and amended plan 0713/02 rev A received on the 16 September 2008, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
5. 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 and studio units hereby approved shall not be extended or externally altered 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be within the application site without the prior written consent of the Local Planning Authority.
In the interests of visual amenity.

7. No development shall be commenced until a scheme for the provision of visibility splays of 4.5 metres x 90 metres at the entrance to the site from Dalton Piercy Road has been submitted to and approved in writing by the Local Planning Authority. Once agreed the visibility splays shall be provided prior to the development being brought into use and shall be maintained as such throughout the lifetime of the development.
In the interests of highway safety.
8. Notwithstanding the submitted details no development shall take place until a scheme for the parking of vehicles visiting the site has been submitted for the consideration and approval of the Local Planning Authority.
In the interests of highway safety.
9. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
10. No development shall take place until a scheme for the provision of passing places along the private access road, its widening to a width of 4.1m at the access/egress to/from Dalton Piercy Road and at least 3.1m in width at all other points for vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the approved dwelling and studio units coming into use, and be retained thereafter during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
11. Notwithstanding the submitted plans the main entrance to the buildings within the application site shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.
To ensure the access is safe and suitable for all people, including people with disabilities.
12. 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.
13. 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.

14. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
15. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
16. 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.
17. The garage(s) to served the dwelling hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
18. The studio units hereby approved, marked blue on approved plan 0713/02 rev A received by the Local Planning Authority on the 16 September 2008 shall be used for uses falling within use class B1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 only or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
19. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.
Thereafter the development shall take place in accordance with the approved details.
To ensure the adequate disposal of foul and surface water drainage from the development.
20. The development hereby approved shall be carried out in accordance with the bat mitigation scheme as set out in section 4 of the 'Bat and Barn Owl Survey for Outbuildings at Lambs House Farm' which was recieved by the Local Planning Authority on the 22 May 2008 unless otherwise agreed in writing by the Local Planning Authority.

To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.

No: 5
Number: H/2008/0480
Applicant: Raven Audley Court PLC Kingsbury Crescent Staines
 Middlesex TW18 3BAS
Agent: The Design Gap 1 Scarborough Street HARTLEPOOL
 TS24 7DA
Date valid: 07/08/2008
Development: Change of use, alterations, partial demolition of building,
 extensions and new buildings to provide 84 apartments,
 ancillary accommodation and communal facilities to
 provide a care community for the elderly
Location: TUNSTALL COURT GRANGE ROAD HARTLEPOOL

UPDATE

1. Since the writing of the original report one further letter no objection and 13 letters of objection has been received focused on the proposed access and citing the following reasons:
 - i) the introduction of the proposed development site access on Park Avenue is unacceptable in terms of road safety, due to its impact on existing access, and the use of which will be seriously compromised by the additional vehicular movements associated with the development traffic;
 - ii) The visibility on the junction of Park Avenue and The Parade is sub standard due to parked cars this scheme will increase the number of vehicles using this junction;
 - iii) Impact on road safety at the junction for both vehicular and pedestrian traffic.
 - iv) The access should be relocated to The Parade;
 - v) Density of the development and the character of the area;
 - vi) Removal of trees to facilitate the new entrance;
 - vii) Construction traffic.
2. The Hartlepool Civic Society have commented that they are pleased there are some definite plans to save the building, however have concerns that the height of the northern block would dominate the original house and site in general. The Civic Society would have preferred the ballroom to be restored and had community use part of the development.
3. Consultations Update

One North East – has no comment to make regarding the scheme.

English Heritage – do not wish to offer any comments on this occasion, and have recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Environment Agency – comments awaited.

4. Planning Considerations

The main focus of the objections are based upon the proposed access, however as stated in the original report this access was approved by the Planning Committee in 2005 for the previously approved residential scheme. It is worth noting that this could still be implemented as the permission is extant. The previous application took into account the amount of traffic anticipated with the then developing residential estate St. Begas Glade.

The Traffic and Transportation Team has no objection to the scheme. The sightlines for the entrance are the same as previously approved and are in accordance with the Council's Design Guide and Specification. It is considered that the proposal would not have a significant effect on road safety on Park Avenue.

The Traffic and Transportation Team consider that the access is acceptable on highway safety grounds and adequate parking facilities are proposed within the development. However they have confirmed that they would monitor the parking situation in the area.

With regard to locating the vehicular access on The Parade, the Traffic and Transportation Team have confirmed that this road has significantly more traffic than Park Avenue. There are 2 potential entrances into the site from The Parade 1) between the existing lodges, 2) widening of an existing pedestrian entrance close to the eastern boundary, both have been discounted.

The entrance between the Eastern and Western Tunstall Lodges is not considered acceptable as vehicles would pass within close proximity between 2 modest sized properties and would be detrimental to the occupiers in terms of noise and disturbance; this entrance is also not within the ownership control of the applicant and narrows significantly at one part.

The existing access on the eastern boundary would need to be widened to accommodate a vehicular access and a substantial amount of trees would need to be removed from within the site, however regardless of this the Traffic and Transportation team do not consider acceptable as the spacing between junctions would not comply with the Council's Design Guide and Specification.

Based on the comments received by the Traffic and Transport Team it would be difficult to substantiate an objection to the proposed development on highway grounds.

In terms of the new builds and conversion as stated in the original report the scale and nature of the development is considered to integrate the old and the new well. Features from the conservation area and Tunstall Court itself have been reflected into the new buildings within the grounds, the density reflects the conservation area, and the overall layout is considered acceptable to its surrounding area.

It is considered that the new buildings are in an architectural style sympathetic to the main building and the surrounding area in terms of both its design and scale.

Although The Victorian Society has concerns with the scheme the Council's Landscape and Conservation Manager has no objection and English Heritage has not objected to the scheme and recommend that the scheme is determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

The ballroom is not part of the development scheme due to extensive vandalism which has resulted in the roof structure having large visible areas of water damage. Access to this structure is currently prohibited due to its dangerous condition. The retention and refurbishment of the ballroom was considered undesirable and totally uneconomic.

The applicant has agreed to enter into a community use agreement to allow members of the public/community groups to use facilities on site, the details of which can be controlled by condition, similar to the Hartfields development.

5. Conclusion

The proposed conversion would re-use an important building and it is considered that the development would serve to enhance the conservation area.

The proposed scheme has been considered against national and local policies and it is considered that the scheme accords with these, therefore based on the previous committee report and this update report approval is recommended, subject to no objection from the Environment Agency.

RECOMMENDATION – APPROVE subject to no substantially different objections before the period for publicity expires, no objection from the Environment Agency and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on the 7th, 20th and 27th August and 17th and 19th September 2008 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. The hereby approved development shall only be occupied by residents over the age of 50 years old, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the site is developed in a satisfactory manner.

5. Notwithstanding the submitted plans:

- 1) A detailed schedule of repair works to Tunstall Court;
 - 2) Large scale details of all new windows and doors on all new and existing buildings;
 - 3) Large scale details of the conservatory/pool to the rear of Tunstall Court including details of how this will be attached to the existing building;
 - 4) Large scale details/information on materials to be used on the balustrade to the undercroft and balconies on the Northern Block;
 - 5) Large scale details of the eaves details to new roofs
 - 6) Large scale details of all new cills and headers to windows;
 - 7) Large scale details of all new canopies over doors;
 - 8) Large scale details of the treatment of blanked out windows;
 - 9) Final details of entrance gates and boundary treatments;
 - 10) Final details of the pergolas, bin store and lift to the undercroft; shall be submitted to and approved in writing by the Local Planning Authority.
- Thereafter development shall be carried out in accordance with the approved details and be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
- In the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the site, 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.

7. Unless otherwise agreed in writing the scheme for the protection during construction works of all trees to be retained on the site shall be in accordance with the hereby approved arboricultural method statement ref ARB/CP/274. The scheme shall be carried out in accordance with the approved details. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

To preserve the landscape features on the site in the interests of visual amenity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme of works to be agreed with the Local Planning Authority. 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. All tree work shall comply with BS 3998:1989 paying particular regard to sections 13.1 "Cuts", 13.2 "Formative pruning", 13.3 "Removal of heavy branches", 13.4 "Crown reductionlor re-shaping", 13.5 "Crown lifting" and 13.6

"Crown thinning". In all cases the tree(s) shall retain the symmetry of natural shape and shall not exhibit untidy branch stubs or tearing of the bark.

In the interests of visual amenity.

10. Clearancel of trees/shrubs identified for removal shall not be carried out during the months of March to July inclusive, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of not disturbing breeding birds or bats
11. Prior to any removal of trees and shrubs on site a survey by a suitably qualified ecologist shall be undertaken to establish the presence of any bats or breeding birds. This shall include a method statement for the timing or any removal of the trees and shrubs on the site, and provide a scheme for bird and bat boxes, all details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details, unless otherwise agreed in writing.
For the avoidance of doubt and in the interests of the amenities of the area.
12. The treatment of the Japanese Knotweed on the site shall be carried out in accordance with the method statement contained within the hereby approved report Japanese Knotweed Solutions dated 06/02/08, unless otherwise agreed in writing by the Local Planning Authority. If further Japanese Knotweed is identified that has not been considered previously in the report then remediation proposals for this material should be further agreed.
To ensure the protection of the environment.
13. Notwithstanding the submitted details final details of 1) the alignment of parking bays; 2) the provision of 5% parking bays for disabled users; 3) secure covered cycle parking; 4) materials for the roads and footpaths; and 5) the final extent of Traffic Regulation Orders on either side of the new access shall be submitted to and agreed in writing by the Local Planning Authority.
Thereafter the approved details shall be provided prior to the operation of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
14. The roads and footapths within the development shall be constructed to adoptable standards, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of highway safety.
15. Prior to the occupation of the first unit, the 'Travel Plan' dated July 2008 annex J of the submitted Transport Statement shall be implemented. A travel survey shall be completed and submitted to the Local Planning Authority after 6 months of first occupation of the development, or such other period as may be first agreed in writing by the Local Planning Authority, and the travel plan shall be revised in accordance with a scheme to be agreed in writing by the Local Planning Authority. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of controlling vehicle congestion on the highway network.
16. Notwithstanding the submitted details prior to the development being brought into use the applicant shall enter into a community use agreement formalising community access to facilities on the site. The agreement shall include management and maintenance arrangements, pricing policy and hours of availability. Thereafter, unless otherwise agreed in writing by the Local Plannng Authority the use of these facilities shall be in accordance with the

approved community use agreed throughout the lifetime of the development.
To secure community use of facilities on the site.

17. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To encourage a sustainable development

18. Development shall not commence until a details scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers.

19. A. Initial Conceptual Model

The development hereby permitted shall not be commenced until 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.

B. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

C. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

D. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

E. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition B, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition C, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition D.

F. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy GEP18 of the adopted Local Plan 2006.

20. Final details of security measures to be incorporated into the scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
In the interest of crime prevention.

PLANNING COMMITTEE

1st October 2008



Report of: Assistant Director (Planning and Economic Development)

Subject: TREE PRESERVATION ORDER NO. 185
3 BATHGATE TERRACE

1. PURPOSE OF REPORT

- 1.1 To invite members to confirm a Tree Preservation Order (TPO) relating to a Sycamore tree located within the curtilage of 3 Bathgate Terrace, Hartlepool.

2. BACKGROUND

- 2.1 This tree has previously been subject to TPO protection as it was included in TPO No. 171 which was made under the Council's emergency powers (that is provisionally) on 30th July 2004. TPO No. 171 included a total of 5 trees within the curtilage of Nos. 1, 3 & 5 Bathgate Terrace, and was made in response to an enquiry as to the protected status of the tree at No. 3 Bathgate Terrace, and the owners perceived intention to fell the tree.
- 2.2 Following objections received from the freehold owners of nos. 3 & 5 Bathgate Terrace, TPO No. 171 was considered for confirmation by Planning Committee on 12th January 2005. Committee decided not to confirm the TPO on the grounds that "there is a conflict between wider amenity considerations and possible detrimental affects of the trees, including overshadowing, on the occupiers of the properties in question."
- 2.3 Since the making and non-confirmation of TPO No. 171, the properties at Bathgate Terrace have been included in a conservation area, the Stranton Conservation Area, which was designated on 15th September 2004.
- 2.4 The Town and Country Planning Act 1990 make special provision for trees in conservation areas which are not the subject of a TPO. Under section 211, anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the Local Planning Authority (LPA) six weeks' prior notice (a Section 211 notice). The purpose of this requirement is to give the

LPA an opportunity to consider whether a TPO should be made in respect of the tree.

3. THE CURRENT SITUATION

3.1 On 12th June 2008 a notification to fell the Sycamore tree at 3 Bathgate Terrace was received under section 211 of the Town and Country Planning Act. Following receipt of the section 211 notice, an evaluation of the tree and its suitability for inclusion in a TPO using a recognised systematic assessment was carried out. The results of the assessment showed that the tree was suitable for inclusion in a TPO. As four years have elapsed since Committee last considered a TPO in respect of this tree, TPO 185 was made under the Council's emergency powers on 30th July 2008. (A site plan and photographs of the tree are at appendix 1)

3.2 Subsequent to the Council issuing the Order, representations have been received from the freehold owners of Nos. 2 & 3 Bathgate Terrace (copies are at Appendix 2). The main concerns raised are: –

- (i) Structural damage to the adjacent boundary wall.
- (ii) Structural damage to the neighbour's stone gatepost.
- (iii) Complaints from neighbours and other persons about debris falling from the tree.
- (iv) Overshadowing

3.3 The views of the Council's Arboricultural Officer in relation to the concerns of the owner and adjacent land owner are as follows: -

- (i) The location of the tree, and the fact that some displacement of the adjacent wall and gatepost had occurred, was taken into account when considering the tree for a TPO. It was felt that the tree could be retained, and the wall, which would need to be repaired in any case, could be repaired in such a way as to take account of the presence and future growth of the tree.
- (ii) The problems associated with debris such as leaves and twigs are natural events attributable to all trees, and may be considered an inconvenience rather than an 'actionable nuisance' in the legal sense.
- (iii) It is accepted that the tree causes some overshadowing, however this is not considered to be justification for the removal of a tree of high amenity value, and could be mitigated to some extent by crown reduction pruning.

4. RECOMMENDATIONS

After giving consideration to the representations, it is recommended that Tree Preservation Order No.185 be confirmed without modification.

Appendix 1

3 Bathgate Terrace



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSES ONLY

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HARTLEPOOL BOROUGH COUNCIL Department of Regeneration and Planning Services Bryan Hanson House, Hanson Square, Hartlepool. TS24 7BT	DRAWN	AD	DATE	26/08/08
	SCALE	1:500		





Appendix 2

3 Bathgate Terrace
Elwick Road
Hartlepool
TS24 7QW

10 August 2008

Mr Peter Devlin
Chief Solicitor
Civic Centre
Victoria Road
Hartlepool



Dear Sir

**Re: Tree Preservation Order No: 185
Town and Country Planning Act 1990**

We wish to put forward our objections to you making a preservation order on the tree in the front garden of our address. The reasons are as follows:

- The tree is preventing natural light from hitting our property and that of the neighbours, thus causing the rooms to be dark at all times.
- The tree is causing structural damage to the boundary wall of the property. The only way available for us to rectify this is to dispose of the tree.
- The tree is also causing structural damage to the neighbours stone gatepost as well, making it lean towards the footpath at the front of the property, causing a health and safety issue.
- There have been many complaints from neighbours and persons about the debris (leaves, twigs etc) that falls upon the cars when parked at the front of the property, especially after high winds etc.

Yours Faithfully

Mr M Price

Mrs A Price

Miss J. Horton
2 Bathgate Terrace
Elwick Road
Hartlepool
TS24 7QW

14th august 2008

Dear Mr Devlin.

Tree preservation Order No 185

In response to your letter dated 30th July 2008, I would like to make you aware that I object to the preservation order in respect of the tree situated in the curtilage of 3 Bathgate terrace. There are several reasons for my objections, which are listed below; -

1. Health and Safety act 1974: - Duty of care to the public.
2. The dangerous and detrimental effect the tree is having on my property.
The foundations for the boundary wall and gate are being pushed towards the public footpath and there is a danger that it may topple and injure a member of the public. Are the council prepared to give an assurance in writing that they not I, will be responsible for any legal action and or repairs that may arise from this situation?
3. Maintenance of the tree, will the council give an assurance that they will correctly maintain the tree to the standards required by the Health and Safety act 1974 and also cover any costs arising from that maintenance?
4. Danger to vehicles: - branches and leaves regularly fall from the tree due to poor maintenance. I regularly need to clear my car before being able to drive and have to pay regular visits to get my car cleaned and valeted due to the leaves ect, going into my engine. As a result of this, I regularly park my car on the opposite side of the road, and as I am a registered disabled this causes me some distress.

While I empathise with the councils concerns regarding the local environment, I feel this particular tree is currently having a negative, rather than positive effect on the area.

I would appreciate it if you would acknowledge receipt of this letter and send your responses to my questions to the address given.

Yours faithfully

Jaime Horton

Report of: Assistant Director (Planning and 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. Councillor complaint regarding the erection of a garage in Blakelock Gardens which does not comply with Certificate of Lawful Development approved on appeal.
2. Neighbour complaint regarding the insertion of a window in the side elevation of a property in Hillston Road which is not in accordance with planning conditions.
3. Officer concerns regarding the erection of a store room extension at a premises in Taybrooke Avenue without planning permission.
4. Public complaint regarding a property in Park Road where works have ceased resulting in the unsafe condition of the gable end and water discharging into the building.
5. Building Control complaint regarding the unauthorised erection of a two storey rear extension to a property in Murray Street.
6. Anonymous complaint regarding the operation of a scrap business from home using both back lane and front of property in Wilson Street.
7. Neighbour complaint regarding work being carried out on land behind a property on Dalton Piercy Road.
8. Public complaint regarding the rebuilding of a boundary wall at a property in Grange Road.
9. Public complaint regarding the non compliance with planning conditions at a site on Clarence Road.
10. Neighbourhood Services complaint regarding a vehicle crossing on Mainsforth Terrace that requires planning permission.

11. Officer concerns regarding alterations to the exterior of a premises in Whitby Street without planning permission.
12. Officer concerns regarding the erection of a kitchen/dining room extension to a property in North Road without planning permission.
13. Public complaint regarding an advertising board outside a shop on Brierton Lane.
14. Public complaint regarding an untidy private housing development site on land at Hartville Road.
15. Public complaint regarding the erection of an 11 foot high mesh boundary fence at a property on Ventnor Avenue.

2. RECOMMENDATION

- 2.1 Members note this report.

Report of: Assistant Director (Planning and Economic Development)

Subject: APPEAL BY MRS MARTIN, 22 GRANGE ROAD, HARTLEPOOL (H/2007/0681)

1. PURPOSE OF REPORT

- 1.1 A planning appeal had been lodged against the refusal of Hartlepool Borough Council for the change of use from doctor's surgery to form 5 self contained studio apartments at 22 Grange Road, Hartlepool.
- 1.2 The appeal was decided by written representations and allowed by the Planning Inspectorate. The inspector concluded that the proposal would not materially harm highway safety or the free flow of traffic on Grange Road. A copy of the decision letter is attached with this report.



Appeal Decision

Site visit made on 21 August 2008

by **R R Lyon** MA CEng MICE MRTPI FIHT

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

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

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

Decision date:
29 August 2008

Appeal Ref: APP/H0724/A/08/2070532

Grange House Surgery, 22 Grange Road, Hartlepool TS26 8JB

- 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 Ms Michelle Martin against the decision of Hartlepool Borough Council.
- The application Ref H/2007/0681, dated 4 September 2007, was refused by notice dated 31 October 2007.
- The development proposed is change of use from doctors' surgery to form 5 No. self-contained studio apartments.

Decision

1. I allow the appeal, and grant planning permission for change of use from doctors' surgery to form 5 No. self-contained studio apartments at Grange House Surgery, 22 Grange Road, Hartlepool TS26 8JB in accordance with the terms of the application, Ref H/2007/0681, dated 4 September 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) Notwithstanding the submitted plans, details for the insertion of the proposed first floor window to the rear of the premises shall be submitted to and agreed in writing by the local planning authority. Thereafter the scheme shall be carried out in accordance with the approved details.
 - 4) Before any part of the premises is occupied, the premises shall be soundproofed in accordance with a scheme to be submitted and approved in writing by the local planning authority. Thereafter, the approved scheme shall be retained for the lifetime of the development.

Reasons

2. The property is in the Grange Conservation Area; only minor changes to the rear of the property are proposed, so there would be no material difference to the Conservation Area. To that extent, the proposal would conserve the character and appearance of the Conservation Area.
3. No off street parking is available to the premises. The Council indicates that its Guide advises that the surgery would normally require 10 parking spaces and the proposal 8. Thus, as far as daytime requirement is concerned, there would appear to be an advantage to the proposal. However, the surgery opens only

Appeal Decision APP/H0724/A/08/2070532

in the daytime and the Council suggests that the proposal's night time and weekend demand would adversely affect highway safety.

4. Traffic regulation on Grange Road includes double yellow lines prohibiting parking on the north side; parking is permitted on the south side – an arrangement that would appear to regulate the highway whether or not the proposal were allowed. Apart from assertion and a graphical representation of 'Households with Access to Cars in Great Britain' from the National Travel Survey, I have been given no evidence to show that the night time situation is any worse than the daytime situation in this area in terms of traffic movement or parking demand; or how the proposal would materially worsen the situation in an area where on-street parking is the norm.
5. On the other hand, the property is very close to a thriving town centre and local amenities, and is on a bus route; all suggesting that the site is sustainable in transportation terms, and may well suit families without access to private cars. On balance, I judge that the proposal would not materially harm highway safety or the free flow of traffic on Grange Road. It would not conflict with policies GEP1 or Hsg7 of the Hartlepool Local Plan.
6. I have considered what planning conditions would be necessary apart from the usual commencement condition. To ensure that the conversion is visually acceptable in the terrace, I will impose conditions requiring that external materials should match existing and that details of the new window to be inserted in the rear elevation shall require the approval of the Council. To protect neighbours and future occupants from noise and disturbance, the Council's approval of a sound-proofing scheme will also be necessary.

R.R. Lyon
INSPECTOR

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

Subject: APPEAL BY LEGATO PROPERTIES LTD,
LAND AT WYNYARD WOODS, WYNYARD
ESTATE, BILLINGHAM (H/2008/0015)

1. PURPOSE OF REPORT

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council for the erection of 2 detached dwellings on land within Wynyard.
- 1.2 The appeal is to be decided by a written representations and authority is therefore requested to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR A BECHKOK, THREE RIVERS HOUSING ASSOCIATION FOR LAND AT SURTEES STREET HARTLEPOOL (H/2007/0883)

- 1.1 A planning appeal has been logged against the refusal of Hartlepool Borough Council to allow the erection of a supported living scheme for adults comprising 10 no flats with shared communal facilities and offices with associated parking for cars and cycles on land at Surtees Street.
- 1.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR A ROSS, 11 NEWLANDS AVENUE
HARTLEPOOL H/2008/0043

- 1.1 A planning appeal has been lodged against the refusal of Hartlepool Borough Council to allow the erection of a two-storey extension to the side including integral garage and a rear single storey kitchen extension and detached garage (amended scheme) at 11 Newlands Avenue.
- 1.2 The appeal is to be determined by the written representations procedure and authority is therefore requested to contest the appeal.

Report of: Assistant Director (Planning & Economic Development)

Subject: H/2007/0918 TRINCOMALEE WHARF

1. PURPOSE OF REPORT

- 1.1 To update Members of the current position in relation to the above application.

2. CURRENT POSITION

- 2.1 This application was considered by members at the meeting of the Planning Committee of 25th June 2008. Members were minded to approve the application subject to conditions and a legal agreement under section 106 of the Planning Act to include Travel Plan(s), affordable housing (10%), contributions towards off site play facilities, abnormal loads route, a local labour agreement, TV reception, and the retention of town centre traders. A final decision on the details of the agreement and the finalisation of conditions was delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.
- 2.2 However given the retail element represented a departure from the adopted Hartlepool Local Plan and the terms of the Shopping Floorspace Directive the application was referred to the Secretary of State in the first instance for consideration.
- 2.3 The Secretary of State has now responded and concluded that “her intervention would not be justified as there is not sufficient conflict with planning policies on the above matters or any other sufficient reason to warrant calling-in the application for her own determination. She has therefore concluded that the application should remain with Hartlepool Borough Council for decision.

RECOMMENDATION: Members note the decision of the SoS and reaffirm their decision that the details of the agreement and conditions to be delegated to the Development Control Manager in consultation with the Chair of the Planning Committee.

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

Subject: ABLE UK LTD, TERRC FACILITY, TEES ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 Members will recall that 4 applications were approved for a variety of works and uses at the Terrc Site in Graythorp by the Council on 13 November 2007. This included ship dismantling. The permissions were subject to a number of conditions and a S106 agreement. Similar applications were also subsequently approved by the Secretary of State on 7 May 2008 following a public inquiry.
- 1.2 Since then officers and the Council's consultant advisor's Scott Wilson have been liaising with the developer about the discharge of the conditions and the terms of the s106 agreement. This is ongoing. Information is to be provided by Scott Wilson and it is intended to provide an update before the meeting.

RECOMMENDATION – Update to follow.

Report of: Assistant Director (Planning & Economic Development)

Subject: ABLE UK LTD TERRC FACILITY, TEES ROAD, HARTLEPOOL

UPDATE

1. As indicated in the earlier report officers and the Council's consultant advisors Scott Wilson have been liaising with the developer about the discharge of conditions and the terms of the S106 agreement in effect at the Terrc site.

2. In relation to this Scott Wilson have indicated in summary:

“Firstly, it is worth discounting those conditions which are standard and / or are rolling requirements for which the submission of details is not required from Able UK. Those conditions are: 1, 2, 4, 5, 8, 9, 10, 17, 18, 23, 25, 26, 27, 30, 31 and 33.

There are also numerous conditions where Able UK are required to submit details but are not required to do so until a specific timing is reached, for example, prior to the construction of buildings, prior to the external decommissioning of ships, prior to the metal shear being brought into operation and prior to any development relating to the refurbishment of the dock floor. Those conditions are: 3, 3, 12, 14, 20, 22, 24 and 29.

The remaining conditions have either been discharged / part discharged, or the Council is assessing details submitted pursuant to those conditions and / or are under discussion with Able UK.

In its role as Environmental Inspector, Scott Wilson Ltd is fully aware of the the type and extent of works presently being undertaken on the TERRC site. Bearing this in mind, we can conclude that all current works are being carried out in compliance with the conditions and Section 106 Agreement imposed upon the above planning permissions.”

3. Scott Wilson have a further monitoring role at the site in relation to the Marad contract. In respect of this Scott Wilson advise as follows:

“Scott Wilson Ltd has undertaken the role of Environmental Inspector, pursuant to Part 5.5 of the Section 106 Agreement in relation to planning applications HFUL/2007543, HFUL/2007544 and HFUL/2007545. The remit of Scott Wilson Ltd is to observe the dismantling operations at the site, ensuring due care and attention is given to the surrounding physical

environment. Scott Wilson Ltd are also reviewing environmental monitoring records.

The current inspection regime involves Scott Wilson Ltd undertaking random inspections at irregular intervals. These visits can be announced or unannounced. The current inspection regime is approximately one visit per week. Scott Wilson Ltd considers that this frequency of inspection is sufficient during the current works, and reflects the low level of activity at the site. Current dismantling activities are limited to the stripping of asbestos containing materials, and their on-ship temporary storage.

Able UK currently contract an independent asbestos specialist, Franks Portlock Consulting Limited. Franks Portlock is UKAS accredited for Asbestos Inspection and Asbestos Testing and have commenced thorough testing of the infrastructure and make-up of each MARAD ship berthed at the TEERC Facility, and air monitoring around the site. Following test results, a report is provided to Able UK detailing the location and type of asbestos contained within each compartment of the ship. The asbestos removal process is then commenced under the supervision of Franks Portlock using method statements and approved working practices, which are subject to inspection by the Health and Safety Executive. The information and reports provided by Franks Portlock is reviewed by Scott Wilson as part of their Inspector Role to ensure it is accurate, and adheres to agreed working practices. Both Scott Wilson and Franks Portlock aim to integrate monitoring and reporting to ensure due care is given to the surrounding physical environment.

Both the Health and Safety Executive and Environment Agency also visit the site regularly, to ensure national guidelines are adhered to while dealing with asbestos and constructing required infrastructure. Scott Wilson Ltd intend to co-ordinate their next visit with the Health and Safety Executive to confirm details of the inspection regime with respect to their particular roles regarding asbestos.

During recent visits Scott Wilson Ltd have inspected the internal stripping of, and subsequent management procedures for, asbestos contained within the ships infrastructure which is ongoing under the advice and close supervision of asbestos specialist, Franks Portlock. These visits have also entailed inspection of associated paperwork and written procedures. To date, Scott Wilson Ltd report that they have identified no significant concerns relating to the procedures, record keeping and activities associated with the asbestos removal and general site operations.

Once dismantling activity increases at the site and external dismantling commences, the inspection scope will increase accordingly. Inspections will monitor reports of local water quality, storage, handling and removal of both recyclable materials and waste at the site, site drainage and storage of water, methods of deconstruction of each ship, noise and air emissions, integrity of the cofferdam and ensure overall that Able UK adhere to the

methods and working practices as outlined and in the approved planning application and Environmental Statement”

4. In addition to the above Able have advised of the other monitoring regimes in operation on the site. These include external audits under relevant quality assurance codes eg ISO's, client monitoring, a number of other consultants in addition to Frank Portlock and Scott Wilson and monitoring by other regulators. With regard to the latter they have indicated the following.

- 1 Environment Agency (EA) inspections to ensure Waste Management Licence compliance.
- 2 Environment Agency (EA) inspections to ensure discharge consents compliance.
- 3 Environment Agency (EA) inspections to ensure Trans Frontier Shipment compliance.

To fulfil the above the EA carry out inspections on a monthly frequency. The inspections are based on either a formulated plan, targeted auditing or routine visits (unannounced). The inspections may be undertaken in a short visit or more prolonged (1 or 2 days) if the inspection is a detailed targeted assessment.

The inspections cover permitted activities, infrastructure, general management, emissions, records, maintenance and resources.

- 4 Health and Safety Executive (HSE) sample inspections for asbestos specific works and all work in general.
- 5 Health & Safety Executive (HSE) sample inspections for asbestos import exemption permits oversight.

To fulfil the above the HSE undertake sample inspections. The frequency is for around 6 inspections per year, the timing of which depends on the phasing of the works being undertaken.

The HSE may enter asbestos enclosures, they check work areas, resources, documents and records.

5. **Recommendation** – Members note the report.

Report of: Assistant Director (Planning & Economic Development)

Subject: Park Conservation Area Appraisal

1. PURPOSE OF REPORT

- 1.1 To provide information to the Planning Committee on the appraisal of the Park Conservation Area that has recently been carried out. This report will provide details of the findings of the appraisal.

2. BACKGROUND

- 2.1 Appraisals are a means of assessing the key factors contributing to the appearance and character of existing and potential conservation areas, local authorities are encouraged to undertake periodically conservation area appraisals. There is no formal requirement for the form and content of appraisals, or the methodology to be used, but typically appraisals cover such subjects as historical development of the area, archaeological significance, prevalent building materials, the character of open spaces, the quality and relationships of buildings and also of trees.
- 2.2 The Park Conservation Area has been the subject to residential infill development in recent years consisting of single plots or larger estates of houses. A conservation area appraisal provides an opportunity to review the condition, appearance and character of the conservation area and its constituent parts, to assess the extent to which traditional materials and features remain intact and to refine policy priorities. It would be an important part of such processes to include consultations with local residents and other interested parties.
- 2.3 Consultants North of England Civic Trust (NECT) were commissioned to carry out the appraisal of the conservation area. Their work was informed by a steering group which comprised local groups, Ward Members and officers. The group guided the appraisal process and fed advice and local knowledge into the project.

3. APPRAISAL PROCESS

- 3.1 The aims of the appraisal were to:
- To demonstrate how the history of the area is reflected in its present day character and linked to the broader heritage context of the town of Hartlepool.
 - To identify the nature and extent of the special character of the conservation area.

- To identify those areas where the special character retains its integrity and those where loss has occurred.
 - To make recommendations for policies to improve and enhance the conservation area.
 - To identify the need, if any, for further assessment and recording of the conservation area.
- 3.2 The appraisal process included an initial photographic survey of the conservation area. This was carried out by the Council's photographer and included photographs of all residential properties where possible.
- 3.3 The NECT continued with their own assessment of the conservation area starting with gathering historic information on the development of the Park from written sources and knowledgeable local residents. Physical surveys of the Conservation Area occurred including open spaces, trees, walls and enclosures public spaces and defining the Conservation Area in terms of separate individual 'character zones' and contribution of buildings.
- 3.4 Two rounds of public consultation were carried out to feed into the process. Initially the NECT had a stall at the Summer Party in Ward Jackson Park to raise awareness of the impending appraisal. Further to this residents were invited to two walk about sessions, one on a weekend and one on a weekday evening which was followed by a talk on the history of the area. These sessions were to allow residents the opportunity to highlight the area of the Park they thought were particularly special.
- 3.5 The second round of consultation took the form of a drop in session at The Place in the Park, Ward Jackson Park. Residents were invited to view a display summarising the results of the appraisal and read a draft document.
- 3.6 NECT produced a document based on their surveys of the area, the analysis of the photographic survey and the feedback from the residents. The document can be viewed on the Council's website.

4 SUMMARY OF THE DOCUMENT

- 4.1 The document considers the location and setting of the Park, describing the local context. In particular it examines how the area sits within the wider Tees Valley area, and its current physical character. Following on from this, the historic development of the Park is reviewed detailing the initial use as agricultural land and the first proposals to provide a planned estate for residential development. The history not only describes the historical physical development but also how this was linked to the social and economic changes that occurred in Hartlepool to provide the wealth to develop the Park.
- 4.2 Further to this the area is examined in detail in three sections.

1. Spatial analysis – The road layout and original development plots are considered along with the grain and density of development in the area.

Particular attention is given in the analysis to the contribution made by the large original estates (like Meadowcroft, Tunstall Manor and Tunstall Court) on the development and subsequent character of the Park

2. Contribution of buildings – The analysis of the buildings describes the major houses like Meadowcroft and Tunstall Manor with their associated lodges and outbuildings, working down the scale to single houses (without outbuildings and lodges) of various ages. A detailed analysis is also made of the contribution made by individual architectural details of each type of house to the character of the conservation area, arising from the use of particular materials and joinery details.
3. Contribution of spaces – One contributory factor to the character of the Conservation Area is the variety of public and private open spaces and the green contribution that each also makes to the areas character. The largest public open space is Ward Jackson Park with the semi-public open space of the cricket ground near by. The analysis also notes the contribution made by private gardens of houses either from the views provided or from the contribution made by trees and landscaping within them. The larger and older houses were often enclosed by high walls and the document describes the contribution made by these to the character of the area. The street scene and the views and vistas provided are also part of the analysis.

- 4.3 The report concludes by outlining measures that could be taken to manage the conservation area incorporated into a Conservation Area Management Strategy setting out proactive policies as a tool to manage the issues which arise within the Park Conservation Area. The management document would address issues such as:

- A review of the Conservation Area boundaries
- A review of Permitted Development rights of householders, which allow alterations to dwellings without planning permission and how this has affected the character of the Conservation Area.
- Intervention when planning controls are breached and the monitoring of changes in the Conservation Area.
- The preparation of Local Lists to protect buildings which contribute to the local scene or have local historic associations.
- The preparation of site specific development briefs.
- The preparation of guidance to help building owners protect one particular aspect of the Conservation Area i.e. walls, trees, green spaces. The public realm and its treatment could be another specific topic.

5 NEXT STEPS

- 5.1 It would be desirable to continue the work in the Park Conservation Area and compliment the appraisal document with a management plan for the Area. Such a document would outline in more detail future actions to consider when considering the enhancement of the Conservation Area. This piece of work would be dependent on the availability of resources to carry out this work.

6 RECOMMENDATION

- 6.1 That the Planning Committee notes the report and recommendations of the final Park Conservation Area Appraisal document.