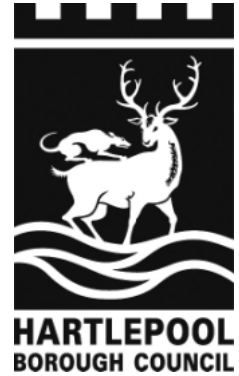


# PLANNING COMMITTEE AGENDA



Wednesday 2 December 2009

at 10.00 am

in the Council Chamber  
Civic Centre, Hartlepool

## MEMBERS OF PLANNING COMMITTEE:

Councillors Allison, R W Cook, S Cook, Cranney, Fleet, Griffin, Laffey, G Lilley, London, J Marshall, McKenna, Morris, Plant, Richardson, Wallace 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 4 November 2009.

### 4. ITEMS REQUIRING DECISION

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

1. H/2009/0497 Land off Merlin Way
2. H/2009/0472 Wesley Chapel, Wesley Square
3. H/2009/0500 Niramax, Thomlinson Road
4. H/2009/0544 Unit 15, Atkinson Industrial Estate, Burn Road
5. H/2009/0596 Shed E J D R Cable Systems Ltd, Greenland Road

4.2 Town and Village Greens – *Chief Solicitor and Director of Regeneration and Neighbourhoods*

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

4.4 Grange Conservation Area Appraisal – *Assistant Director (Planning and Economic Development)*

4.5 Appeal Ref APP/H0724/A/09/2107182 Conversion to Bed and Breakfast  
Guest House (10 Beds) 36 Hutton Avenue

**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. ANY OTHER EXEMPT ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

**8. FOR INFORMATION**

Next Scheduled Meeting – Wednesday 6 January 2010 in the Civic Centre at  
10.00 am.

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday, 6 January at 9.00am.

# UPDATE

**No:** 1  
**Number:** H/2009/0497  
**Applicant:** Bellway Homes (NE) Ltd Peel House Main Street  
Ponteland Newcastle upon tyne NE20 9N  
**Agent:** Bellway Homes (NE) Ltd Peel House Main Street  
Ponteland NE20 9N  
**Date valid:** 15/09/2009  
**Development:** Substitution of house types on 51 plots (1074A-1083A)  
including 50 for affordable housing  
**Location:** LAND OFF MERLIN WAY AREA 6/7 MIDDLE WARREN  
ADJACENT LOCAL CENTRE HARTLEPOOL

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1.1 Members will recall that this application was deferred at the last meeting (4 November 2009) in order for further discussions/consultations to take place between the applicant, residents of Middle Warren/objectors and Hartlepool Borough Council to see if there was a way that residents concerns could be addressed.

1.2 The meeting took place on 17<sup>th</sup> November 2009 and a wide range of issues were discussed by representatives of all parties.

1.3 A note of the above mentioned meeting has been prepared and made available to all parties at the meeting for comment by Monday 23 November 2009. All parties were considering their position in the light of the meeting and a copy of the meeting notes and update was to be provided before this meeting of the Planning Committee.

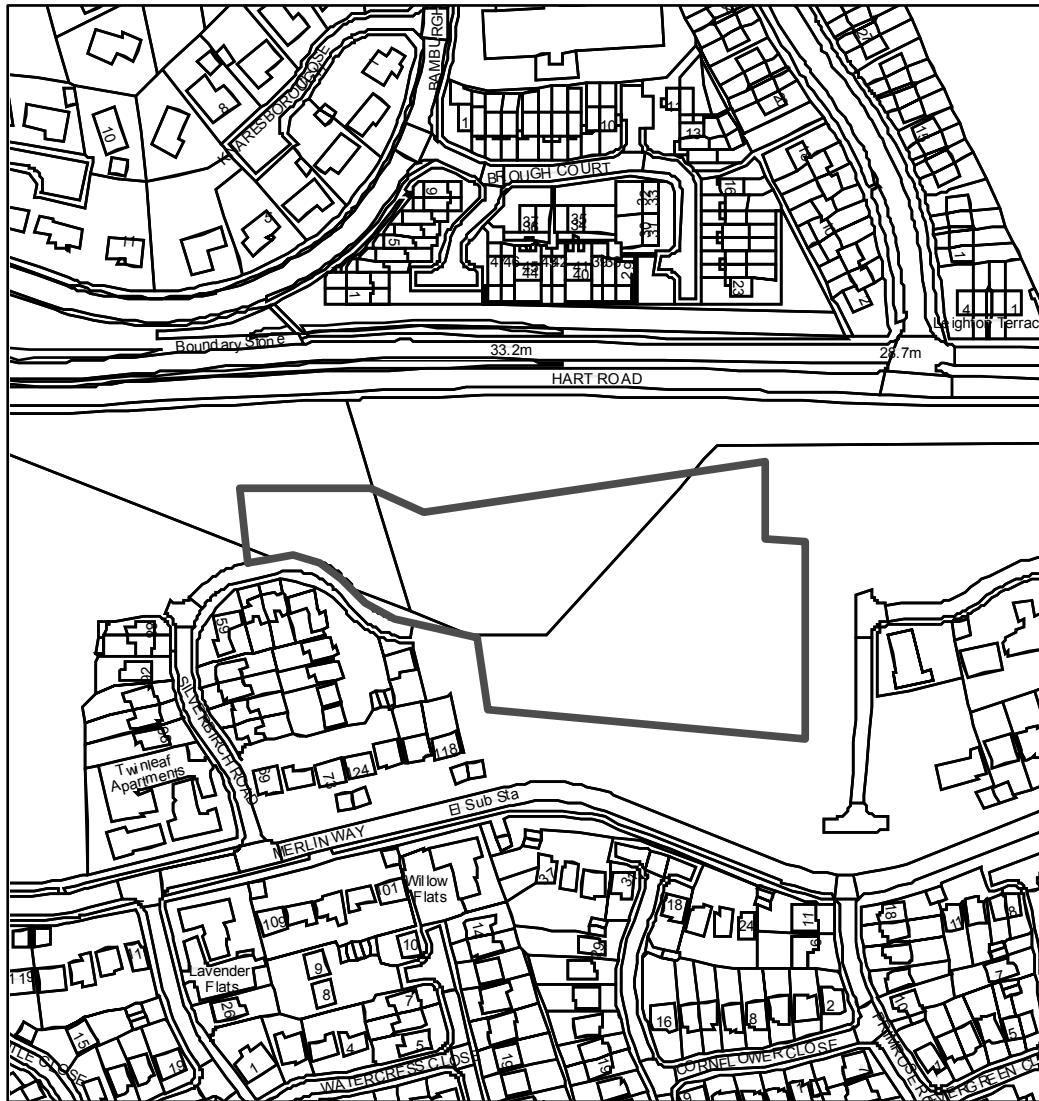
## UPDATE

1.4 A number of replies/comments have now been received in connection with the draft meeting note which was circulated to the attendees. Alterations/additions will be made to the note and the final version will be distributed to all residents who have commented on the scheme.

1.5 Amended information has been submitted by Bellway twice following the meeting and the further comments received as a result. This has been advertised twice in the usual way and will be presented at a special committee in December. The final version of the meeting note will be attached as an appendix to the committee report for the amended scheme.

# UPDATE

## MERLIN WAY



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>20/10/2009</b>
	SCALE <b>1:2,000</b>	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0497</b>	REV

# UPDATE

**No:** 2  
**Number:** H/2009/0472  
**Applicant:** Jomast Developments Limited Calverts Lane Bishop Street Stockton on Tees TS18 1SW  
**Agent:** Jomast Developments Limited Oriel House Calverts Lane Bishop Street TS18 1SW  
**Date valid:** 18/09/2009  
**Development:** Alterations and change of use of vacant nightclub to hotel and licensed bar/bistro/restaurant  
**Location:** WESLEY CHAPEL WESLEY SQUARE HARTLEPOOL

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2.1 Since the original report was created the response of the Head of Economic Development has been received. Further correspondence has also been received from the Head of Landscape, Planning and Conservation. In addition, the applicant has indicated that he would not be willing to enter into an agreement to fund in part a CCTV camera and its maintenance at this stage.

2.2 Comments are awaited from English Heritage and it is envisaged these will be provided following the meeting.

## Planning Considerations

2.3 The Head of Landscape, Planning and Conservation has confirmed no objections to clear glazing being inserted but does object to the proposed casement windows. This is resolvable by design, therefore a planning condition has been attached requesting final large scale details of the windows to be agreed in writing.

2.4 Furthermore, the plans indicate that windows located in the annex will serve en-suite bathrooms. It was anticipated in the original report that these would have to be obscurely glazed. The Head of Landscape, Planning and Conservation has raised no concerns to obscure glazing subject to final details being submitted. The applicant has now confirmed that these will be obscure glazed.

## Other Matters

2.4 As outlined above, the applicant is unwilling to enter into a unilateral undertaking at this stage to fund in part a CCTV camera and its maintenance. It is considered that it would be difficult to require the provision of a CCTV camera, particularly as the present use is far more intense than that proposed and the main activity will be away from Wesley Square. Further, it is proposed to preclude outside drinking by condition.

2.6 The Head of Economic Development has welcomed the scheme but has stated that it would be beneficial for the hotel to offer leisure infrastructure as part of the services available. This is not proposed, although the existing pool would remain

# UPDATE

intact so this could be reviewed in the future. With regard to this it is not considered that such a request could be required.

**Recommendation** – Minded to approve subject to no adverse comments from English Heritage but the final decision to be delegated to the Development Control Manager in conjunction with the Chairman of Planning Committee.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 18/11/2009, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. 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.
4. Notwithstanding the details submitted, prior to the commencement of the development hereby approved, final large scale details of the proposed windows shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of the character of the listed building
5. Notwithstanding the details submitted, prior to the commencement of the development hereby approved, final large scale details of the disabled access ramp and railings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
In the interests of the character of the listed building
6. The windows to the en-suite bathrooms in the annex shall be obscure glazed, the details of which shall be first agreed in writing by the Local Planning Authority.  
In the interests of occupants of neighbouring properties.
7. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of development a scheme for the provision of 7 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be retained at all times in accordance with the approved details for the lifetime of the development.  
To ensure that there is sufficient cycle parking facilities for users of the development.
8. The development hereby approved shall not be brought into use until there have been submitted to and approved in writing by the Local Planning Authority final detailed plans and specifications for ventilation filtration and fume extraction

# UPDATE

equipment serving the kitchens, bathrooms and toilets, and all approved equipment has been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times.

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

9. The lower ground floor (basement) licensed premises and the licensed bar/bistro and restraint on the upper ground floor hereby approved shall only be open to the public between the hours of 9.00 and 24.00 (midnight)

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

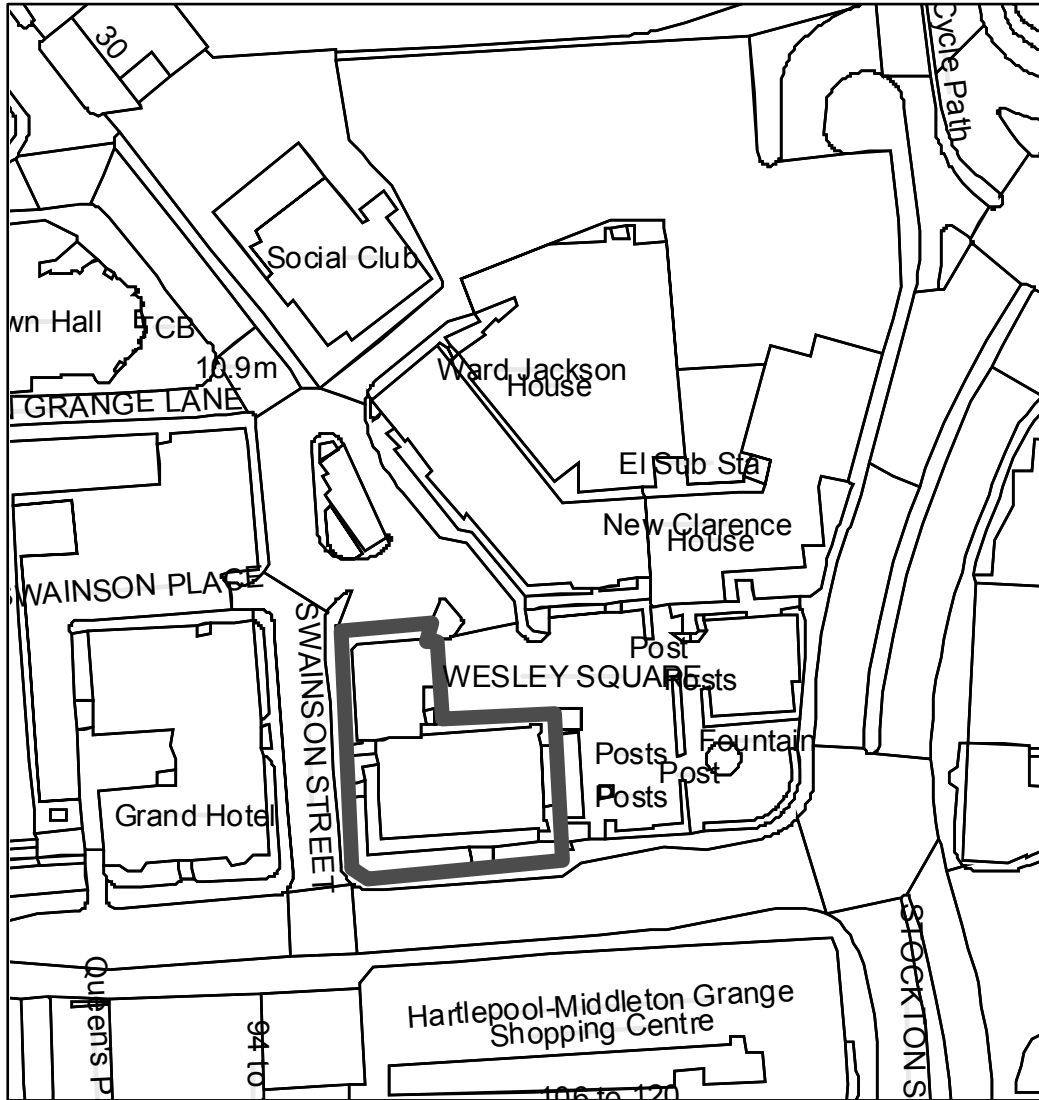
10. The external ancillary areas of the site outside the buildings shall not be used by the public/patrons/guests as a beer garden/yard. No eating or drinking shall take place outside any building within the site at any time.

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

11. 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 amenity of the area and the amenities of the occupants of neighbouring properties .

# WESLEY NIGHTCLUB



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<h2>HARTLEPOOL</h2> <h3>BOROUGH COUNCIL</h3>	DRAWN <b>GS</b>	DATE <b>19/10/2009</b>
	SCALE <b>1:1,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0472</b>	REV



# UPDATE

**No:** 3  
**Number:** H/2009/0500  
**Applicant:** Mr Kevin Wanless Longhill Industrial Estate Thomlinson Road Hartlepool TS25 1NS  
**Agent:** Axis Mrs Amanda Stobbs Unit 11 Well House Barns Bretton Chester CH4 0DH  
**Date valid:** 10/09/2009  
**Development:** Upgrading and extension of existing waste management facilities including upgraded waste classification system, briquette plant and pyrolysis/gasification plant including electricity generation facility  
**Location:** NIRAMAX THOMLINSON ROAD HARTLEPOOL

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## Background

3.1 Since the original report was created responses have been received from the outstanding consultees including the Council's Head of Public Protection, Environment Agency and Tees Valley JSU. A number of other outstanding consultation responses have also been received.

3.2 Since the original report, 4 letters of objection and 1 letter of no objection have been received in relation to the second round of publicity. The concerns raised are:

1. How can the application be approved when the documentation indicates that harmful gases will be pumped into the air;
2. Effect on nearby homeowners, children and families;
3. Consideration should be given to the gases the landfill pumps into the air, given the proximity of residents;
4. Proposal could undermine the regeneration work and investment in the Belle Vue area.
5. Object that the life of the site is to be extended to 2018 and operations are to be 24/7.
6. Proximity of proposal to housing;
7. Management of landfill site;
8. Plant would have to run 24 hours and process hundreds/thousands of tonnes of waste;
9. Increased traffic and noise;
10. Main product of gasification is carbon monoxide and hydrogen, smaller quantities carbon dioxide, nitrogen and methane.
11. These gases would have to be vented/flared to atmosphere;
12. The process also produces unconverted carbon, sulphur and mercury which is not 100% removable;
13. Process is high pressure and high temperature leading to noise and safety issues;
14. Briquetting will produce noise and dust;
15. Process is still classed as incineration in EU directive;
16. Plant contains combustion – little difference from incineration;

# UPDATE

17. Council need to think long and hard before granting permission for poisonous gas producing incinerator.

3.3 The above concerns are included within the background papers as copy letters E. The period for publicity expires the day of the meeting and any additional letter of objection or comment will be tabled at the meeting.

## Planning Considerations

3.4 The main planning considerations in this instance are the appropriateness of the proposals in policy terms, the impact of the proposal on the amenity of surrounding properties and the effect on the character of the surrounding area, particularly with regard to noise, odour, dust, emissions, air quality and pollution; design and visual impact, highways, ecology, drainage/flooding and contamination. Policy considerations are contained within the original report.

### Character of Area

3.5 The site is located within the Longhill/Sandgate industrial area. It is considered that the proposal is acceptable in terms of its impact on the character of the area. The surrounding area is predominately characterised by industrial uses, including uses for recycling, waste transfer and skip hire and it is considered that the proposals are compatible with the main use of the existing site and the surrounding land uses. It is considered that the proposed external alterations are no out of keeping with the industrial character of the area.

3.6 Beyond the immediate vicinity of the site the surrounding land use to the east and further to the west is predominately residential. It is therefore necessary to ensure that the relationship between the proposed development and the residential areas is acceptable in terms of the potential impacts of the proposal.

### Amenity

#### *Visual Amenity*

3.7 It is proposed that the upgraded waste classification system, the briquette plant and the plant for the thermal treatment of waste, including the water treatment plant and electricity generation plant will be largely contained within the existing black sand shed, as demonstrated within the supporting information. Therefore the visual impacts of the proposal will be mainly associated with the proposed exhaust and flare stacks and the high level conveyor. It is indicated that the proposed stacks will have a maximum height of 25m. However, the Environment Agency have indicated that more data regarding the type and source of emissions would be required to finally determine the appropriateness of the stack heights. The EA have indicated that this information will be required for any subsequent permit application and modelling may dictate that the stack heights differ from those stated. It is therefore considered prudent in this instance to restrict the maximum height to 25m. In addition it is considered prudent to condition the submission of final details of the stacks, including the proposed monitoring infrastructure.

## UPDATE

3.8 It is indicated that the high level conveyor will have a maximum height of 6.2m. It is unlikely that the conveyor will be widely visible beyond the boundaries of the site and the impact on visual amenity is therefore considered acceptable in this instance.

3.9 The first stage of the process (waste classification) will involve the use of the existing reclamation shed. It is considered that the waste classification process will be unlikely to have a significant adverse effect on visual amenity, given that the process will be largely contained within existing buildings.

3.10 The second stage of the process involves the installation of the internal briquette plant. Given that the works associated with that stage of the process are entirely internal, it is considered unlikely the works will have a significant impact on visual amenity.

3.11 It is considered that the installation of the proposed stacks relating to the pyrolysis/gasification plant are acceptable in principle. At a maximum height of 25m the proposed stacks should not be visible from the residential properties of Seaton Carew, given that the adjoining landfill has consent for a height of 25m. In terms of the wider visual impact, it is considered that, subject to an appropriate colour, the stacks will not have a significant adverse impact. It is indicated that the stacks are to be stainless steel. Given the established industrial nature of the Sandgate/Longhill area, the stacks are considered appropriate in visual amenity terms.

3.12 It is considered prudent to require the submission of a design scheme and final details relating to the electricity generation and water treatment element of the proposal, including the proposed new substation and cable connection which will connect the electricity generation element to the national grid.

### *Noise*

3.13 The Council's Head of Public Protection has raised no objections to the proposals on the grounds of noise. The control of noise is an aspect covered in the Environmental Permit process regulated by the Environment Agency which requires noise and vibration emissions to have been considered in the design and selection of the equipment used. Specific noise levels are not known given that the specification of the plant is not available, however, the Council's Principal Environmental Health Officer considers it is acceptable, subject to a condition, to provide details of noise levels and to agree any required mitigation measures to ensure noise levels are maintained at a level which would be satisfactory in terms of the impact on the amenity of residential properties. Additionally, it is considered that the landfill will provide an effective acoustic barrier between the proposal and the housing at Seaton Carew. The 'black sand shed' within which the proposed plant will be sited is a substantial brick building, formerly used as a power station.

### *Odour*

3.14 The waste streams involved in the process are consented on site by virtue of the Certificated of Lawful Use granted in 2002. Those streams include non-hazardous commercial, industrial and construction waste with only incidental quantities of putrescible waste. This application seeks consent, however, for the additional receipt of household (MSW) waste, which will include elements of

# UPDATE

putrescible waste. The Council's Head of Public Protection has raised concerns over the outside storage of putrescible waste and also the deposit of putrescible waste into the landfill. The applicant has subsequently indicated, however, that there will be no outside storage of household waste, nor will any household waste be deposited in the adjacent landfill. The Council's Head of Public Protection has raised no objection to this approach. It is considered that this can suitably be controlled by condition and the proposal is therefore unlikely to have a significant impact on amenity in terms of odours.

## Emissions

3.15 It is a requirement of PPS23 'Planning and Pollution Control' for Local Planning Authority's to ensure that there will be no unacceptable pollution impact from proposals.

## *Water*

3.16 The proposal will not include the provision of external hard standing area or roof space in terms of surface water. Notwithstanding that, the surface water management of the site forms part of the site's existing Environmental Permit, monitored and regulated by the Environment Agency.

3.17 It is indicated that there will be no emissions/effluent discharges arising from stage 1 (waste classification) or stage 2 (waste compression) of the proposals.

3.18 The submitted information indicates that a water treatment plant will be installed as part of the process. It is considered necessary in this instance to require a condition for the submission of final details of the plant to be agreed. Water discharges are controlled by the emission levels set out in the Waste Incineration Directive. It is indicated that the proposed plant to be installed will operate in accordance with the emission levels set out in the WID. It is considered prudent to ensure that this is the case through a suitably worded planning condition.

3.19 Additionally, such levels are controlled and monitored through the Environmental Permitting process regulated by the Environment Agency. Comments from the EA indicate that discharges require consent from the EA under the Water Resources Act, including details of effluent treatment and disposal routes. Any solid residue produced as a consequence of the water treatment would be disposed of off-site at an appropriately licensed facility. It is considered in this instance therefore, that the proposal would result in effluent emission levels in accordance with the WID. It is therefore considered that the proposed water emissions are acceptable and can be satisfactorily monitored and controlled.

## *Solids*

3.20 As with water emissions, no solid emissions will result from the waste classification stage or the waste compression stage of the proposals.

3.21 Solid emissions arising from pyrolysis comprises a combination of non-combustible materials and carbon (char). The char can be used as feedstock in the gasification process. In other cases, it is disposed of at an appropriately licensed facility. Solid emissions arising from gasification comprise an ash residue of non-

# UPDATE

combustible material with a relatively low level of carbon. Such residue is classed as non-hazardous and can be either disposed of at an appropriately licensed facility or used as aggregate. The WID requirements, as set out in the previous report, require bottom ash to have a total organic carbon compound of less than 3%. It is considered prudent to attach a condition requiring details of a methodology for the disposal of residual solids to be submitted to and approved in writing by the Local Planning Authority.

3.22 It is indicated that the proposed plant will adhere to the levels for solid emissions set out in the WID. The emission limits that are set within the WID are established at levels to ensure that they have minimum impact on health and the environment and it is therefore considered that the limits for solid emissions would be acceptable. The Environmental Permit controls prevent the discharge of residual ash into the atmosphere and require its disposal or after use at an appropriately licensed facility.

## *Air*

3.23 No emissions will result from the processes undertaken in the first two stages of the proposal (waste classification and waste compression).

3.24 Emissions to air from the pyrolysis/gasification process are dependent upon the technical specifications of the plant to be installed. It is therefore prudent to attach a condition requiring the submission of final technical details of the plant to be submitted to and agreed in writing prior to the installation of the phase of the process. Safe levels for those emissions arising from the process are set by the Waste Incineration Directive – these levels are set out in the original report. In addition, the levels of emissions are controlled and monitored by the Environment Agency through the Environmental Permitting process. Those emissions limits within the WID are established at levels to ensure that such emissions have a minimum impact on public health and the environment.

3.25 It is indicated that the proposed pyrolysis/gasification plant will be designed and installed to achieve the emission levels set out in the WID. Subject to a suitably worded condition requiring the proposed plant to adhere to those levels set out in the WID, it is considered that the proposal is acceptable in terms of emissions to air.

3.26 In summary it is considered that due consideration has been given to emissions and that the proposal is satisfactory in terms of its emissions subject to the regulation of the Environment Agency, the requirements of the WID and the conditions as recommended below. The Tees Valley Joint Strategy Unit has considered that the proposed development should be supported and the Head of Public Protection has raised no objections to it.

## Highways

3.27 The Council's Traffic and Transportation section originally raised concerns over the proposal in relation to the potential increase in vehicle movements, resulting in queuing on the highway and subsequent highway safety issues on Thomlinson Road. However, the applicant submitted details indicating that the increase in

# UPDATE

vehicle movements as a result of the proposals would be 10 a day (from 38 to 48). The Council's Traffic and Transportation section have now indicated that there is no objection on highways grounds. This is on the basis of the limited increase actually proposed the fact that the applicant has indicated how vehicles movements will be routed within the site and the ability potentially for them to be held within this route. A condition requiring this can be imposed. It is considered the proposals are therefore acceptable in highways terms.

3.28 Comments from ANEC indicate that the increase in traffic associated with the proposals, whilst not reflective of RSS Policy 37, is acceptable given that the site is not accessible by more sustainable transport such as rail or barge. ANEC have indicated that the location is acceptable given its proximity to the adjacent landfill which should in turn keep vehicle movements to a minimum.

## Ecology

3.29 The Council's Ecologist has indicated that there are no ecological issues with the proposal and therefore has no objections. The proposals are therefore considered acceptable in ecology terms. No ecology concerns have been raised in relation to the additional information.

## Drainage/Flooding

3.30 Northumbrian Water have been consulted and have raised no objection to the proposals. The Environment Agency have raised no objection in relation to flooding. The site lies within Flood Zone 1 and is at lowest risk of flooding. Comments from ANEC indicate that they would support the LPA in requiring the incorporation of SUDS (Sustainable Drainage Systems) into the proposals as per the requirements of Annex F of PPS25. PPS25 states that site layouts and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be stored or conveyed without adverse impacts. It is therefore considered prudent in this instance to impose a condition requiring SUDS measures to be explored further.

## Contamination

3.31 The applicant has indicated that the proposals will involve no intrusive ground works. On that basis the Environment Agency consider that risks to controlled waters from the proposals are low and a Preliminary Risk Assessment would not be required. In addition, the Council's Engineering Consultancy have also raised no objections to the proposals based on the avoidance of intrusive ground works.

## Other Matters

3.32 For clarification it is indicated that the proposal will result in an increase from 2,500 tonnes per week at present to 3,000 tonnes per week (156,000 tonnes per annum). It is confirmed that this is the tonnage which is sought for in the application for the variation of the Environmental Permit submitted to the Environment Agency.

## UPDATE

3.33 ANEC and ONE have raised no additional comments or concerns in relation to the additional details.

3.34 The Council's Economic Development section have indicated that there is no objection to the proposals subject to the appropriate control and monitoring to mitigate any negative impacts on the surrounding area.

3.35 The applicant has confirmed that they are in talks with the electricity network operators with regard to the siting of a new substation within the existing buildings on the site. This would incorporate a HV cable connection to be distributed through an underground cable. It is considered that the final details of electricity generation aspect of the proposal can be satisfactorily agreed through an appropriately worded condition.

3.36 In terms of objections, a number of objections received from nearby residents relate to the operation of the adjacent landfill. Whilst the concerns are legitimate planning considerations, the application relates in this instance to the waste transfer station and associated buildings and not directly to the landfill. In any case it is envisaged that the proposed development would reduce the amount of waste directed to the landfill and subsequently reduce activities within the landfill site, potentially including issues of litter, noise, odours and dust. As discussed it is considered that the proposal for which consent is sought would not unduly affect the amenity of nearby residential properties in terms of noise, odour, dust or visual impact.

3.37 A number of objectors have raised concern over the indication that the proposal will extend the life of the adjoining landfill. The applicant has indicated that operations at the current level would result in the landfill being completed within approximately 18 months. It is indicated, however, that the proposal would result in a substantially reduced level of activity in relation to the landfill, thereby extending the period of time for which the landfill will be operational. In any case consent is in place by virtue of permission HFUL/0144/01 for the operation of the landfill until 2018.

3.38 Concerns raised by objectors in relation to the affect of the proposal on house prices are not material planning considerations in relation to this application.

3.39 Concerns have been raised by objectors in relation to operating hours of the landfill. Operating hours in relation to works in the landfill are set by virtue of permission CM/H/3/95 at 7.30 until 17.00 Monday to Saturday. Any operation in relation to the landfill would be a breach of planning control and liable to enforcement action.

3.40 In terms of concerns raised regarding the management of the site, the day to day regulating of on-site operations is managed by the Environment Agency through the Environmental Permitting process.

3.41 For clarification, the site was subject to the granting of a Certificate of Lawful Use or Development for the operation of the waste transfer station in breach of a

## UPDATE

condition on the original permission for the development. That permission allow only inoffensive and innocuous forms of paper and metallic waste to be processed on the WTS site. The CLEUD application asserted that the transfer station had been used for processing commercial, industrial and construction waste for more than 10 years, therefore immune from enforcement action. It was deemed that in the light of the information submitted the Local Planning Authority was satisfied on the balance of probability that the applicant has been handling the waste types for a period of more than 10 years contrary to the provisions of the condition and therefore granted the CLEUD.

3.42 In terms of additional substances, any additional waste streams required on site beyond that for which permission is currently in place, would require the submission of an additional planning application. Such an application would be subject to consultation and be dealt with on its own merits.

3.43 In terms of concerns regarding operational problems with equipment, it is indicated the satisfactory operation of the plant (including catalytic converters) is a requirement of the Environmental Permit process and the monitoring of the equipment within the remit of the Environment Agency. It is indicated that the EA can restrict the operation of the facility if the plant is found to be operating in accordance with the Environmental Permit.

3.44 For clarification the black sand shed within which the proposed plants will operate is an existing building in place on the site. The proposal does not require the erection of any further buildings.

3.45 The site to which this application relates is an established waste management site. The proposals are considered as an upgrading and extension to those existing waste management practices. This is discussed in further detail in the original report to committee.

### Conclusions

3.46 With regard to the relevant Hartlepool Local Plan (2006) and with regard to the relevant planning considerations as discussed above, the application is considered acceptable and therefore recommended for approval subject to the conditions set out below and subject to no adverse comments received from the Environment Agency.

**RECOMMENDATION – MINDED TO APPROVE** subject to no adverse comments from the Environment Agency and the draft conditions as set out below but with the final decision to be delegated to the Development Control Manager in conjunction with the Chair of Planning Committee.

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 permission is valid.
2. The development hereby permitted shall be carried out strictly in accordance with the plans and details received by the Local Planning Authority on 10 09



# UPDATE

09, 21 10 09, 28 10 09 and 11 11 09 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The high level conveyor hereby approved shall be enclosed at all times.  
In the interest of the amenities of the area.
4. The proposed flare and exhaust stacks hereby approved shall not be more than 25 metres in height above ground level.  
In the interests of visual amenity.
5. Municipal Solid Waste (MSW), including any elements of putrescible waste, shall only be handled, processed or stored in the reclamation building or block sands shed only and there shall be no open storage of Municipal Solid Waste on site at any time.  
In the interest of the amenities of the area.
6. No Municipal Solid Waste (MSW), including any elements of putrescible waste shall be deposited within the adjoining landfill site approved under planning permission CM/H/3/95.  
In the interest of the amenities of the area.
7. The receipt of waste shall only take place between the hours of 7.00 and 19.00 Monday to Friday and 07.00 and 13.00 Saturdays and at no other time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
8. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the use of the site commences and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
9. Any materials or articles deposited or stacked outside the buildings shall not exceed a total height of 3 metres above ground level.  
In the interests of visual amenity.
10. Prior to the commencement of Stage 1 of the development hereby approved, as defined in paragraph 4.2.1 on page 19 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the installation of the Waste Classification Plant within both the Reclamation Shed and Black Sand Shed, including manufacturers specifications, (including noise mitigation measures) details of maintenance and a programme of works, shall be submitted to and agreed 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 ensure a satisfactory form of development.
11. Prior to the commencement of Stage 2 of the development hereby approved, as defined in paragraph 4.2.1 on page 19 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the installation of the Briquette Plant within the Black Sand Shed, including manufacturers specifications, (including noise mitigation measures) details of maintenance, siting details and a programme of works, shall be submitted to

# UPDATE

and agreed 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. The developer shall notify the Local Planning Authority in writing of the date from which the proposed Briquette Plant is to become operational.

To ensure a satisfactory form of development.

12. Prior to the commencement of Stage 3 of the development hereby approved, as defined in paragraph 4.2.1 on page 20 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the proposed Pyrolysis/Gasification Plant, including manufacturers specifications, details of maintenance, noise mitigation measures, siting details, details of emissions, final details of the flare and exhaust stacks, including proposed monitoring infrastructure and a colour scheme for the stacks, complete with a programme of works, 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. The developer shall notify the Local Planning Authority in writing of the date from which the proposed Pyrolysis/Gasification Plant is to become operational.

To ensure a satisfactory form of development.

13. Prior to the commencement of Stage 3 of the development hereby approved, as defined in paragraph 4.2.1 on page 20 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the proposed electricity generation element of the proposal, including full details of the proposed sub-station and high voltage cable connections, generators and noise mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory form of development.

14. Prior to the commencement of Stage 3 of the development hereby approved, as defined in paragraph 4.2.1 of page 20 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, final details of the proposed water treatment plant element of the proposal, including full details of siting and effluent discharges, shall be submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory form of development.

15. Prior to the commencement of Stage 3 of the development hereby approved, as defined in paragraph 4.2.1 of page 20 of the Supporting Planning Statement received by the Local Planning Authority on 10 09 09, a scheme for the monitoring of noise emitted from the plant and any associated buildings or equipment shall be submitted to and agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the area.

16. The development hereby approved shall at no time incorporate intrusive ground works, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory form of development and in the interests of ground contamination.

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17. Prior to the Pyrolysis/Gasification Plant being brought into use, a scheme providing details of the methodology for the disposal of residual ash arising from the plant, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the disposal of ash shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
18. Prior to the Pyrolysis/Gasification Plant being brought into use, a scheme providing measures for dust control shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall only be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
19. There shall be no open burning at the site.  
In the interests of the amenities of the area.
20. Unless otherwise agreed in writing by the Local Planning Authority, a scheme for a sustainable drainage system, including measures to control effluent discharge and for the disposal of foul or contaminated water, shall be submitted to and approved in writing by the Local Planning Authority.  
Thereafter the approved scheme shall be implemented and retained during the life of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the area.
21. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface water, whether direct or via soakaways, unless otherwise agreed in writing by the Local Planning Authority.  
To prevent pollution of the water environment
22. The permission hereby granted relates only to the transfer, storage and processing of non-hazardous commercial, industrial, construction and municipal solid waste, and in particular no special wastes as defined in The Hazardous Waste (England and Wales) Regulations 2005 (or any regulations/order revoking or re-enacting the regulations/order with or without modification), noxious sludge, chemical or toxic forms of waste or contaminated liquids shall be deposited or processed therein.  
In the interest of the amenities of the area.
23. The proposed pyrolysis/gasification plant hereby approved shall operate strictly in accordance with the emission levels set out in Annexes 4 and 5 of the 'Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the Incineration of Waste' (WID) at all times. All emissions to air, soil, surface and groundwater shall not exceed those emission limits specified in the WID. In the event that those levels specified in the WID are exceeded, the development hereby approved shall be ceased immediately and the use not re-commenced until appropriate measures have been taken to attenuate those levels to comply with the requirements of the WID. Notification shall be made in writing to the Local Planning Authority demonstrating the measures taken to comply with those requirements and providing confirmation that such measures have been successfully implemented.

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In the interest of the amenities of the area and to ensure that the plant is operating in accordance within the defined emission levels.

24. Unless otherwise agreed in writing by the Local Planning Authority provision shall be made within the proposed vehicle unloading route or wider site for vehicles visiting the site to off load waste to stand within the site and not on adjoining highways in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority before development commences. Thereafter the approved details shall be implemented before waste is first brought to the site and thereafter retained during the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

# UPDATE

**No:** 4  
**Number:** H/2009/0544  
**Applicant:** Mr John Sweeney Market Hill Cambridge  
**Agent:** AAH Planning Consultants Mr Adrian Hill 2 Bar Lane  
 YORK YO1 6JU  
**Date valid:** 25/09/2009  
**Development:** Display of poster panel on Virgin Media cabinet  
**Location:** UNIT 15 ATKINSON INDUSTRIAL ESTATE BURN ROAD  
 HARTLEPOOL HARTLEPOOL

## Background

4.1 Since the original report was created, further consideration of the proposals in policy terms has been undertaken.

## Planning Considerations

### Amenity

4.2 In policy terms, it is considered that the proliferation of such advertising could have a detrimental effect on the character and appearance of the street scene. The display of this type of advertising has the potential to set a precedent in terms of attracting pressures for increased levels of directional signs to the further detriment of the visual amenity of the area. There are concerns that the introduction of an increased level of such advertising within areas that already have a wide presence of advertising would result in a significant clutter effect, to the detriment of visual amenity.

4.3 Comments from the Council's Economic Development section have indicated that such advertising in industrial areas will provide little benefit, indeed it would lead to increased demands for such signage from other businesses within those areas. In addition, several of the industrial areas in question have existing estate signboards for directional purposes in relation to the businesses located in those areas.

4.4 Guidance in PPG 19 "Outdoor Advertisement Control", in the unsaved policy GEP 8 of the Local Plan and in advice given in English Heritage's 'Streets For All' indicate that regard should be had to the visual amenity in the immediate area and the cumulative effect which there may be in the surrounding area. The Council recently adopted a de-clutter policy based on the principles of 'Streets for All' and 'Manual for Streets'. Whilst the policy does not separate out advertising in particular, it does discuss the presence of such street furniture as an element of clutter. This will be further reviewed.

4.5 It is accepted that the cabinets in question are an essential element of street furniture, sited in various locations throughout Hartlepool. The principal of the cabinets, however, is that they are designed, painted and sited to minimise their visual impact. They are not specifically designed for displaying advertisements. It is clear that in all cases such advertising will make the cabinets appear more prominent

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within the street scene. Part of the justification put forward for the advertising is the reduction of incidents of graffiti and fly posting. However, there is little evidence from observation of the sites of such incidents.

4.6 The sites put forward are located within two distinct areas – the commercial area of/adjoining York Road; and the industrial areas of Longhill, Usworth Road and Park View Industrial Estates.

4.7 In terms of the commercial areas, York Road is a major commercial street within the town centre, accommodating a wide range of uses including shops, offices and banks. There is a wide range and significant amount of advertising, including advertisements on and within commercial buildings, adverts on bus shelters, litter bins, lampposts and other street furniture. There is a concern that this and other proposed cabinet advertisement structures designed to appear inconspicuous will appear obtrusive and incongruous within the street scene, and lead to advertisement clutter. In addition, there are two instances of proposed advertising opposite residential properties at the southern end of York Road. It is considered that the proposed advertising would unduly affect the visual amenity of the occupiers of those residential properties.

4.8 In terms of the advertisements within the industrial areas, there is substantial evidence at present of fly posting (for direction/general advertising purposes). It is considered the addition of the proposed advertising would set a precedent and lead to increased pressures for other directional signs throughout the estate resulting in the proliferation of advertising of this type, resulting in clutter to the further detriment of visual amenities of the area.

4.9 It is acknowledged that a pre-application inquiry in relation to the proposals did not raise any concern about the proposal in these terms, however the advice given was on an informal basis and without prejudice to the formal determination of a planning application. Following detailed consideration at the application stage it is however considered that the advertisements are inappropriate and refusal is recommended on that basis. The applicant has suggested a temporary permission be granted to allow the Local Planning Authority to assess the proposals and see if the concerns are justified. However, it is considered that the proposed advertisements are inappropriate and a temporary permission would not negate the adverse impact of the proposals.

## Conclusions

4.10 With regard to the relevant Hartlepool Local Plan (2006) policies, and in light of the above considerations, the applications are considered inappropriate and are recommended refusal for the reasons as appropriate to the specific case set out below:

1. It is considered that the proposed advertisement(s) would appear unduly obtrusive and incongruous and out of keeping within the street scene and have an adverse impact on the visual amenity of the area contrary to policy

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GEP 1 of the adopted Hartlepool Local Plan (2006) and PPG 19 Outdoor Advertisement Control.

Note in the case of those applications close to housing this should be adapted to read "...visual amenity of the area and residential properties opposite".

2. It is considered the proposed advertisement(s) within the commercial area of York Road and surrounding areas, together with the additional advertisements already displayed there would lead to advertisement clutter to the detriment of the visual amenity of the street scene, contrary to policy GEP 1 of the adopted Hartlepool Local Plan (2006) and PPG 19 Outdoor Advertisement Control.
3. It is considered that the proposed advertisement(s) within this industrial area would set a precedent and result in pressure for further advertisements of this type, or of a similar nature, to the detriment of the visual amenity of the area contrary to policy GEP 1 of the adopted Hartlepool Local Plan (2006) and PPG 19 Outdoor Advertisement Control.

# UPDATE

**No:** 5  
**Number:** H/2009/0596  
**Applicant:** MR S PARFITT VICTORIA DOCK GREENLAND ROAD  
HARTLEPOOL TS24 0RQ  
**Agent:** Vincent And Gorbing Mr Mark Chandler Sterling Court  
Norton Road Stevenage SG1 2JY  
**Date valid:** 20/10/2009  
**Development:** Extension to existing manufacturing unit to accommodate  
new vertical laying up machine (VLM)  
**Location:** SHED E JDR CABLE SYSTEMS LTD GREENLAND  
ROAD HARTLEPOOL

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Since the original report was created the applicant has stated that a condition preventing development between the months of May-September due to the presence of nesting birds on site is not attainable. The applicant would however be willing to remove the structures on which birds are nesting outside the breeding season and provide an alternative nesting ledge on another elevation of the building.

In view of the above and taking into account the considerations in the main report, approval would be recommended subject to the requirements of the Environment Agency being met and no adverse comments from the Tees Valley J.S.U and the remaining consultees.

## Recommendation

It is therefore recommended that power be granted to the Development Control Manager to finally determine this application under the Council's scheme of delegation in conjunction with the Chairman of Planning Committee and subject to the requirements of the Environment Agency being met and no adverse comments from the Tees Valley J.S.U and the remaining outstanding consultees.

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 extension hereby approved shall be used for the manufacturing of umbilical chords and undersea cables and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 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.



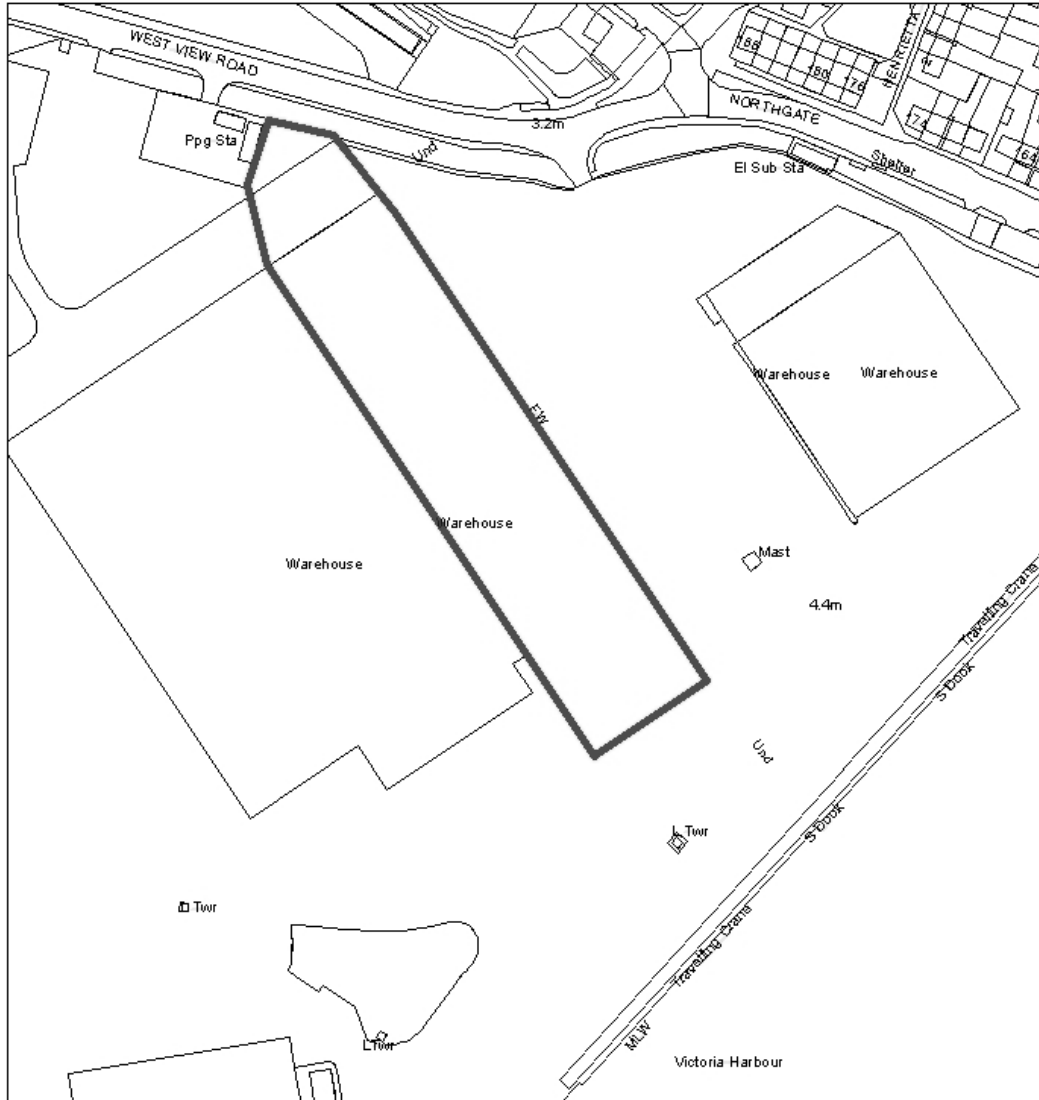
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4. Notwithstanding the submitted details, the manufacturing of umbilical chords and undersea cables shall only be carried out within the building hereby approved and the adjoining buildings on site.  
In the interests of the amenities of the occupants of nearby properties.
5. The development being approved shall not be brought into use until the extended parking area hereby approved has been implemented.  
In the interests of highway safety.
6. Unless otherwise agreed in writing by the Local Planning Authority the external access door on the north elevation of the extension hereby approved shall be closed at all times except for the period(s) when deliveries are being received.  
In the interests of the amenities of the occupants of surrounding residential properties.
7. No material or articles shall be deposited or stacked outside the extension hereby approved except in areas and at stacking heights to be first agreed in writing with the Local Planning Authority.  
In the interest of visual amenity.
8. Before any development is commenced on site an investigation of the present TV signal strength in the Northgate and surrounding area which could be affected by the development shall be carried out and the information given to the Local Planning Authority. Details of all works necessary to ensure continued reception of TV signals in the Northgate and surrounding area to the present signal strength shall also be submitted to and approved by the Local Planning Authority. Any works necessary to ensure this shall be implemented and made operable before the development hereby approved is brought into use. The development shall be carried out in accordance with the approved details.  
In the interests of the amenity of neighbouring properties
9. The development hereby approved shall not commence until a scheme for the removal of ledges on the building on which birds currently nest and proposals for their replacement elsewhere on the building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of works but shall make provision for the replacement ledges to be erected prior to the removal of the existing ledges. The existing ledges shall be removed outside of the bird breeding season, April to August inclusive. Once provided the replacement ledges shall be retained at all times for the lifetime of the development.  
In the interests of the maintenance and enhancement of biodiversity.

# UPDATE



## GREENLAND ROAD



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>17/11/2009</b>
	SCALE <b>1:2,000</b>	
<b>Department of Regeneration and Planning</b> Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO <b>H/2009/0596</b>	REV